

1 Thursday, 26 September 2024

2 (10.00 am)

3 LADY SMITH: Good morning and welcome back to Chapter 9.

4 As I said last night, we were going to start today  
5 with another two oral witnesses and the first one is  
6 ready, is that right, Mr Peoples?

7 MR PEOPLES: Yes, good morning, my Lady.

8 The next witness is an applicant who wishes to  
9 remain anonymous and has the pseudonym 'Kelly'.

10 LADY SMITH: Thank you.

11 'Kelly' (sworn)

12 LADY SMITH: 'Kelly', thank you for coming along this  
13 morning to help us with your evidence again. I do  
14 remember you being here before and I'm really grateful  
15 to you for being prepared to come again to talk about  
16 some other experiences you had when you were a child.

17 I hope you remember the way we work, but just let me  
18 go through it once more. The red folder has your  
19 statement in it. That will be available to you. We'll  
20 also bring it up on screen at the parts that we need to  
21 discuss with you.

22 You may also remember that your statement is already  
23 evidence before the Inquiry and of course I've been able  
24 to study it in advance, which has been really helpful.  
25 So what today is for is for us to focus on some

1 particular parts of it that we'd like to hear a bit more  
2 from you about and hear from you in person about.

3 These are things that happened to you a long time  
4 ago. Don't forget that I do understand sometimes it's  
5 just hard to remember or sometimes you can become  
6 overwhelmed at the triggers of the memories. If you  
7 need a break at any time or just a pause or you want us  
8 to explain something better than we are doing, just say.  
9 If you don't understand what we're asking that's our  
10 fault, not yours. So speak up.

11 If you're ready, I'll hand over to Mr Peoples and  
12 he'll take it from there, is that all right?

13 A. Yes.

14 LADY SMITH: Mr Peoples.

15 Questions by Mr Peoples

16 MR PEOPLES: My Lady.

17 Good morning, 'Kelly'.

18 A. Good morning.

19 Q. Can I begin by asking you to open the folder in front of  
20 you which contains the statement that you have  
21 previously provided to the Inquiry. I'll just give the  
22 reference for the purposes of the transcript, it's  
23 WIT.001.003.0112.

24 You don't need to worry about that, but can I ask  
25 you, 'Kelly', to go to the final two pages of the



1 statement.

2 Can you confirm, firstly, that you have signed the  
3 statement, I think on the second-last page, and it's  
4 also been dated on the final page?

5 A. Yeah.

6 Q. Can you also confirm that you have no objection to your  
7 statement being published as part of the evidence to  
8 this Inquiry and that you believe the facts stated in  
9 your witness statement are true?

10 A. Yeah.

11 Q. As her Ladyship has said, I will just deal with some  
12 matters today and you'll probably be aware that our  
13 focus today is on a particular place that you spent time  
14 in, Oakbank --

15 A. Yeah.

16 Q. -- School.

17 Can I just begin, if we go to the start of the  
18 statement, however, just to confirm that the year of  
19 your birth was 1978, I don't need the precise date.

20 A. That's correct, yeah.

21 Q. You have a section in your statement about life before  
22 going into care. Can I just take this fairly short, and  
23 it's not in any way to diminish what you are telling us,  
24 it is just simply to get some context to your time at  
25 Oakbank, that you lived with your parents, two younger

1        brothers and you tell us in that section about life  
2        before care, that your dad was an alcoholic and was  
3        violent to your mother?

4    A.    Yeah.

5    Q.    As a teenager, in fact perhaps probably before then,  
6        perhaps, there were difficulties between you and your  
7        parents and indeed you stayed at times with your granny,  
8        your maternal granny?

9    A.    Yeah.

10   Q.    The background to going into your first care placement,  
11        I think you tell us that your mum took an overdose,  
12        I think on a certain occasion and your father, I think,  
13        you tell us, blamed you for that situation and he ended  
14        up giving you a serious beating and the police/social  
15        work became involved and you were removed from the  
16        family home under effectively a place of safety,  
17        a protection order?

18   A.    Yeah.

19   Q.    You were then placed for a number of weeks in foster  
20        care with a family --

21   A.    Yeah, that's right.

22   Q.    -- in Aberdeen? I think that would have been when you  
23        were around about the age of 13?

24   A.    That's correct, yeah.

25   Q.    I'm not going to go into that and I think you have

1       already given some evidence about your time in foster  
2       care.

3           Suffice it to say, I think you tell us that while  
4       you were there you did experience some abuse. I'm not  
5       going to go into it, but it is just we have that  
6       background.

7   A. Yeah.

8   Q. This may be relevant later on, I'm not going to say too  
9       much, but you tell us at an early stage in your  
10      statement you loved gymnastics as a youngster?

11 A. Yeah.

12 Q. Then, before going to Oakbank in 1993 you spent time in  
13      various children's homes in the Aberdeen area; is that  
14      right?

15 A. Yeah.

16 Q. Usually for fairly short periods?

17 A. Yeah.

18 Q. You would then go back home for a time?

19 A. Yeah.

20 Q. Then you would go back into one of these homes.

21           Again, I'm not going to go through these because we  
22      are not concerned with them today but it's not again to  
23      diminish anything that you tell us about them.

24           Broadly speaking, with one exception, I think you  
25      mention a total of four children's homes in your

1 statement and with one exception, Secondary Institutions - to be published  
2 Secondary Institutions - to be published later

3 A. Yeah.

4 Q. Secondary Institutions - to be published later

5

6

7

8

9 A. Yeah.

10 Q. Again, I'm not going to go through, but we have that  
11 statement and we know the background to you going to  
12 Oakbank.

13 A. Yeah.

14 Q. If I could move forward in your statement to the time  
15 that you went to Oakbank and it starts at paragraph 111,  
16 on page 18 of your signed statement. Just before we go  
17 on, I think the records that we've seen indicate you  
18 were admitted formally to Oakbank around about

19 [REDACTED] 1993?

20 A. Yeah.

21 Q. You were officially discharged on [REDACTED] 1994, but  
22 I think, as you tell us in your statement, towards the  
23 latter part of the period that you were officially  
24 there, you weren't really there very often. I think  
25 were you down in London spending time with your parents

1 or with your granny?

2 A. I was -- erm, well, I got stopped fae going to my gran's  
3 and so I was fae the September to the January, I hadnae  
4 seen my brothers nor my parents and they had moved to  
5 London. And the January was the first time I got to fly  
6 down to London, erm, to see my parents and then  
7 obviously I because -- well, I didnae ken that my mum  
8 and dad still had parental rights and everything over  
9 me, erm, and I basically used that situation to get me  
10 out of Oakbank early and I actually left Oakbank on  
11 [REDACTED] '94.

12 Q. It was a little bit before the official discharge --

13 A. Yeah.

14 Q. -- that you left?

15 A. Yeah.

16 Q. But up until then you had spent quite a lot of your time  
17 at Oakbank?

18 A. Yeah.

19 Q. As you say, without any contact for quite a lot of the  
20 time with your family?

21 A. Yeah, yeah.

22 Q. Just going to what you tell us about Oakbank, and just  
23 again to get the age, you were 15 when you went in and  
24 you are 15 when you came out?

25 A. Yeah.

1 Q. You tell us on page 18, from paragraph 111, some general  
2 information about Oakbank at the time you were placed  
3 there. One of the things you tell us at paragraph 111  
4 is that you were in a unit called Oakhill initially?  
5 A. That's correct, yeah.  
6 Q. You say it was mainly accommodating girls but there were  
7 a couple of boys in your time there?  
8 A. Yeah.  
9 Q. You'll perhaps confirm, and I think we've heard other  
10 evidence on this, that the two other units you mention,  
11 Rosemount and Ashgrove, you say were both for boys  
12 only --  
13 A. Yeah.  
14 Q. -- at your time? I think we have heard that Rosemount  
15 and Ashgrove were in the main school building?  
16 A. That's correct, yes.  
17 Q. Whereas Oakhill was a separate unit in the grounds of  
18 the school. Quite near to the main building, but in the  
19 grounds?  
20 A. Yeah.  
21 Q. By 1993 you estimated, this is at paragraph 112, that  
22 there were perhaps between 10 and 15 children in each  
23 unit and maybe four to six staff?  
24 A. Yeah.  
25 Q. When you say four to six staff, you tell us that at

1           night there were only two staff on for each unit, that  
2           is your recollection?

3    A.   That's right, yeah.

4    Q.   During the day, were there as many as six staff or were  
5           they working a shift system?

6    A.   It was a shift system, erm, and it was mainly between  
7           four and six like staff per unit.

8    Q.   At any one time?

9    A.   Yeah, during the day. And at night, as I say, there was  
10          two night staff on.

11   Q.   Would the two night staff for Oakhill at least stay in  
12          Oakhill unit?

13   A.   Yeah. They were upstairs. There was like a -- how  
14          would you put it, like a little bothy room and they had  
15          tea and coffee facilities and they used to let us get up  
16          through the night. Obviously, I smoked, so we would be  
17          allowed to get up through the night and go and sit there  
18          then --

19   Q.   I was going to deal with that.

20   A.   Oh right, sorry.

21   Q.   No, no, no.

22                So far as Oakhill was concerned, were you in  
23                a single room?

24   A.   We were all in single rooms. We shared a bathroom  
25          facilities, but we each had our own room.

1 Q. Was that the same in the case of Rosemount and Ashgrove  
2 or can you --

3 A. I think it was the same, I'm nae sure.

4 Q. You tell us at paragraph 113 that there were quite a lot  
5 of kids from Aberdeen, but there were also kids from  
6 other parts of Scotland. You mention particularly you  
7 can recall children from Stirling and Dundee?

8 A. Yeah.

9 Q. Were there many from the west of Scotland, say Glasgow,  
10 can you recall? Or was it mainly people from more the  
11 east or central Scotland. If you can't remember --

12 A. I think they were basically all over Scotland. The only  
13 reason I remember Stirling and Dundee, Stirling, erm, my  
14 father's family actually come fae Stirling, so I knew  
15 somebody that was there fae Stirling.

16 Q. We'll come to specific staff members in due course, but  
17 at the start of your section on Oakbank, you say first  
18 of all the school itself was fine to start with and some  
19 of the staff were great, although you didn't like the  
20 fact, you say, it was a lockdown. When you say it was  
21 a lockdown, in your time at Oakbank what was locked?  
22 Was it just the outside doors or were internal doors  
23 locked?

24 A. The, erm, outside doors for you like to go down to the  
25 main school or whatnot, they would be locked, especially



1       if someone had like kicked off, they would lock up the  
2       doors and if they had an inkling that anybody was going  
3       to abscond, they would lock the doors (Inaudible) and at  
4       night, when we were upstairs in our rooms, the internal  
5       doors were locked.

6   Q.   So the doors to get access to the individual rooms were  
7       locked?

8   A.   Yeah.

9   Q.   What about the individual rooms, your room, did it have  
10       a lock?

11  A.   Yes, it had a lock.

12  Q.   What happened when you went in at night?

13  A.   Well, they normally left them open, but if there was  
14       a problem with the other girls or that, they would lock  
15       your room door.

16  Q.   So far as --

17  A.   To keep you safe basically.

18  LADY SMITH: Did that mean you couldn't get out?

19  A.   Yeah, unless we knocked on the door to get out.

20  LADY SMITH: What if there was a fire?

21  A.   Yeah.

22  MR PEOPLES: Because the way it would have happened at night  
23       then, from what you describe it, is your door was  
24       locked, the door to get to the individual rooms were  
25       locked, the main door of Oakhill was locked.

1 A. Yeah.

2 Q. So there would be at least three accesses to overcome if  
3 there was a problem?

4 A. Yeah.

5 Q. You tell us, I think, that if you needed the toilet one  
6 of the night staff, would they come --

7 A. Come and --

8 Q. Open the door to let you go to the toilet?

9 A. Yeah.

10 Q. How did you manage to make it known to them that you  
11 needed the toilet?

12 A. Just banged on the door.

13 Q. So they would be able to hear from where they were  
14 stationed?

15 A. Yeah, yeah.

16 Q. If we turn it the other way round, if for any reason you  
17 felt, 'I want a bit of privacy and I just want to shut  
18 myself in my room and not have other young people come  
19 in or whatever', that wasn't possible, you didn't have  
20 a lock on the inside or any mechanism that could shut  
21 the door --

22 A. No.

23 Q. -- in a way that a person couldn't gain access?

24 A. No.

25 Q. So it's a one-way system?

1 A. Yeah, yeah.

2 Q. I just want to maybe just ask you just briefly, I know  
3 your broad position, I think, becomes apparent from the  
4 statement is you don't feel that ultimately Oakbank was  
5 a place that you should have been sent, I think --

6 A. No --

7 Q. -- is that fair to say? Given your situation before you  
8 went to Oakbank --

9 A. Yeah.

10 Q. -- you feel that there should have been some other  
11 solution to the problems that you were facing?

12 A. Yeah, definitely.

13 Q. You do tell us a bit about some of the things that were  
14 happening at Oakbank and you tell us there were a lot of  
15 drugs and teenage sex going on in there and a lot of  
16 undesirables staying there.

17 Can you just help me a little bit with your  
18 terminology, when you say 'undesirables', do you mean  
19 people with criminal records and offences?

20 A. Yeah, yeah.

21 Q. Serious ones?

22 A. Serious ones, yeah.

23 Q. So far as drugs are concerned, you were aware of drugs  
24 being used on the premises?

25 A. Yeah, yeah.

1 Q. Illegal substances?

2 A. Yeah.

3 Q. Hard drugs?

4 A. Speed, amphetamine and --

5 Q. Ecstasy?

6 A. Magic mushrooms.

7 Q. Cannabis was less --

8 A. Cannabis, aye, there was quite a lot of that. Erm, eh

9 aye, for anything else, I don't know.

10 Q. You were aware that that was --

11 A. Yeah.

12 Q. Was that just being effectively brought in in some way

13 to the school to allow the young people to use them?

14 A. Yeah.

15 Q. I suppose young people, many young people, would have

16 been on regular home leave?

17 A. Yes.

18 Q. So there would have been an opportunity, if they wanted

19 to, to bring something back?

20 A. Yes.

21 Q. Can you recall, was there any procedure when people came

22 back for example to be searched to see if they were

23 carrying anything they shouldn't be carrying?

24 A. The only thing I can say about that is when -- it's in,

25 like, my statement -- I had run away wi' another lassie,

1       erm, and I got searched when we got taken back, but  
2       I never seen anybody else being searched, but I will say  
3       they did know who was bringing in the amphetamine, speed  
4       as it was called. They knew who it was --  
5   Q.   The staff would know the people who -- they had reason  
6       to know the people that they thought were bringing drugs  
7       in?  
8   A.   There was one individual that was bringing in the  
9       amphetamine.  
10  LADY SMITH: 'Kelly', this is the early 1990s --  
11  A.   Yeah.  
12  LADY SMITH: -- which if I remember rightly is a period in  
13       Aberdeen's history when there was a burgeoning drug  
14       problem and there were drugs regularly in particular  
15       being trafficked up from Wolverhampton to Aberdeen on  
16       the train.  
17  A.   Right, yeah.  
18  LADY SMITH: No doubt if people knew where to go and who to  
19       talk to, it wasn't difficult to get drugs in Aberdeen.  
20  A.   Well, the particular individual that the staff knew, his  
21       mum was actually a drug dealer.  
22  MR PEOPLES: I think we know how the drug dealing and the  
23       market operates. There are various levels and there are  
24       various people that are supplying at different levels  
25       and they deal, they supply, they use and there are

1 people further up the chain and so forth.

2 A. Yeah.

3 Q. You mentioned teenage sex going on. The age groups

4 were, what, between about 12 or 13 and 16, 15/16, is

5 that the general age group of the people that were in

6 Oakbank?

7 A. That's right, yeah.

8 Q. At that stage, having historically been a boys' school,

9 it was now a school where, at least in Oakhill, mainly

10 girls but some boys, and then two units with all boys.

11 Now, when you're talking about teenage sex. First

12 of all, are we talking about sex between boy and girl

13 mainly?

14 A. Mainly, yeah.

15 Q. But not exclusively?

16 A. No.

17 Q. Are we talking about consensual or non-consensual sex or

18 both?

19 A. Both.

20 Q. Are we talking about sex that was going on within the

21 school -- I think you're going to tell us that outwith

22 the school as well?

23 A. Yeah.

24 Q. Was this also something that, as far as you're

25 concerned, the staff were aware of?

1 A. Yes.

2 Q. I think we'll come to something you tell us about, which  
3 I think is an example of awareness.

4 A. Yeah.

5 Q. Just moving on in your statement to the education side  
6 of the school, you tell us about that at the top of  
7 page 19, you start at paragraph 118, there was a school  
8 block. In your time, was the school block -- where was  
9 it, was it in the main building?

10 A. Main building, erm, upstairs.

11 Q. If you were someone who was in Oakhill and had to go to  
12 classes, you would go to the main building?

13 A. That's correct, yeah.

14 Q. You say they didn't have any of the proper work you're  
15 supposed to do. I think you are basically saying they  
16 didn't have what you could call a traditional mainstream  
17 curriculum?

18 A. No, absolutely not. I remember that I had -- I -- some  
19 science work still wi' me and I took it in and there was  
20 nothing like that and there were nae books to go with  
21 that or anything. It's just --

22 I'm sorry, my voice.

23 It was just like the teachers showing us how to do  
24 sums and there was nae like proper like worksheets to go  
25 on to like if you wanted to do your exams, well, back

1       when I was at school it was foundation, general and  
2       credit, erm, and there was nae anything there like that  
3       to go on and do your exams.

4       You could have maybe got like a SCOTVEC if you were  
5       lucky, that's -- that is how it was when I was at  
6       school, if you were lucky --

7   Q.   So --

8   A.   -- but there was nae proper --

9   Q.   But in the classroom, were there classes for different  
10       subjects like English or maths or science or geography  
11       or so forth?

12   A.   Yeah. You did hae, but again, to be honest, erm, the  
13       teachers -- it was just like sort of basic. The  
14       teachers got bullied by the kids and stuff and if you  
15       didn't want to do it, you just wouldnae do it.

16   Q.   Were the teachers who taught these subjects qualified to  
17       teach the particular subjects like English or maths or  
18       science, did you know?

19   A.   I don't know. I don't know. I would imagine they were,  
20       but I don't know.

21   Q.   Were there a number of teachers then at least -- there  
22       wasn't just one teacher teaching maths, English --

23   A.   No, no, there was different, aye, teachers.

24   Q.   As you tell us, and I think you tell us in paragraph 119  
25       what you have just been telling us, there were kids



1 playing up with teachers, assaulting teachers and staff  
2 and so forth and you say that kind of behaviour seemed  
3 to be either acceptable or tolerated?  
4 A. Yeah, it was an everyday occurrence.  
5 Q. Presumably that meant that it was difficult if someone  
6 was conscientious to get any proper education?  
7 A. Yeah.  
8 Q. And the teachers just put up with this state of affairs?  
9 A. Yeah. Obviously they would call for other staff to come  
10 in and help, because like I say, there was a mix of  
11 people. There was quite a few ruffians, so the  
12 teachers, to protect theirselves would --  
13 Q. So if a young person, male or female, was being  
14 disruptive in class, what the teacher would do was call  
15 on the care staff to come along and deal with that  
16 situation?  
17 A. Yeah, or depending on the situation, aye, there was  
18 Mr ILG [REDACTED], who was --  
19 Q. SNR [REDACTED] ?  
20 A. Yeah. He would come up, erm, and, aye, LIL [REDACTED].  
21 Q. Again, was he a more senior person in the -- was he on  
22 the education side?  
23 A. Aye, Mr ILG [REDACTED] was, yeah.  
24 Q. What about Mr LIL [REDACTED], what was he?  
25 A. He was -- I think he was like sort of SNR [REDACTED]

1       SNR and if I remember right, LIL was also a PE  
2       teacher.

3   Q. I think we have some evidence that suggests that that  
4       was his background, a PE teacher.

5   A. Yeah.

6   Q. Did he take PE classes or just was he in a more senior  
7       position?

8   A. No, I think he was more like senior. It was Bob Rettie  
9       at the time that was the PE teacher when I was there,  
10      but LIL, I says to you yesterday that I was  
11      actually filmed [REDACTED] trying to  
12      sort of bum up Oakbank back then doing gymnastics and  
13      LIL actually and Mr ILG actually come  
14      into the hall to see me --

15  Q. Performing your gymnastics?

16  A. Doing my stuff, yeah.

17  Q. In front of the cameras?

18  A. Well, I was -- well, I was on the springboard and the  
19      box and I was doing roundoffs, coming off it.

20  Q. Going back to disruptive pupils in class, if they called  
21      in either someone from the care side or LIL or  
22      ILG, I think is his name, how would they  
23      deal with the situation?

24  A. They would restrain and remove.

25  Q. Restrain and remove?

1 A. Yeah.

2 Q. Do you know where they would take them?

3 A. Just -- I think it would be back to the unit, just back

4 to the --

5 Q. Back to their --

6 A. -- unit they were on.

7 Q. Would they take them to their own office?

8 A. I'm nae sure.

9 Q. You don't know?

10 A. No.

11 Q. Were you restrained very often?

12 A. I was restrained once.

13 Q. Once. Where did they take you?

14 A. Erm, I never got taken anywhere. It was in the sort of

15 a playground, like, area. It was like a big square,

16 Oakhill was up the top, then you had the gym and then

17 the entrance into the main building and it was just like

18 outside.

19 Q. It was between Oakhill and the main building in

20 an outside area you were restrained once?

21 A. Yeah.

22 Q. I don't know if this is something that you are going to

23 tell us about later on but --

24 A. Yeah.

25 Q. You are? It's the one that you mention in your

1 statement?

2 A. Yes.

3 Q. We'll not deal with it at this stage, we'll come to that

4 then.

5 When children in classes, or young people in

6 classes, were creating a disturbance and staff were

7 called to restrain and remove, can you give us an idea

8 of what would sometimes typically happen. Would they

9 resist removal, for example?

10 A. Yeah, a lot of them, aye, would try and resist it, but

11 the finger was back, the arm was up your back and then

12 you'd be held down.

13 Q. I think you are gesturing that certainly someone would

14 pull their fingers back?

15 A. Yeah, push your thumb back and then arm up the back.

16 Q. Place the arm up the young person's back?

17 A. Yeah, then you would be put down and depending if that

18 was -- if they couldn't hold them like that, then other

19 staff would come in on top of them and hold them down.

20 Q. It might be that they would use these things -- one

21 might say it sounds like a pressure point-type hold or

22 something like that and arm up the back to try and bring

23 them under control?

24 A. Yeah.

25 Q. If that didn't work, they might go further and put them

1 down?

2 A. Yeah.

3 Q. When you say 'put them down', you mean put them to the

4 ground?

5 A. Down on the ground, yeah.

6 Q. How would the young person be positioned on the ground?

7 A. Lyin' flat out on their stomach and you might hae one on

8 the legs, one still on the arm and the other holding the

9 other arm and sometimes a knee on their back.

10 Q. To keep them --

11 A. To keep them down and calm.

12 LADY SMITH: How many staff would be involved in this?

13 A. It could be -- depending on the situation -- between two

14 to maybe six, depending on how bad the kick-off was.

15 MR PEOPLES: At some point, since this could be happening in

16 a classroom with other children and young people --

17 A. Yes.

18 Q. -- to take the situation where, say, someone has been

19 put in that position, at some point are they then

20 removed by the staff to either a unit or somewhere

21 anyway?

22 A. Yeah, yeah.

23 Q. How was that done? Were they --

24 A. Just held. If they'd calmed down, just held by their

25 arms.

1 Q. If they hadn't calmed down, were they carried?

2 A. Yes, just, yeah, carried them out.

3 Q. Whatever could achieve the desired result of getting

4 them out of the place?

5 A. Yes, basically, yeah.

6 Q. They might go with assistance from being held, but they

7 might not and they would have to maybe use greater force

8 to take them away?

9 A. Yeah.

10 Q. When they did go away, whether they were previously in

11 the prone position on the floor or simply had their arm

12 up their back or something like that, did they still

13 have their arm up their back when they left?

14 A. Yeah, that's how they would take them out.

15 Q. So it wouldn't necessarily just be holding a wrist for

16 example or holding an arm, it could be that they were

17 taken with their arm up their back out of the class?

18 A. Yeah.

19 Q. What you are describing to us, was that an unusual

20 occurrence or a common occurrence?

21 A. No, it was a common occurrence.

22 Q. The people that were involved in what you've been

23 describing, could be members of the care staff or in

24 some cases members of the teaching staff, is that

25 correct?

1 A. Yeah, it was a mix of both.

2 Q. Could that include people like Mr ILG and

3 Mr LIL?

4 A. I never ever seen them two restrain, they aye(?), but

5 definitely like, I can't remember the maths teacher's

6 name, he actually -- they used to call him KRJ,

7 but I can't remember his name.

8 Q. But he got involved?

9 A. He would get involved, yeah. And Mr KSD He was

10 quite a big man as well.

11 Q. Was he a teacher?

12 A. He was a teacher, erm, and, aye, he would help.

13 Q. Would the unit staff, care staff, if they were called

14 in, would they do things like that as well?

15 A. Yeah, yeah.

16 Q. From whichever unit the child or young person came from?

17 A. Yeah, they would just get the shout that there's trouble

18 kicked off and they would just come fae whatever unit.

19 Q. As far as Mr LIL and Mr ILG, it sounds like

20 they were more on the senior management side of things

21 by the time you were there?

22 A. Yeah.

23 Q. If they came along then, even if you don't recall seeing

24 them being involved in restraints, they would be seeing

25 what was happening?

1 A. Yeah, definitely.

2 Q. Did they do anything in terms of saying, 'Don't do it  
3 that way' or suggest that something different should be  
4 done to deal with the situation?

5 A. No, neither was ever voiced in front of any of us that  
6 was there.

7 Q. They knew what was happening and they didn't seek to  
8 change the way things were done?

9 A. No.

10 Q. You say at 120 that kids would be restrained for  
11 fighting and taken away to calm down, but sometimes the  
12 police would get called?

13 A. Yeah.

14 Q. If the situation continued?

15 A. Yeah.

16 Q. The police might be involved.

17 Going on, you tell us in quite frank terms:  
18 'I absolutely hated Oakbank.'

19 Was that how you felt at the time as well --

20 A. Yeah, I absolutely hated it.

21 Q. You say you obviously didn't think the food was up to  
22 much, because you say you went hungry and in fact you  
23 really ate when your key worker, who I think you had  
24 a good relationship with, Susan Gordon, would take you  
25 outside to go to somewhere like Burger King?



1 A. Yeah, she used tae use the excuse, 'key child time' to  
2 nip me down to Burger King and she would get me  
3 a cheeseburger and a strawberry milkshake, just so's she  
4 knew that I was eating.

5 Q. Then, if I can move on in your statement to page 20,  
6 paragraph 125, it's under a section headed, 'Running  
7 away'.

8 You have told us you ran away once, I think, in your  
9 time at Oakbank; is that right?

10 A. Yeah.

11 Q. I take it that young people running away, was that  
12 a regular occurrence?

13 A. Yeah.

14 Q. I know you did it once, but I am sure there were others  
15 who did it more than once, is that right?

16 A. Yeah, there was a couple of girls who actually managed  
17 to reach England wi' hitching lifts.

18 Q. You explain that during the day you say that it was  
19 easier to get away because not everything was locked  
20 because there was more movement around from perhaps  
21 units to classes and things like that?

22 A. Yeah.

23 Q. And activities and whatever. So there was  
24 an opportunity perhaps to abscond?

25 A. Yeah.

1 Q. It was a school and I suppose a school normally has  
2 an open-door policy anyway?  
3 A. Well, yeah.  
4 Q. Well, it was supposed to be a school?  
5 A. Yeah.  
6 Q. Not a locked institution?  
7 A. Erm, well, er, we as teenagers always knew it as  
8 a lockdown school.  
9 Q. Yes, because I don't know if you know this, but there  
10 were secure units in your time, like Rossie?  
11 A. Yes, because I remember being at a panel, erm, and  
12 Cathie McHugh suggested to the panel for me to go to  
13 Rossie Farm and we got put out the panel room so as they  
14 could discuss it. The only thing that stopped me fae  
15 getting put to Rossie Farm through Cathie McHugh was the  
16 fact that I didn't have a criminal record.  
17 Q. Cathie McHugh was your social worker?  
18 A. Yeah.  
19 Q. Your external social worker?  
20 A. Yeah.  
21 Q. You tell us about her, I don't think you particularly  
22 cared for her.  
23 A. No.  
24 Q. To put it fairly broadly at this stage.  
25 Then, you tell us what would happen if someone ran

1 away, or at least what happened to you, that you did run  
2 away once and when you were taken back you say you were  
3 put on level 1.

4 You don't need to worry about the details. I think  
5 we now know from other evidence that we have received  
6 that there was a level system at Oakbank, from levels 1  
7 to 6?

8 A. That's right.

9 Q. The best or the most favourable level was level 6?

10 A. Yeah.

11 Q. The worst was level 1?

12 A. Yeah.

13 Q. There was a series of rewards or withdrawal of  
14 privileges, depending on which level you were on?

15 A. That's right, yeah.

16 Q. Depending on the level depended the amount of money you  
17 got, for example?

18 A. That's right, yeah.

19 Q. As pocket money. It wasn't a good idea to be on level 1  
20 presumably for very long?

21 A. No.

22 Q. You say that that meant no pocket money, you didn't get  
23 to go out -- you say you didn't get any tea, was that  
24 actually an official part of the level 1 sanctions?  
25 That is deprivation of food?

1 A. Yeah. It was basically depending what staff was on.

2 Q. In practice some staff, if they were on, might not give

3 you something?

4 A. Yeah.

5 Q. I don't think on the official system that was meant to

6 happen?

7 A. No, no, not at all.

8 Q. I think in the dim and distant past of approved schools

9 people could be deprived of food, but by that stage

10 I think things had moved on?

11 A. Yeah but, no, it depended what member of staff.

12 Q. What about home leave, could that be withdrawn?

13 A. That's why I never got to go to my gran's, because I got

14 put on level 1 and I wasnae allowed out. When you're on

15 level 1, you aren't allowed out.

16 Q. I think we have heard some evidence that --

17 A. Even --

18 Q. -- inspectors who came to the school remarked on the

19 fact that some of the so-called privileges that could be

20 withdrawn was home leave --

21 A. Yes.

22 Q. -- and I think they took issue with that and said it was

23 unacceptable and should be changed, but in your time

24 that was a --

25 A. Home leave, I didn't get home leave. Because it was

1 quite hard to keep to level 6, because it was like any  
2 little thing that you done wrong, you got moved down  
3 a level, erm, and obviously I got moved down to level 1,  
4 which meant that I didnae get to go home to my granny,  
5 erm, and your phone calls were, like, reduced and stuff  
6 like that.

7 So I was getting very little contact wi' my granny  
8 and,like, family.

9 LADY SMITH: Can I just ask, 'Kelly', how long was it after  
10 you had run away that you got put on level 1?

11 A. Oh, it was straightaway.

12 LADY SMITH: How long after that did you remain at Oakbank?

13 A. It would have just probably been about a month.

14 LADY SMITH: I just wondered, because in your statement  
15 I think you said it was about a week-and-a-half after  
16 you ran away that you were able to go to London.

17 A. Yeah.

18 LADY SMITH: You didn't go back to Oakbank after that?

19 A. No, no. I went back to Oakbank. I got a week down with  
20 my parents in London and then I went back and then it  
21 was -- I decided that on [REDACTED], my parents could  
22 come up and pick me up and take me to London.

23 LADY SMITH: Your experience of level 1 at Oakbank would  
24 have been that initial week-and-a-half or so --

25 A. Oh, no, no. Sorry, I was basically -- erm, it would

1           probably have been about two weeks into me being there,  
2           I was down to level 1.

3   LADY SMITH: That was nothing to do with running away?

4   A. No, that just made it stronger. If you ran away, it  
5           just made it worse. Sorry.

6   MR PEOPLES: Perhaps I could just -- no, it's my fault, I've  
7           obviously jumped too quickly to the absconding but I  
8           think in your case, because of the assessment of your  
9           behaviour within Oakbank, not just running away, you,  
10          for most of the time, were on level 1?

11   A. Yes.

12   Q. Whereas the hope or expectation of the system was that  
13          someone might start at a low level but work their way up  
14          from level 1 to level 6?

15   A. Yeah.

16   Q. And be rewarded for good behaviour and doing the things  
17          that the staff expected you to do. It was a sort of  
18          behavioural management system, I think that was what it  
19          was called.

20   A. Yeah.

21   Q. You were rewarded for what was perceived to be doing the  
22          right thing, behaving, and you were assessed on  
23          a regular basis?

24   A. Yeah.

25   Q. You could move up, down, or stay at the same?

1 A. Once you got on level 1, it was very, very hard to get  
2 moved up.

3 Q. When you actually went in the door, do you start on  
4 a particular level?

5 A. Level 6.

6 Q. You actually start at level 6?

7 A. Yeah.

8 Q. They assume that you're going to do all the things that  
9 you're expected to do, but as soon as they feel that  
10 you're not, the levels start to drop?

11 A. Drop, yeah.

12 Q. In your case it dropped very quickly?

13 A. Yeah.

14 Q. Okay, I got that.

15 Also we heard something about -- apart from levels,  
16 apart from this behavioural management system that was  
17 operating then, was called a credit system, where  
18 individual units would compete against each other to win  
19 the credit system and get some benefit that the other  
20 units didn't get, is that something you recall? Maybe  
21 if you're on level 1, you didn't recall that?

22 A. No, I do remember a time that us girls went hallirackit  
23 to cleaning, scrubbing skirting boards, walls, 'cos it  
24 was dirty, the furniture was old, but we were scrubbing  
25 it all down to make Oakhill look clean, tidy, erm, so as

1       we could try and win this award, but --

2   Q.   Do you know if you did?

3   A.   No.  I can't remember if we did or no, but there was

4       a good, like, eight of us out scrubbing and whatnot and

5       the other reward you used to get was your bedroom, if

6       you kept your bedroom clean and tidy and your bed was

7       made and whatnot.  I was quite lucky, erm, because my

8       mum was spotlessly clean.  Before my feet could touch

9       the ground in the morning, my bed had to be made, so

10      I was taught fae a young age; bed made, room kept clean

11      and tidy, but it was always the same people that won it,

12      you got an extra tenner on your pocket money if you,

13      like, won with the bedroom clean.

14            I mean, it was always the same people that got it.

15  Q.   You could be in a situation that you're all in one

16      school and some got a lot more money than others?

17  A.   Yes.

18  Q.   Some might say they had too much money.  I think that

19      was maybe a concern raised by people like inspectors who

20      were told about the way the system worked, that some

21      people would be flush with money and others perhaps have

22      very little?

23  A.   Yeah.

24  Q.   That's not necessarily a recipe for a happy place --

25  A.   No.



1 Q. -- I would have thought?

2 A. No, definitely not.

3 Q. I didn't ask you this earlier, Oakhill was where you

4 were for most of your stay. I think you had a short

5 time when you moved to Rosemount, but I'll come to that,

6 but when you were in Oakhill, who was the unit leader?

7 A. LIM .

8 Q. Who was the deputy unit manager or leader, do you

9 remember?

10 A. No, I just remember LIM on Oakhill.

11 Q. Where was FZR working?

12 A. He was just roundabout wherever we were basically.

13 Q. Was he attached to Oakhill or did he work --

14 A. Oakhill.

15 Q. He was in Oakhill?

16 A. Yeah.

17 Q. Okay, but people like ILG was on the

18 education side, he would be dealing with the whole

19 school?

20 A. He was in the main building.

21 Q. LIL would be again concerned with the whole

22 school and in a sort of SNR -type of role of some

23 description?

24 A. Yeah.

25 Q. You have a section now, and I'll come to this now and we

1       can maybe deal with this -- various bits you've told us  
2       about a section headed, 'Abuse', which starts at  
3       page 20, paragraph 131.

4             The first thing you tell us in that paragraph is  
5       something that you recall about a particular girl in  
6       Oakbank being, as you put it, 'jumped on' by four other  
7       girls, I think that was during the night?

8   A.   Yeah.

9   Q.   You recall that this girl ended up being stretchered out  
10       of the place in an ambulance and you say that she had  
11       hot irons bounced off her head by other girls. I don't  
12       want you to name them, but you do name who was involved.

13            The situation there is that this is at night, is  
14       this in Oakhill?

15  A.   Oakhill unit, yeah.

16  Q.   This girl, for whatever reason, is set upon by four  
17       other girls?

18  A.   Yeah.

19  Q.   Was she younger or older or the same age?

20  A.   She was the same age as myself.

21  Q.   Was she younger than the four girls that you name?

22  A.   No, a couple of the lassies were younger than her.

23  Q.   But were any of the four older than her?

24  A.   No, no.

25  Q.   They grouped together and decided to --

1 A. Jump her.

2 Q. Have you any idea what the background to that was?

3 A. I believe that she had -- aye, it was over boys, over

4 boys.

5 Q. It was a dispute over boys?

6 A. Yeah, and basically, how can I say --

7 Q. Were they taking exception to her showing attention or

8 getting attention from a boy --

9 A. Yes.

10 Q. -- and they decided to teach her a lesson?

11 A. Yeah.

12 Q. 'Keep your hands off him', or, 'Stay away from him', is

13 that the situation we're talking about?

14 A. Yeah, and that particular girl, she was always was sort

15 of in the heart of trouble. She didnae ken anything to

16 sort of pull back and I will never forget it. She got

17 lifted out of there and it was horrible.

18 Q. I presume she was taken to hospital?

19 A. She was taken straight to A&E.

20 Q. Did she come back to Oakhill?

21 A. No.

22 Q. You didn't see her again?

23 A. No.

24 Q. Did you see her in the school again?

25 A. No.

1 Q. What about the four girls, did anything happen to them?  
2 A. Not as far as I'm aware.  
3 Q. Did they stay in Oakhill?  
4 A. Yes.  
5 Q. Did it appear that any kind of punishment, discipline  
6 or --  
7 A. Not that I'm aware.  
8 Q. -- sanction was --  
9 A. No.  
10 LADY SMITH: What was it they did with the irons?  
11 A. They took the irons and smacked her off the head and  
12 face with 'em and punching her, kicking her, ripped her  
13 hair out. She was in a mess.  
14 MR PEOPLES: Did you see all this?  
15 A. I didn't see it, because of where their room was, but we  
16 heard the commotion. There was two members of staff  
17 that night and that was [REDACTED], FZR [REDACTED]'s mum,  
18 and Frank, I cannae mind Frank's second name, but he was  
19 quite an old man --  
20 Q. How did you get the detail of what happened, like the  
21 irons, was that something that was spoken about at the  
22 time?  
23 A. Yes, it was spoken about.  
24 Q. But you did hear the commotion?  
25 A. Yeah, and then obviously when they were taking her

1 out --

2 Q. You saw her?

3 A. -- past my room.

4 Q. Did you see her getting stretchered out?

5 A. Yeah.

6 Q. Obviously if you were in Oakhill after that, you would

7 be able to say she didn't come back?

8 A. Yeah, she didnae come back.

9 Q. Okay, now, moving on to paragraph 134, page 21, you tell

10 us that a lot of the abuse that went on in Oakbank was

11 verbal and I think you give one example that one staff

12 member said to you on one occasion, 'No wonder your mum

13 and dad don't want you', although you do say he came

14 back to apologise later on, so you didn't take the

15 matter any further.

16 A. That's right, yeah.

17 Q. Is that an example of the sort of things that you mean

18 when you say there was a lot of verbal abuse?

19 A. Yeah.

20 Q. Do you have other examples that you could help us with

21 or at all?

22 A. Well, I basically -- like FZR tucking me into the

23 room on my own and saying that he was going to let the

24 girls into my room to attack me.

25 Q. That was a threat situation?

1 A. Yeah.

2 Q. I'll come to that, but put that to one side for the  
3 moment. In terms of say daily life in either the unit,  
4 or in the class, or going about the school, were staff  
5 making remarks to young people that you would describe  
6 as verbal abuse?

7 A. Yeah, it --

8 Q. Derogatory remarks?

9 A. -- was a lot of, like, swearing --

10 Q. Swearing --

11 A. A lot of swearing at you.

12 Q. Shouting?

13 A. Shouting. And just, how would you put it, the way we  
14 would have put it was like sort of talking the rot out  
15 of you, just like putting you down, type thing.

16 The only reason I remember that remark fae  
17 **FYZ** was 'cos I was like really taken aback, but  
18 there was always just like snide comments and -- I --  
19 I'm trying to remember them, it's just like, yeah,  
20 I remember that one particularly, because it was right  
21 in ma face when --

22 Q. Did you ever get remarks that tended to praise you and  
23 boost your self-esteem or were they in short supply?

24 A. Very short supply.

25 Q. I'm not suggesting that they never said anything that

1        was a compliment or something that you might have taken  
2        as some idea that you were doing well or whatever, but  
3        generally speaking are you saying there was an awful lot  
4        of this type of remark being made?

5    A.   Yeah, erm, I think the only like good remarks I got was  
6        fae LIL [REDACTED], Bob Rettie, erm, and that was because  
7        of what I done in the gym.

8    Q.   They both had a background in physical education --

9    A.   Mm-hmm.

10   Q.   -- and you were obviously a talented gymnast, talented  
11        enough to be shown on the [REDACTED], so do  
12        you think that helped you in terms of how they saw you  
13        in comparison to how they may have seen some of the  
14        other girls, who perhaps didn't have these skills? Or  
15        is that --

16   A.   No, nae really. The only thing that achieved for me was  
17        because I didnae want to go up into the main school and  
18        just basically sit there and twiddle my thumbs, I was  
19        allowed to go to the gym a lot more, because obviously  
20        that was what I liked doing, erm, but that would be  
21        really about it.

22   Q.   What you do say at 135 is that staff had their  
23        favourites?

24   A.   Oh, yeah.

25   Q.   That was something that was obvious to you at the time?

1 A. Yeah.

2 Q. I mean, some might say you were favoured by the people  
3 that let you use the gym and that because you were good  
4 at it, so that might be --

5 A. Aye.

6 Q. But you say other people were favoured in different  
7 ways, because you tell us about one particular girl, and  
8 I don't need the name --

9 A. Yeah.

10 Q. -- is that you feel that the staff really let her do  
11 what she wanted and in fact you say that one of the  
12 things that she was permitted to do was to sit in  
13 an office and read other young people's files?

14 A. Yes.

15 Q. Yes?

16 A. Yeah.

17 Q. Did you witness this?

18 A. Yes.

19 Q. Then I think you tell us one of the consequences of that  
20 happening, where I think you got into an incident with  
21 another boy when you were going on a trip --

22 A. Yes.

23 Q. -- in a minibus, and you say that you connect this with  
24 this girl having access to files, including your file?

25 A. Yes.



1 Q. Because you say that on one occasion, you were going out  
2 on a trip and you were carrying a hot cup of soup in  
3 your hand?

4 A. Yeah.

5 Q. And one boy, and I don't need the name again, came up to  
6 you and said something about your father having sexually  
7 abused you and that that was the reason you were in  
8 Oakbank?

9 A. That's correct.

10 Q. Now, I'm not wanting to go into the background to that,  
11 but I think it's true to say that if someone had looked  
12 at your records, they would have see some reference to  
13 some incident that was treated initially as a potential  
14 case of abuse, although I think ultimately it didn't  
15 amount to anything and you say it didn't amount to  
16 anything --

17 A. No.

18 Q. -- and you explained that at the time?

19 A. Yeah.

20 Q. The person reading the file would have been able to see  
21 something along those lines in your file?

22 A. Yes.

23 Q. Would there have been any other way in which this boy  
24 could have known this information?

25 A. Absolutely not.

1 Q. It wasn't something you would have been talking about?

2 A. No.

3 Q. Your response on that occasion was, you were obviously

4 very angry and you say you threw the soup at him, but

5 missed him?

6 A. Yeah.

7 Q. You then got into some sort of fight with him?

8 A. Yeah.

9 Q. And that you had to be held down by some of the other

10 young people who were on the bus?

11 A. Yeah.

12 Q. You tell us that during that struggle, your arm went

13 through one of the windows of the bus?

14 A. Yeah, the minibus window, yeah.

15 Q. From there, it would appear that at some point

16 FZR [REDACTED], did he come on the scene at that point or

17 was he in the bus?

18 A. FZR [REDACTED] was in the bus, 'cos he was the driver.

19 Q. I see. Something then happened. You say, to calm you

20 down, he took you to what's called the 'family room', is

21 it?

22 A. Yeah.

23 Q. So what happened when he took you there?

24 A. When he got me into the family room, he basically says

25 that I was to gi' up my carry on or, erm, he was going

1 to get the girls to come in and attack me in my room.

2 Q. I think you put it in your statement, he was going to

3 get a group of girls from the unit to come to your room

4 and give you a hiding?

5 A. Yeah.

6 Q. Was this before or after the episode with the girl who

7 was jumped on by the four other girls, can you recall

8 whether it was before or after?

9 A. This was --

10 Q. If you can't remember, just say so.

11 A. Before.

12 Q. Before?

13 A. Yeah, I'm sure it was before.

14 Q. At least what you can say is from what happened

15 afterwards, that certainly there were occasions when

16 groups of girls would set upon another girl for whatever

17 reason --

18 A. Yeah.

19 Q. -- in the unit? Did you take the threat seriously?

20 A. Yeah.

21 Q. On page 22, just following on about this particular

22 member of staff, you say there:

23 'The person who was particularly abusive to me was

24 FZR. I don't know if he had a dislike for me

25 because I was quite lairy.'

1 I'm going to ask you about another incident  
2 involving this individual, but apart from the two  
3 specific incidents you've told us there, do you say that  
4 generally speaking he was, as you put it, abusive to  
5 you, do you mean verbally abusive?

6 A. Yeah, he could be verbally abusive. Nae only to myself  
7 but to other kids that was in Oakbank (Inaudible) and,  
8 I mean, FZR was a big man, so when he sort of shouted  
9 at you, you sorta would jump back 'cos he was a big man.  
10 Erm, so it wasnae just me, but he definitely, after the  
11 minibus incident, he had like sorta pick dislike for me.

12 Q. That was what you felt at the time?

13 A. Yeah.

14 Q. That he didn't like you after that?

15 A. Yeah, yeah.

16 Q. That maybe things he was saying, you feel amounted to  
17 some sort of abusive remark about you, is that the sort  
18 of thing?

19 A. Yeah.

20 Q. Then you tell us about a specific incident, I'll come to  
21 that now. You told us obviously you liked gymnastics  
22 and did a lot of it. You say that when you were younger  
23 you broke your wrist. Was that something that happened  
24 before you got to Oakbank?

25 A. Yeah.

1 Q. Which wrist did you break?

2 A. My left.

3 Q. Left wrist, okay.

4 Because if we go on, you tell us that as a result

5 you say your wrists were weaker and you think that that

6 was something that was in your records, that you had

7 weak wrists and shouldn't be restrained. Have you read

8 that somewhere or do you just think it --

9 A. I believe that, erm, my parents had put that in and told

10 Cathie McHugh.

11 Q. It wasn't just the wrist that had been broken, your

12 wrists generally, because of gymnastics, it was felt

13 they were weaker --

14 A. Yeah.

15 Q. -- and susceptible to perhaps injury, that is the

16 situation you're describing?

17 A. Yeah, and the other part, I don't know if you have heard

18 of a scaphoid bone?

19 Q. Yeah.

20 A. That was bad for going as well.

21 Q. Okay, so that was the situation when you went to

22 Oakbank?

23 A. Yeah.

24 Q. Although you did carry on your gymnastics, so you were

25 able to do gymnastics --

1 A. Yeah.

2 Q. -- but there was a risk of injury?

3 A. Yeah, it could do me injuries, yeah.

4 Q. Now, you tell us about an occasion when FZR [REDACTED], you  
5 say, took your arm by the wrist and put it right up your  
6 back. You think the background was you were being gobby  
7 and indeed swearing, that that might have prompted it?

8 A. Yeah.

9 Q. You are not suggesting you were an angel in that sense?

10 A. No, no.

11 Q. You may have said something that at least provoked it,  
12 if you like?

13 A. Yeah.

14 Q. What he did do, you say, was he took your arm by the  
15 wrist and put your arm up your back?

16 A. Yeah.

17 Q. You say that that was quite painful?

18 A. Yeah, I was screaming.

19 Q. You ended up going to hospital?

20 A. That's correct, yeah.

21 Q. Whose idea was that?

22 A. Me.

23 Q. What was FZR [REDACTED]'s response when you were wanting to  
24 go to hospital?

25 A. 'Don't be stupid, there's nothing wrong wi' yer.'

1 Q. But it looks as if you managed to persuade him that you  
2 should be taken?  
3 A. I basically, I told him, 'If yous don't tak me, I'll  
4 walk down to the hospital', because Oakbank was probably  
5 a ten-minute walk.  
6 Q. From Aberdeen Royal?  
7 A. Yeah, A&E, yeah.  
8 LADY SMITH: Sorry, 'Kelly', you said you told him that if  
9 you?  
10 A. If they wouldnae take me to the hospital, I would walk  
11 meself.  
12 LADY SMITH: You would walk yourself?  
13 A. Yeah.  
14 LADY SMITH: Thank you.  
15 MR PEOPLES: You ended up going to hospital and you say you  
16 came out with a plaster cast on?  
17 A. Yeah.  
18 Q. Who took you to hospital, was it FZR or someone else?  
19 A. No, I've got a feeling that it was FZF, if  
20 I remember right.  
21 Q. FZF. You say that following your return to  
22 Oakbank, you received no apology or anything, although  
23 you were now wearing some sort of cast?  
24 A. It was a proper stookie.  
25 Q. You think it wasn't long after that as well that you

1 moved to Rosemount, you say that in your statement at  
2 142?  
3 A. Yeah.  
4 Q. It may be that the background to this whole matter,  
5 could it have been something to do with you having  
6 problems with other girls, getting threatened, or is it  
7 possible it was something that might have triggered  
8 something that caused this form of restraint to take  
9 place, do you know?  
10 Because you did move, and it wasn't because of what  
11 FZR did, I think, that you moved, is that right?  
12 A. No, no, it was nothing to do with the FZR --  
13 Q. Because you were having some problems with the girls in  
14 the unit?  
15 A. I -- yes --  
16 Q. At that time?  
17 A. -- two particular girls, erm, and that's going back to  
18 the sort of drug scene. When I went to London, I come  
19 back and I'd just put my suitcase straight into my room,  
20 and I had ibuprofen in my suitcase and I don't know what  
21 the girls thought it was, erm, but at the time they were  
22 high on speed and they had went into my bag and took the  
23 tablets and they said that I had gave them them, so  
24 there was a bit of hoo-ha, but LIL took me to  
25 one side and spoke to me and he asked me if I'd gave



1       them them tablets and I says no and he asked me to name  
2       the person that was bringing in the amphetamine, speed,  
3       and I says I cannae do that because I'm risking myself.  
4       But LIL [REDACTED] knew who it was, but he wanted  
5       confirmation.

6               And then the next thing I knew I was moved into  
7       Rosemount for my own safety.

8   Q.   Can I just then, going back to your move and this  
9       hospital visit, can I take you to a document just now,  
10      can we bring up ABN-000003538.

11             If we just start on page 1. I might as well start  
12      there to deal with the move to Rosemount. If you look  
13      at the second entry down, which is 11 February 1994,  
14      this is some sort of contact sheet that logs certain  
15      events. Among the things that are recorded is that you  
16      have moved to another unit because of problems with  
17      other girls who are threatening you. Do you see that,  
18      just in the second entry down? Do you see that? 11  
19      February 1994, just in front --

20   A.   Yeah.

21   Q.   Do you see that?

22   A.   Yeah.

23   Q.   That is in February and that would coincide with what  
24      you have been telling us about?

25   A.   Yeah.

1 Q. Can I ask you just maybe to look at another page,  
2 page 11, of this document. Do we see there that there  
3 is a letter on 19 January 1994 to your parents, yes?  
4 A. Mm-hmm.  
5 Q. It's a short letter, but it's being sent by a senior  
6 social worker, who, I think, was the senior of the  
7 social worker that you had, Cathie McHugh. I don't know  
8 if that name EM Griffiths means anything, but I think  
9 she was then the senior social worker, Cathie McHugh's  
10 boss, within Grampian.  
11 A. I thought Cathie McHugh's boss was Gladys Main so I  
12 don't know.  
13 Q. Well, she is certainly a senior social worker so she  
14 would be above her. It doesn't matter whether she was  
15 or wasn't, but what we're getting is that a letter from  
16 the Social Work Department to inform your parents that  
17 you had hurt your right wrist recently, and it says:  
18 'Apparently she was "capering about" with some of  
19 the girls" and was then removed and taken to hospital  
20 for a check-up. At casualty she was seen by the duty  
21 doctor. She had bruising to the tissue and was given  
22 a tubigrip bandage for her wrist. The medical staff did  
23 not feel that a follow-up visit would be necessary.'  
24 Was that likely to be the occasion that you attended  
25 the hospital?

1 A. No, it's a total different incident.

2 Q. Do you remember a different incident?

3 A. I remember this incident.

4 Q. That wasn't the same as the one --

5 A. No.

6 Q. So you had to go to hospital --

7 A. I don't know why it wasnae on there because I actually

8 fractured my collarbone.

9 Q. On that occasion?

10 A. On that occasion.

11 Q. Okay, well, I mean, it certainly reads as though

12 something was going on and it says after -- whatever was

13 going on, that you were removed from whatever was going

14 on and you end up going to hospital. I was just seeing

15 if there was some connection between what you've told us

16 with FZR and it does involve a wrist injury and

17 wearing some sort of bandage on your wrist?

18 A. Yeah, no, that was nothing, that was a separate --

19 Q. Did that involve any member of staff?

20 A. Er, no, that was us girls. There was three o' us and we

21 decided that we were basically going to abscond round

22 the block and as we were running out, we went -- it's

23 hard to explain, but we went into like a road at the

24 back of Oakbank. It was like a garage, bumpy road and

25 I actually tripped, done a somersault, I'll never forget

1       it, done a somersault, and I had come down on my wrist  
2       and my collarbone, I actually had one of them spongy  
3       springy things holding my arm up, so that was absolutely  
4       nothing to do wi' FZR .

5   Q. I'm glad I asked you about the entry, because you could  
6       see why it might appear that there was some connection,  
7       because of what you've described. That is a different  
8       one. That is fine. You have told us about that entry.

9       Leaving that one aside, what you have told us there,  
10      are you saying that did happen, the FZR incident?

11  A. Yeah, the FZR incident did happen.

12  Q. Because I'll just say to you at this stage that we have  
13      managed to make contact with Mr FZR and my  
14      understanding is his position is that he's 100 per cent  
15      sure that he didn't ever abuse you in any way and it  
16      wasn't in his nature to do anything that could be  
17      considered abusive.

18      Now, I think you would say that that's something  
19      that was abusive and it was to put your arm up your back  
20      and cause a wrist injury. So what do you make of that  
21      response? He's obviously saying he didn't do anything  
22      along these lines.

23      Do you want to make any response?

24  A. Yeah, he's lying. He's a liar.

25  Q. He's not telling the truth?

1 A. He's not telling the truth.

2 Q. This happened and if he says it didn't, he's not telling  
3 the truth?

4 A. He's not telling the truth. And -- well, I would think  
5 that there would be maybe documentation about this  
6 smashed minibus window.

7 Q. But you're not blaming him for smashing the window --

8 A. No, no.

9 Q. -- it's what he did afterwards that you complain about?

10 A. Yeah, yeah.

11 Q. Okay. Just moving on in your statement, if I can just  
12 deal with another matter you tell us about. You  
13 mentioned LIL before and at 146 you say he was  
14 actually a nice guy and you got on well with him and so  
15 you don't have any complaints to make about him?

16 A. I've no complaints.

17 Q. Or the way he treated you at least?

18 A. Yeah, LIL was, aye, quite nice, fair.

19 Q. Do you think all the young people thought that or that's  
20 what you thought of him?

21 A. That's what I thought of him. I think there was other  
22 kids that didn't like him, but I got on wi' him, yeah.

23 Q. You didn't have any issues? Okay. There is one matter  
24 you raise, and I'm just going to deal with it, because  
25 you say that one Christmas, you were staying at Oakbank

1       and he gave you £5 to go down the town drinking. You  
2       say you know that's wrong now, but back then it was like  
3       party time, but looking back you felt that was not  
4       an appropriate thing for him to do?  
5   A. No, it wasn't appropriate.  
6   Q. He probably knew what you were going to do with the  
7       money?  
8   A. Yeah.  
9   Q. But that was it. That's why you think it's  
10      inappropriate, he shouldn't have really done that?  
11  A. No, he shouldn't of, aye, done that, but obviously I was  
12      15, I was like, well, I'm getting out, because at that  
13      time I was still, like, on level 1, I shouldn't of been  
14      getting out because I didn't even get home for Christmas  
15      to my gran's or anything, so he made an allowance and  
16      gave me a fiver and -- yeah.  
17  Q. Okay. Can we move on to some of the bus trips. You  
18      have told us obviously about something that happened on  
19      a particular minibus trip, or the start of it, but you  
20      said you would get taken on trips and you say you recall  
21      that they always -- you were taken to the red light  
22      district of Aberdeen at the harbour area and the two of  
23      the main members of staff that would be taking you in  
24      the minibus to that location were FZR and another  
25      person called FZF ? FZF ?

1 A. Yeah.

2 Q. You say they always tended to take you to the red light  
3 area.

4 You say in the following paragraph, 149, that:

5 'When those guys took us to the gym for exercise we  
6 always went to [a particular gym in that district]...'

7 But there were plenty of other gyms and pools that  
8 were council run that you could have been taken to, so  
9 you query why they needed to go to a gym in the red  
10 light district. Did you ever get an explanation for  
11 that?

12 A. No.

13 Q. When you were on these trips, did you come across --  
14 I think they're now called street workers, but I think  
15 we can call them prostitutes, because I think that was  
16 the way they were termed then. Did you come across  
17 them?

18 A. Yeah.

19 Q. What happened when people on the bus saw them?

20 A. Giggling, shouting out, just the sorta -- young kids  
21 would do. It wasnae nice, because obviously a lot of  
22 that lassies that was down there working --

23 Q. They were young?

24 A. They were young and that was their way of life, but  
25 obviously when you're 15 and you don't think about it

1       like that.

2   Q.  If you're in the minibus on these occasions would it be

3       one member of staff, the driver, or would it be more

4       than one?

5   A.  Just one member of staff, the driver.

6   Q.  On the occasions when they were driving you and things

7       were said, when they saw the women in the street or the

8       young girls, did they attempt to say to you to stop

9       making any remarks or what was the reaction, the

10      driver's reaction?

11  A.  Just sort of laughed it off, the way we were sort of

12      like laughing it off, 'Oh, check that out'.

13  Q.  The driver made remarks too?

14  A.  Just -- yeah, just that it was funny that they were down

15      there and, as I say, I was 15, and now as an adult

16      I understand what they were doing, why they were doing

17      it, but at 15 you didn't think that way.

18  Q.  It's not a criticism.  I just want to know how the staff

19      reacted.

20  A.  Just --

21  Q.  They --

22  A.  They thought it was like funny.

23  Q.  They weren't 15, they should have known?

24  A.  No, they should have kent better, yeah.

25  Q.  Just moving on you say, and I think this is more



1 a general statement:

2 'There was a lot of blinkers on [this is at 150]

3 with the staff at Oakbank, they ignored a lot of stuff

4 and that wasn't right.'

5 In other words, they knew what was going on but they

6 didn't do anything to stop it?

7 A. Yeah.

8 Q. Even if someone wasn't putting an arm up the back, they

9 would have known that that was happening, but didn't do

10 anything to stop it?

11 A. Yeah.

12 Q. That was the way it was?

13 A. That was just the way it was.

14 Q. Just two matters here before I finish on this section.

15 I've not got much longer with you, but just to deal

16 with these two matters here.

17 Since leaving Oakbank, you became friendly with

18 a girl that was there at the same time as you and she

19 told you something, you are both adults now, and she

20 told you that Mr FZR had been supplying her with drugs

21 when she was in Oakbank?

22 A. That's right, yeah.

23 Q. Now, just to be clear, you didn't see any evidence of

24 that when you were at Oakbank, that that particular

25 member of staff was supplying drugs to this person or

1           any other person, you weren't aware of that?

2    A.   No.

3    Q.   If it was happening at all?

4    A.   No, I wasn't aware of it.

5    Q.   That's what you've been told?

6    A.   Just what I was told, yeah.

7    Q.   The other thing you tell us about, and we touched upon

8           this earlier, about youngsters having sex, that you can

9           recall a trip to Hazlehead Park and you say that there

10          were two children or pupils from Oakbank having sex in

11          the woods?

12   A.   Yeah.

13   Q.   And that staff just ignored that and just kept on

14          walking?

15   A.   Just kept walking, yeah.

16   Q.   Is that something that you were aware of at the time?

17   A.   Er, yeah, everybody was aware of it but we just kept

18          walking through Hazlehead Park.

19   Q.   Just moving on then, you left Oakbank in [REDACTED] 1994,

20          I think you told us, that that was slightly earlier than

21          the official date?

22   A.   Yeah, that's right, yeah.

23   Q.   You tell us that so far as reporting the things you have

24          told the Inquiry about, that you have not reported

25          anything officially about anything that happened in

1       care, is that right? That's at paragraph 156, page 24.

2           You have maybe spoken about it, but you haven't

3       told -- you have obviously told us, but --

4   A.   Erm, after my last hearing, er, here, for the foster

5       care, I went home and I thought about a lot of things

6       and I did contact the police and I did gi' a statement

7       to press charges against my father, erm -- sorry -- but

8       just before he was about to be charged, I got a phone

9       call, my dad had just been diagnosed wi' leukaemia and

10      I basically had two weeks fae the diagnosis and my dad

11      died so I had to give him the care and whatnot and I had

12      to cancel the charges.

13   Q.   Okay, but that was to do with your dad. You didn't say

14      anything about what happened when you were at Oakbank?

15   A.   No.

16   Q.   I follow that.

17           You tell us what did happen after you left care and

18      I think it was a bit of an up and down story. We can

19      read it for ourselves, I don't want to take you through

20      it all today, and you had your ups and downs and you

21      tell us how things played out.

22           You did have children and you brought them up --

23   A.   Yes.

24   Q.   -- and indeed you tell us at paragraph 179 that you have

25      been a foster parent and you had fostered, by the stage

1           of this statement, a number of children?

2    A.   Yes.

3    LADY SMITH: I think you previously explained to me,

4           'Kelly', you were a kinship carer?

5    A.   That's right, yeah.

6    LADY SMITH: And you talked about the way in which you cared

7           for that particular child.

8    A.   Yeah, well, I've got a bit of other good news for you.

9           I'm in the middle of adopting the little girl that I had

10          and I took on a baby of four weeks old and I'm in the

11          process of adopting her too.

12   LADY SMITH: Well done.

13   MR PEOPLES: I'm glad I'm moving to good news. I'm sorry

14          I upset you with the other part that I asked you.

15   A.   No, it's fine, no, it's fine.

16   Q.   Just to say what you do say at 179, you have been

17          a foster parent and continued and you have told us what

18          is happening now, but you say:

19                'That is who I am and I'm proud to say that,

20                I'm proud about what I've done for others. I've never

21                been the person I was described as and lied about when

22                I was a child living in the care system.'

23          You wanted to say that, I think, to make it clear

24          that that's how things have developed and what you have

25          done with your life?

1 A. Yeah.

2 Q. That's all the questions I have today. I'm sorry I left  
3 you a little upset at the end.

4 A. No, it's fine, no, it's fine.

5 MR PEOPLES: Thank you very much for coming today again and  
6 assisting the Inquiry and I wish you well in the future  
7 with your new responsibilities.

8 A. Thank you.

9 LADY SMITH: 'Kelly', thank you so much for adding to your  
10 earlier evidence about your time in foster care and can  
11 I add my good wishes to Mr Peoples'. I hope things  
12 continue to go better for you and your engagement with  
13 children of today continues to work.

14 Thank you.

15 Safe journey home.

16 A. Okay, thank you.

17 (The witness withdrew)

18 LADY SMITH: Some names from this morning before I stop for  
19 the morning break. Again, names of people whose  
20 identities are protected by my General Restriction Order  
21 and they're not to be identified as referred to in our  
22 evidence outside this room. That was LIL [REDACTED],  
23 Mr ILG [REDACTED], FZR [REDACTED], FYZ [REDACTED] and  
24 FZF [REDACTED].

25 MR PEOPLES: My Lady, I should just say that we can take the

1       break now. The plan I think is because the next witness  
2       is going to come a little later, so we will do a read-in  
3       or perhaps another one after the break between the two  
4       witnesses.

5   LADY SMITH: The next witness is actually planned to begin  
6       giving evidence this afternoon?

7   MR PEOPLES: 12.30 pm, we'll try to fit in something in  
8       between after the break.

9   LADY SMITH: Thank you very much.

10  MR PEOPLES: I've just been given some late news that the  
11       person's train is running late, so I think she's not  
12       going to start until 2 o'clock, but we can deal with  
13       other matters, read-ins, in the meantime.

14  LADY SMITH: I think our notice to her may have said  
15       12.30 pm, so she probably thinks she's still got a bit  
16       of time.

17  MR PEOPLES: No, I think it's a late train, I think it is  
18       actually that, but no matter, we can use the time.

19  LADY SMITH: We can't start without her, but we have other  
20       work we can do.

21       Thank you.

22   (11.34 am)

23                               (A short break)

24   (11.53 am)

25  LADY SMITH: Mr Peoples.

1 MR PEOPLES: My Lady, we'll now move to some read-ins.  
2 'Daniel' (read)  
3 MR PEOPLES: The first read-in is from an applicant whose  
4 pseudonym is 'Daniel'. His witness statement is  
5 WIT-1-000000823.  
6 'Daniel' was born in 1953. In terms of his life  
7 before care, he tells us that he has never known who his  
8 mother was and never met her. He tells us that he has  
9 two sisters and also three step sisters and one  
10 stepbrother, so at least it's a large family, but in his  
11 case, he went into care at the very early age of two.  
12 He spent quite a long time in Quarriers in  
13 Bridge of Weir. I don't plan to go through Quarriers in  
14 any detail. He tells us about being in various  
15 cottages, but I think --  
16 LADY SMITH: Can I just check his statement does postdate  
17 the evidential hearings in relation to Quarriers,  
18 I think, does it?  
19 MR PEOPLES: It does, 2021.  
20 LADY SMITH: So this is an opportunity just to pick up on  
21 what he tells us in essence about his time in Quarriers?  
22 MR PEOPLES: In general terms, he started in Cottage 4, but  
23 I don't think he has any real complaints about that. He  
24 deals with that at paragraphs 4 to 6.  
25 Then he also deals with Cottage 20, where the

1 houseparent was a Ms QAA, and that is a name  
2 that I think is familiar to us, and he tells us about  
3 that from paragraph 7 onwards. I don't think he picks  
4 up anything there that he regards as significant.

5 At paragraph 49, in dealing with his time at  
6 Cottage 20, he does say in relation to visitors that he  
7 had one visit in 11 years when he was at Quarriers, from  
8 his father and that was about a week before he actually  
9 left, but he does explain that his father was in the  
10 army and was abroad, so that there was a good reason for  
11 that.

12 He's generally complimentary about life in  
13 Cottage 20 in contrast to his next move, but one thing  
14 he does say at paragraph 52, page 10:

15 'We did get some kind of official visitors as well.  
16 I remember being told to say to people that everything  
17 was fine and not to be a troublemaker. I was spoken to  
18 once or twice by those people and they asked how I was  
19 getting on. I just told them I was fine and I loved it  
20 at Quarriers. What else was I going to say? We'd been  
21 told and then they would go away and we'd be on our own.  
22 We did all get extra toys that day and then after the  
23 visitors went away, they took all the toys off us.'

24 I think that is the sort of thing we have heard in  
25 other evidence.



1 LADY SMITH: Yes.

2 MR PEOPLES: He goes on, and he does remember one child,  
3 whom he names, speaking up once and he said:  
4 'He got a right doing for that. He ended up with  
5 a fractured arm and had bruises all over his body. Two  
6 grown men took him into a room and I think they were  
7 kicking and punching him.'  
8 He says:  
9 'I don't know who they were.'  
10 He does say that that actually happened in  
11 cottage 23, when he was staying with Mr and  
12 Mrs GHO-GHP, who again, I think, these are a couple  
13 that we did hear about during the case study.

14 LADY SMITH: I remember that name.

15 MR PEOPLES: He has a section on abuse in Cottage 20 or at  
16 Cottage 20, starting on page 10. He's generally  
17 favourable to Ms QAQ, because he says she used  
18 discipline in her eyes anyways, he says at paragraph 56,  
19 but other people would perhaps say it was abuse:  
20 'I didn't think then and don't think now that she  
21 was really that brutal. She could be loving, but she  
22 was angry a lot as well and did shout at the kids.  
23 I suppose she had good days and bad days like everyone  
24 else.'  
25 He does say at paragraph 57 when he was in

1 Cottage 20, he remembers that Ms **QAQ** once hit him on  
2 the back of the head with her walking stick:  
3 'I'd been cheeky and called her "hop along" or  
4 something like that and she just lost it and hit me with  
5 her stick. I remember it was bleeding and I had to go  
6 to hospital and I got stitches, I have still got the  
7 scar on the back of my neck from that.'  
8 Curiously he goes on at paragraph 58 to say  
9 something that ... he said:  
10 'Ms **QAQ** made us stand in the corner of a room for  
11 as much as four hours. That might be seen as abuse but  
12 I used to love it.'  
13 He obviously wanted to have his own company and  
14 seemed quite happy when that happened to him, but  
15 I think that rather contrasts with perhaps what some  
16 others might have said.  
17 He does say, because he had siblings in Quarriers,  
18 that Ms **QAQ** did smack his sister for wetting the bed,  
19 but she gave a lot of that to the aunties to do as well.  
20 The aunties could be pretty hands on and Ms **QAQ** just  
21 wanted to be loved, and he says:  
22 'We had a few aunties who would hit us.'  
23 He mentions some names of those involved. Again,  
24 some are certainly, I think, familiar.  
25 LADY SMITH: One in particular is very familiar.

1 MR PEOPLES: Yes.

2 Then he elaborates a little bit on that in

3 paragraph 60:

4 'The aunties would slap us or hit us with belts or

5 straps or a paddle and it could be for cheek or for

6 getting back late, a whole lot of things, but it was

7 really for next to nothing most of the time.'

8 Obviously, maybe this echoes something we heard this

9 morning, that he can recall two young persons having sex

10 when he was in Cottage 20, although he didn't I think

11 appreciate at the time what was going on.

12 He talks about one girl who he says died when she

13 was in Quarriers, aged about 11 or 12, and says she was

14 picked on for absolutely everything. She had special

15 needs and was different. I suppose that's an example of

16 the days when children with particular specialist needs

17 were placed in a more generic childcare setting, and

18 perhaps suffered because of the way they may have

19 behaved or been treated as different.

20 LADY SMITH: Being different makes life inevitably tough of

21 itself if you're in residential care.

22 MR PEOPLES: Yes, you can't really stand out from the crowd

23 or be different from them or you will be potentially

24 a target, unless you're the strongest of the group.

25 LADY SMITH: Absolutely, whether it's a boarding school,

1 an approved school, a List D school, a Quarriers-type  
2 cottage, it made children vulnerable of itself without  
3 anything else added to it.

4 MR PEOPLES: Then he talks about moving from Cottage 20 and  
5 going to a different cottage, cottage 23, which was run  
6 by a Mr and Mrs GHO-GHP and describes the housefather  
7 as a military guy:

8 '... who reminded me of an old sergeant major type.  
9 That's exactly what he was like.'

10 That is at paragraph 66.

11 Somewhat harsh regime, because he says that they  
12 weren't allowed warm water, this is paragraph 67, when  
13 washing and he recalls having to go for a morning run  
14 before breakfast.

15 He doesn't remember anyone wetting the bed, but does  
16 say that they were older by then. But adds:

17 'But everyone would have been too scared to wet the  
18 bed.'

19 Then he has a section headed 'Running away',  
20 starting at paragraph 70 and he says he ran away from  
21 Cottage 23 nearly every week and certainly on a regular  
22 basis and that there were a number of children who would  
23 do it together and says:

24 'Sometimes the whole cottage would run away.'

25 Then he explains why:

1           'Mr GHO [REDACTED] was so vicious and was punching and  
2           smacking and kicking us all, so that's why we ran away  
3           so much.'

4           He tells us what happened when those who ran away  
5           were caught and brought back and at paragraph 72,  
6           towards the foot of page 13, he says, three lines into  
7           that paragraph:

8           'After we were taken back to Cottage 23, by  
9           Bill Dunbar [he was a more senior figure I think] from  
10          Quarriers, we would get a doing from Mr GHO [REDACTED].'

11          He says:

12          'By that I mean punishment.'

13          He says it wasn't always the GHO-GHP [REDACTED] that would  
14          administer the punishment. Sometimes a more senior  
15          figure, Mr QAI [REDACTED], would hit 'Daniel' and other children  
16          with a belt or paddle and that the GHO-GHP [REDACTED] did the  
17          same and would just hit you with whatever was to hand.

18          He says at paragraph 73 on page 14:

19          'The police did ask us why we were running away and  
20          we told them. I don't remember them doing anything  
21          about that. They probably didn't believe us as we were  
22          just kids.

23          He says that discipline and the regime in Cottage 23  
24          was very strict, at paragraph 74.

25          Then he has a section headed, 'Abuse'. He says:

1           'As I've said, Mr GHO was really bad. He was  
2 vicious, he was a vicious evil man, and he treated all  
3 the boys so badly. Mrs GHP was just as bad. In  
4 fact she could be worse. When we were taken back to the  
5 Cottage after running away, we would always get a doing.  
6 Mr and Mrs GHO-GHP would punch, kick and slap us and  
7 then put us to bed without any dinner. That happened  
8 every time we ran away, it was always the same.'

9           Then going on:

10          'There was physical abuse in that cottage every  
11 day.'

12          He says:

13          'I got a bucket of water over me one day when I was  
14 lying in my bed.'

15          As an example of what happened.

16          He then says at paragraph 77:

17          'There were so many boys got injured, Mr GHO  
18 was responsible for broken arms, noses and legs.'

19          He recalls Mr GHO flinging a particular boy  
20 through a window and he says that the boy had told him  
21 to 'fuck off' and that Mr GHO then hit him and  
22 flung him through the window causing the boy to sustain  
23 a broken leg.

24          He then says in paragraph 78, page 15:

25          'I was injured as well. I was punched and kicked by

1 him and had cuts and bruises, but he would never ever  
2 touch the boys on their faces. He knew an injury on  
3 your face would be seen at school, I suppose. If you  
4 needed to get medical treatment, Mr GHO and his  
5 wife would tell you to say to the doctors and nurses  
6 that you'd fallen over. He would say you were to tell  
7 people you'd fallen off the swing or out a tree.  
8 Everyone just did what Mr GHO said as we were all  
9 too scared and we knew it might be us next time.'

10 He then goes on to say there was sexual abuse at  
11 Cottage 23 as well, happening all over in the Cottage  
12 and outside in the woods as well. He says that happened  
13 in Cottage 20 as well.

14 He says:

15 'There were a lot of ex-Quarriers boys and girls  
16 that would come back and work or visit and some were  
17 involved in this sort of abuse.'

18 He remembers a particular boy who, as he says, was  
19 into all that stuff. He said he left and then came back  
20 when he was around 18 or 19 and did sexual things with  
21 some of the younger guys in there, he said:

22 'He liked to be with the younger boys, touching them  
23 and that, but I don't know what they were doing.'

24 He says some time after Mr Dunbar did speak to  
25 Mr GHO and the abuse had stopped. Mr Dunbar asked

1       if things were better:

2       'I told him they were, but that I still didn't want

3       to stay in [the cottage].'

4       He says he was told Ms QAQ was coming back and he

5       could go back to Cottage 20, which is what he did.

6       You can see he's making a clear contrast between the

7       two Cottages.

8   LADY SMITH:   Yes.

9   MR PEOPLES:   He says:

10       'Looking back, I do wish I'd done more about what

11       went on in Cottage 23. I feel guilty that I didn't

12       speak up more and say something to people.'

13       Then on the section on reporting of abuse at

14       paragraph 82, he says he remembers:

15       '... because boys were running away so often from

16       Cottage 23, we had a meeting with Dr Davidson, who was

17       the top man at Quarriers, a Mr Mortimer and Bill Dunbar.

18       Bill Dunbar told us we had to stop running away, because

19       if we didn't, we would end up in borstal. I told him at

20       that meeting that I would stop running away if

21       Mr GHO stopped beating the shit out of us all the

22       time.'

23       He says:

24       'When we went back to Cottage 23 after that,

25       Bill Dunbar went into the cottage first and when we went



1 in, we didn't get any punishment. Mr GHO told us  
2 we were all on our last chance and there was to be no  
3 more running away. Things were quite good after that,  
4 with no punching or kicking, so Bill Dunbar must have  
5 said something to Mr GHO.

6 'I didn't see a police officer at Quarriers until  
7 I ran away, so I wouldn't think anything was ever  
8 reported. I think they kept it all quiet, particularly  
9 the sexual abuse involving [the boy that returned].  
10 I think there was a lot covered up.'

11 He says he remembers his last day in Quarriers. He  
12 left when he was aged about 13, so he'd been there quite  
13 a long time from aged two, so that would be around 1966.

14 LADY SMITH: Yes.

15 MR PEOPLES: He was taken home by his father. There does  
16 seem to be a sadness on his part that in some ways he's  
17 leaving Quarriers to go back home.

18 He went back home from Quarriers and lived in Dundee  
19 with his father, stepmother and sisters and his  
20 stepmother's children.

21 He says at paragraph 88:

22 'I did like my stepmother at first but I went on to  
23 hate the woman.'

24 Going on at paragraph 89, page 17:

25 'I stayed with them in Dundee for about a year but

1 I didn't want to be there, I wanted to be back at  
2 Quarriers with Ms [redacted], I even started running away  
3 from my family home to try and get back to Quarriers,  
4 which sounds crazy when you think about it. It was my  
5 comfort though and I missed Ms [redacted].'

6 So clearly developed a close relationship:

7 'I just couldn't live at home. I was running away  
8 and sleeping rough and then I got myself in a bit of  
9 trouble, I was breaking into houses, stealing money and  
10 eventually I was caught and put into an approved school.  
11 That was when I was around 13 or 14.'

12 That would be 1966/1967 or thereabouts.

13 The strange thing is he says that he doesn't really  
14 know how he got there in terms of the legal position,  
15 because he says he didn't go to any court. It wouldn't  
16 have been a panel at that stage anyway, or see any  
17 judge, he just says he remembers seeing a social worker  
18 and the next thing he was taken to Oakbank School. Most  
19 children, I think, at that time would have been  
20 committed by a court, but I suppose it's possible  
21 that --

22 LADY SMITH: Because that would be before the Children's  
23 Hearings were up and running, before 1968.

24 MR PEOPLES: It couldn't have been the Children's Hearings,  
25 but there is the possibility that children in some

1       voluntary way ended up in places like that, even if they  
2       didn't realise it.

3   LADY SMITH:   Given his date of birth, this would be before  
4       the Social Work (Scotland) Act 1968 --

5   MR PEOPLES:   Oh, yes.

6   LADY SMITH:   -- so the Children's Hearing system as we know  
7       it --

8   MR PEOPLES:   No, that's definitely not --

9   LADY SMITH:   -- had not started.

10  MR PEOPLES:   -- what happened. He must have in some other  
11       way ended up there, but ...

12  LADY SMITH:   It could have been the court, he remembers  
13       getting into trouble.

14  MR PEOPLES:   Yes. It may be that he didn't really  
15       appreciate just the process.

16       Anyway, he says about Oakbank, which starts at  
17       paragraph 92, that he stayed there for about two years  
18       and he said he didn't see his dad or his sisters in all  
19       that time. He tells us a bit about the school, but one  
20       of the things he says at paragraph 93:

21       'I was one of the younger ones, aged 13 or so.'

22       And that the other boys went up to the ages of 15 or  
23       16.

24       At 94, he tells us a bit about the boys in his time:

25       '[They] were from different backgrounds, a lot of

1       them were first-time offenders, things like shoplifting  
2       some couldn't live with their parents, things like that.  
3       There was quite a few from Quarriers so I knew some of  
4       them and that was great. It meant I had friends.'

5             He names one for example whom he knew well and that  
6       they got on.

7             I suppose that contrasts with the witness we heard  
8       about yesterday, you go into an environment where you  
9       don't know anyone and you have to find your feet and it  
10      takes you time to decide how you react to situations  
11      that you're confronted with. At least in his case he  
12      had the benefit that he wasn't alone, he wasn't in  
13      a complete place with strangers, other young people or  
14      staff. So there is a contrast there.

15            To some extent, it appears to have made him feel  
16      better knowing that there were people he already knew.

17            As for routine, at paragraph 95 he says:

18            'I remember we were told at the very start that if  
19      we ran away, we would go to borstal. Just like we had  
20      been told at Quarriers, so nobody ran away from Oakbank.  
21      Everyone was too afraid of being sent to borstal.'

22            Then he says:

23            'We were in these massive big dorms with about 20 or  
24      30 boys in each dorm.'

25            We're in the era of obviously the big dorms that

1       were not sectioned or partitioned off. He says:  
2       'We went to education workshops.'  
3       I think that's probably more of the era where it was  
4       practical training rather than traditional mainstream  
5       curriculum.  
6       In his case he says he thought that that arrangement  
7       was great, paragraph 97, and that:  
8       'We learned a lot.'  
9       From attending these various workshops to learn  
10      painting. He talks about that as an example.  
11      He doesn't seem to have had any problems in relation  
12      to washing and bathing, although he says there wasn't  
13      any privacy, which I think would accord with the way  
14      things were at that time.  
15   LADY SMITH: Yes.  
16   MR PEOPLES: At paragraph 100 he says:  
17      'There was plenty for us to do. On a Saturday we  
18      got to do what we wanted and could go out to the  
19      pictures or something like that. We were given pocket  
20      money and we got better clothes, which we kept as best  
21      clothes to wear for going out into the town at weekends.  
22      We would go shopping or go to the cinema and that was  
23      great.'  
24      That's not very different to except that perhaps the  
25      places they went to changed over time:

1           'We were allowed to smoke at Oakbank but you had to  
2           have a letter from your parents saying you were allowed  
3           to.'

4           That's at 101, and you had to smoke in the places  
5           where it was allowed.

6           On the specific subject of schooling, at 103 he  
7           says:

8           'The schooling was all in education workshops, not  
9           so much in classes like a proper school. I had done  
10          English and maths at Quarriers and there was nothing  
11          like that at Oakbank. I don't think I left Oakbank with  
12          any qualifications.'

13          He talks about healthcare and he does recall  
14          spending a week in Aberdeen Royal Infirmary because of  
15          a burst appendix. What he does say there is that at 106  
16          he remembers, as he describes it, 'some top man' from  
17          Oakbank coming to see him when he was in hospital and:

18          '... had me sign some papers to say I'd been well  
19          looked after. It was some insurance thing and all I did  
20          was mark it with an X, I didn't want to sign my name.'

21          He goes on at 107:

22          'I was only about 14 and I was signing these forms  
23          to say I was being well looked after. My dad didn't  
24          even though know I'd been taken to the hospital.'

25   LADY SMITH: I wonder what the forms were? Ex post facto

1 consent forms?

2 MR PEOPLES: You would have thought that there would have to  
3 be some form of consent form that the hospital would  
4 require to allow them to perform an invasive treatment,  
5 even if it was an emergency.

6 LADY SMITH: Yes.

7 MR PEOPLES: I suppose the point he is trying to make is he  
8 thinks he recalls getting asked to sign forms when he  
9 really wasn't of an age where he would have full  
10 understanding of what he was signing up to.

11 LADY SMITH: No.

12 MR PEOPLES: He seems to have a recollection that obviously  
13 they wanted some evidence of him saying he'd been well  
14 looked after, presumably on the basis that it wasn't  
15 caused by some injury that was due to some failure on  
16 the part -- possibly. It's hard to be clear, but  
17 obviously he still thinks that in some way they were  
18 perhaps covering their backs, would be the way he might  
19 put it.

20 LADY SMITH: Really what he says about it being some  
21 insurance thing doesn't make sense.

22 MR PEOPLES: It doesn't really.

23 LADY SMITH: What would make sense is this child, as he was,  
24 just having had a very serious abdominal incident, still  
25 in hospital, had a form put in front of him and he was

1           asked to sign it.

2   MR PEOPLES:  He's in no fit state to sign anything, even if

3           he was normally --

4   LADY SMITH:  Even if he had legal capacity to do so at that

5           stage, which he may not have had.  Shouldn't have been

6           happening.

7   MR PEOPLES:  Of course, if he's right and his father wasn't

8           even told, that might be seen as unacceptable, that he

9           should just be left to his own devices at that stage.

10           Then he goes on at 110 to say:

11           'I knew when my birthday was but it wasn't

12           celebrated.'

13           Although he did say at Christmas there was

14           a Christmas dinner.

15           On social work visits, and we're talking of the

16           1960s here:

17           'I wasn't seen by a social worker in the entire time

18           I was at Oakbank.  Nobody that worked there ever sat

19           down and spoke to me either.  I was never ever told why

20           I was there or how I was getting on or when I might be

21           going home.  There was nothing like that at all.'

22           I think that echoes evidence we heard yesterday as

23           well, that there was never any sitting down or

24           explanations or anything with the person.

25           On the subject of discipline at paragraph 114:



1           'There were boys who went to borstal from Oakbank  
2           and we were always told we would go there if we didn't  
3           behave. All the boys knew how bad borstal was and were  
4           all terrified of being sent there, so we weren't cheeky  
5           to anyone, we all tended to behave.'

6           At 115, he goes on:

7           'There was a problem with the discipline at Oakbank.  
8           The discipline was very strict, but if someone was  
9           stepping out of line it wasn't the staff that would  
10          touch you. They had this special discipline where the  
11          staff would tell other guys, pupils in the place, and  
12          they would then sort you out.'

13          That's not dissimilar to things that we're hearing  
14          from others.

15   LADY SMITH: Yes.

16   MR PEOPLES: He said:

17          'That could happen if you were cheeky, if you had  
18          any drugs, or if you were smoking where you weren't  
19          supposed to smoke. The staff would then get older boys  
20          from the school to have a word with you. About six or  
21          seven of them would threaten you or hit you and  
22          basically sort you out. I was once threatened with  
23          being cut with a razor blade because I wasn't saying  
24          "yes, sir" and "no, sir" to the teachers. I told the  
25          lads that threatened me that I would cut them back if

1       they cut me and they left me alone. I did have people  
2       like [he mentions this person he knew from Quarriers]  
3       speaking up for me and he did tell some of the older  
4       boys to leave me alone. He was a lot older than me and  
5       was quite a big guy.'

6       That's again similar to things that we've said about  
7       how you can either be protected or you have to stand up  
8       for yourself and make threats which at least are taken  
9       seriously by other boys. He says, this is at 117:

10       'If those older boys ever got out of hand, they  
11       would be the ones who were punished by the teachers.  
12       That was the only boys the teachers disciplined. There  
13       was a table in the teachers' boardroom and those boys  
14       would be held down and hit with a belt by the teachers.'

15       Under the heading 'Abuse at Oakbank', at 118, he  
16       goes on:

17       'I was threatened by the older boys but never by the  
18       teachers and I was never belted or hit by any of the  
19       teachers at Oakbank. Other boys were though and there  
20       was a lot of homosexuality there as well. There was  
21       a lot of crying at nights in Oakbank.

22       'The homosexuality was by older boys on the younger  
23       boys. It didn't happen to me but a guy [he names him]  
24       tried once. He came near me with a few other boys and  
25       I told him if he put his penis anywhere near me, I would

1       bite it off. He was wanting me to perform oral sex on  
2       him. Another guy tried as well, I don't remember his  
3       name. I told them both the same that I would cut it off  
4       or bite it off and they never came near me again.'

5             At 120 --

6   LADY SMITH: Just before you go to 120, there is something  
7       very telling at the end of 118:  
8             'There was a lot of crying at nights in Oakbank.'

9   MR PEOPLES: Yes, I suppose the inference could be that  
10       something was happening that made them cry, not just  
11       missing home, but if it was a regular thing and they'd  
12       got used to the place, it was because something was  
13       going on, whether involving other boys or night staff  
14       of course.

15   LADY SMITH: As we know, a lot of them had not come from  
16       home. They'd come from other places and ended up in  
17       Oakbank.

18   MR PEOPLES: Yes, so they wouldn't necessarily find it was  
19       just the first time they'd been away from home.

20   LADY SMITH: Miserable circumstances.

21   MR PEOPLES: Of course we know that in those days, and  
22       indeed, subsequently if they were in large dorms,  
23       children of different ages and what happened to some we  
24       can perhaps draw our own conclusions about --

25   LADY SMITH: Yes.

1 MR PEOPLES: -- what might have been the likely cause of  
2 some of the crying.  
3 He does say:  
4 'I had been through Quarriers and that made me tough  
5 and angry for the real world. I think those guys  
6 realised that, they saw that I was nuts and that I would  
7 have done what I said, so they left me alone.'  
8 I suppose that's a way of trying to protect yourself  
9 by giving yourself some sort of reputation, 'Don't touch  
10 me or you'll come off worse', but not all boys would  
11 have had the ability or capacity to put that sort of act  
12 on, even -- but obviously in his case he'd been through  
13 quite a lot and felt he could do it and it clearly  
14 worked. He says:  
15 'I was threatened with a razor blade by other boys  
16 and there was a lot of that that went on. There were  
17 boys threatened and cut with razors and there were a few  
18 stabbings as well.'  
19 He then says about leaving Oakbank and says how he  
20 left, having been there for around two years, he thinks,  
21 and he says he went home to his father at 126. He was  
22 15 when that happened and that was him out of the care  
23 system. So that would be around 1968 or so.  
24 He tells us about life after care, where he goes  
25 back to live with his father and his step-mum, and he

1 goes back to school, but leaves at 15 without  
2 qualifications.

3 But in his case it's at least to some extent a good  
4 news story, because he said he did go on to college to  
5 do catering because he wanted to be a head chef and  
6 that's what he did for the rest of his working life and  
7 he obviously was successful, from what he tells us at  
8 128. I'm not going to read it all out.

9 Then he says he met his wife when he was working and  
10 has had a long marriage and has had two sons, one of  
11 whom died young and the other was in the family at the  
12 time of the statement. Unfortunately he said he had to  
13 stop work when his wife needed full-time care for health  
14 reasons, which he tells us about.

15 On 'Impact', at 132, he says:

16 'Being in care has made me feel very angry for  
17 everything that happened to me and I don't trust people  
18 any more. I stopped trusting people after Quarriers and  
19 started keeping myself to myself. I don't have many  
20 friends.'

21 It's obviously not, in his case, stemming from  
22 Oakbank. It goes back to his time at Quarriers,  
23 particularly, I think, Cottage 23.

24 LADY SMITH: Yes.

25 MR PEOPLES: On the educational side at 136, page 25, he

1       says:

2           'I didn't have an education but when I spent seven  
3       years training to be a chef, I was so eager to learn,  
4       I even worked shifts without getting paid for them  
5       because I wanted to learn and I wanted to be the best  
6       I could be. I wanted to achieve something in my life.'

7           On 'Reporting' at page 26 he says:

8           'I've never reported anything to anyone. I was  
9       scared and was just glad to get away from my time in  
10      care. Who would have believed me anyway back then?  
11      Nobody would have believed me.'

12          Under 'Lessons to be learned' at 143, page 26, he  
13      says:

14          'I don't want any revenge. I actually look at  
15      myself as one of the lucky ones in the sense that  
16      I'm here. A lot of people have died without telling  
17      their story. People are more caring nowadays.

18          'I thought it was wrong that the authorities could  
19      get away with putting me in Oakbank the way they did.  
20      I just had to get on with it, but it was so wrong.'

21          On 'Hopes for the Inquiry' at 147 he says:

22          'I do think this Inquiry is being done too late and  
23      that it should have been done about 50 years ago.

24      I think that the only way you better your future is to  
25      learn from your past, so I'm hoping some time in the

1 future this will never happen again.

2 'I can't see things like what happened to me ever  
3 happening again though, because of inquiries like this.  
4 I'm just shocked that this Inquiry took so long to come  
5 about, but I suppose it's better late than never.'

6 He ends with saying he has no objection to his  
7 statement being published as part of the evidence to the  
8 Inquiry and believes the facts stated in his statement  
9 are true.

10 That was signed on 4 October 2021.

11 LADY SMITH: Thank you very much.

12 'Alistair' (read)

13 MR PEOPLES: If I could move to another applicant's  
14 statement. This time it's from an applicant whose  
15 pseudonym is 'Alistair'. The reference is  
16 WIT-1-000001119.

17 'Alistair' tells us he was born in 1967 and he has  
18 a section about life before care. He tells us that he  
19 lived with his mum, his dad and two older brothers and  
20 was living in Kirkcaldy, having moved back to Scotland  
21 when he was quite young, and while in Kirkcaldy, two  
22 younger brothers were born. There was also a sister,  
23 but she was given up for adoption when she was born.

24 He tells us at paragraph 4 that social work had been  
25 involved with his family for a long time and he says he

1       and his brothers had to be put in children's homes when  
2       his mum was pregnant with his younger brothers and that  
3       his dad wouldn't look after them.

4       He ends that paragraph by saying:

5       'It was a lot better in there than being at home,  
6       that was when I realised that my family was horrible  
7       compared to other families.'

8       He explains why he makes that statement at  
9       paragraph 5, on page 2:

10       'Life at home was horrible because my dad was  
11       an alcoholic, used to have affairs, batter my mum and  
12       batter us kids as well. I grew up hating him. Social  
13       workers would also come to the house all the time  
14       because of my dad being drunk and violent.

15       'I remember starting high school aged 12 [it would  
16       be about 1979, I think, if I've done my sums right] and  
17       had only been there a few weeks when I got into a fight  
18       with my dad at home. He had started hitting my mum and  
19       me so I attacked him back and threatened to kill him.  
20       Social work came and decided that I was to be put into  
21       care in a residential school after that. I think it was  
22       so I could have care and protection from my dad.'

23       He says that two of his brothers were also in care  
24       but not with him.

25       He's taken to Oakbank School. Again, that's



1 a distance away from his home area and I think this is  
2 something that often does happen. He says:  
3 'I was told by my social worker [whom he names] that  
4 I was being taken to visit a place and he took me away  
5 in a car up to Aberdeen. When we arrived at Oakbank,  
6 the social worker told me that I would be staying there,  
7 so I'd been tricked.'  
8 So there wasn't much preparation for leaving home.  
9 As for Oakbank, he says at paragraph 8:  
10 'It was like a mini prison for boys. If you had to  
11 go anywhere, staff would take you because all the doors  
12 had to be unlocked to let you through and then locked  
13 again behind you. They had a school in the place as  
14 well.'  
15 Then there is some description of the place, which  
16 I'll not read. But at paragraph 10, what he does say  
17 is:  
18 'On the first floor, where the boys slept, there  
19 were three long rooms, they were called houses and had  
20 their own names, the one on the left was called  
21 St George's. I was in the middle one, which was called  
22 Roslyn House. The rooms were really long and were  
23 partitioned into dormitories with four beds in each.'  
24 I think that accords with some evidence that at some  
25 point the big dorms were at least partitioned.

1           He talks about a swimming pool being built while he  
2           was there.

3           He estimates there were about 30 or 40 boys there  
4           from age 12 to 16. Paragraph 12:

5           'The boys were in there for doing some really bad  
6           things and were from all over Scotland so they split  
7           themselves into gangs. There were the Dundee boys,  
8           Aberdeen boys, Fife boys, Glasgow boys, and some from  
9           Orkney.

10          'The Glasgow boys acted like they ran the place.  
11          I was the youngest and smallest in there and I hadn't  
12          actually done anything bad to be put there so I wasn't  
13          like the other boys.'

14          He says he came to have a nickname while he was  
15          there, which is what was used when he was there.

16   LADY SMITH: I suppose he says he hadn't done anything bad,  
17               but he did say earlier that the precipitating event was  
18               him attacking his father.

19   MR PEOPLES: In his mind --

20   LADY SMITH: He says the reason he did that was because of  
21               the way his father behaved, but we don't know.

22   MR PEOPLES: From his perspective, he was doing the right  
23               thing, but ended up being sent away, whereas his dad  
24               presumably remained at home.

25   LADY SMITH: Yes.

1 MR PEOPLES: Despite his history of violence.

2 One can see where he's coming from. He talks about

3 his first day at Oakbank and he says at paragraph 15,

4 and this is his first day, starting on the second line:

5 'I was 12 years old and quite small for my age.

6 I remember it started to get dark and that was when

7 I was assaulted for the first time. One of the boys hit

8 me on the back of my head with a pool cue and cracked my

9 head open.'

10 He says who the boy was, he was from the Fife area,

11 who was about 14 or 15 years old:

12 'There was no staff around at the time.'

13 So it was quite an introduction to his new school.

14 Then he has a section on routine and I don't propose

15 to read all of that, but if I go to page 5,

16 paragraph 22, he does say there would be a member of

17 staff on all night doing the night shift:

18 'He would wake boys up in the night to take them to

19 the toilet if they were bed wetters, which I was. The

20 room wasn't locked at night.'

21 Then if we go down a little, he didn't have any

22 problem with the food. I suppose opinions on food can

23 vary depending on what you're used to, so it's always

24 difficult to weigh up whether food is terrible, or

25 acceptable or good. I suppose it depends --

1 LADY SMITH: Quite a number of people have said the food at  
2 Oakbank was okay and something that was good was there  
3 was enough of it.

4 MR PEOPLES: Yes. Obviously if you are like the witness  
5 yesterday who is stealing food to feed the family,  
6 because there isn't money, then clearly if you're  
7 getting regular food then you're going to see that as  
8 a very positive thing.

9 Just going on then, on washing and bathing, he says  
10 at paragraph 26:

11 'There was a big, massive shower room with about 20  
12 showers in it at the end of the room. We had a shower  
13 at night in the communal shower. There were no cubicles  
14 so there was no privacy. We all showered in front of  
15 each other. Then we brushed our teeth, gave our clothes  
16 back at the hatch, and got our jammies. We all rolled  
17 our jammie tops over and tied it around our waist like  
18 a belt, so we were all topless. I don't know why we did  
19 that, but everybody did it.'

20 I suppose it's the point that your Ladyship made  
21 that if someone does it, you are not wanting to be any  
22 different and you follow the practice, even if you don't  
23 understand why you do it.

24 If we go on to page 6 there is a section on  
25 schooling and work parties. At paragraph 29, 'Alistair'

1       says:

2           'We got schooling about once a week so I never  
3       learned much or got an education. I went to school on  
4       Thursday, which was just in a room on the first floor on  
5       the other side of the building from the dormitories. It  
6       was a woman who came in from outside to teach us.  
7       I don't remember her name. I never learned anything, it  
8       was more just a time to carry on.'

9           Then he goes on:

10          'I did learn a lot of skills like painting and  
11       decorating, which I was good at. We got gardening but  
12       I was no good at that. I also learned some building  
13       because the boys helped build the swimming pool and put  
14       the tiles on it. I was good at that. The pool wasn't  
15       finished by the time I left.'

16          He talks at 31 about boys being taken to do grouse  
17       beating and being out all day walking for miles, but he  
18       doesn't recall getting any payment for it, although he  
19       suspects that the school benefited, which may well be  
20       likely.

21          As for bed wetting, he says:

22          'I was a bed wetter, as were a couple of other boys.  
23       If I wet the bed, I would get clean sheets for my bed  
24       whenever I woke up, whether that was in the middle of  
25       the night or in the morning. The night staff would give

1       you that. After a while, I used to get woken up by the  
2       night staff and taken to the toilet during the night.  
3       This happened to other bed wetters too. We were taken  
4       twice throughout the night. That did stop me wetting  
5       the bed so it worked for me.'

6           On discipline and punishment, he tells us at  
7       paragraph 33:

8           'If boys misbehaved, they would be punished by  
9       having their pocket money reduced. I remember they used  
10      a numbers system to calculate this. If a boy did  
11      something really bad, like running away, then they'd get  
12      their home leave stopped for four weeks.'

13          Clearly that was seen as a reward or privilege  
14      rather than something that should have happened  
15      routinely if it was in their best interests, at that  
16      stage at least. That was something I think we heard  
17      from the first witness. The records show the inspectors  
18      were picking this up from the level system as one of the  
19      things that was being done.

20          He says, paragraph 35:

21          'I know there was a belt and it was used by the  
22      headmaster sometimes as a punishment. It wasn't banned  
23      in the schools back then. I never got the belt and  
24      I never saw anybody getting it, but I heard that people  
25      did. That would have happened in the headmaster's

1 office and not in front of everybody.'

2 Then he goes on:

3 'I never saw the staff use any serious physical

4 punishment towards the boys. They would sometimes slap

5 you over the back of the head to move you along quicker,

6 but they never really hurt you. They did kick you, push

7 you and slap you over the head, but they didn't

8 seriously hurt us by breaking any bones or doing any

9 major damage.'

10 It's perhaps -- I suppose it depends what you're

11 used to, but some of us might say, well, that's a bit

12 more than what was seen, at least at the time, as some

13 sort of acceptable form of corporal punishment, but

14 there it is.

15 Although I think we had another witness talking

16 about slaps on the head and that being not seen by him

17 as anything out of the ordinary or abusive.

18 LADY SMITH: Clips on the head, normal.

19 MR PEOPLES: Yes.

20 Then he talks about boys got to go home at the

21 weekends, except the ones that were from Orkney because

22 it was too far, or those who had home leave withdrawn as

23 a punishment.

24 He tells us how that happened in his time at

25 paragraph 38:

1           'The school had their own bus which they took boys  
2           home in on a Friday morning. The Aberdeen boys got off  
3           first, then it went on to drop off the Dundee boys, then  
4           the Fife boys then the Glasgow boys. Then everybody  
5           would be picked up again from these places on a Sunday  
6           at a designated pick-up place.'

7           He's describing something that's maybe different  
8           from some who seem to have just got their train fare and  
9           sent home.

10          At 39, he says, page 8:

11          'My family never asked about the marks on my body  
12          when I was home at weekends. They must have noticed.  
13          I did also start getting quite funny about my body  
14          around that time and covering up more but they must have  
15          seen my face and arms. My dad would be home at the  
16          weekends and things were the same with him.'

17          Then on visits and inspections he tells us he never  
18          saw his social worker after he was dropped off at  
19          Oakbank and says:

20          'No social worker visited me during my time at  
21          Oakbank and I was there for a year-and-a-half. I didn't  
22          get any visits from anyone while I was in there, not  
23          even from my family. Nobody ever came in from outside  
24          to ask me how I was or to check on the place.'

25          Then he moves on to a section headed 'Abuse at



1 Oakbank'. At paragraph 43, he tells us:

2 'The abuse started from my first day there and then  
3 carried on regularly. I was a nervous wreck in that  
4 place because of all of the abuse. I was shaking all  
5 the time and just waiting for next assault, which kept  
6 happening. The violence happened all the time between  
7 boys and the staff just couldn't control it. The older  
8 boys controlled that school, not the staff.'

9 At 44, he tells us again about what happened the  
10 first day, being hit with a pool cue.

11 Then at paragraph 45 he says, page 9:

12 'Some of the abuse that happened to me, happened in  
13 the smoking room. I would have cigarettes put out on my  
14 arm in there by other boys. I also got abused in the  
15 shower room, the common room and dormitory. The Glasgow  
16 boys thought they ran the place and assaulted me a lot,  
17 but it wasn't just them. All the boys were abusive in  
18 that place.

19 'The boys that assaulted me were a group of Glasgow  
20 boys.'

21 He names them, and I think it's clear from some of  
22 the ages that some of them at least would be older than  
23 he was and, no doubt, bigger if he was small for his  
24 age.

25 He goes on to say, or give us recollections of some

1 of the things that were done to him at paragraph 47:

2 'The Glasgow boys jumped on my arm and smashed it to  
3 pieces one day when we were playing football in the  
4 gymnasium. There was a staff member there but I don't  
5 remember what his name was. Nobody said anything and  
6 I just got up and carried on playing. I didn't even  
7 realise it was broken because I was in so much pain all  
8 the time because of everything that was happening to me.  
9 This happened after about eight weeks of being there.'

10 He can relate that to watching a film which he saw:

11 'It was only afterwards, when the pain in my arm  
12 didn't stop, that I was taken to  
13 Aberdeen Royal Infirmary, which was near Oakbank, and  
14 had my arm put in plaster there. I was told my arm was  
15 broken in three places, at my wrist, and two places  
16 above it. After I had my arm in plaster, I used to lie  
17 on it when I was in bed to protect it. I still do.

18 'I had my foot broken in another attack. Another  
19 time my jaw was broken. I was playing five-a-side  
20 football with some of the boys during our free time.  
21 I fell down while I was playing and the Glasgow gang  
22 were egging each other on to hurt me.

23 One of them, he says, booted him in the face and:

24 'He kicked me in the jaw and my tooth came through  
25 the skin under my lip.'

1           He was taken to the Royal Infirmary again for that  
2       injury:

3           'I had a really visible injury on my face that time  
4       so I wasn't allowed home for eight weeks. I ran away  
5       during that time because I didn't think it was fair that  
6       I didn't get to go home. I was then punished for four  
7       weeks for running away. Nothing happened to the boy who  
8       had kicked me in the face. He didn't get any  
9       punishment.'

10          Then he goes on at paragraph 51, on page 10:

11          'I was raped in the dormitory by some of the Glasgow  
12       boys. This happened four times and it was always at  
13       night in the dormitory. I was in a dormitory with four  
14       beds but only two were used. I shared the room with  
15       another boy [whom he names] who was from Dundee. The  
16       Glasgow boys would come in and throw [the boy from  
17       Dundee] out whenever they wanted to abuse me, and then  
18       they would ambush me. Three of them held me down while  
19       the fourth raped me and they all took turns.'

20          He goes on at paragraph 52 to tell us that boys  
21       would bite the edge of a comb and make it into a point  
22       and use that to scratch smaller boys with:

23          'That happened to me and another boy [whom he  
24       names]. They would do that to me after we'd been for  
25       a shower and were getting changed into our jammies. My

1 body was covered in scratches from that and bruises from  
2 other beatings. There was no way staff couldn't have  
3 known what was happening to me, because they would have  
4 seen the marks when I was in the showers getting changed  
5 or when we were topless after our showers with our  
6 jammie bottoms tied round our waist.'

7 I think that's probably the top. I'm not sure he  
8 said -- earlier on it was the top, but I think we know  
9 what he's trying to say there. It was visible to staff:

10 'I know that staff must have known that I was being  
11 abused because I had so many injuries. I had my jaw  
12 broken, my arm and foot were broken. I had to be taken  
13 to hospital so many times. They just didn't ask and  
14 never did anything about it.

15 'You couldn't tell anybody because if you told on  
16 one or two boys, the whole school would be against you  
17 and hurt you and it would be worse for me. The whole  
18 place was run by gangs.

19 'The abuse only stopped when I learned to fight and  
20 started to hit them back after about a year and started  
21 sticking up for myself.'

22 This is again a pattern of as you get older, perhaps  
23 you are at least better placed and there are younger  
24 boys presumably coming in.

25 Then there is a section headed 'Staff abuse'. He

1       says:

2       'GSD [REDACTED] was a staff member who would stay

3       overnight to look after the boys. He would wake me up

4       at night to take me to the toilet because I was a bed

5       wetter. It was during these times that he raped me in

6       the toilets. He did this to me on two different times

7       when I was 13 years old. I don't really want to talk

8       about it. He was a wee man under six foot tall and of

9       medium bulky build and of about [he reckons] 50 years of

10      age and always wore glasses and a hat.'

11      He says like an old man wore in the TV show 'Only

12      Fools and Horses'.

13      He says he doesn't know if GSD [REDACTED] was abusing

14      other boys:

15      'I was a nervous wreck and was so withdrawn that

16      I wasn't paying attention to anything that was happening

17      around me.'

18      He tells us at 57 that he was taken to

19      Aberdeen Royal Infirmary a lot because of his injuries

20      from being battered:

21      'I had my arm put in a cast there after some boys

22      jumped on it and smashed it.'

23      That is the episode he told us about earlier:

24      'I remember telling the doctor I had broken my arm

25      because I fell and somebody had broken it while taking

1 a penalty. That wasn't the truth.'

2 He's just saying that obviously he didn't disclose  
3 how it happened.

4 'Running away', he says on one occasion he was kept  
5 in for eight weeks. That was after his jaw was broken  
6 and he absconded, I think he told us about that and what  
7 happened when he returned.

8 As for reporting, he says, at paragraph 61 on page  
9 12:

10 'I didn't tell anybody about the abuse at the time.  
11 That would have been like a death sentence in Oakbank.  
12 If you told on anyone then you knew things would get  
13 worse for you because the whole gang of boys would turn  
14 against you. The people who were doing bad things to me  
15 threatened me not to tell anyone.

16 'I don't remember the staff ever asking me about my  
17 injuries. I don't remember ever seeing any police at  
18 Oakbank. Nobody at the hospitals ever got the police  
19 involved either.'

20 He says that he left Oakbank when he was 13 or  
21 14 years old, which would be around 1970/1971 or  
22 thereabouts. He tells us about life back at home and  
23 the consequences of his treatment at Oakbank.

24 At paragraph 64, he says:

25 'I was a nervous wreck by the time I left Oakbank

1 and went home. I was petrified of everything and had  
2 become really violent because I felt like everyone was  
3 a threat to me and I had to protect myself from getting  
4 battered or raped.'

5 He says he started at the local high school:

6 'A teacher there tried to give me the belt, so  
7 I stabbed him in the hand with a penknife. That was how  
8 bad I was. I did it out of fear because I was  
9 petrified. I was then put into a children's home called  
10 ...'

11 I think that is Ribleton House in Glenrothes, not  
12 Ribleton. We are not covering that but he tells us he  
13 was there for four or five months. Secondary Institutions - to be published

14 Secondary Institutions - to be published later

15

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23 Secondary Institutions

24 He says he told his mum about the abuse at  
Oakbank:

25 '... but she never believed me, so that was that,

1 I never spoke to anybody about it again.'

2 There does seem to be at least a theme of boys going  
3 home and saying something happened and being told, no,  
4 they were just simply not believed, as if the staff  
5 couldn't possibly have done these things to you.

6 He does say that he started -- Secondary Institutions - to be publ  
7 Secondary Institutions - to be published later and got moved  
8 on and he moved on to Melville House in Fife,  
9 a residential school, and was there for some two years.

10 Secondary Institutions - to be published later  
11  
12  
13  
14  
15

16 Then towards the end he says he was getting work  
17 with one of his older brothers two days a week and he  
18 was also doing voluntary work with Age Concern working  
19 with the elderly on another two days and he wasn't  
20 spending every day at Melville House. He says he was  
21 about 16 when he left, which would be about 1973,  
22 I think.

23 Life after care, it's not a great story in some  
24 ways, but I'll deal with some of it, he says:

25 'After leaving care, I was very violent and would



1       attack people a lot whenever I felt scared. I attacked  
2       someone at my job because they threatened me, so I lost  
3       that job.'

4           He had met his first wife, I think before, I think  
5       he told us about it earlier, and says he got married  
6       when he was 17 or 18, and he's very complimentary about  
7       his first wife, but feels he really messed up the  
8       relationship and that they broke up and got together  
9       again a lot, but didn't have any children together.

10          Then he tells us he was married for a second time,  
11       but unfortunately that was not a success and describes  
12       his second wife as a bully-and-a-half. He said:

13           'I would never hit a woman so I just took all the  
14       abuse from her.'

15          He says they had four children together and there  
16       were two children from a previous relationship that his  
17       second wife had and that he didn't want to leave the  
18       relationship because of the six children, because he  
19       loved them and was protective of them, but then he says  
20       that his wife was having affairs and then ran away with  
21       his best friend.

22          He ended up taking drugs, which he did for a number  
23       of years. He ended up in a mental health ward several  
24       times because of taking drugs and self-harming. He says  
25       at the time of the statement he hadn't taken any drugs

1       for years.

2       At paragraph 80:

3       'I never really worked much as an adult. I tried  
4       but I couldn't do. I was too nervous and scared of  
5       everything.'

6       I think he had one job which he managed to sustain  
7       for a time.

8       Then he talks about a brother-in-law committing  
9       suicide in his house and that stopped him from working.

10       Sadly he says he had severe lung cancer at the time  
11       of the statement, which was terminal.

12   LADY SMITH: I saw that.

13   MR PEOPLES: When we deal with impact, he says:

14       'I was good at school before I went to Oakbank but  
15       I only got school once a day in there so I was left  
16       without any education. I was so behind other kids of my  
17       age when I came out that I couldn't catch up, so it  
18       ruined my education.'

19       At paragraph 83, he says:

20       'I was so messed up from Oakbank that the most  
21       important thing to me was to protect myself and I didn't  
22       know right from wrong when it came to doing that.  
23       I didn't realise at the time but I was a very dangerous  
24       person.'

25       He talks about attacking his teacher at the high

1 school and he says:

2 'Even after leaving care, I attacked people all the  
3 time because I felt they would attack me if I didn't.  
4 It was out of fear. I never got into trouble with the  
5 police though. I managed to avoid that.

6 'I have always feared being around men since I left  
7 Oakbank because all of my abuse came from males.'

8 He goes on:

9 'I had so much self-hatred when I was at Oakbank and  
10 it never stopped. It stayed with me my whole life,  
11 that's why I started self-harming. I feel the need to  
12 rip myself to bits [REDACTED] to  
13 feel calm in any way. I also started taking drugs and  
14 wanted to end my life a few times, which put me in the  
15 mental health ward in hospital a few times. I never  
16 told anybody in hospital about the abuse.

17 'I have always felt different and less than anybody  
18 else. I have always thought that people are better than  
19 me and that I didn't fit in. I tried really hard to fit  
20 in by copying what people wore and trying to look like  
21 them, but it never made me feel better.'

22 He goes on at 87 to say:

23 'My time in care destroyed my life and I in turn  
24 ruined my first wife's life completely because of the  
25 way I was.'

1           At 88 he's reflecting and saying:  
2           'Looking back she was the best thing that happened  
3           to me, but I was too messed up to realise it.'  
4           He says at 89 that he wants his first wife to:  
5           '... understand that I was the way I was because of  
6           the abuse I got in care and not just that I was  
7           a nutcase. I would have been a different person if  
8           I hadn't been abused so badly in care and life could  
9           have been better.'  
10          As he says, this is him trying to make things right.  
11       LADY SMITH: Yes, indeed.  
12       MR PEOPLES: Then he says at paragraph 90, towards the end  
13          of his statement:  
14          'I think about the abuse in Oakbank every day and  
15          have flashbacks a lot. I self-harm when I have  
16          a flashback because it helps me.'  
17          He talks about his terminal cancer but then he says:  
18          'It's more than thinking and flashbacks though, it's  
19          the feelings I live with every day. It is who I have  
20          become because of the abuse and the guilt and shame of  
21          that. I have had a horrible life full of self-hatred  
22          and I can't see that changing. I would rather not be  
23          here any more. I would rather be at peace. When death  
24          comes, it will be a relief to me.'  
25          Then he says he never reported his abuse to the

1 police:

2 'I didn't trust anyone enough to tell them.'

3 He goes on under 'Treatment and support' to say:

4 'I have never had any counselling or psychiatric

5 help for the abuse I suffered.'

6 He tells us that when he was self-harming, he did

7 get support, but he didn't disclose the background of

8 what happened in care and it was really support because

9 of the self-harming and the use of drugs.

10 'Lessons to be learned', he deals with at

11 paragraph 97:

12 'There is no way the staff at Oakbank didn't see my

13 injuries. I should have been protected and staff should

14 have stopped it. The place needed more staff and better

15 trained staff to work with that many kids. Staff who

16 work with kids need to be caring and protective ...

17 I had no social work contact, so nobody to trust or open

18 up to. Kids need to have regular contact with a social

19 worker so they can trust them enough to tell them about

20 any abuse.

21 'It is time for the truth to come out about what

22 happened. If even one person's life is helped from me

23 talking about mine, then I will feel I have achieved

24 something rather than just living a miserable old life.'

25 He ends by saying that he has no objection to my

1       witness statement being published as part of the  
2       evidence to the Inquiry and believes the facts stated in  
3       his witness statement are true.

4             That was signed on 1 November 2022.

5   LADY SMITH: Thank you very much.

6   MR PEOPLES: I think that's probably time for lunch.

7   LADY SMITH: I'll stop now for the lunch break.

8             There was one more name there to take note of, of  
9       a man whose identity is protected by my  
10      General Restriction Order and he's the man who was known  
11      as GSD . He's not to be identified as referred  
12      to in our evidence outside this room.

13            I'll sit again at 2 o'clock and then the other  
14      witness we're expecting hopefully will have arrived.

15   MR PEOPLES: Hopefully, yes.

16   (12.58 pm)

17                   (The luncheon adjournment)

18   (2.00 pm)

19   LADY SMITH: Ms Forbes.

20   MS FORBES: Good afternoon, my Lady.

21            The next witness is an applicant who's anonymous and  
22      is known as 'Jasmine'.

23   LADY SMITH: Thank you very much.

24                   'Jasmine' (affirmed)

25   LADY SMITH: 'Jasmine', thank you for coming along this

1       afternoon to help us with your evidence. I do of course  
2       already have your written statement and that is evidence  
3       before me. It's been really helpful to have that in  
4       advance. What we'd like to do this afternoon, if we  
5       may, is explore some particular parts of it. We won't  
6       go through every bit of it in detail, don't worry that  
7       we are not doing that, it doesn't mean it's not  
8       important, it is, it's just particular parts we'd like  
9       to discuss.

10       'Jasmine', the statement's in that red folder in  
11       front of you, so that will be there if you would find it  
12       helpful. I will also bring parts of it up on screen as  
13       we look at it, so you'll also have it there. Those are  
14       the practicalities.

15       Quite separately, 'Jasmine', I do understand that  
16       coming and talking in public about your own life and  
17       your own life when you were a child is a big ask and it  
18       can become quite distressing for people, however  
19       organised they think they are and however well prepared  
20       they are.

21       So if you need a break or a pause or you don't  
22       understand what we're asking or why we're asking it, do  
23       say. The key is I'd like to do anything I can to make  
24       the difficult task of giving evidence as comfortable for  
25       you as possible. So speak up, will you?

1 A. Okay.

2 LADY SMITH: If you don't have any questions at the moment,  
3 I'll hand over to Ms Forbes and she'll take it from  
4 there. Is that okay?

5 A. Yeah, thank you.

6 LADY SMITH: Thanks.  
7 Ms Forbes.

8 MS FORBES: My Lady, thank you.

9 Questions by Ms Forbes

10 MS FORBES: Good afternoon, 'Jasmine'. As her Ladyship says  
11 you have your statement in front of you. If I could  
12 just get you to go to the very last page of your  
13 statement for a minute. It's all numbered paragraphs  
14 and the very last paragraph is 111. That's where there  
15 is a declaration that you make at the end of your  
16 statement which is that you have no objection to your  
17 witness statement being published as part of the  
18 evidence to the Inquiry and you believe the facts stated  
19 in your witness statement are true. You have signed  
20 that and you have dated it as dated 7 June 2023; is that  
21 right?

22 A. Yes, that's correct.

23 Q. Is that still the position?

24 A. That's correct, yes.

25 Q. If you just go back to the front, if you want, or put



1           that to one side.

2   A.   Yeah, okay.

3   Q.   Up to you. 'Jasmine', I'm not going to read out your

4           date of birth, but you tell us you were born in 1994, is

5           that right?

6   A.   That's right, yeah.

7   Q.   In your statement you then go on to talk about your life

8           before you went into care and that's from paragraph 2

9           onwards. I think initially you stayed with your mum and

10          your dad; is that right?

11  A.   That's right, yeah.

12  Q.   You have a younger sister and a younger brother?

13  A.   That's correct, yeah.

14  Q.   I think you tell us that your dad left when you were

15          about three or four?

16  A.   Yeah.

17  Q.   And that related to issues about domestic violence?

18  A.   Yeah, that's right.

19  Q.   For a short while, I think you moved in with your

20          grandparents?

21  A.   Yes, that's right.

22  Q.   And that was quite stable?

23  A.   Yes.

24  Q.   Then your mum got a house and you stayed there and you

25          went to primary school initially from there?

1 A. Yes, that's correct.

2 Q. I think you say that sadly you started having problems  
3 at primary school with bullies?

4 A. Yes.

5 Q. And this wasn't something that was properly addressed by  
6 the school?

7 A. That's correct, yeah.

8 Q. That led to your behaviour in school deteriorating as  
9 a result?

10 A. Yeah, that's correct.

11 Q. But there were also problems at home with your mum, is  
12 that right?

13 A. Yes, that's right.

14 Q. I think you tell us that there was an alcohol addiction?

15 A. Yeah.

16 Q. Then I think later on there was heroin involved as well?

17 A. That's correct, yeah.

18 Q. Your mum also had partners and I think in particular  
19 there was one partner that you had problems with; is  
20 that right?

21 A. Yeah, that's correct.

22 Q. I think you say that you and your siblings were  
23 witnesses to domestic violence in relation to that too?

24 A. Yeah, that's correct.

25 Q. This particular partner, I think, of your mother's, you

1 tell us, took a particular disliking to you and that  
2 caused you problems?

3 A. Yeah, that's correct.

4 Q. You were the oldest out of the three; is that right?

5 A. Yeah, that's correct.

6 Q. This is now going to paragraph 5 of your statement,  
7 'Jasmine'. You tell us that you stayed [REDACTED]  
8 [REDACTED] from the Social Services office?

9 A. Yeah.

10 Q. There was one particular occasion where this man, who  
11 was a partner of your mum's, had threatened you with  
12 a knife and assaulted you and that led to you going to  
13 speak to the social services, is that right?

14 A. No, that's not correct.

15 Q. Okay, sorry, 'Jasmine', if you can just tell us what  
16 happened in relation to that?

17 A. So, it was my mum. So I'd ran into the social work  
18 office, basically saying that my mum had threatened me  
19 with a knife. At which point there was then kind of  
20 safeguarding referrals put in place, erm, and stuff like  
21 that surrounding my mum.

22 Q. Certainly, I think this incident involving a knife is  
23 something that's in your records as well, isn't it?

24 A. Yes, it is.

25 Q. That's really how social work started to become

1           involved?

2   A.   Yes, it is, yeah.

3   Q.   I think you are quite frank in your statement,

4           'Jasmine', saying that life at your mum's house at that

5           time was very chaotic?

6   A.   Yeah, that's right.

7   Q.   There would be people associated with drugs who would

8           regularly be in the house?

9   A.   Yeah, that's correct.

10  Q.   The police would be there frequently?

11  A.   Yeah.

12  Q.   Indeed, I think you tell us that there was a drug dealer

13           who would frequently be at the house as well?

14  A.   He was staying in my mum's living room at one point,

15           yeah.

16  Q.   I think you tell us that all of this, all of what was

17           going on at home and at school, led to you becoming

18           quite an anxious, frustrated and confused child is the

19           way you put it in your statement, is that fair?

20  A.   Yeah, that's correct.

21  Q.   You go on to say that after that initial contact with

22           the social work, that they remained involved, and

23           I think you tell us that also there were neighbours who

24           were making reports. Is that to the police or was that

25           to the social work as well?

1 A. I think it was both, I mean, I believe that they were --  
2 they were frustrated with my behaviour, because I was  
3 obviously kind of just running round the streets and  
4 basically doing what I wanted. Erm, I used to kind of  
5 pick flowers from people's gardens and take them back to  
6 my mum to give them to my mum and obviously they didn't  
7 like that, they thought, 'Oh, she's ruining my garden'  
8 and stuff like that, so they -- the neighbours didn't  
9 like me. They associated my mum with kind of me and  
10 just thought that I was a feral child basically.

11 Q. I think you say as well that from your mum's point of  
12 view, she was trying to make it out that you were the  
13 problem and kind of use you as a sort of scapegoat for  
14 what was going on in the house?

15 A. Yeah, my mum, erm, she tried to kind of imply that the  
16 reason for her issues surrounding addiction, mental  
17 health, were because of me and that my behaviour was  
18 uncontrollable, and it was affecting every aspect of her  
19 life and obviously my little sister's life, which was --  
20 I mean I felt that, I felt that as a child as well,  
21 which wasn't nice to carry.

22 Q. I think you say, this is at paragraph 8 of your  
23 statement, that your behaviour was deteriorating at home  
24 and within the community and your mum was regularly  
25 telling you that you would soon be going into a home?

1 A. Yeah, that's right.

2 Q. So that's what she was saying to you?

3 A. Yeah.

4 Q. She would also go to social services office and tell

5 them to take you into care?

6 A. Yeah, that's correct.

7 Q. You were aware of her doing that?

8 A. Yeah.

9 Q. Then you say that just not long after your 11th

10 birthday, you were at a Children's Panel and that was

11 when the decision was taken to put you into care and

12 take you out of the family home?

13 A. That's right, yeah.

14 Q. You tell us about how you felt at that time. I think

15 you say you were extremely upset at hearing that news.

16 Was part of that because you were going to be away from

17 your younger siblings as well, your brother and sister?

18 A. I'd never been away from my sister. My sister, we were

19 like best friends kind of growing up, we'd gone through

20 everything together. We looked after each other, so the

21 thought of being away from my sister was awful. Erm,

22 I missed them. I missed my family. I missed my little

23 brother. I just missed them really and it was horrible

24 to think that I was being taken away from them and that

25 I wasn't going to be there to make sure that they were

1           okay.

2   Q.   Was that something that worried you, about what would

3       happen to them if you weren't --

4   A.   It was, yeah.

5   Q.   You mention a social worker involved at the time, but

6       I think the decision was that you'd go to a children's

7       home, that was the first decision that was taken?

8   A.   Yeah.

9   Q.   You tell us about that in your statement between

10       paragraphs 9 and 44. That part of the statement that's

11       on the screen has been redacted out. That's not because

12       we're not interested in that. That's just because this

13       part of these hearings aren't dealing with this

14       children's home. But we are able to read all of the

15       detail of that and that is something that is being taken

16       into account, so don't feel like we're ignoring that.

17       I am not going to go into that too much, but I will

18       brush upon it a little bit to put into context how you

19       ended up moving from there.

20       I think you tell us you went in there just after

21       your 11th birthday and we know from your records --

22       you've seen your records as well, is that right,

23       'Jasmine'?

24   A.   Yeah.

25   Q.   That that was on [REDACTED] 2005, so just after your 11th

1 birthday that you went in there?

2 A. Mm-hmm.

3 Secondary Institutions - to be published later

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Q. I think you tell us, going down to paragraph 45 now, in

18

your statement, that there was a short period of about

19

a week when you went to a different children's home

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7 Q. But I think despite that week away, you then went back  
8 to the first children's home for a couple of months, but  
9 you were told, I think, at that time, that you were  
10 going to be going to Oakbank, is that right?

11 A. That's right.

12 Secondary Institutions - to be published later

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17 Q. Even though you had been told you were going to Oakbank,  
18 I think there was then this period where you went to  
19 spend some time with foster carers?

20 A. Yeah.

21 Q. You tell us about that, 'Jasmine', from paragraph 49.  
22 I think that came as a sort of shock to you, because you  
23 didn't think that that was something that was going to  
24 happen, is that right?

25 A. I had no idea. I was under the impression that we were  
going up on a visit. It was Fiona and Jim that took me  
up. Fiona was my key worker, Secondary Institutions - to be published later

1       Secondary Institutions - to be published later

2       Secondary Institutions - to be published later       I remember

3       her telling me, because it was like she was upset at

4       having to tell me. She said:

5             'You're not going to like this, IKO but this is

6       what's going to happen.'

7             And she was upset at having to leave me. I could

8       see that. I was obviously distraught, erm, yeah.

9       Q. I think though you were only actually there for about

10      two weeks?

11      A. Two weeks, yeah --

12      LADY SMITH: When she left you, sorry, 'Jasmine', when she

13      left you, did you know how long you were going to be

14      left there for?

15      A. I don't remember knowing how long I was going to be

16      there, no.

17      LADY SMITH: This was a long way from where you'd been

18      before?

19      A. Yeah, it was a very long way, erm, about two hours on

20      a train I think it was.

21      LADY SMITH: Yes.

22      MS FORBES: Although it's redacted out of this paragraph,

23      'Jasmine', Secondary Institutions - to be published later

24      Secondary Institutions - to be published later

25      Secondary Instit at the foster carer's you were allowed to

1 smoke?

2 A. Mm-hmm.

3 Q. Is this smoking something that you had started at quite  
4 a young age?

5 A. Erm, I started smoking when I was about nine or ten, so  
6 my mum -- in my mum's house we just got left to our own  
7 devices, so it was just explore everything and anything,  
8 see what it does basically. Erm, and there was  
9 obviously lots of people coming in and out of our house  
10 who smoked, drank and you looked up to these people.  
11 These were the kind of only really positive interaction  
12 you got, other than from my nana or my sister. Erm, so  
13 I can remember sitting downstairs in the kitchen, my mum  
14 was upstairs, and lighting cigarettes off the toaster  
15 and kind of that's how it started really.

16 Then it got to a point where I was asking my mum for  
17 cigarettes and stuff and I was addicted at that point,  
18 so I needed the cigarettes basically and she had to give  
19 me them otherwise I just wouldn't -- I'd completely kind  
20 of lose it.

21 Q. Before you went to the first children's home, you were  
22 already addicted to smoking?

23 A. Yeah, I was.

24 Secondary Institutions - to be published later  
25

2 Q. This is the first time then you are with the foster  
3 carers and they're allowing you to just freely smoke?

4 A. I had to smoke in the conservatory. They used to let me  
5 smoke in the conservatory.

6 Q. I think that after this, despite this issue of Oakbank  
7 still being raised and the fact you are going to be  
8 going there, there didn't seem to be any places  
9 immediately available. So after this few weeks at the  
10 foster carer's, you ended up going back to the  
11 children's home again?

12 A. Yeah, that's right.

13 Q. So it was quite an unsettled period?

14 A. Confusing, very confusing. Erm, because it's like:  
15 what's going on? Am I going back here? Am I staying  
16 here, or -- yeah.

17 Q. Meanwhile, you are still being told you're going to  
18 Oakbank at some point but --

19 A. Yeah, you don't know when.

20 Q. I think you say you are back then again at the  
21 children's home and then you are at a panel and then  
22 there was a space then available for you at Oakbank and  
23 this is when you went to Oakbank.

24 I think you tell us, 'Jasmine', about that from  
25 paragraph 53. So I'm just going to now ask you about

1       your time at Oakbank.

2           You tell us you had just turned 12 when you went

3       there and you say -- it's redacted out but it says

4       [REDACTED] 2006. I think we know from your records it

5       was [REDACTED] 2006 that you were admitted to Oakbank

6       officially.

7   A. Okay.

8   Q. You stayed there until [REDACTED] 2007. I think it was the

9       [REDACTED] 2007, is that right?

10  A. From what I know, yeah.

11  Q. You tell us at paragraph 53:

12       'When I went in the front doors, I found all the

13       doors inside were locked.'

14  A. Yeah.

15  Q. Once you were inside Oakbank, you couldn't go anywhere

16       unless somebody unlocked a door for you?

17  A. That's right, there wasn't like keys. It was like --

18       you couldn't physically open the door. Erm, the staff

19       had kind of like things that they had to open it with.

20  Q. Like a fob or a swipe card or something?

21  A. Yeah, something like that, erm, but you couldn't open

22       the door without a staff member. They were big, heavy

23       doors as well.

24  Q. Did that mean that any time you had to go anywhere

25       within Oakbank, you had to be accompanied by a member of

1           staff?

2   A. I was, yeah, I had to be accompanied, that was kind of  
3       the plan for me, so I wasn't allowed anywhere without  
4       a staff member. I think it was close supervision or  
5       something like that. Erm, yeah. It was very, very,  
6       erm, suffocating.

7   Q. When you arrived at Oakbank, can you just tell us,  
8       'Jasmine', what did you feel? What were your first  
9       impressions of Oakbank as a place?

10   A. There was a lot to take in. It was a big school. There  
11       was lots of shouting. Kind of lots of teenagers kind of  
12       running round. I mean, my first impression was  
13       I thought this looks like it could be a fun place to  
14       kind of be, because obviously there was lots of people,  
15       do you know what I mean, and the young people and stuff  
16       like that. Erm, there was lots of shouting. I remember  
17       being really like shocked at like hearing the shouting,  
18       like 'cos I think it was -- I don't know who it was that  
19       was in the quiet room, but there was someone in the  
20       quiet room and I could hear the shouting and I'm like,  
21       'What's going on? What is that?'. It was usually me  
22       kind of -- yeah, I don't know. It was a lot to take in  
23       really.

24   Q. Shouting from another resident?

25   A. Another young person. I mean, as soon as you walked

1       into Oakhill, the quiet room was literally there, erm,  
2       so anyone that walked in could obviously hear kind of  
3       any shouting.

4   Q.   Who took you to Oakbank?

5   A.   Erm, who was it? God. It was staff members from  
6       McKellar Avenue. I don't specifically remember who it  
7       was. I think one of them might have been Jim. Erm,  
8       I'm not specifically sure.

9   Q.   Do you remember getting any sort of chat or induction or  
10       shown around or anything like that when you arrived?

11  A.   Erm, I remember them showing me around the unit. I do  
12       remember that, them kind of showing me round the unit,  
13       Oakhill.

14  Q.   I think you say that -- you tell us that there were  
15       different units within Oakbank and you give us the names  
16       of those and you were allocated to Oakhill unit, but  
17       I think initially it was supposed to be Clover, which  
18       was an all-girls unit?

19  A.   Yeah, that's right.

20  Q.   But there didn't seem to be any spaces so you were put  
21       into Oakhill, which was mixed?

22  A.   That's correct, yeah.

23  Q.   But each person had their own room, each young person  
24       had their own room within the unit, is that right?

25  A.   Yeah, that's right.



1 Q. In addition to the locked doors, I think you tell us the  
2 windows had a bar along the bottom, which meant they  
3 couldn't be opened all the way?  
4 A. Yeah, that's right.  
5 Q. Would that be the windows in your personal room?  
6 A. That's right.  
7 Q. You tell us some things, 'Jasmine', about the kind of  
8 mornings, the bedtime routine, and in particular there  
9 being the kind of no bathroom within your individual  
10 room, is that right?  
11 A. That's right, yeah.  
12 Q. So you'd have to go along to another room, which had  
13 a row of sinks and shower cubicles?  
14 A. Yeah. It was like -- I don't know if you've ever  
15 watched Harry Potter, you know like the kind of the  
16 girls' toilets, that's what it's like, it was like  
17 really old-fashioned. Erm, never seen anything like it  
18 actually being -- physically been in anything like it  
19 ever since. Erm, but, yeah, so they would have -- you'd  
20 go in and it'd would be the row of sinks, they'd have  
21 like toilets on that side, there was a bath in the far  
22 corner and then there was like the toilet -- the shower  
23 room. So we'd always go for a shower in the morning,  
24 and me and [REDACTED] would usually sneak a cigarette in, in  
25 the morning.

1 Q. Within Oakhill, were you aware at that time when you  
2 arrived, how many other young people were in the unit,  
3 along with you?

4 A. Yeah. So I knew all of the young people in the unit.

5 Q. What kind of number was there?

6 A. Erm, let me just double check. So it was [REDACTED],  
7 [REDACTED], me -- I think there was about six at the time.  
8 No, I'm forgetting one person, [REDACTED], so about seven.  
9 I could be wrong.

10 Q. Under ten?

11 A. Under ten. More people moved in though and then people  
12 also left as well.

13 Q. I think you describe there being also a kitchen within  
14 the unit that would be for that unit?

15 A. That's right.

16 Q. Where you could make some meals, I think you tell us  
17 about that a little bit later?

18 A. That's right.

19 Q. There was also this big canteen, which served the whole  
20 of Oakbank?

21 A. That's right, yeah.

22 Q. Is that right? So I think you say you'd have the  
23 breakfast within your own kitchen area in the unit, but  
24 lunch and dinner would be in this canteen during the  
25 week?

1 A. Yeah.

2 Q. You tell us that you remember the food -- I think the  
3 way you put it is:  
4 'I cannot remember the food being anything but  
5 terrible.'

6 A. Yeah, it wasn't nice, it was just -- it wasn't nice at  
7 all. I pretty much just ate rice. Anything like chips  
8 or rice and I didn't like going up either, as you can  
9 see in the statement. Erm, I don't like queuing.

10 Q. You comment on the fact that in the canteen there would  
11 be a lot of people queuing up and that was quite  
12 intimidating?

13 A. Yeah.

14 Q. Because of the food, the standard of food as you saw it,  
15 that you would then just sometimes eat things in the  
16 kitchen area that could be cooked within the unit?

17 A. Yeah, that's right. I started eating things like cheesy  
18 pasta and stuff like that. Erm, I'd always loved cereal  
19 anyway. I used to live off cereal in my mum's.

20 Q. Just moving on then, talking a little bit about the  
21 clothing, I think you say that you did have some clothes  
22 with you, this is at paragraph 59, but you were taken  
23 out by a member of staff to buy clothes and that was  
24 something that I think gradually you -- although you  
25 were certainly reluctant at first to kind of maybe buy

1       certain things, that was something that you got -- you  
2       quite liked eventually?

3   A.   Yeah, I did.

4   Q.   I think you tell us, 'Jasmine', a little bit about  
5       leisure time whilst you were there and you say that  
6       there were times when you could go out for swimming or  
7       for a meal, but these sort of activities, or extra  
8       activities, weren't regular, might have been every  
9       couple of weeks or so?

10  A.   Yeah, and also it would be dependent on vehicle  
11       availability and then it would be other units, so there  
12       would be other kind of units that would want to do  
13       certain things and they would maybe kind of join in with  
14       the other unit and then they'd just go off. So it  
15       wouldn't be kind of -- if you wanted to do something  
16       specific, erm, but, yeah, there wasn't -- it was just in  
17       the unit really. I used to play a lot of pool. Erm,  
18       I remember one of the other young people, he used to go  
19       off and get dropped off to go to pool and he used to  
20       play pool kind of independently, but nothing like -- I  
21       obviously didn't do anything like that. I was just in  
22       the unit.

23  Q.   I think you mention there being a pool table and a table  
24       tennis table within the unit?

25  A.   Table tennis, yeah.

1 Q. That is something you spent time doing, is it?

2 A. I did. I got really, really good at pool to be fair,  
3 so, yeah.

4 Q. Again, you tell us, 'Jasmine', about this issue to do  
5 with smoking. You say that the way you've put it in  
6 your statement is you were marked as a complete refusal  
7 for any cigarettes?

8 A. Yeah.

9 Q. When you arrived at Oakbank, was it explained to you --  
10 what was explained to you in relation to your smoking?

11 A. Well, I was told that I wouldn't be allowed to smoke  
12 basically. I mean, I don't think that -- I can't  
13 specifically remember that conversation taking place,  
14 but, erm, I obviously knew I wasn't allowed to smoke.  
15 It was made clear to me that I wasn't allowed to smoke,  
16 if I had cigarettes or if I smelled like I was smoking.  
17 Erm, I mean, I used to get room searches done daily on  
18 me because -- if there was like a smell of smoke off me  
19 it was like, 'Right, we're doing a room search, you're  
20 coming in the quiet room', erm, yeah.

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22  
23

24 Q. Now again at Oakbank. Did that, from your point of  
25 view, seem to be the root of some of the problems you

1       had there?

2   A.  I mean, I felt like it was the cause of all of my  
3       problems and as a child, I just thought, 'If they just  
4       let me smoke, I'd be good'. Like, 'Why can't you  
5       understand?', like. And I didn't like -- they kept  
6       telling me, 'You need to stop smoking', and reiterating  
7       the health consequences and stuff like that and, like,  
8       I couldn't get past the addiction, like, it was  
9       an addiction, I needed to speak to someone who  
10      understood the addiction so that I could overcome that.  
11      Not kind of just them expecting me to be able to do  
12      something that adults struggle with.

13  Q.  Did you understand this refusal to allow you to smoke to  
14      be related to your age?

15  A.  As far as I was concerned, it was because of my age.  
16      I mean, [REDACTED], she smoked. [REDACTED], she smoked. They  
17      were all allowed to go out for a cigarette. There was  
18      no issues with that, erm, but if I smoked, there was  
19      an issue with it. It wasn't allowed, it wasn't  
20      acceptable.

21  Q.  So the people that you are referring to, they are older  
22      residents?

23  A.  They were older, that's right, yeah.

24  Q.  I think you do mention, 'Jasmine', at another time in  
25      your statement if you would be out with staff somewhere,

1           sometimes they would be smoking?

2    A.   Yeah, it's just the lack of consideration. I mean, how  
3           can you expect -- I mean, they obviously knew, if they  
4           were addicted to smoking themselves, what that must feel  
5           like if you've not had a cigarette and someone is  
6           smoking in front of you, so why would you do that?  
7           There's no empathy there.

8           And as a child, I can remember sitting in the staff  
9           member's car, and I think it was Sharon, she'd just had  
10          a cigarette, erm, and got back in the car and it's  
11          like -- I'm just sat there like -- and that's the only  
12          thing you can think of and that's all that was going  
13          through my brain, my 12-year-old brain, and I shouldn't  
14          have been thinking -- you know, it's like, that's all  
15          I could think about was that cigarette, 'I need that  
16          cigarette', and they didn't empathise or anything like  
17          that at all really.

18   Q.   You mentioned, 'Jasmine', just earlier that it seemed to  
19          be a daily sort of raid where your room would be  
20          searched for smoking paraphernalia or cigarettes?

21   A.   Yeah, every day, every day my room would get searched.  
22          It was -- wasn't -- this was scheduled in, so if they  
23          kind of, erm, felt like you couldn't be trusted or that  
24          you'd done something to kind of -- like, if they found  
25          cigarettes or they thought you'd been smoking or they

1       smelled smoke in an area that you'd been, you'd be on  
2       daily room searches. I mean, I was constantly on daily  
3       room searches, I think I was on daily room searches from  
4       the moment I kind of arrived there until I left.

5             And I used to constantly kind of come up with ideas  
6       to try to hide stuff and this is what you're spending  
7       your childhood doing, you know, trying to hide stuff  
8       from staff members and them constantly trying -- it's  
9       like: could you just not have looked at that in  
10      a different way and dealt with it a bit differently?

11   Q. If they found any evidence of smoking, what was the  
12      consequences?

13   A. Erm, I'd usually go to the quiet room, they'd usually  
14      ask me where I got the cigarettes from, erm, and that  
15      would be it, it would be kind of conversations  
16      surrounding that, erm, and basically what the  
17      consequences of me smoking and not kind of complying  
18      would be, basically. It could be various different  
19      things.

20   Q. You say going to the quiet room, was that something that  
21      they would ask you to do?

22   A. So they would ask us to do that. I mean, God, if I had  
23      cigarettes, erm, and they wanted those cigarettes, they  
24      would ask me to hand those cigarettes over and I did not  
25      want to hand those cigarettes over. So they'd then say,



1       'Go to the quiet room'. At first sometimes I would go  
2       to the quiet room. At the latter stages, I wouldn't,  
3       and that's where it would end up you'd get dragged to  
4       the quiet room or I'd end up running away and they'd end  
5       up proning me on the floor and then dragging me to the  
6       quiet room, so that was sometimes what happened.

7   Q. I think you are describing there, 'Jasmine', that they  
8       would end up restraining you and when you say 'prone',  
9       do you mean putting you in a restraint where you are  
10      laying prone, face down on the ground?

11  A. Yeah, that's right. So they would basically -- you'd be  
12      face down, your arms would be kind of by your sides or  
13      behind your back. Someone would be holding your legs,  
14      someone would be holding your arms and then someone  
15      would be holding your head as well and your head would  
16      be facing. I used to get carpet burns. Other people  
17      used to have carpet burns in the exact same places for  
18      the exact same reasons.

19  Q. That, you say, was as a result of you either refusing to  
20      hand over the cigarettes or refusing to go to the quiet  
21      room?

22  A. Refusing to do what they wanted me to do in that moment.

23  Q. You will be familiar with the term 'kicking off',  
24      somebody 'kicking off'?

25  A. Yeah.

1 Q. It wasn't the case necessarily that you'd have to be  
2 'kicking off' for that to happen, it would just be for  
3 non-compliance or --

4 A. Yeah, non-compliance, if I didn't want to go to the  
5 quiet room or if I didn't hand over those cigarettes,  
6 I was going to the quiet room. They would physically  
7 take me to the quiet room. If I didn't -- if they  
8 wanted me to do something and I didn't do it, I was  
9 going to the quiet room and that was -- that's the  
10 biggest punishment in itself, going to the quiet room.

11 Q. When you were in the quiet room, what would happen?

12 A. Erm, so you would just kind of be sat there. They would  
13 talk about you, talk to you about your behaviour, what  
14 the consequences would be of that behaviour, the impact  
15 of it, what your future might look like because of that  
16 behaviour. Just them making observations as to whether  
17 you'd have a positive future, 'Oh well, you'll never be  
18 able to get a job', and stuff like that. Talking about  
19 the charges and it's like, why would you do that?  
20 I mean, looking back on that now, I can't understand why  
21 they would have had those conversations and tried to  
22 kind of lower my self-esteem even more, but that's  
23 obviously the approach that they took, but it would be  
24 generally things like that, like ... Secondary Institutions - to be p  
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1       Secondary Institutions - to be pu like, 'Oh, how is this going to  
2       affect your future?' And, 'You're not going to be able  
3       to get a proper job' and stuff like that, and it wasn't  
4       nice, because I would then sit there and think I'm going  
5       to amount to nothing when I'm older. I'm not going to  
6       be able to -- this is my life. This is all I'm going to  
7       be and that in itself was ... just made me worse.  
8       Q. It was quite negative, the things they were saying?  
9       A. Yeah, negative. Negative.  
10      Q. There was no attempt to reinforce anything positively  
11      with you about your future?  
12      A. I do remember one occasion, Janice talking to me, Janice  
13      was my key worker. I remember she spoke to me about my  
14      nana. Erm, that was probably one of the only really  
15      human interactions that I felt I had in Oakbank.  
16      Q. When you say, 'Jasmine', as well that they were talking  
17      about your future, was this in relation to again, Secondary In  
18      Secondary Institutions - to be published later the fact  
19      that when these restraints would happen, quite often you  
20      would be charged with assault for lashing out at staff  
21      members who were trying to restrain you?  
22      A. Yeah.  
23      Q. This was at Oakbank?  
24      A. Yeah.  
25      Q. So you were accumulating more charges, more convictions?

1 A. Yeah.

2 Q. As a result of these restraints?

3 A. Yeah.

4 Q. I think later, 'Jasmine', you talk about it in your  
5 statement that all of your convictions are from when you  
6 were under 16 and predominantly relate to charges of  
7 assaults while you were in Oakbank --

8 A. Yeah, correct.

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11 Q. 'Jasmine', is it okay if I take you to a couple of  
12 records. I think I have spoken to you about this.  
13 There's a couple of records that relate to you, just to  
14 see what they were saying about this smoking issue.

15 A. Yeah.

16 Q. The reference that we have, I'll just say for the  
17 transcript, is ABN-000003558.

18 Just the first page, it's redacted, but that's  
19 an assessment report that relates to you and the date on  
20 is it is 10 December 2006.

21 If we can go to the second page, at the top of that  
22 there is an introduction just talking about when you  
23 were admitted to Oakhill and saying that it was a mixed  
24 unit and that people were assessed there for an initial  
25 six- to eight-week period, but I think, from what you've

1       told us, you were in Oakhill for longer than that, is  
2       that right?

3   A.   Yeah, I was. I was in longer than that.

4   Q.   Just going then to the third page, at the very top of  
5       the third page, this is a section that says 'Health'.  
6       It says a little bit about your health being good, in  
7       the first part of that paragraph, and saying that you  
8       had no significant problems other than smoking having  
9       been identified.

10       Then we go to the second paragraph on health, and it  
11       says:

12       ''Jasmine' has been smoking since she was nine years  
13       old and it seems to have a dramatic impact on her  
14       behaviour. Despite Oakbank being a smoke-free school  
15       and repeated attempts to support and encourage her to  
16       give up smoking, 'Jasmine' has continued to flaunt the  
17       rules and engages with anyone willing to offer her  
18       a smoke. She displays addictive qualities in relation  
19       to smoking, which is quite worrying, and as stated, this  
20       impacts on all areas of her life at Oakbank.'

21       Just to pause there for a minute, it seems to be  
22       that they are recognising that you have this problem,  
23       but they're saying that Oakbank is a smoke-free school,  
24       but from what you've told us, that's not your  
25       recollection of when you were there?

1 A. It's not true. It's not a smoke-free school, it wasn't  
2 a smoke-free school, the staff used to go out for  
3 cigarettes when they felt like it. I mean, that's  
4 a lie. It's a blatant lie. It's not true. And I mean,  
5 other residents that have stayed there, they will tell  
6 you that. It was not a smoke-free school. Not true.

7 Q. Just quickly going to page 5, just at the top of page 5,  
8 there is another entry about the smoking and it says:  
9 'Oakbank is a non-smoking school. Therefore, staff  
10 have consistently tried to prevent 'Jasmine' from  
11 smoking. She continues to attempt to smoke at any given  
12 opportunity and will also be blatant about this, for  
13 example smoking in her room where staff can easily smell  
14 and find the evidence. This is the issue which most  
15 frequently triggers episodes of 'Jasmine's' difficult  
16 behaviour as it demands frequent confrontations from  
17 staff members.'

18 A. I mean, 'confrontations', even the use of that word  
19 there, why would it be a confrontation? It should be  
20 a conversation, shouldn't it, not confrontation?

21 Q. It seems to be that they are recording though,  
22 'Jasmine', that a lot of the problems that you were  
23 experiencing were all related to the fact that you  
24 wanted to smoke?

25 A. Yeah.

1 Q. If we go back to your statement again, I'm not sure if  
2 I actually read out the reference for the statement at  
3 the beginning, but I will now just in case for our  
4 records, it is WIT-1-000001265. I sometimes forget to  
5 do that. Apologies.

6 I think you tell us at the bottom of paragraph 62  
7 that it should have been obvious or it would have been  
8 obvious that this addiction to cigarettes left you  
9 extremely vulnerable to exploitation from other young  
10 people?

11 A. Yeah.

12 Q. When you say that, can you tell us a little bit more  
13 about that at all?

14 A. I mean, I was obviously -- I was smoking from a really  
15 young age. I was addicted to cigarettes. All the  
16 people in Oakbank had access to cigarettes from which  
17 I didn't, so there was a power dynamic there, isn't  
18 there? All the staff knew that. They all knew there  
19 were people like [REDACTED] and [REDACTED] and they described me  
20 as kind of constantly seeking attention from these young  
21 people and stuff like that.

22 Erm, I used to -- [REDACTED] would kind of help me to  
23 get cigarettes and stuff like that, so it was that kind  
24 of relationship. I would run away to get cigarettes.  
25 That was my goal, my only goal was to get cigarettes, to

1       make myself feel better. The cigarette was like my  
2       friend basically. There was lots of times when I'd run  
3       away and I didn't want to run away. I would be running  
4       away for the sole purpose of getting cigarettes. I'd  
5       end up -- yeah, so that was it. They knew that.

6   Q. This is the recurring theme, the issue that really  
7       follows you around whilst you're at Oakbank?

8   A. Yeah.

9   Q. You mentioned another girl there, I think this is  
10       somebody you talk about in paragraph 65, 'Jasmine',  
11       an older girl who you got close to whilst you were there  
12       and I think she was someone that you became aware was  
13       self-harming, is that right?

14  A. That's right.

15  Q. I think once you become aware of the fact that she was  
16       self-harming, I think you say that soon after that, that  
17       was something you started to do?

18  A. Yeah, that's right.

19  Q. But that's not something you had done before?

20  A. No, it's not.

21  Q. You say that for the remainder of your time in Oakbank  
22       that was something that you continued to do?

23  A. Yeah, that's right.

24  Q. But stopped pretty much immediately after you left?

25  A. Immediately after I left. Coincidence? But, yeah,



1 I stopped immediately after I left.

2 I've never self-harmed since either.

3 Q. At the time, did you think that this was something that

4 might help release your frustration or how you are

5 feeling inside?

6 A. Erm, so, I felt a constant need to fit in. I didn't

7 feel like I'd fit in anywhere in my entire life. So

8 I just wanted to fit in anywhere that I went, Secondary Institut

9 Secondary Institutions - to be published later

10 Secondary Institutions - to be published later I wanted people to

11 like me, I wanted to have friends. I thought that was

12 cool. I thought that was the way to fit in. I thought

13 people would kind of -- yeah. And I can remember doing

14 it and thinking, 'Do it deeper', erm, and thinking that

15 that was going to somehow -- I don't know, get me some

16 sort of credit for that. I just wanted to be liked.

17 I didn't like myself very much. And, yeah, I didn't

18 feel like anyone liked me really.

19 Q. I think you say at paragraph 68 that despite the fact

20 you did self-harm frequently, you were never taken to

21 hospital or to see a doctor for the self-harming by

22 anyone at Oakbank, is that right?

23 A. No, never. That's right.

24 Q. You mention a particular deep cut that you had on your

25 wrist at one time and you say that a member of staff saw

1       that and she radioed one of the senior staff, who you  
2       name as LAJ ?  
3   A.   Yeah.  
4   Q.   Was she someone who was in charge of that unit?  
5   A.   She wasn't someone who was in charge of the unit, no,  
6       she was in charge of the other unit, so I think she was  
7       Ashgrove, but what they'd usually have is they'd usually  
8       have a senior on duty. So the staff in the different  
9       units would usually radio through to the senior and the  
10      senior would basically come, assess the situation and  
11      make a decision.  
12       I can remember -- I can remember -- that  
13      conversation like it was yesterday. LAJ coming in and  
14      kind of just looking at it and being like, 'It's  
15      superficial, it won't scar', and I didn't know what  
16      'superficial' meant and I remember Susanne explaining  
17      that to me, but I remember Susanne having a level of  
18      concern there and a level of: right, maybe we need to do  
19      something about this. Then LAJ coming and just  
20      completely invalidating all of that. Erm, so, yeah,  
21      that was bad.  
22   Q.   This is something that you recognised yourself at the  
23      time, it was a deeper cut that you'd made?  
24   A.   Yeah, it was in my wrist.  
25   Q.   Did it concern you that it wasn't being taken seriously?

1 A. Erm, no, because I just believed that what they were  
2 telling me was the truth. I believed that these are the  
3 people who are supposed to look after me, so if it  
4 needed to be seen then surely they would take me to the  
5 doctors.

6 LADY SMITH: You indicated there to the underside of your  
7 wrist.

8 A. I've still got the scar on my wrist.

9 LADY SMITH: 'Jasmine', just going back to the matter of  
10 smoking, you have already referred to some of the staff  
11 smoking. Where did they go to smoke?

12 A. So they went out near the road. There was Mid Stocket  
13 Road, that's where everyone would stand to smoke, the  
14 staff and the young people included.

15 LADY SMITH: So you could see them out there smoking?

16 A. We couldn't see them, no, because there was like  
17 a big -- like a big hedge, so the unit was here and then  
18 you'd have to walk out of the like grounds and then they  
19 would go and smoke on Mid Stocket Road basically.

20 LADY SMITH: Did you indicate that other girls, for example,  
21 who were allowed to smoke, went out there to smoke?

22 A. They did, yeah.

23 LADY SMITH: But you were never told, 'If you must smoke  
24 you've got to go out of the grounds'?

25 A. I was never allowed. I used to ask, I used to ask and

1 say, 'Why are they allowed to smoke but I can't do it?'  
2 and it would be explained that I'm not allowed  
3 basically, 'You're not allowed. They are. You're not'.  
4 LADY SMITH: You made brief mention of them being on at you  
5 about it being unhealthy to smoke, the risks to your  
6 health of smoking. What impact did that have on you at  
7 the time?  
8 A. It made me, I suppose, worry, erm, a little bit about  
9 what the future consequences of smoking were going to  
10 be. I didn't really take it seriously at the time in  
11 terms of the impact that it could have had on me in that  
12 moment, because all I cared about was making myself feel  
13 better and my feelings. Smoking was the only way for me  
14 to do that at that time.  
15 LADY SMITH: You are indicating nobody engaged with you  
16 saying something to the effect, 'Look, I know this is  
17 really difficult, let me help you get through this,  
18 whether it's nicotine patches or nicotine gum or  
19 whatever, let's have a go at this'?  
20 A. There was always kind of the, 'We need to - we're going  
21 to get you some patches', and there would always be  
22 proactive activity in terms of taking me to the GP and  
23 seeking out different things like lozenges, patches, the  
24 inhaler and stuff like that, but the staff didn't seem  
25 to have an understanding of what I was actually going

1 through in terms of the addiction that I was  
2 experiencing as a 12-year-old child.

3 I think what could benefited -- I could have  
4 benefited from having someone that actually understood  
5 addiction and everything that I was going through, so  
6 that I could have kind of created coping mechanisms and  
7 understand why I was feeling the way I was when these  
8 feelings of addiction were coming up. It was just,  
9 'We'll take you to the doctors, they'll give you some  
10 patches and let's stop smoking'. There was never any  
11 work done surrounding the addiction, erm, and it sounds  
12 silly, but that was -- it was my coping mechanism and  
13 they were taking away my coping mechanism and leaving me  
14 with nothing.

15 LADY SMITH: Did you know that in a slightly earlier era,  
16 not that much earlier than when you were in Oakbank,  
17 there were approved schools and the like in Scotland  
18 where children were actually given an allocated number  
19 of cigarettes?

20 A. Right. I didn't know that, no. That's interesting.

21 LADY SMITH: One I've heard about that wasn't so far from  
22 Oakbank.

23 A. Right, okay, very interesting.

24 LADY SMITH: Anyhow.

25 Ms Forbes.

1 MS FORBES: My Lady.

2 'Jasmine', you have explained that they didn't  
3 really want to get to the root of the issue in relation  
4 to your smoking. Again, I think you tell us as well in  
5 your statement that no one really talked to you about  
6 why you were self-harming either?

7 A. Yeah, that's right.

8 Q. Just going forward in your statement, you talk a little  
9 more about the discipline issue and you have mentioned  
10 about if the staff wanted you to do something and you  
11 didn't comply, then the quiet room would be where you  
12 were to go, whether that was voluntarily or they were  
13 taking you.

14 If you tried to leave the quiet room you would be  
15 restrained?

16 A. Yeah.

17 Q. You had to stay there until it was decided that you were  
18 able to leave?

19 A. Yeah.

20 Q. What was it that would result in you being able to leave  
21 the quiet room? When was the time sort of up or did  
22 that just depend?

23 A. It just depended, to be honest. I mean, if I handed my  
24 cigarettes in, they'd let me out. If I gave them my  
25 cigarettes, they would let me out. So sometimes I would

1       just be like, 'Here you go', but I'd have some hidden.  
2       I used to hide things round the unit. I used to hide  
3       cigarettes under couches and stuff and I'd go back for  
4       that, because they're not going to search the whole  
5       unit, are they? They're only searching my room. So  
6       I'd kind of try and do stuff like that.

7       It would usually be if I'd done what they wanted me  
8       to do. I mean, there was times I could just be sat in  
9       there as a punishment, erm, so it would be: you're  
10      sitting in here and you'll be coming out at a certain  
11      time basically.

12    Q. I think you say that you could be sat in the quiet room  
13      for days on some occasions?

14    A. Yeah. So, erm, at the occasion after I'd obviously ran  
15      away and there was the sexual assault, I can remember,  
16      erm, just being confined to the quiet room after that,  
17      immediately after that, and it was almost like  
18      an interrogation. Erm, it wasn't nice, especially after  
19      going -- yeah, hindsight, looking back, it's hard to  
20      imagine that that's what went on.

21    Q. Did that mean that for those days you would have to  
22      sleep there too?

23    A. No, they'd let me out of the room to go to sleep in my  
24      room. I didn't have to sleep in the quiet room, no.

25    Q. While you were awake, that's where you were?

1 A. That's where you were, you were in the quiet room, yeah,  
2 that's right.

3 Q. I think you say that the only thing would be letting you  
4 out to go to the toilet and have a shower?

5 A. Yeah, that's right.

6 Q. You would be escorted during those times?

7 A. Yeah, that's right.

8 Q. You describe it, 'Jasmine', as saying you felt like  
9 a caged animal, being in the quiet room?

10 A. Yeah, I did.

11 Q. You think other people would have felt similarly to you?

12 A. Yeah, definitely.

13 Q. Being in that quiet room as well, you say that sometimes  
14 you felt cornered and triggered into this  
15 fight-or-flight mode where you would try to escape?

16 A. Yeah.

17 Q. You say that would either be by trying to leave the room  
18 or climb out the window?

19 A. Yeah.

20 Q. That would end up in you being restrained?

21 A. I mean, no matter what I -- they didn't understand.  
22 They didn't understand and I'd obviously try and explain  
23 to them and I was shouting but they'd just be like,  
24 'Calm down, calm down', and it was like how can you calm  
25 down? I just, I don't -- you didn't feel like you could



1 breathe in that situation.

2 Q. Just going to a part of your statement where you talk  
3 about different instances under the heading of 'Abuse at  
4 Oakbank'. At paragraph 73 you are telling us again  
5 about the culture in Oakbank about restraints and you  
6 tell us that in your view it was abusive?

7 A. Yeah.

8 Q. Again, **Secondary Institutions - to be published later** restraints were  
9 normalised and used as, you say, a first resort instead  
10 of a last resort?

11 A. Yeah.

12 Q. You talk about prone restraints being used the vast  
13 majority of time. You have mentioned carpet burns that  
14 you would get to the chin and the neck and knees, but  
15 that was the norm, you say, it was seen as the norm?

16 A. It was, yeah, that's right.

17 Q. You were aware of other young people having similar  
18 carpet burns too in the same places?

19 A. Yeah, that's right.

20 Q. For the same reasons.

21 You mentioned, 'Jasmine', one particular occasion  
22 involving restraint in the quiet room by a person who  
23 was a manager of the unit?

24 A. Yeah.

25 Q. You name him as **IKQ**?

1 A. Yeah.

2 Q. Is this the one incident that you remember him being  
3 involved in with you?

4 A. So the incident that I remember is where he was -- this  
5 one that I'm looking at, that's the one, yeah. That's  
6 the one.

7 Q. Was that the only instance of restraint you remember  
8 IKQ being involved in with you?

9 A. It's the only one that sticks out to me that was  
10 particularly traumatising.

11 Q. On this occasion, are you able to say what happened?

12 A. Sorry.

13 Q. On this occasion, with IKQ, are you able to tell  
14 us what happened?

15 A. Yeah, so, erm, I was being restrained by two other  
16 female staff members and I don't think they were able to  
17 kind of get control of me for whatever reason. Erm,  
18 IKQ has then entered the room, asked the ladies to step  
19 aside, he's then took over the restraint, sat on my  
20 legs. I've told him he's hurting my legs. I told him  
21 repeatedly. It then got to the point where I was in  
22 severe pain. I'm screaming, I'm asking him to get off  
23 my legs. I'm screaming at the staff members, the female  
24 staff members, telling them to help me and that he's  
25 going to break my legs. They didn't obviously listen.

1       Told me to calm down. Erm, I had to calm down. I had  
2       to just pretend that I was okay and then he eventually  
3       got off.

4   Q. When this restraint was happening, are you in the prone  
5       position?

6   A. I wasn't in the prone position, no. He was sat on my  
7       legs.

8   Q. Were you lying down on the ground?

9   A. It was on a couch, a sofa.

10  Q. He was sitting on your legs?

11  A. So it was like -- how can I describe it -- like, he had  
12       his legs over my legs and my leg -- I could not move  
13       them. I don't specifically remember what the position  
14       was, but I know that he was on top of my legs and they  
15       were in a severe amount of pain. Erm, obviously when  
16       you're in that amount of pain you don't take in  
17       everything that's going on around you, but that's what  
18       I remember.

19  Q. So he was using his legs and his body weight over your  
20       legs?

21  A. That's right, yes.

22  Q. You mention the fact that you were crying and begging  
23       him to get off you?

24  A. Yeah, that's right.

25  Q. I think you tell us earlier in your statement, in the

1       bit that's redacted, that it was very difficult for you  
2       to show emotion from quite a young age?

3   A.   Yeah, that's right.

4   Q.   So crying wasn't something that you would ordinarily be  
5       doing?

6   A.   No, I mean, internally I was a very sensitive child,  
7       like a really sensitive child, and I obviously knew that  
8       about myself and I hid it. I didn't want anyone to know  
9       I was sensitive, so I pretended to be the opposite of  
10       sensitive. Erm, so it was constant, putting this  
11       bravado on and trying to pretend that you are much  
12       harder than you are.

13       Tracy Beaker, remember Tracy Beaker? As a kid, the  
14       kind of, you know, the hayfever, stuff like that, so  
15       I didn't like crying, it was you don't cry, because then  
16       people know. So for me to be crying, I couldn't control  
17       how I was reacting because I was in that much pain.

18   MS FORBES: My Lady, it's 3 o'clock.

19   LADY SMITH: 'Jasmine', I usually take a break, just a short  
20       break, at this point in the afternoon, would that work  
21       for you if we did that just now?

22   A.   Yes, that's absolutely fine.

23   LADY SMITH: Let's do that.

24       We'll sit again in five or ten minutes, something  
25       like that.

1 A. Okay, thank you.

2 (3.00 pm)

3 (A short break)

4 (3.13 pm)

5 LADY SMITH: 'Jasmine', are you ready for us to carry on?

6 A. Yeah, I'm ready.

7 LADY SMITH: Thank you very much.

8 Ms Forbes, when you are ready.

9 MS FORBES: Thank you, my Lady.

10 'Jasmine', just before we broke there for the last

11 ten minutes, we were talking about the incident with

12 IKQ .

13 I just wanted to take you briefly again to a couple

14 of your records, if that's okay, it's ABN-000003558.

15 If we go to page 7, I think these are daily case

16 records relating to yourself, it says December 2006 at

17 the top. I think we see just at the top of that page,

18 there is an entry just saying:

19 ''Jasmine' was taken in by staff to the quiet room.'

20 So we see a reference to that there.

21 If we go further down the page, the date on the

22 left-hand column is 7 December 2006, pm, and it says:

23 ''Jasmine' stayed in unit for tea. 'Jasmine' went

24 to trampoline club. However, 'Jasmine's' behaviour

25 deteriorated to the extent that she had several sessions

1 in the quiet room and was in two prone restraints.'

2 There is a reference there to the prone restraints  
3 that you have talked about.

4 A. Yeah.

5 Q. Then if we go further over to the next page, halfway  
6 down we see on the left-hand side the date of  
7 17 December 2006. There is a paragraph and then after  
8 that paragraph, we see in the left-hand column 'NCO' and  
9 then it says:

10 ''Jasmine' became very unsettled at 22.30. She  
11 wanted to go to [then there are some initials] to a room  
12 [I think that refers to another resident] but when NCO  
13 would not allow her, she started shouting abuse and  
14 became aggressive and threatening to assault NCO,  
15 'Jasmine' was taken to the quiet room by IKQ ...'

16 If we go over to next page:

17 '... and B Lawrie. 'Jasmine' was spoken to about  
18 her behaviour and she soon calmed down. 'Jasmine'  
19 returned to her room in a better mood and she settled  
20 fine for the remainder of the night. Trying to get  
21 a cigarette was the issue tonight.'

22 I don't know if this is something that relates to  
23 the incident you have told us about, but there's  
24 certainly an incident whereby IKQ and B Lawrie,  
25 who I think is Brian Lawrie, are involved in taking you

1 to the quiet room and, again, the issue seems to be  
2 they've said about getting a cigarette?

3 A. Mm-hmm.

4 Q. So I don't know if you're able to say or not, 'Jasmine',  
5 whether that's the same incident that you have told us  
6 about?

7 A. I don't know, erm, I can't --

8 Q. Certainly in relation to IKQ, there is only that  
9 one incident that sticks in your mind that you're able  
10 to tell us about?

11 A. Yeah, that one incident, and I didn't want to be --  
12 I didn't want to be in close proximity with him after  
13 that and I also remember other young people liking him  
14 and me being very confused as to why they liked him,  
15 because of how he was with me.

16 Q. From that experience?

17 A. Yeah, from that experience. I thought why is he --  
18 like, what? Just confusing.

19 Q. I'm not going to take you to all these different  
20 records, but we have records that show numerous  
21 restraints and incidents of restraints that were carried  
22 out on you and reference to assault charges being  
23 brought as a result of those restraints and lots of  
24 records showing that this related to -- a lot of the  
25 time related to you trying to get a cigarette or to

1 smoke?

2 A. Yeah.

3 Q. If we just go back to your statement again.

4 LADY SMITH: And I think I'm right in saying, am I,

5 Ms Forbes, that none of those records indicated that

6 anyone was thinking creatively about trying to find

7 a way of allowing 'Jasmine' to smoke under some sort of

8 control as being perhaps the way to help with her

9 behaviour?

10 A. Yeah, that's right.

11 MS FORBES: 'Jasmine', you mentioned to her Ladyship earlier

12 the fact that they would sometimes try and get you

13 patches and lozenges and things like that, but one thing

14 they never tried was just to let you smoke?

15 A. No, they never tried that, never, never.

16 Q. Even let you smoke a minimal amount?

17 A. That was never an option. Ever an option. If it had

18 have been an option, I would have been absolutely over

19 the moon.

20 LADY SMITH: Yet older girls were allowed to?

21 A. Yeah, that's right.

22 LADY SMITH: How much older than you?

23 A. Erm, about 14/15.

24 LADY SMITH: So not much?

25 A. So not significantly older, no.



1 MS FORBES: We went to the record, 'Jasmine', that states  
2 that they were aware that this is a problem you had had  
3 since you were about nine so they knew that this was  
4 something -- that it wasn't a new thing that you'd just  
5 started. It was something that you had struggled with  
6 for many years by this point?

7 A. Yeah.

8 Q. At least two or three years anyway?

9 A. Yeah.

10 Q. Just moving on, if we can, to other parts of your  
11 statement. You tell us about some other things that  
12 happened when you were in Oakbank.

13 You talk about, from paragraph 74, three separate  
14 occasions where you describe it as being subjected to  
15 sexual exploitation, that's how you've put it there.

16 A. Yeah.

17 Q. I think first of all you tell us about an older male  
18 resident who was 15 and you name him there. You say at  
19 this time you would still only have been 12, because you  
20 were 12 the whole time you were in Oakbank, is that  
21 right?

22 A. Yeah.

23 Q. You say that you were in his bedroom, along with this  
24 older girl that you've already told us about, and that  
25 when she went out of the room, something happened with

1 him. What was that?

2 A. So he exposed himself to me. So he got like his penis  
3 out and basically was kind of, yeah. I was 12, I didn't  
4 know what to do. I was like confused. Didn't really --  
5 and I just kinda walked out the room and left, but just  
6 confusion, I suppose, as a 12-year-old really.

7 Secondary Institutions - to be published later  
8  
9  
10

11 Q. -- but was this the first time that anything had  
12 happened involving a male resident?

13 A. In the children's -- in the care system, yes, that's  
14 right.

15 Q. You say that as a result of that, you left the room?

16 A. That's right, yeah.

17 Q. Then you tell us about another occasion, again you are  
18 only 12, and you ended up running away with that boy and  
19 another boy. Again, was this related to trying to smoke  
20 or get away and smoke?

21 A. So, I can remember the entire time we were out trying to  
22 find cigarettes and it's like, 'Where can we get  
23 cigarettes from?', and it was snowing, it was near  
24 Christmas, I think, it was really, really cold out. We  
25 were just walking round, trying to find somewhere to

1        kind of get -- have a cigarette basically.

2    Q.   Were you able to get cigarettes when you were out?

3    A.   I don't think I was, no, and we ended up going back.

4    Q.   I think you say that whilst you were out, there was

5        a time when you were in a sort of doorway or entrance to

6        some flats?

7    A.   Yeah.

8    Q.   And the same older boy, that you have talked about

9        before, was trying to do something to you and what was

10       that?

11   A.   So he was trying to insert himself -- his penis --

12       inside me. Obviously I was very young so it wasn't --

13       wasn't possible. [REDACTED] was outside, erm, keeping watch.

14   Q.   The other boy was keeping watch from your point of view?

15   A.   Yeah.

16   Q.   The boy you have told us about, who was 15, was the one

17       who was trying this with you?

18   A.   Yeah.

19   Q.   I think you've said that this was something that was

20       hurting you?

21   A.   It was, yeah. It was hurting. I can remember him

22       saying something about Vaseline, erm, but yeah, it's not

23       something I like to think about, to be honest, but,

24       yeah, that's what I remember.

25   LADY SMITH: Don't worry 'Jasmine', I've got the picture.

1 A. Okay, thank you.

2 MS FORBES: When you went back to Oakbank, it's actually  
3 recorded that this was an incident that you'd ran away  
4 with the two boys. I think at that time you didn't tell  
5 anyone initially what had happened; is that right?

6 A. That's right, yeah.

7 Q. But then I think the other boy did say something about  
8 it and then you were then questioned about it?

9 A. Mm-hmm.

10 Q. And the matter was reported to the police and the police  
11 became involved?

12 A. Yeah.

13 Q. I think you said that initially you didn't want to tell  
14 them. You didn't tell them, but eventually you did?

15 A. Mm-hmm.

16 Q. But no action was taken in relation to that, as far as  
17 you're aware?

18 A. Yeah.

19 Q. That boy was moved to a different unit, which was not  
20 mixed. It was just for boys?

21 A. That's right.

22 Q. So he, up until then, had been someone who was in the  
23 same unit with you?

24 A. That's right.

25 Q. Then this third incident that you mention in your

1 statement was related to another boy from the unit and  
2 again it was at a time when you ran away from Oakbank.  
3 Again, I think you mentioned that this was probably  
4 related to cigarettes again.

5 A. Yeah.

6 Q. Again, and you're only 12 again, but on that occasion  
7 there was something that happened with him, is that  
8 right?

9 A. That's right, yeah.

10 Q. We have it there, 'Jasmine'. We don't need to go into  
11 any detail. We have it there but you were still very  
12 young at that stage, only 12 years old.

13 Again, somehow the staff found out when you got  
14 back?

15 A. Yeah, that's right.

16 Q. You describe at paragraph 78, over to page 21, that the  
17 kind of response of staff in relation to that was to  
18 make you feel that you weren't a victim in relation to  
19 these things and you weren't the one being exploited,  
20 but that somehow you had done something wrong?

21 A. Yeah.

22 Q. You say that that made you feel a certain way about  
23 yourself?

24 A. Yeah, it did.

25 Q. In particular, a staff member who had been, from your

1 point of view, kind to you in giving you access to some  
2 Disney videos when you first arrived, on finding out  
3 about this decided that you weren't getting to have  
4 those videos any more?

5 A. Yeah, and I remember that conversation and being, why?  
6 It was just like, 'I don't want you to have them any  
7 more'.

8 Q. Somehow you weren't then entitled to have them any more  
9 because of that?

10 A. I remember that staff member, that particular staff  
11 member, throughout my time in Oakbank, taking me into  
12 the quiet room repeatedly to have conversations with me  
13 about respect and how boys wouldn't respect me if  
14 I acted in a certain way. That obviously just kind of  
15 made me feel even more disgusted with myself and think  
16 well I'm -- there's something wrong with me here, as  
17 opposed to them kind of seeing is there something that  
18 we need to be identifying here from this behaviour, not  
19 telling this young girl that people aren't going to  
20 respect her because of the way she's behaving.

21 LADY SMITH: What about having a conversation with the boy  
22 to similar effect?

23 A. Yeah, I don't know if that conversation ever took place.

24 LADY SMITH: How old was he?

25 A. Erm, I think he was 14.

1 LADY SMITH: This is the one you ran away with?

2 A. Yeah, that's right.

3 MS FORBES: On that return and the staff acting that way, is

4 this the time that you were isolated somewhere else for

5 a few weeks?

6 A. Yeah, so following that, erm, it was -- after that,

7 I was like confined to the quiet room. They took me in

8 the quiet room and it was almost like an interrogation

9 in the quiet room. They wanted to know everything that

10 happened and then after that, I was allowed to go up to

11 my room and then it was the next morning when they came

12 in, and that's when it was like a raid basically. It

13 was like, 'Right, you're going, you're going to Esk'.

14 That is it basically. And Esk was an adjoining unit to

15 Oakhill, so it obviously housed, in the past it had

16 housed other young people, but it was vacant at that

17 time. So they moved me into that unit so that I could

18 just basically have unit to myself and would be

19 isolated.

20 So I stayed there for a few weeks in Esk.

21 Q. You say that you had to stay there. You didn't go to

22 school whilst you were there --

23 A. That's right.

24 Q. -- with the rest of the residents?

25 A. That's right.

1 Q. You weren't allowed to leave that unit?

2 A. That's right.

3 Q. I think you mentioned that you had to watch all the

4 other young people walk past?

5 A. Yeah.

6 Q. That included the boy that was involved in this?

7 A. Yeah, that's right.

8 Q. So he was allowed to stay in the unit that you'd been in

9 with him?

10 A. Yeah.

11 Q. But you weren't?

12 A. Yeah, that's right.

13 Q. He was able to freely walk about?

14 A. That's right, yeah.

15 Q. From that point of view, did it seem like you were the

16 one getting punished for this?

17 A. Yeah, exactly, exactly that. I felt like I'd done

18 something wrong and I was being punished for it.

19 Q. From what you could see there were no consequences for

20 him?

21 A. From what I could see, yeah.

22 Q. You also tell us, 'Jasmine', a little bit about two

23 matters that you didn't report or didn't come to be

24 known about at the time with another boy, who was there.

25 You say that this involved, I think on two separate



1 occasions, you sort of sitting on his knee and him  
2 moving around in a sort of sexual way?

3 A. Yeah, that's right.

4 Q. But you didn't tell anyone about that at the time. You  
5 didn't tell any staff and they didn't find out about it?

6 A. No, I think I might have said something to [REDACTED], but  
7 it wasn't like -- wasn't anything like going into any  
8 detail. I think I might have said something like.  
9 Oh -- like I thought [REDACTED] fancied me or something like  
10 that. I said something like that to [REDACTED] and  
11 I remember [REDACTED] being like, 'What?', a bit, like,  
12 confused but that's the only conversation that I'd ever,  
13 ever had up until my adulthood about that.

14 Q. Again, you are mentioning a girl's name, but that was  
15 another resident?

16 A. That's right, yeah.

17 Q. Again, this was an older boy?

18 A. This was an older boy, yeah.

19 Q. What age was he?

20 A. He was 15, I think.

21 Q. Looking back, that's something you can recall and tell  
22 us about, that was another thing that happened?

23 A. That's right, yeah.

24 Q. Whilst you were there in the mixed unit.  
25 I think you tell us how it came about that you ended

1 up leaving the Oakhill unit, going to the Clover unit,  
2 which was the all-girls unit. I think at that time that  
3 your behaviour was -- you were quite frank in saying  
4 that it was deteriorating, is that right?

5 A. Yeah.

6 Q. There was an incident whereby you stole a staff purse  
7 and ran away?

8 A. That's right.

9 Q. You ended up coming back after a few days and then  
10 that's the point, I think, that the decision was made,  
11 not involving you or consulting with you, but a decision  
12 was made that you were going to leave Oakbank and you  
13 were going to be sent to England?

14 A. Yeah, that's right.

15 Q. You weren't involved in those discussions at all; is  
16 that right?

17 A. No, I was never involved in any of those discussions.  
18 I was just told a few hours before it happened.

19 Q. After the incident where you had stolen the money and  
20 were away for a few days, I think you tell us when you  
21 were back you were sort of isolated in the quiet room  
22 and that remained that position until the move?

23 A. Until I left, yeah.

24 Q. It was on the day that you were moving, you were told,  
25 that's where you're moving?

1 A. A few hours before, yeah.

2 Q. There was no preparation for you to get your head around  
3 the fact that you were going to be going to England?

4 A. No, and it was [REDACTED], and, I think, it was  
5 John McNally that took me and obviously --

6 [REDACTED] was SNR [REDACTED] of the school, so you  
7 don't really get close contact with [REDACTED], do you know  
8 what I mean? Then you're going to be going to England  
9 in a car with [REDACTED] and John McNally, like, what?

10 Q. They told you you were going to England. Did you know  
11 where you were going in England?

12 A. I don't think I did. I think -- actually I think that  
13 was the reason [REDACTED] had taken me, because [REDACTED] had family  
14 in Liverpool and [REDACTED] was going to see [REDACTED] family,  
15 because I can remember that conversation taking place in  
16 the car and thinking, 'Oh you're going to see your  
17 family, are you?' And I'm getting dropped off hundreds  
18 of miles away from my family. Can't even see them.

19 Q. You didn't have a connection to where they were taking  
20 you in England; is that right?

21 A. That's right.

22 Q. We know that from the records, and you tell us as well  
23 in your statement, that that happened near the end of  
24 [REDACTED] 2007, so you are still 12. You would have been  
25 turning 13 [REDACTED]. So I think at that point you

1           had been at Oakbank altogether for about six months?

2   A.   It feels like longer, but when you say six months, it's

3           crazy.

4   Q.   As I said, you have seen your records, and we have your

5           records, and we know that a lot obviously took place

6           during that six-month period --

7   A.   Yeah.

8   Q.   -- a lot of restraints, a lot of time in the quiet room,

9           a lot of incidents, yes?

10  A.   Mm-hmm.

11  Q.   I think you tell us, 'Jasmine', that you weren't aware

12           if your family were even spoken to about this move or

13           consulted?

14  A.   No, I didn't know if they were spoken to about it.

15           I spoke to my mum when I got to England and I was really

16           upset.  Erm, that was about it.

17  Q.   Did she seem surprised about the fact that you had been

18           moved to England?

19  A.   Erm, I don't know to be honest.  I think she was just

20           trying to tell me that it was going to be okay, because

21           I was really upset on the phone and I was like, 'I don't

22           want to be here, I just want to come home', erm, and she

23           was trying to make me feel better.  Erm, I mean, despite

24           my mum's problems, she obviously she had problems with

25           addiction, she was still kind, the person that was

1       inside was still there at times.

2   Q.   Then you go on to tell us about this home that you were  
3       taken to and you say quite frankly that your behaviour  
4       changed drastically after you moved there?

5   A.   Yeah, it did.

6   Q.   You describe it as being put in a therapeutic  
7       environment, where your needs and trauma were properly  
8       being addressed?

9   A.   Yeah, my confidence soared completely, erm, because  
10       I felt like people liked me. The staff members liked  
11       me. They wanted to talk to me. They took an interest  
12       in me. I had lots of different things I was doing.  
13       I used to get to pick my food, something that I had  
14       never ever -- I used to get to go shopping and that was  
15       like wow, never ever got to do that before. Erm, it was  
16       a world away from what I'd experienced in Oakbank.

17  Q.   I think you say that restraints there, in comparison to  
18       Oakbank, were used as a last resort?

19  A.   Yeah, they were avoided. They didn't want to restrain  
20       you. They would kind of look to do other things to  
21       de-escalate the situation rather than a restraint.

22  Q.   You say that that in turn resulted in a decline in you  
23       needing to be restrained?

24  A.   Yeah. I mean, there was a level of empathy applied.  
25       I remember when I got there and, like, I was really

1       upset, erm, and the first few days, they didn't make me  
2       get up out of bed and do things. They let me sleep in.  
3       They let me just get used to it. They let me find my  
4       feet and just get up in the morning and say hello and  
5       just start to come out of myself, as opposed to kind of  
6       trying to make me do things.

7             It was just -- even looking back at those first few  
8       days, erm, just, yeah, coming out of my shell.

9   Q. I think you explain that -- the way you've put it is the  
10     stability, care and compassion that that place and the  
11     staff provided you with was invaluable and should have  
12     been something that you experienced from the point that  
13     you entered the care system?

14  A. Yeah, definitely.

15  Q. If it had been then, do you think you would have had  
16     a completely different experience?

17  A. I do, yeah, I do, definitely, without a doubt.

18  Q. So this move turned out to be a positive thing for you?

19  A. The move to England is one of the best things that ever  
20     happened to me. Erm, I'm so glad it did happen to me  
21     and I'm grateful to the staff members that took the  
22     time -- I'm really grateful, just seeing me. So,  
23     yeah -- definitely, I don't think I would be the person  
24     I was without that to be honest. They showed me that  
25     there was a different way. That I would never have seen

1           if I didn't experience that.

2   Q.   I think you mention that, that they saw you?

3   A.   Yeah.

4   Q.   They didn't see behaviour?

5   A.   Yeah.

6   Q.   You tell us, 'Jasmine', about your life after being in  
7       care from paragraph 92 onwards.

8           I think that there was a bit of a struggle after you  
9       left that environment, because these people who had been  
10      looking after you from the age of 12, when you left at  
11      16, you sort of felt a little bit abandoned?

12  A.   Yeah, I missed them, I missed them all. I missed every  
13      one of them. They were like family. It took me a long  
14      time to get over it. I used to wake up in the morning  
15      and just kind of miss getting up and chatting to my  
16      staff members. They were like friends and family. You  
17      build relationships with these people. It's hard to,  
18      just like, move out and that's it, they're no longer in  
19      your life any more.

20  Q.   You would have been there for almost -- it would have  
21      been just about four years, three-and-a-half years,  
22      something like that, three and a bit years.

23  A.   Yeah.

24  Q.   You are building up these relationships with people,  
25      feeling like they're part of your family, and then you

1       leave?

2    A.   Yeah.

3    Q.   The throughcare thing is one of the things you mention  
4       as being something that could have been different and  
5       would have helped I think, you say?

6    A.   Yeah. Throughcare done everything they could. It was  
7       Jean Cullen, she was a lovely lady. She was always  
8       there on the end of the phone if I needed kind of any  
9       support, but they could only give me a -- they were  
10      based in North Ayrshire, so I didn't have -- because  
11      I chose to stay in England, I couldn't access any of the  
12      support that I would have been able to access had my  
13      local authority have been the one that I was living in.  
14      So I couldn't get, like, access to housing and stuff  
15      like that. All they could do was access the fund and  
16      give me money to travel up to Scotland to see my family  
17      or if I had to purchase a carpet and stuff like that.

18           I spent a long time kind of struggling with  
19      homelessness and getting on my feet and stuff like that  
20      because of that. But, I mean, Jean on the end of the  
21      phone was -- that was helpful having her on the end of  
22      the phone, because I knew I could ring her and she'd  
23      kind of help me or get me some money to get a train to  
24      Scotland, erm, but that was all they could do. She  
25      couldn't do any more and she had done as much as she



1           could that was within her remit. I can't fault  
2           Jean Cullen, I really can't.

3   Q.   There seemed to be a gap there, because you had been  
4           taken from Scotland to England?

5   A.   Yeah.

6   Q.   They didn't seem to be able to cope with someone like  
7           you who was not going to be coming back to Scotland,  
8           remaining in England and needing some support, proper  
9           support?

10  A.   Yeah.

11  Q.   You talk though, 'Jasmine', about a staff member who had  
12           been involved at a time down in England looking after  
13           you and she did help looking at college applications and  
14           things like that with you and spending some time with  
15           you?

16  A.   Yeah, Vicky. Vicky, she had obviously looked after me,  
17           erm, when I was in the care system and she was a really  
18           kind member of staff, really kind, erm, and I was  
19           struggling with homelessness at the time and I'd spoken  
20           to Jean and she had arranged for something with  
21           Greencorns basically for me to go into like a temporary  
22           kind of accommodation with them for a short period, to  
23           kind of get me on my feet. And it was Vicky that was  
24           obviously supporting that and she was there and I didn't  
25           know what to do with my life. I was literally kind of

1       like just plodding on and I felt like I wasn't doing  
2       anything or moving forward and that was kind of getting  
3       to me more as well.

4               So Vicky helped me kind of just sit down and think  
5       about what I wanted to do, what my goals were, what  
6       I liked, my plans for the future and we talked it  
7       through and I made a plan and I got enrolled in college  
8       and that was the beginning of my journey of  
9       self-development basically.

10              She got me started, thank God. I'm so grateful to  
11       Vicky, without a doubt.

12   Q.   You say as well, 'Jasmine', that you wanted to study  
13       midwifery and you started health and social care, but  
14       this issue that we talked about in relation to charges  
15       when you were under 16 and the criminal record that  
16       followed you as a result of that, became a problem and  
17       you set it out in paragraph 93, that essentially the  
18       principal at the college said that you would be unlikely  
19       to be considered as a candidate to be a midwife because  
20       of that?

21   A.   Yeah, that's right.

22   Q.   That was something that really upset you; is that right?

23   A.   It did. I can remember the conversation taking place  
24       and it was almost like a blasé conversation from the  
25       principal, because I don't think she expected me to get

1       so upset about it, and I obviously was upset about it,  
2       and I was like, 'I don't think it's fair that you're  
3       telling me that I can't do this', because all of  
4       these -- and I explained to her. I said, 'These  
5       charges aren't -- these are from when I was in the care  
6       system', and the reason ... and it was upsetting, having  
7       to explain that as well.

8           So I went home. I was really upset, erm, and I came  
9       back in the next day and kind of just explained that  
10      this was what I wanted to do, I was passionate about it.  
11      I really wanted to kind of do midwifery at that point.  
12      I was told that if I did need -- if I did continue with  
13      the course then it would be a case of I'd have to be  
14      forthcoming about my criminal record with any employers  
15      and I'd need to explain in detail basically all of the  
16      charges. That was that basically.

17           I continued with the course. Erm, I had a really  
18      good tutor called Erica, she had a friend who was the  
19      manager of a nursery so she got me my first placement in  
20      the nursery. I did that and then because I had that,  
21      I managed to get a job within the health and social care  
22      industry looking after elderly people with dementia,  
23      which I obviously really enjoyed. Erm, but prior to  
24      getting that, I had to sit down and explain every single  
25      charge on my record.

1 Q. I think you tell us a bit more detail about that at  
2 paragraph 94, you say you had to sit with one of the top  
3 managers and go through each of the charges on your  
4 previous convictions and describe all the details and  
5 the background to every individual charge?

6 A. Yeah.

7 Q. It all relates to you being under the age of 16?

8 A. Yeah.

9 Q. That was obviously quite a difficult thing to do, but  
10 you were obviously determined --

11 A. I was, yeah.

12 Q. -- to get the job and do that and I think you said you  
13 worked there for a couple of years, is that right?

14 A. I worked there for a few months, it was. The travel was  
15 really difficult, so I lived in Runcorn, erm, and the  
16 home was based in Warrington. I had to get up very,  
17 very early to get there. So I was getting there late  
18 sometimes, which was an issue, so I had to give it up.  
19 It just wasn't kind of feasible long-term really.

20 Q. Then you say that you then got a job in customer  
21 service, which at the time of giving this statement you  
22 had been doing for seven years but you do say that you  
23 were going to start to study for a degree in ecology.  
24 Is that something that happened?

25 A. It's not something that I've started yet, no. I've got

1 a lot going on at the moment. It's something that  
2 I've got planned for the future. I don't want --  
3 I'm very kind of conscious of my own abilities and  
4 I don't want to take on too much, erm, than I can  
5 handle. I've obviously got three young children at the  
6 moment who I look after and my mum, she's been in a car  
7 accident recently, so we're applying for a guardianship  
8 order for her. So that's kind of put on hold a lot of  
9 things that I had planned in terms of things like that.  
10 But I very much do plan to go back to education.

11 After leaving care, I kind of realised the beauty of  
12 education and it's something that I kind of --  
13 I'm really, really passionate about and I constantly  
14 want to educate myself so that I'm developing as  
15 a person and it changes you, doesn't it, changes your  
16 perspective, it develops you, erm, so that's why  
17 I'm constantly kind of keen to do that at some point,  
18 when I'm able to.

19 Q. Well, I'm sorry to hear about your mum, 'Jasmine', but  
20 I'm glad that you still have that ambition, that that's  
21 something you have in mind for the future and obviously  
22 three young children will keep you busy always.

23 Just having a look at what you tell us about impact,  
24 'Jasmine', some really interesting things. I'm not  
25 going to go through everything, because we have it there

1 in a lot of detail, but you say that it wasn't really  
2 until, at the time of giving this statement anyway,  
3 recently before that, that you realised how much your  
4 time in care affected you and after becoming a mum, it  
5 gave you a different perspective on how you were treated  
6 in care?

7 A. Yeah.

8 Q. I think you comment in paragraph 96, it's kind of near  
9 the bottom, saying, 'The injustice is something that  
10 lives with me'.

11 A. Yeah, that's right.

12 Q. Just going on to paragraph 97, you say:

13 'I now realise that I was just a child reacting to  
14 the circumstances I landed in.'

15 And your behaviour was completely understandable,  
16 given everything that you'd gone through at that stage?

17 A. Yeah, that's right.

18 Q. You talk about imposter syndrome at paragraph 98 and say  
19 that that is something that's caused you to feel that,  
20 because of what you went through in the care system,  
21 feeling that you're not good enough?

22 A. Constantly. I mean, I've been through kind of therapy  
23 to address these things, so I've got kind of a better  
24 understanding of them, erm, and I didn't kind of  
25 realise -- I've spent my entire life kind of in

1 workplaces like really feeling like -- there's a power  
2 dynamic here, not feeling like the adult, feeling like  
3 the child, and it was only from going through therapy  
4 that I realised that I'm seeing these people as staff  
5 members, erm, and I still feel like the child and it's  
6 hard.

7 Even when I go to kind of my children's school and  
8 stuff, I'm constantly kind of so conscious of everything  
9 that I do and like am I being judged and always thinking  
10 is it good enough? Is it good enough? I judge myself  
11 constantly, erm, and constant judgment on myself and  
12 only through going through therapy that I have learned  
13 that I need to be kinder to myself, erm, and that's,  
14 yeah --

15 Q. Is that something you feel that you are able, now with  
16 therapy, to be able to do?

17 A. Oh, without a doubt. It's not something I was able to  
18 do as a child either, and obviously everything that  
19 I had gone through kind of taught me not to be kind to  
20 myself. It was the opposite. Erm, so it's hard to kind  
21 of retrain your brain out of that, out of constantly  
22 judging yourself and realising that actually you are  
23 okay. You're doing your best.

24 Q. You do say something, 'Jasmine', about the relationship  
25 with your brother and sister and how the care system

1       impacted that. You talk about the fact that your sister  
2       and you have remained very close, but your brother was  
3       younger, he was the youngest, is that right?

4   A. Yeah, that's right.

5   Q. Sadly you have struggled really to have contact with him  
6       and he is in a foster placement -- at the time of this  
7       statement anyway.

8   A. Yeah.

9   Q. But I think you tell us in quite a lot of detail, which  
10      is really helpful at paragraph 99, to sort of understand  
11      the difficulties you're having in being able to try to  
12      have contact with him, given that he's in care and how  
13      you feel about that.

14  A. Yeah.

15  Q. You point out the fact that social services should be  
16      doing all that they can to promote sibling  
17      relationships?

18  A. Yeah.

19  Q. And to try and make sure that there is a close bond  
20      between biological siblings?

21  A. Yeah, that's correct. I fully agree with that, with  
22      everything I've written. We'll never have the same  
23      relationship that we would have had with our little  
24      brother if contact had been allowed to have been  
25      maintained.



1           As far as I'm aware, the reason that the contact was  
2           stopped was because they felt that I was being  
3           disruptive during contact sessions because I wasn't  
4           happy at how my mum was being treated. I had obviously  
5           left the care system at that time, so I was 16. We had  
6           a new social worker who was Kay Rodden, I do feel that  
7           if it was Lindsay Palmer it probably wouldn't have ended  
8           in the way it did.

9           But basically that's how it was. During the contact  
10          sessions, [REDACTED] was obviously really young. I was 16  
11          and I was very frustrated at how they were treating my  
12          mum in terms of the contact that she was getting and my  
13          mum was obviously not reliable and I understand why  
14          they -- I now understand why they were taking the  
15          actions they were, but I didn't understand that at the  
16          time and I became very passionate about it and felt that  
17          I needed to stand up for my mum. They obviously felt  
18          that that wasn't conducive to [REDACTED] erm, and that I was  
19          impacting [REDACTED] by acting that way during the contact  
20          sessions.

21          I understand that, but we haven't seen our little  
22          brother since he was seven because of that. Is that  
23          okay? It's not, is it? [REDACTED] has no contact with any  
24          of his biological family. How is that going to affect  
25          him when he's older? I just -- the damage, it's not

1           okay.

2   Q.   You make the point that if you get contact with him when  
3       he becomes an adult, you've lost these years and it's  
4       difficult then to get back the relationship that, for  
5       example, you have with your sister, it won't be the  
6       same?

7   A.   Exactly, yeah, exactly.

8   Q.   'Jasmine', just going forward in your statement to where  
9       you talk about lessons to be learned.

10           At paragraph 102 you say you think it's extremely  
11       important that social services take a therapeutic  
12       approach when dealing with children entering the care  
13       system.

14   A.   Yeah.

15   Q.   You point out that had they taken that approach -- the  
16       one that you received down in England -- had they taken  
17       that approach with you at the beginning, then things  
18       would have been a lot different?

19   A.   Yeah.

20   Q.   You comment that restraints should be used only bare  
21       minimum, last-resort basis in order to minimise any  
22       further trauma to the young person?

23   A.   Yeah.

24   Q.   You say over to the next page, you say that restraints  
25       are dehumanising and will inevitably trigger what you

1       have talked about, this state of fight or flight?

2   A. I think as well, a key thing for me in terms of the  
3       restraints is the normalisation of that and the impact  
4       that that has on an individual's future perspectives and  
5       viewpoints, because that behaviour has been normalised  
6       throughout their childhood. How is that then going to  
7       affect them in adulthood, because such volatile  
8       behaviour has been normalised throughout their  
9       childhood. It's damaging to not only the immediate --  
10      the kind of immediate life, but their future life and  
11      also their future kind of -- anyone they are in contact  
12      with, because that volatile behaviour's been normalised  
13      by people who were supposed to be showing them what the  
14      right thing to do was.

15   Q. You talked about, and we've gone over it, the fact that  
16      these restraints led to you being effectively  
17      criminalised --

18   A. Yeah.

19   Q. -- and that's something that's obviously followed you  
20      into your adult life and you've explained the  
21      difficulties you've had as a result of that in not being  
22      able to follow your initial first passion of midwifery  
23      and the fact that you would be charged with assaults.

24         I think you say, 'Jasmine', that you would lash out  
25      during these restraints because you felt scared and

1           powerless?

2   A.   Yeah, of course.   These people were putting their hands  
3       on me.   I mean, I was a child.   I think any child would  
4       act that way.   It's a normal kind of response, isn't it?  
5       I mean, an adult would probably act that way, it is a  
6       fight-or-flight response, isn't it?   If you think you're  
7       in danger and you're going to act in either way, you're  
8       either going to run away or you're going to do the  
9       opposite, erm, and that's just logic, isn't it, basic  
10      logic.

11   Q.   You say that you were never involved with the police  
12       after leaving care and that speaks volumes?

13   A.   Yeah, I've never had any -- I've never been arrested.  
14       I've never been charged with anything.   I've never --  
15       no, nothing like that.   It terrifies me the thought of  
16       it.   The thought of being involved with the police  
17       terrifies me.

18   Q.   Just looking a little bit further down in your  
19       statement, paragraph 106, you talk about children's  
20       homes not being healthy environments for children to  
21       grow up in?

22   A.   Yeah.

23   Q.   The fact that you're combining children of different age  
24       groups all together with all different challenges, that  
25       there's bullying, exploitation, abuse and mistreatment?

1 A. Yeah, and then the traumas that other children are  
2 experiencing then end up overlapping and children end up  
3 picking up on what other people are doing and it just --  
4 it's not a conducive environment for any child to grow  
5 up in. I don't think children's homes should exist.  
6 I think it should be foster homes.

7 Q. You mention the few staff members, this is at  
8 paragraph 108, who did make an impact on you and they  
9 are still people that you think fondly of today and they  
10 are the people that really made the difference --

11 A. Yes, they are.

12 Q. -- in your life?

13 Just at paragraph 110, when you are talking about  
14 other information, you say finally in your statement:  
15 'I would hope that the organisations I was part of  
16 are all held accountable for what happened to me and  
17 others. There must be an awareness of faults, not only  
18 in the past, but in today's care system.'

19 Is that how you feel?

20 A. Yeah, definitely, without a doubt.

21 Q. Because your experience is relatively recent and you're  
22 talking about a period up to 2006 in Oakbank.

23 A. Yeah.

24 Q. Sorry, leaving in 2007, which isn't really that long  
25 ago.

1 A. Mm-hmm.

2 Q. These are the things that you experienced when you were  
3 there that you have told us about?

4 A. Yeah.

5 Q. 'Jasmine', that is all the questions I had for you  
6 today. However, is there anything that you want to say  
7 that you haven't had a chance to say?

8 A. No. Erm, I think that just -- one of the biggest things  
9 for me was that I wanted to kind of reiterate and the  
10 impact was the criminal record. That's something that  
11 I will carry with me for the rest of my life and that  
12 I'm going to have to explain. I mean, I'm doing the  
13 guardianship order for my mum at the moment and  
14 I'm having to explain that, erm, to help my mum, who  
15 obviously -- I don't think children in the care system  
16 should be accumulating charges for lashing out when in  
17 a traumatised state, because they are having their --  
18 having someone put their hands on them.

19 I mean, throughcare workers had said this to me.  
20 I had throughcare workers say to me, when I was in the  
21 care system, that, 'I don't agree with that. I don't  
22 agree with the fact that staff members are charging  
23 children who are lashing out during restraints', so  
24 they're clearly -- that was a throughcare worker. The  
25 throughcare workers are obviously independent advocates

1       for children and I remember her telling me that and  
2       thinking, 'You get it. You get it. Why don't they?  
3       Why don't they see it?'

4             So that's huge for me. I don't think any child  
5       should be charged or penalised or punished for lashing  
6       out during a restraint. Children -- especially young  
7       children -- no children.

8   Q. As you say, these are things that happened when you are  
9       under 16, but you're now 30 and you're still having to  
10      explain these charges --

11  A. Yeah, exactly.

12  Q. -- that happened when you were a child?

13  A. That's right, exactly. And I will have to explain them  
14      probably for the rest of my life, depending on anything  
15      that I go through. I mean, if I was to go for a job  
16      within the health and social care sector, I mean,  
17      I obviously want to do something within the science kind  
18      of sector, something to do with climate change or  
19      anything like that, and if I wanted to go into a role  
20      that kind of there needed to be certain security checks  
21      in place, I'm going to be going through a DBS. I had to  
22      go through a DBS to get my current job, but it was a  
23      basic one, not an enhanced one.

24             So -- but, yeah, I mean the opportunities, it  
25      decreases the opportunities that people have, erm, and

1       if you look at statistics for care leavers in  
2       employment, it's what? 22 per cent of care leavers in  
3       employment at the age of 27, but we're making that worse  
4       for them by giving them a criminal record for lashing  
5       out during their childhood.

6       That's a big thing for me, the charges. I don't  
7       think children should be penalised. Locked in cells.  
8       I don't think any child should be locked in a cell.  
9       I mean, that was terrifying for me as a child. I didn't  
10      like it. The police were used as kind of, 'We'll get  
11      the police. The police will come. They'll take you',  
12      and the police weren't empathetic. They'd just lock you  
13      in the back of the van and that would be it. Getting  
14      locked in the back of a van, in a riot van, and you're  
15      screaming and you're banging and it's like, 'Let me  
16      out', and they don't care, so yeah.

17      I suppose it's just the awareness, the people's  
18      awareness and them holding themselves -- staff members  
19      and social workers and professionals holding themselves  
20      accountable, continually holding themselves accountable  
21      in everything that they do and in questioning  
22      themselves, 'Am I making the right decision?', as  
23      opposed to just thinking, 'We're following procedure  
24      here'. The constant -- they should be questioning  
25      themselves constantly. I mean I was constantly



1       questioned. I was made to question myself constantly.  
2       That's it really, I suppose.

3             The people that did make a difference, I'm eternally  
4       grateful for them. I hope that, as I said in my kind of  
5       statement, that that type of culture is encouraged and  
6       that children are allowed to be seen as opposed to  
7       a behaviour.

8             I think that's it. I'm not going to go on any more,  
9       apologies.

10   MS FORBES: 'Jasmine', everything that you've put in your  
11       statement and you've been able to say today has been  
12       extremely interesting and I'm very grateful to you for  
13       being able to come along today.

14             That is all from me.

15   LADY SMITH: 'Jasmine', thank you so much for everything you  
16       have given us this afternoon. It's been quite  
17       remarkable to listen to you. I hope you are able to be  
18       kind to that child as you look back on her and realise  
19       what a difficult position you were in and do, as you  
20       say, your therapist has been trying to help you do, and  
21       realise far from being justified in any having any sort  
22       of imposter syndrome, you can plainly be very proud of  
23       where you have got to at the very young age -- you are  
24       very young at the age of 30, I promise you -- and it  
25       seems to me nobody would have put any money on you

1 getting to where you have now at the time you came out  
2 of care.

3 Keep up the enormously good work that you're  
4 obviously doing. Hang on to the gratitude that you feel  
5 towards those who helped.

6 A. Thank you.

7 LADY SMITH: And finally, be kinder to that child.

8 A. Yeah, definitely.

9 Thank you.

10 LADY SMITH: Safe journey back home and thank you again for  
11 coming.

12 A. Thank you.

13 (The witness withdrew)

14 LADY SMITH: It's 4 o'clock. That is it for today.

15 The last names for today of people whose identities  
16 are protected, IKQ and then at one point the  
17 witness used her own first name, she used her brother's  
18 name and she used the names of two of the other girls  
19 who were in care at the same time as she was in Oakbank.  
20 They are all protected so far as their identities are  
21 concerned. Please remember that.

22 Tomorrow morning do we start with a link, am I right  
23 about that?

24 MS FORBES: We do, yes, at 10 o'clock.

25 LADY SMITH: That's fixed for 10 o'clock tomorrow morning.

1           We'll have another live witness in the afternoon,  
2           possibly some other read-ins.  
3   MS FORBES:   Yes, hopefully.  
4   LADY SMITH:   Very well.   And it will be Friday.  
5           Thank you very much.   I'll rise now until tomorrow  
6           morning.  
7   (4.02 pm)  
8           (The Inquiry adjourned until 10.00 on  
9           Friday, 27 September 2024)  
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