

1 Friday, 27 September 2024

2 (10.00 am)

3 LADY SMITH: Good morning to the last day this week of
4 evidence in Chapter 9 of this phase of our hearings.

5 I see we have the link set up. I'm told it seems to
6 be working well, is that right, Ms Forbes?

7 MS FORBES: It is, my Lady. Hopefully that continues.

8 The first witness we have this morning is
9 an applicant who is anonymous and is known as 'Stewart'.

10 LADY SMITH: Thank you very much.

11 'Stewart' (sworn)

12 (Via videolink)

13 LADY SMITH: 'Stewart', we of course already have your
14 written statement. Thank you for providing that, it's
15 been very helpful to be able to read that in advance.
16 We're going to look not at every word in your statement,
17 we don't need to do that because we've already been able
18 to study what is in it, but there are particular parts
19 of it that we would like to talk about with you this
20 morning and Ms Forbes will do that shortly.

21 But if at any time you've got any questions, please
22 don't hesitate to speak up. Or if it just gets very
23 difficult talking about these things that happened when
24 you were a youngster, we can have a break if that's
25 necessary, just ask. It's very important that I do what

1 I can to make the process of giving evidence as
2 comfortable for you as possible, knowing that it's not
3 a particularly comfortable and easy thing to do at all
4 in the first place. I do understand that.

5 If you don't understand what we're asking you or
6 we're putting the questions badly, just tell us. It's
7 our fault not yours. Because it's really important to
8 me that you are able to engage as clearly and
9 comfortably as you can.

10 If you're ready, I'll hand over to Ms Forbes and
11 she'll take it from there.

12 Ms Forbes.

13 MS FORBES: Thank you, my Lady.

14 Questions by Ms Forbes

15 MS FORBES: Good morning, 'Stewart'. I think you have your
16 statement in front of you in a folder; is that right?

17 A. That's correct, yeah.

18 Q. I'm just going to read out a reference number that
19 relates to that statement, just for our purposes for the
20 record, it is WIT-1-000001460.

21 'Stewart', if I could ask you just to turn to the
22 very last page of that statement. I think there's
23 36 pages. On the very last page, there is a paragraph
24 that's numbered 208; do you see that?

25 A. Yeah, that's right. My declaration.

1 Q. Yes. That is where you make a declaration saying that
2 you have no objection to your witness statement being
3 published and that you believe that the facts stated in
4 your witness statement are true.
5 You have signed that?
6 A. I've signed that, yeah.
7 Q. It's dated 9 July of this year, so quite recent, yes?
8 A. Correct, yeah.
9 Q. Is that still the position, 'Stewart'?
10 A. 100 per cent, yeah.
11 Q. You can turn to the front of your statement, you can put
12 it to one side, it's up to you.
13 I'm just going to start, 'Stewart', by going through
14 your early life just to get an idea of how you ended up
15 in care.
16 I think you tell us, 'Stewart', you were born in
17 1974?
18 A. 1974, yeah.
19 Q. You were born in England, but you moved up to Scotland
20 when you were still quite young?
21 A. I was born in Weymouth, down in Dorset, ken, and my dad
22 changed his job, ken, and moved to the north-east of
23 Scotland, to a village called Newtonhill.
24 Q. You tell us your dad was in the Navy and he was a diver
25 superintendent?

1 A. My dad was in the Navy, ken, he was like a bomb disposal
2 expert in the Navy, ken, and then, like, he became
3 a diver superintendent, ken, and that's what brought us
4 to the north-east of Scotland.

5 Q. So when you moved up there was you, your mum and dad and
6 you had a little brother as well, is that right?

7 A. Yeah, I've got a younger brother called [REDACTED].

8 Q. I think the first primary school you end up going to is
9 in Scotland?

10 A. My first primary school was -- I went to school on my
11 fifth birthday, ken, er, [REDACTED], ken, 1981, I think
12 it must have been, at Newtonhill Primary.

13 Q. I think you tell us that at school, generally, you were
14 good in classes, you were doing quite well and you were
15 popular with other pupils and the teachers?

16 A. That's correct, ken. I was -- I engaged in school quite
17 well in primary school, yeah.

18 Q. You talk a little bit about the relationship that you
19 had with your dad as compared to your mum and you tell
20 us you were quite close to your dad, but the situation
21 with your mum was different?

22 A. I had a lot stronger relationship with my father, ken.
23 I was a daddy's boy, ken, and my relationship with my
24 mum wasn't so good, ken, like I was all for my dad, ken,
25 and, er, but he spent a lot of time away from home, ken,

1 due to his work, but when he was at home, ken, like,
2 I spent a lot of time with my dad, ken, I related to my
3 dad a lot better than I did my mother.

4 Q. I think you say that he was working offshore sometimes
5 and he might be away for as long as six months at
6 a time?

7 A. Some weeks it was like two weeks on, two weeks off, some
8 weeks it was like a month, some weeks it was like
9 six month on, six month off. It depended on the
10 contract that he was working under.

11 Q. There came a time -- I think you say this started about
12 primary 7 or so -- when you were getting involved in
13 fights with other boys at school, so getting into
14 trouble?

15 A. Yeah, when I was school, ken, I was always like looking
16 for attention and, er, getting attention, ken, like the
17 class, ken, I was a bit of a class clown, ken, a bit of
18 a joker, and like sometimes, ken, like at breaks or
19 after school, ken -- like, ken, arguments would happen
20 with classmates, ken, and like, ken, it resulted in like
21 little fights, ken, and I was involved quite a lot.

22 Q. I think that meant that the relationship with your mum
23 sometimes would be strange, she would be either
24 grounding you or sometimes using violence towards you?

25 A. Yeah, my mum used to punish me quite a lot, ken, like,

1 a lot verbally and physically, ken, but she would grab
2 me, ken, she would stop my pocket money, things like
3 that.

4 Q. I think you moved first to Stonehaven Academy and you
5 tell us that there was a bit of fighting because the
6 reputation had sort of followed you from primary school
7 and you were suspended a couple of times, but then after
8 first year you moved to a new high school, is that
9 right?

10 A. That's right, ken. Er, I went to Mackie Academy in
11 Stonehaven. When I first went there, ken, like,
12 everybody was getting to know everybody, ken, and like,
13 er, reputation followed me, ken, and like I had a couple
14 of fights at school, ken, I got punished at the school
15 for them and then my mum was taken into school, ken,
16 I was given punishments from her, grounded and then like
17 after all that, ken, like about nine months later, ken,
18 the new school at Portlethen, called Portlethen Academy,
19 ken, in Portlethen was opened, ken, and like I was one
20 of the first pupils to attend that school, in my second
21 year, ken, of academy.

22 Q. You go to Portlethen when you are in second year and
23 I think again there was an issue with fighting there and
24 you were suspended, but I think you liked playing
25 football, is that right, 'Stewart'?

1 A. Like, I was always active, ken, and, er, like I played
2 a lot of sports, ken, mainly football. Played football
3 for Portlethen School. I also played for, like, their
4 youth team and also, and like I also had another
5 football team in Aberdeen but, er, like, yeah, I
6 represented the school, ken, for football, ken, and
7 like -- but like, when I was at that school, ken, like
8 I did -- I got suspended for fighting after school one
9 day.

10 Q. You tell us, 'Stewart', that despite being suspended,
11 you were still able to play football whilst you were on
12 the suspension and there was this occasion when your dad
13 came to watch you play football but then sadly on the
14 way back from watching you, there was an accident and he
15 was killed by a car, is that right?

16 A. That's correct. On [REDACTED] 1987, I woke up in the
17 morning, got ready to play football, went and woke my
18 dad up, ken, like persuaded him to come and watch me
19 play football through Portlethen. He got out his bed,
20 got dressed, came wi' me, went over, played the football
21 match, had a good game, scored a few goals, was proud my
22 dad was there, because he'd watched me play football.
23 He was supportive, and after the game, ken, er, like my
24 dad, ken, went to like walk home and like my mate --
25 I jumped in the car with my mate's mum and we drove back

1 to Newtonhill, but it was just like a two-seater car,
2 ken, like the two kids, we shared a seat at the front.
3 She drove us home. It was only like two miles away and
4 like my dad walked home.

5 So, er, like me and my little brother we were out
6 playing in Newtonhill, ken, like, 7.30 at night and, er,
7 something just didn't feel right and like me and my
8 brother, we went home. Shortly afterwards, ken, like we
9 realised my mum was, ken, like locked in the toilet, she
10 was roaring and crying, ken, like, and like, and
11 something just didn't feel right.

12 Then the doorbell went, ken, I answered the front
13 door and there was two policemen stood at the door, ken,
14 and like they broke us the news that my dad had been
15 found, ken, like on the dual carriageway involved in
16 an accident, ken, and run over and killed.

17 Q. I think you tell us, 'Stewart', that you go back to
18 school after that happened and it was only really within
19 a week of your dad dying that a social worker came into
20 the school and told you that you weren't going home and
21 that you were going to be taken to Oakbank?

22 A. The following week, right, my dad's funeral was, ken,
23 like then, like, after the weekend, ken, I went back to
24 school. I was in, like, my first class, I think it was.
25 I was in the school getting on with my work in the

1 classroom, ken, and like the door opened, a teacher
2 shouted me out the class, ken, and told me somebody was
3 at school and they wanted to speak to me in a separate
4 room.

5 So like I followed her, ken, into this room and like
6 got taken into a small room, ken, and there was a little
7 older woman, she introduced her name as Marion Philips.
8 She told me she was from
9 Stonehaven Social Work Department and, er, she told, me
10 that, ken, my mum had been in contact with her. She was
11 sorry to hear about my dad, ken, and like -- but she
12 also told me that she had bad news to tell me, that
13 I was moving school that day. I was getting put into
14 a different school in Aberdeen, ken. I can't remember
15 what -- an approved school, she called it, er, because
16 I'd been fighting and, like, little carry on, the
17 relationship with my mum was deteriorating. She had
18 took a breakdown and she was finding it hard to cope, so
19 they'd made the decision to place me into an approved
20 school called Oakbank, ken, in Aberdeen and I was to
21 follow her immediately, ken, get into her car and drive
22 to Aberdeen and attend this new school.

23 So obviously I was upset, crying, ken, like asking,
24 like what was going on, why was these things happening.
25 What was going to happen with my dog. I would need my

1 clothing, ken, like, and she like, she's told me that,
2 ken, like not to worry about things like that, ken. She
3 would make sure, ken, everything got sorted, and like,
4 she just tried to comfort me, ken, for the journey, ken,
5 into Aberdeen.

6 Q. You mention there, 'Stewart', that your mum -- you were
7 told your mum had a bit of a breakdown, but I think you
8 tell us there were problems with alcohol with your mum
9 as well at that time?

10 A. Yeah, my mum became an alcoholic and like mainly
11 through, ken, the death of my dad, became an alcoholic
12 and had a proper breakdown.

13 Q. This particular day, you don't get to go home. This is
14 the first time you've seen a social worker and they're
15 telling you you're going to this residential school,
16 an approved school?

17 A. An approved school called Oakbank in Aberdeen.

18 Q. You don't get to take any of your clothes with you or
19 anything like that?

20 A. No.

21 Q. You don't get to go home and say goodbye to your brother
22 or your dog or anything?

23 A. No, no goodbyes. No nothing. I just had to jump in the
24 car wi' her, er, and like go to this new school.

25 Q. 'Stewart', you tell us about Oakbank. You were there

1 a few times, but you tell us about the first time from
2 paragraph 15 of your statement and you mention that you
3 met with SNR [REDACTED], Mr HMY [REDACTED], and you say [REDACTED]
4 SNR [REDACTED] was LIL [REDACTED] and you had a key worker called
5 KNS [REDACTED].

6 You tell us a little bit about the set-up at
7 Oakbank, but after that you talk about when you first
8 arrived, and this is at paragraph 22 of your statement,
9 and you say you first turned up to Oakbank in the car
10 and there was a scene going on when you arrived. Can
11 you tell us what that was?

12 A. Well, when I was in the back of the social worker's car
13 we pulled into the like -- it was quite a big driveway
14 to this school, and when we've pulled up, ken, there was
15 lots of members of staff, ken, like outside the school
16 and like there was a young boy, who I now know is called
17 [REDACTED]. He was stood on the roof of the school
18 and he was shouting, swearing, throwing slates off the
19 roof and like a couple of the slates was directed to the
20 car and actually hit the car that I was in.

21 Er, and, like, we're sat in the back of the car,
22 waiting for a few minutes, ken. Members of staff came
23 over, asked who we were, ken, and like she told them
24 that she was a social worker and, ken, like I was a new
25 boy to the school and, like, we got ushered into the

1 school, ken, like, while this commotion, ken, outside
2 was happening.

3 Q. What did you make of that, 'Stewart', when you arrived
4 at Oakbank and saw that happening?

5 A. I was thinking like, 'What's this place, ken, where am
6 I?'.
7 Q. I think you tell us Oakbank was a big school and there
8 was a lot of boys. I think you say there were about 120
9 when you were there and most of them were bigger and
10 older than you were?

11 A. Like, I was a new boy, ken, like, there was a lot of
12 boys in the school, ken. It was all boys when I was
13 there, ken, the first time. And they were all, ken,
14 like a lot bigger than what I was like, ken, like, and
15 they seemed a lot older, ken, and they were all from
16 like the local area, ken, like, whereas I was from the
17 shire and I was quite well spoken. I found it hard to
18 fit in to start with.

19 Q. You tell us I think that this was not long, a couple of
20 months after your 13th birthday?

21 A. Aye. I was 13 in [REDACTED], ken. Like, this happened --
22 this was happening like [REDACTED].

23 Q. A lot of these boys were older than you?

24 A. Definitely.

25 Q. You tell us, 'Stewart', that when you were at Oakbank

1 the doors were locked, so it was a secure place?

2 A. All the doors were locked. All the windows were closed.

3 There was no bars on the windows and things like that,

4 but like to get out the premises, ken, like there were

5 several doors to the front door and like behind every

6 room you went into, the door was closed and locked.

7 Q. 'Stewart', you go on to tell us about some of the

8 routine, and we have that there so I'm not going to go

9 through that in great detail with you.

10 You do mention there being dormitories and I think

11 you say that you had your own sort of area that had

12 a partition in between each bed; is that right?

13 A. Like, the sleeping area was one big -- great big room,

14 ken, like split into dormitories, and, like, I was a new

15 boy so, like, we got shown to ... like the dormitories

16 were split in like three houses; Scott, Kelvin and

17 Lister, like, and we was in the new boys' dorm, ken.

18 There was like a small room, probably about the size of

19 this, ken, like, the room I'm in just now with four beds

20 in it and each bed had a new boy in it and, like, all

21 the beds were taken, yeah.

22 Q. I think you then moved after that to a bigger dormitory;

23 is that right?

24 A. Well, it was the same dormitory. It was just

25 a different, like, location in a dormitory, ken, like.

1 After I'd been in there for, like, a week and, like,
2 I was getting, like, to know people and, like, I was
3 assigned, ken, to what house I was being in, that's when
4 they move you to a different area.

5 Q. At night, you talk about there being a night watchman
6 who was really in charge of when you went to bed and
7 I think you say that because of your -- you have
8 mentioned this already a bit -- because of the way you
9 spoke, because you were quite well spoken, that seemed
10 to cause a bit of a problem for you initially and you
11 were picked on and bullied and you had to learn to stand
12 up for yourself?

13 A. I was young, ken. Like at nighttime, right, we'd get
14 into our pyjamas, ken, er, have a wash and we'd all go
15 and sit in, like, a big TV room and, like, they would
16 put on a film. During that film, ken, the staff would
17 change and the night watchman would come on. He would
18 come in and supervise the room, ken. There was
19 different watchmen, ken, like.

20 The two that I remember was called ILF and Eddie,
21 both older men, er, but both had like different kind of
22 rules, ken, on how they done things, but, er, like, on
23 one of the first nights I was in there, ken, watching
24 a film one night, like, it came to, like, halfway
25 through the film and I got asked, ken, along wi'

1 a couple of other boys, ken, it was time for bed, ken,
2 'Go to your beds', ken. Like, it just felt unfair, ken.
3 We were still wanting to watch the rest of the film, so,
4 ken, like, we was a bit cheeky, ken, and, like, so was
5 the other kids that was getting put to their bed.

6 And like the night watchman end up, like, grabbing
7 me by the throat, pinning me to the wall, and lifting me
8 off my feet, screaming into my face, ken, that to
9 basically obey what he was saying, ken, like do as
10 I'm told and when I'm told, and not give him any shit.
11 And like, I got threw into my bed that night and also
12 I was lying, ken, like scared in my bed. I had a little
13 cry to myself, ken, and, like, kind of, like, just
14 thought, 'When's this going to stop?'.
15 Q. I think you tell us about that, 'Stewart', at
16 paragraph 59 of your statement and you say that this
17 night watchman that you're talking about was called
18 ILF ?

19 A. That's right.

20 Q. He was an older guy with a balding head and used to wear
21 Marlboro tracksuits?

22 A. Marlboro tracksuits.

23 Q. You say that he had quite an attitude and was
24 an Aberdonian?

25 A. That's right, yeah.

1 Q. He was one of the two that you remember, the two night
2 watchmen. I think you tell us, 'Stewart', also about
3 something that happened to you after you had only been
4 in Oakbank for a couple of days in the shower room. And
5 that related to another boy, an older boy?

6 A. Oh, aye. I was down in the changing rooms, ken, where
7 we all get showered in the mornings, and like get -- ken
8 like -- we all got, like, Oakbank clothing, ken, to
9 wear, so, like, we was down there, putting on our
10 clothes and that, and, like, I'd fallen out wi' --
11 I'd refused to, like, give part of my dinner to another
12 boy the night before. I felt like he'd been trying to
13 pick on me in front of people and, like, he hadn't
14 confronted me there and then, like.

15 The next day, when I was in the changing rooms, like
16 he's came up to me and started assaulting me, punched me
17 to the face a few times. I fell to the floor. He
18 kicked me at the body, kicked me at the face, where my
19 nose was bleeding, my mouth was bleeding, and basically
20 told me, ken, like if he wants something -- I'm going to
21 have to give him it, or this is what's gonna happen.

22 Q. This was in relation, 'Stewart', to you being asked to
23 give them your food in the dinner hall?

24 A. In the dinner hall, yeah.

25 Q. I think you talk about the food and say that generally

1 it was terrible, and we've heard about that. You say
2 it's like prison food, it was like prison food?

3 A. Worse than prison food. It was served in the same kind
4 of way as prison food. It was served out a pantry. The
5 same -- the set-up of the dining hall, the kitchen area,
6 the kitchen area was similar to, like, a prison kitchen
7 area, but like the food was served off a pantry but,
8 like, it didn't have much taste to it, ken. It was
9 small portions and, like, it wasn't very nutritional.
10 It wasn't very good -- it wasn't very good for you.

11 Q. This incident in the shower room then is happening just
12 a few days after you arrived at Oakbank; is that right?

13 A. That's right, yeah.

14 Q. I think you tell us this older boy who was involved was
15 somebody you later became friends with and you asked him
16 about why he did that and he said that other boys had
17 told him to do it and to rough you up?

18 A. That's right. The guy, his name was [REDACTED], ken,
19 like I later, ken, like, met him on a good few occasions
20 in Aberdeen and, like, on one of the occasions, we were
21 sitting relaxed and, like, just chilling together, ken,
22 and having a laugh and a joke with the music and that on
23 and, like, I brought the subject up, ken, like, 'What
24 happened that day in Oakbank? I was just in the
25 school', ken, like, 'What had I really done to you?',

1 ken, like, 'Why did you assault me?', and like, he
2 turned round and told me that he was a Dyce boy from the
3 Dyce area in Aberdeen, ken, like they sat in, like,
4 a little gang, and, like, his elder boys, ken, had
5 basically told him, ken, to pick on me, so he done that.
6 Then he was told after that, ken, because I'd refused
7 him my food, ken, like he was told, ken, to batter me,
8 so he battered me.

9 Q. I think you mention an incident that you became aware of
10 involving the boy who had been on the roof, throwing the
11 slates, and that there was something that happened in
12 the dorms at night with him picking up a bedside locker
13 and throwing it over a partition wall?

14 A. Like, I was lying in my bed one night and we often heard
15 like strange noises, ken, like funny noises, ken, that
16 would, like, interrupt your sleep. But anyway, I was
17 lying sleeping, trying to get my head down one night,
18 and I've just heard, bang, crash, ken, like, and then
19 screams coming out a boy and, like, didn't know where it
20 had come from. Night watchmen have run in, ken, we can
21 see the shine o' torches and we was all told to be
22 quiet, ken, like, heard that boy crying, and, like, he
23 must've got took out the room.

24 But like, we've got our heads down, ken, like next
25 day, ken, like woke up, ken, I was in the toilet having

1 a pee, and, like, the guy next to me had a big black
2 eye. I'd seen him the day before and he didn't have
3 that. The guy was called [REDACTED] and he was from
4 Dundee, ken, and I asked him what had happened and he
5 said last night, ken, that wee [REDACTED], kind of
6 like, he threw it, he like the bedside locker right over
7 the dormitory roof, ken, and it, ken, landed on his head
8 while he was lying in his bed.

9 Q. This is the sort of partition in between the dormitories
10 or between the beds. It wouldn't go all the way up to
11 the ceiling, the partition, there would be a gap, is
12 that right?

13 A. It was just like a thin layer of plywood, like, a
14 partition, ken, and like it had no ceiling to it. The
15 ceiling was actually the building.

16 Q. That's the kind of thing that was happening at nighttime
17 in the dorms?

18 A. Yeah.

19 Q. You also, 'Stewart', tell us about a minibus that
20 Oakbank had and the fact that there was two staff
21 members in particular who would take you out on minibus
22 runs into Aberdeen, is that right?

23 A. We used to go out -- Oakbank had a couple of blue
24 minibuses and like sometimes they would take us out on
25 home leaves, ken, during these -- or they would take us

1 out on, like -- just on a minibus run for something to
2 do, ken, like, and while we was on one of the minibus
3 runs one night, a member of staff, LJK, ken,
4 like, he knew all the boys that was in the van wi' us
5 and, like, he took us to the area, Logie in Aberdeen,
6 where he went out the van, he went into a building, came
7 back, produced a lump of cannabis resin, skinned up
8 a joint, and then handed the skins and the fags to the
9 young boy that was beside him, ken, who was just
10 a couple of years older than me, told him to skin up,
11 and, like, we just, like, drove around Aberdeen with the
12 music on and, like, we was all getting stoned in the
13 back of this van and, like, with a member of staff.
14 Q. 'Stewart', was it LJK who went in to get the cannabis or
15 somebody else?
16 A. LJK, I think.
17 Q. I think you say that that was the first time you had
18 smoked cannabis?
19 A. That was the first time I'd ever smoked cannabis.
20 Q. So that was your introduction and it was a member of
21 staff?
22 A. Yeah.
23 Q. You also talk about KNT, [REDACTED]
24 [REDACTED], who would go out in the minibus with you as
25 well --

1 A. He took us down the harbour, and, like, he used to take
2 us on, like, a minibus trip and we would go up and down
3 the town centre, kind of Aberdeen, and, like, then he
4 would, like, take the road down to the harbour, ken,
5 and, like, he would start following, like, working
6 girls, kind of like prostitutes, ken, like, driving
7 about, ken, like stopping, speaking to them, ken, and,
8 like, one night, ken, like he stopped, spoke to this
9 girl, then, like, circled back round, seen her getting
10 into a punter's car, ken, we followed the car, ken, and
11 sat behind the car while they done business in the car
12 and then at the end, ken, like, he started flashing his
13 lights, ken, and we were all, like, laughing and joking,
14 like, in the back of the car, we were young boys, and,
15 like, then, like, he's, like, pursued the car, ken,
16 until the car, like, drove off, ken, like, obviously
17 freaked out a bit.

18 But that was the kind of minibus runs that I used to
19 experience in Oakbank.

20 Q. That happened more than once, is that right, 'Stewart'?

21 A. And, like, the driver was drunk when he was doin' it.

22 You could clearly smell alcohol off his breath.

23 Q. This is KNT you're talking about?

24 A. Yeah.

25 Q. I think you describe him as being an older guy, about

1 60-odd, with grey hair and glasses?

2 A. Grey hair, yeah --

3 LADY SMITH: Sorry, 'Stewart', what were these trips out

4 round Aberdeen city in the minibus all about?

5 A. They just -- they used to just ask the boys, do you want

6 to go on a minibus run, ken? Sometimes they had like --

7 they would drop somebody off or pick somebody up, ken,

8 from, like, a home leave or, ken, but like -- they would

9 just fill the bus up wi' people, ken, and we would jump

10 up in the bus, ken, and, like, we would end up, ken,

11 like, just driving around the city centre.

12 LADY SMITH: I see. Thanks very much.

13 Ms Forbes.

14 MS FORBES: My Lady.

15 You also tell us, 'Stewart', that because of the

16 fact that Oakbank was a secure place and the doors were

17 locked, it was somewhere where you felt trapped, is that

18 right?

19 A. All the time.

20 Q. If a situation arose with someone else, you say it was

21 -- 'fight or flight' is the way you put it?

22 A. Fight or flight.

23 Q. But there was no flight because the doors were locked so

24 you had to fight?

25 A. Exactly.

1 Q. If you fought, then you had members of staff on you?

2 A. That's what happened to me. Like, I first had a fight

3 in, like, the assembly hall they called it, with a young

4 boy from Elgin, ken, like became aggressive toward me

5 verbally, ken, and then started being physically, ken,

6 like, and came on to me physically, ken, so like I

7 backed myself up, ken, went into the fight wi' him.

8 Member of staff, it was my key worker, he grabbed me,

9 put my arm up my back, started shouting into my face

10 and, like, he took me out that room, ken, and started

11 walking me down a corridor, opening and closing doors,

12 my arm up my back. Like, I punched him 'cos of the pain

13 to my arm and I gave him a bloody nose.

14 He became more aggressive towards me, started

15 screaming in my face and, like, he's opened a door to

16 a room, that I now know is the boardroom to Oakbank,

17 right. It had a big table to it and lots of chairs

18 round it. And, er, I got basically pinned over the

19 table.

20 Another member of staff, called LIL [REDACTED], he came

21 into the room, to start wi' -- he started shouting and

22 swearing into my face and then the door opened, ken, and

23 Mr HMY [REDACTED], SNR [REDACTED], he came into the room. He

24 started shouting and swearing at me, giving me into

25 trouble for fighting in the school, for assaulting

1 a member of staff, and, like, he started slapping me
2 round the head. Then I got pinned to the front -- I got
3 pinned over the table, my hands got pinned down, ken,
4 and, like, Mr HMY, ken, produced a leather strap and
5 he belted my arse, ken, a few times -- not my bare bum.
6 I still had my jeans on, but he belted me round the
7 arse, ken, wi' a belt.

8 Then told me, ken, like, not to obey the rules and
9 not to be fighting in his school, ken, or this is what
10 is going to happen.

11 Q. 'Stewart', you say that you were being hit around the
12 face. Who was it who was doing that?

13 A. Mr HMY.

14 Q. Mr HMY.

15 You say you were held down then before you were hit
16 with the belt, who was holding you down?

17 A. LIL and my key worker.

18 Q. That's the person you said was KNS, is it, the key
19 worker?

20 A. Yeah.

21 Q. Was it Mr HMY then that administered the belt to you?

22 A. Yeah, 100 per cent.

23 Q. Do you know how many times you got the belt on that
24 occasion?

25 A. Three, four, five times maybe. It happened so quick but

1 obviously it was painful at the time. I remember crying
2 in my bed that night.

3 Q. You tell us about that, 'Stewart', at paragraph 69 and
4 you say that that was the first time you felt abused?

5 A. Totally. I felt unsafe, ken, I felt abused, I felt
6 unsafe and I felt trapped.

7 Q. I think you say that your key worker, this KNS, spoke
8 to you about it afterwards and asked you if you needed
9 to see a nurse, is that right?

10 A. There was one nurse, ken, that used to work in the
11 school. I didn't go and see her.

12 Q. No, but I think you tell us that he told you those were
13 the rules in the school and that's how it worked?

14 A. That's how -- that's what I was led to believe.

15 Q. I think you say the belt wasn't used on you again, but
16 you say they were abusive to a lot of boys, is the way
17 you have put it. When you say that, 'Stewart', what do
18 you mean by that, they were abusive to a lot of boys?

19 A. Like, when I was in the school, like, the boy, the
20 pupils of the school, we would all talk in amongst
21 ourselves and it was quite well known, right, that
22 LIL especially was really feared by all the boys
23 in the school and he had a reputation for assaulting the
24 boys in the school and, like, a lot of them told me
25 little stories, ken, like of what had happened to them

1 and why, where, you know what I mean, and it became like
2 common, ken -- common for people to fear the members of
3 staff in Oakbank.

4 Q. When you heard these stories, did they relate to
5 physical assaults by LIL [REDACTED] and other members of
6 staff on the boys?

7 A. 100 per cent.

8 Q. 'Stewart', you also talk about boys being restrained and
9 you say they would be tackled to the floor and the staff
10 would use force and shout and scream at them and that
11 would generally be for fighting, but it wasn't something
12 that happened to you?

13 A. Like, I seen several people getting restrained. They
14 would be tackled to the floor, like rugby tackled to the
15 floor, three, four men would, like, pin them to the
16 ground, put their arms up their back, pin their throat
17 to the ground and like scream into their face and like
18 carry them away, ken, like the person screaming and
19 like. I believed every time that happened, ken, there
20 was assaults happening, because of the way the staff
21 were with the pupils.

22 Q. These restraints that staff engaged in, were they
23 generally for fighting, for boys fighting with one
24 another?

25 A. Not obeying the rules, like, ken, like ...

1 Q. So it didn't need to be fighting?

2 A. No.

3 Q. It could be for just not complying with instructions?

4 A. Not complying with the rules, ken, like -- ken, like.

5 Q. 'Stewart', you mention that you got the belt at school.

6 I just wanted to ask you about that.

7 Do you mean in the education block at Oakbank or

8 something else? I think this is at paragraph 73, you

9 say:

10 'I also got the belt at school.'

11 A. I got the belt, like -- when I was in Rossie Farm,

12 right, I took the belt, ken, for the boys, ken, like, as

13 a dare, ken, for like an extra smoke and, like, when

14 I come back from the gym, ken, like 'cos I seen it lying

15 on the boy's desk, ken, and I just -- I dared him, he

16 dared me and that's what I done, but it wasn't nothing

17 like I had, like, took before.

18 Q. So that's later. You tell us about that later,

19 'Stewart', in relation to Rossie, that I think you say

20 that you took that to get a couple of extra cigarettes

21 or something, I think, is the description that you give

22 us.

23 Just at Oakbank then, just so we're clear, did you

24 get the belt again at Oakbank or was it just that one

25 occasion that you've told us about?

1 A. No, just on that one occasion.

2 Q. You mention, 'Stewart', that the female members of staff
3 who were at Oakbank were better, but there weren't a lot
4 of female staff. It was mostly men?

5 A. It was mostly men. It was, like, kinda -- the nurse was
6 called LIY, she was an older woman, er, and there
7 was like a couple of teachers, ken, and like a couple of
8 members of staff that, ken, that worked in Oakbank but
9 you barely seen them, ken. It was all men mainly.

10 Q. In relation to any kind of room for punishment, I think
11 you say at paragraph 75, 'Stewart', that there were
12 rooms that you would be locked in, but these were
13 different rooms, there were rooms all over the school,
14 and if you were brought back after having absconded, you
15 would be put into a room and have to sit there for a few
16 hours?

17 A. Like, yeah. Like, I absconded from Oakbank on a few
18 occasions and, like, when I was caught and taken back to
19 the school and, like, you didn't just join, ken, the,
20 like, where you left off. You didn't just go back to
21 like where you was used to, ken, like. They used to put
22 you in, like -- it felt like a punishment room, where it
23 was, like, black and there was nothing in it. There was
24 no escape, the door was locked, and they would leave you
25 there for a period of time.

1 Q. We'll go on, 'Stewart', and we will see you were in
2 Oakbank more than once, but on this first occasion, did
3 you run away or did that come later?
4 A. That came later.
5 Q. This first time you were in Oakbank, I think you were
6 there for about five to eight weeks and you would still
7 have only been 13 at that time. Were you allowed to
8 smoke, 'Stewart', on that first occasion?
9 A. I wasn't allowed to smoke, right, but we got to smoke.
10 Q. I think you mention the fact --
11 A. Staff members would like leave you a few puffs of their
12 cigarette and basically say, 'Go put that out for us'.
13 Er, you wasn't allowed to smoke with the rest of the
14 boys until you was 14.
15 Q. So there was this age 14 that once --
16 A. They called it fly smoking.
17 Q. After this first period, 'Stewart', at Oakbank --
18 A. That's where I started smoking, in Oakbank School.
19 Q. At Oakbank, before you went there, you didn't smoke and
20 you had never had cannabis either, but you were
21 introduced to them both at Oakbank?
22 A. And magic mushrooms.
23 Q. I think you mention that when you first arrived at
24 Oakbank, you were offered a cup of magic mushroom tea by
25 a boy?

1 A. That was on my very first night, like, ken, I was sat at
2 the new boys' table and, like, they came over with,
3 like, a jug, urn -- just like a metal jug full of tea
4 and, like, the boy that was, like, putting it on the
5 tables basically says to all of us, ken, smiling, 'Do
6 yous drink mushy tea?', and I was like, 'What's that?',
7 ken, like, and that was my introduction to it.

8 Q. You say this was at the new boys' table, 'Stewart', was
9 this in the dining room?

10 A. This is in the dining room with the rest of the boys.
11 We was just, like, on a table with four of us, ken, sat
12 at the table, but it was called the new boys' table. We
13 sat there for like a week, the same as we was in the new
14 boys' dormitory.

15 Q. You are approached by this boy who says, 'Do you want
16 some mushy tea?'?

17 A. 'Do you drink mushy tea?', as he's put it on.

18 Q. Is there staff around in the dining hall?

19 A. The staff -- they sat at their own table. They had,
20 like, maybe three or four members of staff, ken, like
21 would sit in the dining area. They would have something
22 to eat at the same time but, like, they would be
23 chatting among themselves and unless, ken, like, there
24 was actually a situation for them to split up, ken,
25 that's what they done. We weren't monitored properly.

1 Q. 'Stewart', I was just coming to this point in your
2 statement where you tell us that after this first period
3 in Oakbank, you are told you are going to
4 an assessment centre for a few months. You are still
5 only 13 at that point. You tell us about that between
6 paragraphs 77 and 85 of your statement.

7 Now, that part of your statement is redacted out for
8 these proceedings, Secondary Institutions - to be published later

9 Secondary Institutions - to be published later
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10 Q. I think the recommendation then, 'Stewart', was that you
11 weren't to go back to Oakbank, you were to go
12 a children's home and back into mainstream schooling?

13 A. That's right.

14 Q. You were taken then to a children's home in Kirkcaldy.
15 I think you say by the time you went there, you would
16 maybe have been 14 at that point?

17 A. No, I was coming up for my 14th birthday. Like,
18 I spent, like, four or five months at the
19 assessment centre up in Elgin and then, like, the panel
20 made the decision to, ken, like go with the
21 recommendation and place me, ken, at this children's
22 home in Kirkcaldy called Sycamore Cottage, and it was
23 coming up for my 14th birthday. It was around that
24 time.

25 Q. 'Stewart', you tell us about the children's home in

1 Kirkcaldy between paragraphs 87 and 101 of your
2 statement, and we have that there.

3 I'm not going through that in detail with you today.
4 But there are a couple of things that I'll touch upon.
5 I think the difference with this place was that unlike
6 Oakbank, there weren't any locked doors and you had your
7 freedom?

8 A. It was, like -- it was quite well run, ken. The food
9 was nice, ken. Like you had your freedom. There was no
10 locked doors, ken. You could go in and out the house,
11 ken, like, without any restrictions and, like, I had
12 my -- I had to share a bedroom down there, but, like,
13 that wasn't a problem. I was quite happy to do so and,
14 like, I felt like I was starting to settle, ken, in the
15 kids' home and, like, I was given education at one of
16 the high schools in Kirkcaldy.

17 Q. I think you say, 'Stewart', that there was a bit of
18 an issue at high school and you eventually got a bit of
19 a reputation and started to feel like you weren't
20 fitting in and you were told by a key worker that there
21 weren't any other schools in the area that you could go
22 to, even though you knew that there were other children
23 at the home that were going to different high schools.

24 I think you tell us, 'Stewart', that you got
25 yourself into a couple of situations that had to be

1 dealt with by the headmaster, is that right?

2 A. That's correct, yeah.

3 Q. You go on, 'Stewart', to say that you started to run

4 away at this point from the home, and you were sleeping

5 in the woods, and you became involved with another boy

6 who was from Aberdeen, and you started sniffing glue at

7 that time, and also butane gas, and you were shoplifting

8 to obtain that at the time?

9 A. Like, I was hanging about wi' another boy from Aberdeen,

10 called [REDACTED], and, er, like, he was kind of

11 influencing me, ken, to, like, follow him, do what he

12 was doing, and, like, he was running away a lot and

13 I started to run away with him. While we was running

14 away, we was, like, sleeping rough, ken, in woods, and

15 while we was there, ken, like he got me into like

16 sniffing glue, sniffing gas, and like we would wander

17 into town, ken, and, like, basically try and shoplift,

18 ken, to get more, ken, while we was absconded from

19 school.

20 Q. Again, I'm not going into this in any detail at all, but

21 there was an incident whereby an allegation was made

22 against you by a girl and I think one of the staff at

23 the home was quite physical with you after that in

24 relation to waiting for the police becoming involved and

25 you ended up being sent to Rossie Farm because of that,

1 but this allegation was something that was dropped quite
2 quickly, but it was something that had an impact upon
3 you and I think later on you spoke to the girl
4 involved -- this was later on after you were in care
5 I think -- and she apologised to you for that.

6 But ultimately, 'Stewart', that allegation, nothing
7 came from that, and it was dropped, but it was the
8 reason why you ended up having to go to Rossie, I think,
9 along with maybe the substance abuse and the running
10 away?

11 A. That's right. Like, they made -- like, I had
12 an allegation right. I was in, like, a relationship
13 with a girl called [REDACTED], she was
14 a Glasgow girl, and, like, we'd all run away from the
15 kids' home. We was in the city centre, ken, like, under
16 the influence of, ken, like, sniffing gas at the time,
17 and, like, she ended up, like, dropping her can of gas
18 and running away, ken, like, and, like, I never seen her
19 again until, like, the following day when I got caught.
20 But when I did get caught, it was totally different for
21 me this time.

22 This time, like, they told me that there was
23 a really serious allegation been made, right, and I was
24 unaware of it. I didn't have a clue what they was
25 speaking about. And like, I got placed, like -- I got

1 placed in a bedroom with, like, SNR, him, he
2 was an American guy and, like, I got put in my pyjamas,
3 ken, my clothing got put in a bag and they told me that
4 the police was coming to speak to me, interview me,
5 regarding a serious allegation that she'd made, a sexual
6 assault.

7 Obviously I denied it. I didn't know what they were
8 speaking about and, like, I became a bit irate and
9 didnae want to, like, sit around, ken, like, and I tried
10 to make a move to get out of the room that I was, ken,
11 in with this American guy, and, like, he started
12 shouting at me, telling me that I had to just sit and,
13 ken, wait for police and, like, I was saying, 'No,
14 I'm wanting to go, I'm not wanting to sit here', and,
15 like, I tried to make a move for the door, ken, and,
16 like, it became a bit physical. He's end up, like,
17 wrestling with me, pinning me to the ground, holding my
18 hands behind my back and I felt like, ken, like my --
19 felt like, ken, that my breathing was restricted a bit
20 and, like, he was a bit heavy handed wi' me.

21 He didn't actually, ken, like punch or kick me or do
22 anything, like, serious. It was just he was a bit
23 physical with me and, like, then the police have came.
24 They've took a statement. They, like, went underneath
25 my fingernails and things like that for, like, DNA

1 examination and then that was that and then I got put --

2 I got kept in the room, ken, like, and I fell asleep.

3 I woke up the next day and then was told that my
4 social worker, ken, had been called. She was coming
5 down, ken, and, like, when she arrived I got told, ken,
6 that I was being placed at Rossie Farm, ken, because it
7 was secure accommodation and it was a serious allegation
8 that had been made against me and, like, that's where
9 I was going for a 21-day period.

10 So I went to Rossie Farm.

11 Q. I think, 'Stewart', you had been in Kirkcaldy by that
12 time for about nine months and you were maybe -- were
13 you maybe 15 by the time you went to Rossie?

14 A. I was coming up for 15 around that time, yeah.

15 Q. 14 or 15. You tell us about Rossie from paragraph 105.

16 Again, 'Stewart' I'm not going through all the
17 detail that you have helpfully given us about Rossie.
18 We have it there and we can read it and it's very
19 useful.

20 But I think what you do say about that is you are
21 kept in a cell overnight there. It's not a dormitory
22 and you had to bang on the door if you needed the toilet
23 and it would be opened up to let you out?

24 A. That's right.

25 Q. You say that the staff in there were okay. They were

1 a lot better than the staff in Oakbank and you actually
2 felt safer there?

3 A. That's right. I felt safe and secure in Rossie Farm and
4 I felt like staff were mainly -- mainly all the staff
5 were pretty civil wi' me, prepared to work wi' me and,
6 like, I engaged with them well, ken, and they just tried
7 to, like, bring me on, ken, like. Like, I did have to
8 stay in, like, an empty cell at nighttime, ken, and,
9 like, have to bang on the door for the toilet. The
10 night watchman would come and get the door open and
11 things like that. But, like, my time at Rossie, ken,
12 like, I became used to it and, like, ken, like, I felt
13 safer and more secure there than I did in Oakbank
14 School, that was for sure.

15 Q. 'Stewart', you comment and tell us at paragraph 111, it
16 was difficult to wrap your head around why you were in
17 Rossie with people who were coming from court on murder
18 charges and living in the same environment as you, when
19 really at that time all you'd done, as far as you saw
20 it, was sniffing glue, absconding, that kind of thing,
21 but yet you're in with these people who are on very
22 serious charges indeed?

23 A. Like, my first week in Rossie Farm, I was sitting in the
24 dining room, ken, and, like, a guy walked in, ken, and
25 like he actually looked like a fully grown man to me,

1 ken, like. And like he was dressed in a suit and that,
2 ken, and like he sat down at my table, ken, and
3 I thought I was speaking to a member of staff. I was
4 quite confused and he was like, 'No, I've just been sent
5 here from Edinburgh High Court. My name is
6 [REDACTED]. I've just been given HMP.' And I said,
7 'What's that?' He said, 'Life sentence, wi'
8 a recommendation of 15-year, ken.' And I was like,
9 'What was that for?', and he told me murder, I'm like,
10 'Wow, am I actually locked up with these kind of
11 people?', and, like, to me, I hadnae done anything wrong
12 apart from -- to me I'd just run away and, like, got
13 high, ken, like, I was thinking to myself, 'Why am
14 I actually here? I'm only here for 21 days, surely
15 I'll get back, ken, like, because I've not done
16 anything', and that didn't become the case.
17 Q. I think you tell us that there were a few further
18 compulsory orders, is the way you've described them,
19 after that --
20 A. Three compulsory orders.
21 Q. There was further periods after that 21 days that you
22 were at Rossie?
23 A. The allegation that the girl had made got dropped and,
24 like, I knew about that when it came to my
25 Children's Hearing. Everybody was aware of that, but

1 the panel still, ken, like, they pressed on the fact
2 that I was running away, I was unsettled, and, like,
3 I was sniffing solvents, ken. Therefore, I was putting
4 myself at danger and other people at danger, ken, so
5 like they wanted to basically try and rehabilitate me
6 a bit, ken, in Rossie Farm.

7 So they placed me there for a three-month order and
8 then I had a further three months after that.

9 Q. 'Stewart', you do tell us that when you were at Rossie,
10 that you would go on trips. You'd sometimes go
11 shopping, there was hillwalking, and they did quite
12 a lot with you there, but after you had sort of proved
13 that you could behave, you would get some of these
14 benefits, like going to the gym.

15 A. When I first went into Rossie, ken, like, they make you
16 earn your privilege to gym, then the swimming pool,
17 ken -- like, gym, swimming, walk, they called it, ken,
18 like your walk was to get like out of the building, ken,
19 supervised by a member of staff and, like, they would
20 build it from there. And like obviously I was engaging
21 well, ken, and, like, behaving well, ken, like, the time
22 I was there, ken, so like I got -- I built up the trust,
23 ken, and I was going on loads of activities, ken, that
24 I benefited from.

25 They used to take us, ken, like, hillwalking, take

1 us over to the Isle of Arran. They done all kinds of
2 activities with me, ken, week in, week out, and like,
3 I can't really say anything bad about, ken, like the
4 members of staff there, 'cos they were all civil and
5 good wi' me and worked well wi' me.

6 Q. The only thing you mention, 'Stewart', really is you
7 were in the cell overnight and also that this incident
8 where you say that you -- there was a bet and you took
9 the belt for an extra cigarette?

10 A. Yeah.

11 Q. You saw that as --

12 A. I put myself forward for that, ken, like.

13 Q. 'Stewart', you then tell us that you then, after the
14 compulsory orders, I don't know if you went back to your
15 mum's for [REDACTED], but you went back to your
16 mum's for a period of time, is that right?

17 A. It was like, ken, like, home leaves had been, like, okay
18 and like -- they agreed to, like, let me home, ken, to
19 go stay with my mum, my little brother, ken, and see how
20 things went and, like, as far as education was concerned
21 they said, ken, that I would be attending Oakbank School
22 as a day pupil, ken, after [REDACTED] holidays. Which
23 I was hesitant about, ken, and, like, I wasnae very keen
24 about, ken, like, but they said that I wouldn't have to
25 stay overnight, ken, like, I would just go in the

1 mornings and, like, come back at night and then at the
2 weekends I would be staying with my mum.

3 And so like this was at the beginning [REDACTED]
4 holidays, ken, like. Towards the end of [REDACTED]
5 holidays, ken, my behaviour, ken, like -- I started to
6 get a bit irritated, ken, knowing that I had to go to
7 Oakbank to go to school and things like that and, like,
8 my behaviour started to dip, ken, and by the time that
9 my mum was obviously working with my social worker and
10 informing her, ken, on how I was and how I was behaving
11 and like, Marion became -- my social worker, Marion,
12 ken, like by the time [REDACTED] holidays finished, ken,
13 she took a decision to place me back in Oakbank full
14 time.

15 Q. The plan to put you in just during the day didn't go
16 ahead and you started back as a residential pupil?

17 A. Yeah.

18 Q. I think this is then leading on to your second and third
19 times in Oakbank, but I think the second time is the
20 time that you say you started running away from Oakbank
21 and you tell us, 'Stewart', about running away in your
22 pyjamas and your slippers and having to really live off
23 the street in Aberdeen when you did that?

24 A. Like, I was running away -- after I'd run away a couple
25 of times, ken, like -- like staff kept me in my pyjamas

1 and my -- the footwear that they gave you, ken, like,
2 they kept me in them to go up to the school, ken, like
3 and they put me up to the joiners' shop, ken, one day,
4 ken, like there was me and another guy, he was in the
5 same situation as me and, like, we decided to run away
6 together, ken, just to get away from the school. And,
7 like, we ran down into Aberdeen city centre, ken, in our
8 pyjamas and, ken, slippers on, looking for somebody that
9 we knew, do you know what I mean, to try and get out the
10 clothing first.

11 Q. I think you say that sometimes you would smash a window
12 even to get out?

13 A. Aye, like, pick up a bedside locker, ken, and put it
14 through the window, climb through the window and just
15 run. Because LIL used to -- he would jump into
16 the minibus and come and chase you and, like, that's
17 what staff used to do, ken, and, like, you knew if he
18 caught you what you was in for.

19 Q. What was that?

20 A. Oh, ken, well, you felt like he was going to assault
21 you, ken, restrain you and assault you, and, like, you
22 was getting -- put into trouble.

23 Q. Did that happen though, 'Stewart', when you went back
24 after running away?

25 A. No. I got placed, like -- not wi' me, ken, but like

1 other boys told me what was going on wi' them and like
2 I used to get placed, ken, like, in a dark room.
3 Q. When you went back, you would be put in a dark room?
4 A. Yeah.
5 Q. How long would you be in there for?
6 A. Like, a couple of hours, say.
7 Q. You tell us, 'Stewart', that the later times you were in
8 Oakbank, you had grown up a little bit by that point and
9 so you didn't feel like you got as much of a hard time
10 from the other boys, and by this time you were over 14,
11 so there was no restrictions on your being able to smoke
12 and that made you a bit happier?
13 A. Like, I was 14, I was a bit older, ken, like a few of
14 the faces I was more familiar wi' so, like, I'd got to
15 know a few more people and I knew how, ken, like the
16 place kind of run, do you know what I mean, and like
17 I started like -- I started trying to fit in with the
18 boys, ken, that I was having to live there with, you
19 know what I mean?
20 Q. You do say though, 'Stewart', that there was some
21 physical violence from the staff when you were at
22 Oakbank and this is at paragraph 128. You say you would
23 get gripped and slapped. There was a lot of physical
24 violence from time to time, not just on you. You would
25 see it happen to a lot of other people?

1 A. It was common in Oakbank, ken, like. That's how they
2 dealt with it, ken, like. Grab you, slap your head,
3 ken, slap your face. That's how they, like, kind of
4 dealt wi' you.

5 Q. You tell us, 'Stewart', that LIL [REDACTED] was bad for
6 that, is that right?

7 A. Yeah, like LIL [REDACTED], there was a time when I was in
8 the gym and, like, I was playing on the trampoline and
9 he was trying to get me off the trampoline, like.
10 I just kept bouncing and bouncing and having fun and he
11 became irate, ken, and, like, shouting at me and, like,
12 I've came down and, like, I was laughing and joking,
13 ken, and, like, he's ended up like gripping me and
14 slapping me in the face and shouting into my face, ken,
15 not ... to basically obey what he's saying, ken, again,
16 stop taking the piss.

17 Q. There was another man, Mr ILG [REDACTED], you say you used
18 to call him 'ILG [REDACTED]', was that his nickname?

19 A. 'ILG [REDACTED]'.

20 Q. ILG [REDACTED]?

21 A. ILG [REDACTED], aye.

22 Q. ILG [REDACTED]?

23 A. ILG [REDACTED], that's what I called him, aye.

24 Q. So just a shortened version of ILG [REDACTED] then,
25 ILG [REDACTED]?

1 A. Aye, that's it, you're on it.

2 Q. You say, 'Stewart', though, that he was somebody who was
3 aggressive and in your face, and he used to grip you and
4 clout you on the ear?

5 A. That's right.

6 Q. You say a clout on the ear, that's what your mum used to
7 call it, so is this the slap around the head?

8 A. Aye, a bang to the lug, ken, a clap to the lug, ken, but
9 some of them are harder than others, you know what
10 I mean, and, like, some were, like, more often than
11 others.

12 Q. There is then a time, 'Stewart', obviously you are back
13 and forward between various places but you're back at
14 Rossie again for a few months and you think you were
15 maybe 14 or 15 by this time and you tell us about that
16 from paragraph 131.

17 But this is the time when your exams came round and
18 there had been an issue with your home leave and I think
19 you tell us quite a bit of detail, 'Stewart', in your
20 statement about the issues you had with your mum and
21 home leave and how sometimes she would be abusive on the
22 phone. It would be clear she had been drinking, so you
23 wouldn't get your home leave and other times you would
24 get your home leave but then things would break down
25 with her and the staff would come and have to pick you

1 up from the house?

2 A. Well, what had happened, right, I didn't know at the
3 time my exams were due, ken, on the Monday morning. But
4 like throughout the week my mum would be getting drunk,
5 phoning up the school, asking for me, ken, and being
6 a bit, like, drunk and abusive over the phone. Staff,
7 ken, like -- because of the way that she was trying to
8 speak to me and the content or words right, they didn't
9 allow the phone calls to go ahead for a few days and,
10 like, on the Friday, it was the day I was due a home
11 leave, right, so they cancelled my home leave, which
12 obviously pissed me off, right, I wasn't getting home.
13 I wasnae getting to see my pals, wasnae getting to see
14 my wee girlfriend, do you know what I mean, all that, my
15 dog. So, like, they cancelled that, so I've spent like
16 the weekend in Rossie, ken, and on the Monday morning,
17 they've asked me to go to school, ken, to do my exams
18 and that, ken, and, like, I basically, ken, was in a bad
19 mood, ken, had a little tantrum, and, like, I went and
20 sat in my room and said I wasnae doing it. And like,
21 I got locked in my room that day, ken, like. I didn't
22 attend any kind of school. I just sat in my room, not
23 doing anything, and, like -- I never got offered to do
24 my exams ever again. And I never quite realised, ken,
25 the impact that was going to have on my life, ken, like

1 back then as I do now.

2 Q. I think you say that that's something that, looking
3 back, you regret?

4 A. A big regret.

5 Q. You are back again at Oakbank after that for a short
6 time and you say that you hated the place and you didn't
7 feel like you could settle there one bit. This was the
8 time when they were starting to let girls in but they
9 were in a different unit, is that right?

10 A. Like, the last time that I went there, ken, I was
11 around -- I was older than 15, like. I wasn't there for
12 long, but, like, they started letting girls, ken, like
13 attend, ken, the school, ken, for, like, education but
14 they were staying in a different part of the school,
15 ken. Like, there was another house to the school, like,
16 up the road a bit and that's where the girls got kept,
17 ken. And like they would just come down to the main
18 building for the school during the day.

19 Q. After that short last period in Oakbank, you were in
20 a children's home for a short period **Secondary Institutions - to be put**
21 **Secondary Institutions - to be published later**
22 you ended up in the police station at Bucksburn and they
23 said to you, do you want to go to St Mary's in Glasgow
24 or back to Rossie Farm?

25 A. They said to me that -- the hatch to the door went ...

1 I was in the police cells. The hatch to the door, ken,
2 opened, and there was a copper, ken, like, and he says:
3 [REDACTED], ken, your social worker is on her way
4 through from Stonehaven to pick you up. She's asked me
5 to tell you -- asked me to ask you, do you want to go
6 back to Rossie Farm today or do you want to go to
7 St Mary's in Glasgow?'.
8 And I went, 'Oh, just put me back to Rossie,
9 I'm fine there, ken'.
10 They went, 'Nah, you got the short straw today, wee
11 man, you're going to Glasgow.', and slammed the hatch
12 back up.
13 Ken, and, like, then the door opened, ken, I seen my
14 social worker, got put in the car with two social
15 workers and drove to Glasgow.
16 Q. You tell us about going to St Mary's and your time
17 there, 'Stewart', from paragraph 146 and I think you
18 were 15 by that time.
19 I think you tell us initially things seemed okay,
20 but there was this problem that you highlighted about
21 football, in that everyone there was a Celtic supporter
22 and you were an Aberdeen fan?
23 A. I've arrived in this school in Glasgow, ken, like, it
24 was a Catholic-run regime, ken, there was maybe 60-odd
25 boys in this school. There was nae females there. We

1 was in three units, ken, like, so I was the only person
2 that wasn't fae Glasgow, like, or the Glasgow area, ken,
3 and, like, they were all Celtic fans and I was
4 an Aberdeen fan, ken, and, like, Aberdeen had Celtic in
5 the Cup Final that year, 1990, and, like, so the banter
6 started to go, ken, like, and then the threats started
7 to be made, ken, and they started to seem really
8 serious, ken, like, not just ... and the staff were all
9 seeing this, ken, and, like, it wasnae just happening
10 face to face. When I'm lying in my cell at night, ken,
11 next to all the rest of the boys, ken, that was the way
12 the banter was, ken.

13 So, like, it was constantly on my mind, ken, and
14 I'm thinking, like, if Aberdeen do beat Celtic, ken,
15 like, I'm in trouble, ken, and it's fight or flight,
16 ken. There's no flight, ken, so I'm up against 60 boys,
17 ken, and they were all right up for it. You know what
18 I mean? That's the situation I was in.

19 Q. I think you say that before you ended up running away,
20 and we'll come to that in just a minute, there was
21 an incident in the TV room and this was when other boys
22 were watching the Strangeways riots on TV and that
23 caused essentially them to kick off and it caused staff
24 to become involved. You tell us about that at
25 paragraphs 157 and 158.

1 The boys started barricading the door up, having
2 a carry on, and putting pillowcases over their faces
3 looking like the rioters that were on TV. But then the
4 headmaster got involved and the staff had to crash the
5 door down and restrain everybody and put you all back
6 in -- put you in cells, I think you say, with just
7 a mattress on the floor?

8 A. Slept in my cell, an empty cell with a mat, like, an old
9 mattress on the floor, ken, just like a quilt and like
10 a pillow that you get in the police station, kind of
11 thing.

12 Q. I think you say the day after that incident, you were in
13 the toilet at St Mary's having a fly smoke, is the way
14 you have described it, and SNR [REDACTED] came in and
15 said some things to you?

16 A. The doors opened -- I'm in the toilet having a fly smoke
17 and the doors opened, ken. In walked this big man with
18 a beard, black hair and that and, like, he gripped me by
19 the throat and he says, 'I've warned you before, ken,
20 smoking in [REDACTED] fucking toilet, ken'. Like, he's got me
21 by the throat, pinned me against the wall, ken, and,
22 like, he started, like, physically slapping me around
23 the head and that, ken, and issuing threats towards me,
24 ken, like, 'Stop smoking in the toilet or this is what's
25 going to happen', ken, like, and obviously, ken, like

1 searched me, ken, like. I didn't have any more fags on
2 me and also, ken, put me in a bit of state of fear and
3 alarm, do you know what I mean? Scared me.

4 Q. I think during the time at St Mary's, you managed to get
5 home on leave and you tell us that you took the
6 opportunity to run away and jumped out the window at
7 your mum's house and that was you back on the streets of
8 Aberdeen for a little while and you tell us, 'Stewart',
9 that in the back of your mind was the fact that Celtic
10 were going to be playing Aberdeen and you couldn't go
11 back to St Mary's because of that?

12 A. Aye, like, ken, I run away, like, and, like, I've went
13 and hid, ken, like -- I've actually watched, ken, the
14 member of staff driving back out of Newtonhill, ken,
15 like, and, like, I've went and phoned my mum from the
16 phone box and went, 'Mum, ken, like, you don't know what
17 this place is like', ken, like, and I explained, ken,
18 like, I was up against it, ken, wi' other Glasgow boys
19 because of the fitba and I says, you've got to help me,
20 ken, and she went, 'Right, leave it wi' me', and, like,
21 and she paid for a ticket for me to go to England, ken,
22 like, and, like, sat and watched the football, ken,
23 Aberdeen beat Celtic on penalties, ken, and I was like,
24 'No, I am not going back there, ken, I cannae get
25 caught'.

1 So I like -- obviously, ken, I stayed in England for
2 like six, seven weeks. I was in the papers, on the
3 news, ken. I seen myself on the news, ken, like
4 'Missing boy', and I phoned my social worker, 'Marion,
5 ken, like I'm alive. I'm all right, ken, like and
6 I'm nae telling you where I am. I have withheld the
7 number but, ken, like, I'm alive'. She went, 'KNR',
8 there's a panel called for you yesterday, you've been
9 released off all supervision'. I said, 'What does that
10 mean?'. She went, 'You're free to go, you're free to do
11 what you want, I'm not your social worker anymore. The
12 best of luck to you'. Ken, and, like, that was me.

13 I didnae quite realise, ken, like, that I'd been
14 left, ken, like to nothing.

15 Q. I think you are still only 15 at that point, is that
16 right? I don't think you had turned 16 by then?

17 A. I was, like, maybe, like, two/three months away from my
18 16th birthday.

19 Q. Then you tell us, 'Stewart', that that was you, your
20 time in care was finished. You went back up to
21 Scotland. You talk about this from paragraph 165.

22 Again, I'm not going through it in all the detail
23 that we have there, but essentially there was no support
24 or anything from the social work or help.

25 You went back to your mum's for a few weeks and

1 then, when you turned 16, she kicked you out, and you
2 were living on the streets in Aberdeen?

3 A. My mum kicked me out on my 16th birthday, right. She,
4 like, woke me up to, like, a couple of jam sandwiches
5 wrapped in a roadmap, ken, and told get the fuck, ken,
6 like, so, like, I went into Aberdeen, ken, like, didn't
7 know much people. The people I did know was basically,
8 ken, like, from Oakbank, ken, and, like, I knew one guy,
9 ken, and he sold a bit of hash and that so, like, I went
10 and tapped on his door, ken, and asked if I could stay
11 overnight or for a few nights, ken, my mum had just
12 kicked me out, I had nowhere to go and that, so, like,
13 he obliged. He let me stay and, ken, like, I started
14 getting a good day wi' him and, like ...

15 But anyway, I went down the social work in Aberdeen,
16 tried to like -- I walked into the criminal justice
17 Social Work Department in Aberdeen. I explained, ken,
18 that I'd been in care, ken, like, I'd recently turned
19 16, ken. I'm now on the streets o' Aberdeen.
20 I'm homeless, ken, 'Can you help me?' And they were
21 saying, 'No, you've not got any kind of supervision
22 level, ken. You're not known to Aberdeen social work.
23 There's nothing we can do for you.'

24 Q. I think you say that you ended up picking up charges and
25 got probation, community service?

1 A. Like, I was having to survive, right? I didnae really
2 know the law. Like, I was young, ken, like. I was
3 having to steal just to survive, so, ken, like, things
4 were cropping up. I was getting the wrong attention,
5 the wrong way and getting lifted by police, ken, like,
6 put into court, but like -- I was just -- I couldn't get
7 settled, ken, and I had no support, ken, I had no income
8 and I had no way of surviving.

9 Q. 'Stewart', you quite frankly tell us that you ended up
10 then in Craiginches Prison and then on to Polmont and
11 you tell us a little bit about that in your statement
12 again. I'm not going to go into that. We have that
13 there, but you do tell us in particular about a staff
14 member at Polmont who assaulted you when you were there?

15 A. In the reception area. As soon as I landed in Polmont,
16 I got assaulted by a member of staff who -- I was a bit
17 cheeky, ken, like, but I felt like it was the fact I was
18 from Aberdeen, they didn't like us, ken, like. It was
19 all, like, about this football thing and, like, where
20 you come fae, who you are and like -- so as soon as
21 I got battered in Polmont, I just felt unsafe and up
22 against it.

23 Q. I think you say about your life after being in care,
24 'Stewart', that you have spent a lot of time in prison
25 and in relation to how the care system has impacted you,

1 I think you say that it's had a big impact on why you've
2 ended up in prison and I think you relate it to that,
3 your time in care is really why you've ended up in
4 prison.

5 A. 100 per cent.

6 Q. You say that this has also had a big impact on
7 relationships with people, substance abuse has been
8 a problem, and you make the point, 'Stewart', that, you
9 know, the times you were out, you went to the job centre
10 but you had to explain no education, no qualification,
11 no skills, no stability, nowhere to stay and you ask the
12 question: well, what chance do you have?

13 A. None.

14 Q. I think you say also, 'Stewart', that since you've been
15 in prison, you've been diagnosed with ADHD and that's
16 something that, I think, if you had known about that
17 before, it probably would have helped?

18 A. Had I known, ken, like about -- both my children have
19 got ADHD, ken, and, like, I've had to do awareness on
20 it. I've done a Do-IT profile and, like, it's
21 indicating I've got ADHD. Had I known that, like, years
22 and years ago, I'd have been able to get the medication,
23 the help and support, ken, like, I required, you know
24 what I mean, and it would have helped me get settled in
25 life.

1 Q. At the time you gave your statement, 'Stewart', which
2 wasn't that long ago really, you said you were going to
3 start getting some psychological help and some trauma
4 bereavement counselling to start with dealing with the
5 death of your dad.

6 A. I'm doing that just now, yeah.

7 Q. You make --

8 A. Not just the death of my dad, like. Now I've lost a lot
9 of people in my life, you know what I mean, but
10 originally it was the death of my dad.

11 Q. You make the point that the support you're getting now,
12 which is obviously great and you're taking that help
13 that's been offered, but that support you're getting now
14 would have been good to get a long time ago, when you
15 needed it?

16 A. 100 per cent.

17 Q. You think that might have made a difference if you'd had
18 support back then?

19 A. Definitely.

20 Q. 'Stewart', that's all the questions I have for you
21 today, so thank you very much.

22 Is there anything that you want to say that you
23 haven't had a chance to talk about today?

24 A. Like, since I've done this, ken, like it's a deep-rooted
25 problem, ken, but since I've done it, ken, like it's --

1 I've felt like a big relief, a weight off my shoulders
2 and, like, I'm moving on from it and I'm becoming
3 a better person. I'm engaging, ken, with staff in here,
4 ken, and getting the help and the support that I really
5 need and, like, I've found this, ken, experience
6 positive for me. Found it positive.

7 MS FORBES: I'm glad to hear that, 'Stewart', and I really
8 wish you well on your journey with that.

9 A. Okay, thanks a lot.

10 LADY SMITH: 'Stewart', my thanks go with you as well. It's
11 been so helpful to hear from you in person in addition
12 to having your written evidence before me.

13 Good luck with your initiatives that are ongoing at
14 the moment. I hope the future is more positive than
15 your past has been. Thank you.

16 A. Thanks a lot.

17 LADY SMITH: We'll take the morning break now and the next
18 witness hopefully will be ready at about 11.45 am.

19 Actually, just before I rise, rather than forget and
20 leave it until later, names, names of people whose
21 identities are protected by my General Restriction Order
22 that we have used this morning. There is a KNS ,
23 LIL , ILF , , who was a boy,
24 , who was a boy, LJK ,
25 member of staff called KNT , Mr HMY , LIY and

1 [REDACTED] ILG, also known as [REDACTED] ILG. They are not
2 to be identified as referred to in our evidence outside
3 this room.
4 Thank you.
5 (11.29 am)
6 (A short break)
7 (11.45 am)
8 LADY SMITH: Mr Peoples.
9 MR PEOPLES: My Lady, the next witness today is
10 an applicant, whose pseudonym is 'Sandy'.
11 LADY SMITH: Thank you.
12 'Sandy' (affirmed)
13 LADY SMITH: 'Sandy', thank you for coming here this morning
14 to help us with your evidence. As you know, I already
15 have your written evidence in your statement and
16 I've been able to study that in advance. That's been
17 really helpful. But it's also extremely helpful to have
18 you in person so that we can explore some parts of it
19 with you today. As you probably appreciate, we don't
20 need to go into every part of it but there are some
21 aspects that will be helpful to me if we can discuss
22 them and I hope it's not going to be too difficult for
23 you.
24 Can I just say that I do understand that however any
25 of us may, in our private life, our own personal life,

1 be used to being in a public place or speaking or
2 presenting ourselves, this is difficult, because you
3 have agreed to come along and talk about your own past,
4 your own childhood and the child in you may make it
5 difficult for you at times. I understand that.

6 A. Yes.

7 LADY SMITH: If you need a break, just say. If you want
8 a pause, just say. If you're not understanding us,
9 that's our fault not yours, so tell us. The key is if
10 there is any I can do to make it easier for you to give
11 your evidence as well as you can and as comfortably as
12 you can, I want to know.

13 A. Thank you, my Lady.

14 LADY SMITH: If you're ready, I'll hand over to Mr Peoples
15 and he'll take it from there.

16 A. I'm grateful, my Lady, thank you.

17 LADY SMITH: Thank you.

18 Mr Peoples.

19 MR PEOPLES: My Lady.

20 Questions by Mr Peoples

21 MR PEOPLES: Good morning, 'Sandy'.

22 A. Good morning, Mr Peoples.

23 Q. Can I begin by giving, for the transcript, our reference
24 for the statement you have provided, you don't need to
25 concern yourself about that, but our reference is

1 WIT-1-000001112.

2 There is a red folder in front of you, 'Sandy',
3 which contains a copy of the statement you have provided
4 already and could I ask you initially to turn to the
5 final page, page 44. You say there that you have no
6 objection to your statement being published as part of
7 the evidence to the Inquiry and that you believe the
8 facts stated in your witness statement are true.

9 A. Yes.

10 Q. I think you can confirm that you have signed and dated
11 the statement?

12 A. Yes, indeed.

13 Q. If I could perhaps go from the end to the beginning of
14 the statement and I'll take you through some parts of
15 the statement today, particularly about your direct
16 experiences as a child in care at
17 Oakbank Residential School.

18 First of all, can I ask you to confirm that -- and
19 I don't need anything more than the year -- you were
20 born in 1976?

21 A. Yes.

22 Q. You were born in England?

23 A. Yes.

24 Q. And that when you were very young, your family moved to
25 Aberdeen?

1 A. Yes.

2 Q. You have one older sister, is that correct?

3 A. Yes.

4 Q. You tell us, 'Sandy', and this is at paragraph 5 on
5 page 1, and I'm not going to ask very much about this,
6 but you say that because you were a Catholic family, you
7 were sent to a Roman Catholic school in Aberdeen?

8 A. That's right, yes.

9 Q. You tell us a bit about the school, and again I'm not
10 today going to go through that in any detail, but
11 I think you tell us that there were some problems at the
12 school that you experienced possibly around the age of
13 about ten?

14 A. Yes.

15 Q. To put it shortly, you tell us that you suffered certain
16 forms of abuse and bullying at the school?

17 A. Yes.

18 Q. Then, if I could move on in your statement, page 3,
19 paragraphs 14 and 15, I'm asking about this because
20 I think you tell us about something that happened later
21 on when you were at Oakbank, but you tell us that
22 a particular sister, Josephine Ogilvie, would come to
23 the school and you describe her as a lovely sister and
24 someone that you became close to?

25 A. Indeed, yes.

1 Q. She was a very caring person?

2 A. Yes.

3 Q. You tell us that Sister Ogilvie was brutally murdered in

4 St Mary's Cathedral in 1988?

5 A. Yes.

6 Q. You go on to tell us you attended her funeral and indeed

7 were quite traumatised at the time by that happening?

8 A. Indeed, yes.

9 Q. Moving further on to page 5 of your statement, you tell

10 us at paragraph 25 that in 1988 you went from your

11 primary school to a senior school and that, I think, was

12 generally speaking a much better experience for you than

13 your primary school. I don't need to go into the

14 reasons, but you say it was, but you still had suffered

15 bullying?

16 A. Yes.

17 Q. Was that from pupils?

18 A. Yes, yes.

19 Q. I think you tell us about that at paragraph 30 and you

20 said there were a lot of bullies at the senior school?

21 A. Yes.

22 Q. And that that caused you to stop going to school?

23 A. Yes.

24 Q. The upshot of you staying away from school was that

25 there seems to have been some social work involvement at

1 that stage and that the social worker that you can
2 recall -- there was a social worker who told your
3 parents that it would be a good idea if you were sent to
4 some form of residential school?

5 A. Yes.

6 Q. That is at paragraph 32.

7 A. Yes.

8 Q. At paragraph 35, you tell us that what happened next was
9 that you did go for a time to a residential school in
10 England?

11 A. Yes.

12 LADY SMITH: Was this idea that it would be a good idea to
13 send you to a residential school simply a way of keeping
14 you in school or was there more to it than that, do you
15 know?

16 A. I think it was -- I think it was binary, to keep me in
17 school, and obviously when you are staying out of
18 school, it creates a lot of social problems within the
19 family and I think the combination of the education, but
20 also the social aspect of it. And to put it into
21 context, my Lady, my parents were not very strong at
22 resisting suggestions. They -- even to this day, er, my
23 father will still attribute a lot of the responsibility
24 to the authorities because they effectively took that
25 decision. Whereas my parents are the ones who had

1 parental responsibility.

2 LADY SMITH: Of course. But their approach may have been,
3 as can happen, 'Oh, well, the authority knows best'?

4 A. And I think, to be fair to them, I think that was the
5 case at the time. I can only base it on my own critical
6 analysis and also the fact that I would have looked far
7 more analytically at the options and I would have -- the
8 focus would have been the best interests of my child.

9 I'm not sure that that was my parents' focus,
10 my Lady. I'm sorry.

11 LADY SMITH: No, that's all right. Thank you.

12 Mr Peoples.

13 MR PEOPLES: The residential school, you tell us about that
14 between paragraphs 37 to 64 of your statement and
15 I'm just going to perhaps summarise something about the
16 school and you can tell me if I have this wrong.

17 A. Yes.

18 Q. You were there, I think, for a few months before you
19 were the age of 15; is that correct?

20 A. Yes.

21 Secondary Institutions - to be published later
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Secondary Institutions - to be published later

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13 looking back, you tell us that you were manipulated by
14 some of the older boys to steal money?

15 A. Yes.

16 Q. In order to purchase drugs, cigarettes, and alcohol?

17 A. Yes.

18 Q. Were these boys at the school?

19 A. No, that was afterwards. That was between -- there was
20 a period of time in [REDACTED] 1991, after [REDACTED] 1991, Secondary Ins

21 Secondary Institutions - to be published later [REDACTED], er, and

22 [REDACTED] 1992, when I was placed in Oakbank. It was
23 during that period, that period of six months.

24 Q. That these boys --

25 A. Yes, yes.

1 Q. -- were getting you to steal and you were getting
2 involved in stealing to purchase drugs?

3 A. Yes, I was getting involved in criminality and those
4 were people I had known from Oldmachar, because I was
5 back in Aberdeen at the time, yeah.

6 Q. Now, presumably you were stealing to buy drugs,
7 cigarettes and alcohol for the older boys to consume and
8 use?

9 A. Yes.

10 Q. Did you also get involved in using alcohol or drugs or
11 cigarettes at that time?

12 A. I was using alcohol and cigarettes. I was not using
13 drugs.

14 Q. Now, as you tell us, from paragraph 58 onwards, about
15 leaving this school, this residential school, that you
16 had a three-month period [REDACTED] 1991 when you
17 were at home and you were aged 15?

18 A. Yes, yes.

19 Q. You tell us that that wasn't an easy time because your
20 father found out that your mother wanted to officially
21 separate from him?

22 A. Yes.

23 Q. You also tell us that at that time you had, as you
24 describe, a very fractious relationship with your father
25 and you fought often. When you say fought, do you mean

1 there was a lot of arguments or did it go beyond that?

2 A. It went beyond that occasionally, yes. It became

3 physical.

4 Q. You tell us that you stole a significant amount of money

5 from him at that time?

6 A. Yes.

7 Q. But you tell us why you were doing that. You say that

8 you were, looking back, you were buying friendships, you

9 were feeling isolated?

10 A. Yes.

11 Q. You were being manipulated by boys to steal money to buy

12 drugs, cigarettes and alcohol, but you were doing it to

13 please?

14 A. Indeed, yes, essentially.

15 Q. To buy friends?

16 A. To buy popularity and I think with any young person, at

17 that age, going through puberty, er, they are very

18 self-conscious and they -- I think for me, my

19 self-esteem was so low at the time that I felt as though

20 I had to buy popularity, because I didn't, you know --

21 inevitably I didn't like myself, given what was going on

22 in the background in my life at the time.

23 Q. Okay.

24 A. Thank you.

25 Q. That caused you to be placed in Oakbank School, that was

1 part -- was that part --

2 A. Part of it, yes, yes, yes.

3 Q. I know it's not the whole part, because I think you tell

4 us, if we go forward to page 12, paragraph 65 and

5 onwards, that there had been some panel hearings to deal

6 with your case?

7 A. Yes.

8 Q. And that it appears that the panel at that time were

9 really not very keen on putting you in Oakbank. They

10 perhaps didn't feel it was the right place for you?

11 A. No.

12 Q. That indeed on one occasion, they adjourned the hearing

13 to see if there was a better alternative that could be

14 put before them by the social services?

15 A. That's right, yes. They were very unanimous about that

16 as well, er, that Oakbank was not the right placement

17 for me.

18 Q. But in the end, as you tell us, you were sent there

19 because I think that social services didn't really come

20 up with an alternative and continued to recommend

21 Oakbank as, I suppose, the best in the circumstances?

22 A. Yes.

23 Q. That led to a decision by the panel to place you there?

24 A. Yes.

25 Q. In [REDACTED] 1992?

1 A. Yes.

2 Q. You tell us at paragraph 70, page 13 of your statement,
3 'Sandy', that Oakbank's reputation preceded itself. It
4 was where very bad children, that couldn't be managed
5 elsewhere, were sent.

6 A. Yes.

7 Q. Was that something that you discovered at the time or
8 knew of at the time?

9 A. I think any young person in Aberdeen would tell you at
10 that time that Oakbank School was a threat that was
11 used, either by parents or authorities, because its
12 reputation did precede itself. It was the bad boys'
13 school, and that's how we all knew it. In Aberdeen it
14 had a notorious reputation.

15 Q. You tell us at paragraph 71 that it accommodated some
16 very disturbed young people?

17 A. Yes.

18 Q. Including boys who had been physically and sexually
19 abused and that that had manifested itself into criminal
20 behaviour on their part; is that right?

21 A. Yes, yes.

22 Q. Although there would also be, I suppose, young people
23 there who were considered beyond parental control or in
24 need of some form of care and protection, but you say
25 that there were certainly a significant number that

1 fitted that particular profile?

2 A. Yes. I think when the care order was made, the reason
3 was given that I was beyond parental control and I think
4 that was very much -- I personally thought that put
5 a lot of responsibility on the young person, rather than
6 the adults in the room at the time. It's an unfortunate
7 term in what was the legislation at that time and it's
8 certainly a term -- yes, it's certainly a term that
9 I have very rarely used since, put it that way, yeah.

10 Q. Then you tell us about your first day at Oakbank School,
11 and I'll come to something that happened at that time,
12 but just before we go -- we will go to that in due
13 course, but one of the people you met on your first day
14 was one of the senior staff, who was SNR
15 called LIQ ?

16 A. Yes.

17 Q. You don't need to tell us about Oakbank now, because
18 we've heard quite a lot of evidence about it, how it
19 looked and in its appearance, layout and so forth, but
20 I'll ask you a few questions perhaps on the place as
21 well.

22 You tell us that initially you were put into a unit
23 called Oakhill?

24 A. Yes.

25 Q. We know that there were units in the main school

1 building and that Oakhill was separate but on the same
2 site?

3 A. That's right, yes.

4 Q. Indeed you tell us at paragraph 79, page 15, 'Sandy',
5 that one of the other units was called Rosemount and it
6 was in the main building, and you did run away quite
7 shortly after you went to Oakbank and you say that
8 that's where you were placed?

9 A. Yes.

10 Q. On the basis that it was more secure than the Oakhill
11 unit?

12 A. Yes.

13 Q. You tell us the other unit, which was again in the main
14 building, was called Ashgrove?

15 A. Yes.

16 Q. Can you recall, you say that the doors to the main
17 building were locked --

18 A. Yes.

19 Q. -- can you recall what the situation was about internal
20 doors in the main building, were they accessible or were
21 they locked?

22 A. I think there were certain internal doors locked at
23 certain times, so the only access you had were the two
24 units which converged on to like a gymnasium-type
25 building room and you had access then to the shower

1 room, locker rooms and toilets, and I think, at night,
2 the children were contained in that unit until everyone
3 went up to bed at the same time.

4 Q. I think you'll tell us something about how much time you
5 were allowed to spend in your sleeping quarters, if you
6 like. It was only at night, generally speaking --

7 A. Yes.

8 Q. -- that young people could go to where they slept?

9 A. Yes.

10 Q. Now, you tell us there were children not just from the
11 Aberdeen area but from other parts of Scotland when you
12 were there?

13 A. Yes. Yes.

14 Q. So it was taking young people from across Scotland?

15 A. Yes.

16 Q. Now, you tell us about some of the staff -- we'll come
17 to them in due course, because I think you had certain
18 sort of incidents with some of these staff that you have
19 mentioned.

20 So far as the dormitories are concerned, you tell us
21 that at paragraph 82, on page 15, that the young people
22 slept in dormitories with two or three to a room, but
23 they weren't in any sense private?

24 A. No.

25 Q. You tell us that when you were there, the room, as it

1 were, was really something that was simply a division of
2 a larger dormitory, using some sort of internal
3 partition wall?

4 A. Yes.

5 Q. It didn't extend to ceiling height?

6 A. No.

7 Q. If someone was minded, they could move from one room, as
8 it were, to another room by simply coming over the top
9 of the partition wall?

10 A. Not even that. There was a door access. There was
11 a doorway with no door, so you could actually move quite
12 freely in between the partitioned rooms.

13 Q. That opening, did it have any form of curtain though to
14 pull over, like you might get in a hospital ward, for
15 example, or was it simply open?

16 A. I think it was open, yes. To the best of my
17 recollection.

18 Q. In any event, it was easy enough to get access --

19 A. Yes.

20 Q. -- if you were in the area, the sleeping area?

21 A. Yes.

22 Q. It was easy for young people to go from one room, as it
23 were, or one section to another --

24 A. Yes.

25 Q. -- the way it was configured at that time?

1 A. Indeed, yes.

2 LADY SMITH: But not easy to get any privacy?

3 A. No, no.

4 MR PEOPLES: I take it, although you don't tell us, that you

5 wouldn't have been given any choice of who you shared

6 a room with?

7 A. No, no, you weren't. You were put where you were told,

8 yes.

9 Q. Just on that, when you first arrived were the people you

10 shared with, did you know them at all?

11 A. No.

12 Q. So they were complete strangers?

13 A. Yes.

14 Q. Do I take it that, when you first arrived, all members

15 of staff were complete strangers?

16 A. Indeed, yes.

17 Q. So far as what happened in your time, at paragraph 83,

18 you tell us:

19 'We never went up to our rooms and we had to be in

20 the social areas until bedtime.'

21 So that was the general way that things were done?

22 A. Yes.

23 Q. You'll be familiar with the expression 'kicking off' or

24 'acting up'?

25 A. Yes.

1 Q. If a young person, for example, in one of the communal
2 areas of a unit or in a classroom was kicking off or
3 acting up, would there be occasions when they would be
4 removed and taken to their rooms?

5 A. No. The way Oakbank staff managed it, they used to take
6 them -- each unit used to have an office and in
7 Rosemount there was a very narrow office. You were
8 allowed to smoke in the unit, so they used to keep the
9 cigarettes there, but whenever someone 'acted up', as
10 you put it, they would be taken into the office and it
11 was like a stable door, so there would be two doors,
12 a door, and a door at the base of the door, so the door
13 would be split in two. And when someone acted up, that
14 door would invariably be shut. And the glass was
15 frosted, so you couldn't actually see what was going on
16 in that door.

17 Q. You could only hear it?

18 A. You could hear it, yes.

19 Q. I'll come to that, because you tell us a bit about this
20 office, as you've called it, and what happened there.

21 A. Yes.

22 Q. Just going back again to some general questions about
23 Oakbank. At page 16, on paragraph 86, you tell us you
24 would go upstairs to sleeping quarters at bedtime,
25 possibly around 9.30/10 o'clock at night?

1 A. Yes.

2 Q. You say:

3 'We weren't locked in the bedroom overnight. We

4 could go to the toilet.'

5 A. Yeah.

6 Q. That night staff would be on, but would allow people to

7 leave their rooms if they needed to use the toilet?

8 A. Yes.

9 Q. If you wanted to go to the toilet, did you have to ask

10 or could you just come out of your room and head to the

11 toilet?

12 A. I think you could head to the toilet. You'd obviously

13 get challenged by the night staff as to what you were

14 doing, but you could freely go to the toilet, yes.

15 Q. If you said, 'I've come out because I want to go to the

16 toilet', and they were satisfied you weren't heading for

17 someone's room --

18 A. Yes, well, the night staff actually weren't stationed in

19 the sleeping quarters. They were stationed where the

20 toilets were, so the night staff room was directly

21 adjacent to the entrance to the toilets, so that's where

22 they were, but they weren't exactly -- they weren't

23 stationed in the sleeping quarters.

24 Q. To understand their location, if we take your room, for

25 example, and you wanted to go to the toilet, you could

1 come out of your room or section within this larger
2 area --
3 A. Yes.
4 Q. -- you would walk towards the direction of the toilet,
5 was that a corridor?
6 A. The layout of the rooms were, there were rooms -- it was
7 a very long, narrow passageway, I remember, and there
8 were rooms either side. And you used -- where Rosemount
9 children were, they used to be on the south -- no, the
10 east side, the east wing, and you used to have to go
11 left and when you go back into the sort of main building
12 and the -- there was a double door and then there was
13 the staff -- night staff room to the left and the
14 toilets to the right.
15 Q. So you would have to go through least one double door
16 from the rooms?
17 A. Yes, yes.
18 Q. But was that a door that you could open? It wasn't
19 locked, the double door?
20 A. I don't remember it being locked, no.
21 Q. Having gone through the double doors, if you headed to
22 the toilets, then staff would be able to see if you
23 were --
24 A. Yes.
25 Q. -- going to the toilet?

1 A. Yes.

2 Q. I take it the night staff would, at times during the
3 night, leave their station or office and wander about to
4 see that everyone was where they should be?

5 A. Yes, they would do that with torches, yes, yes.

6 Q. When you were there, how many night staff were on duty?

7 A. There were two night staff every night.

8 Q. As far as staff generally are concerned, I don't think
9 I asked you this before, were most of the staff, both
10 teachers and care staff, male at that time or was there
11 a mix?

12 A. Yes, they were, in Rosemount and Ashgrove. There was
13 a bit more of a mix in Oakhill. The teaching staff,
14 there was a greater gender mix, but, yes, predominantly
15 male in Rosemount and Ashgrove.

16 Q. Again, going back to your time in 1992, were all the
17 senior staff of the school, whether on the care side or
18 teaching side, male?

19 A. Indeed.

20 Q. SNR [REDACTED] was a Mr HMY [REDACTED]?

21 A. Yes.

22 Q. Who was SNR [REDACTED]? Was there SNR [REDACTED]
23 SNR [REDACTED], an obvious one?

24 A. No, there were three SNR [REDACTED], if you like.

25 There were three SNR [REDACTED], to the best of my

1 recollection. There was a gentleman called
2 Mr ILG [REDACTED]; there was another one called
3 LIQ [REDACTED], who we touched on; and LIL [REDACTED].
4 Q. They had, presumably, different responsibilities, though
5 I think we have heard that Mr ILG [REDACTED] maybe was
6 a sort of SNR [REDACTED] side or does that not accord
7 to your recollection?
8 A. I didn't know what the designation of responsibilities
9 were, because, to be quite frank, Oakbank wasn't that
10 organised. So I didn't know what any designated role
11 was because it seemed to be quite chaotic as regards the
12 staff.
13 LADY SMITH: Was this Mr ILG [REDACTED] also referred to by
14 some of the children as 'ILG [REDACTED]'?
15 A. Yes, yes.
16 LADY SMITH: Thank you.
17 MR PEOPLES: Did LIL [REDACTED] have a nickname at all?
18 I mean, sometimes staff are given nicknames by young
19 people, or can you recall?
20 A. I had a few nicknames for him, but, no, I don't recall
21 whether or not he had a particular nickname.
22 Q. Okay. If we go back to your statement, under the
23 section on routine, on page 16 -- sorry, there was
24 another question I was going to ask while I'm on the
25 subject of staff.

1 Before I go to that, can I ask you this: you spent
2 a brief time initially in Oakhill?
3 A. Yes.
4 Q. This was the separate unit. Were you there long enough
5 to work out who the unit manager or unit leader was for
6 that unit?
7 A. Yes, I was aware it was a man called LIM [REDACTED].
8 Q. Was there a deputy in the unit or was that not clear?
9 A. I don't remember -- no, that wasn't clear, no, sorry.
10 Q. What about Rosemount, who was the unit leader there?
11 A. That was KFJ [REDACTED] and the deputy -- there were two
12 deputies, one was called IAB [REDACTED] and another was
13 LIU [REDACTED].
14 Q. They were deputies?
15 A. As far as I can recall, yes.
16 Q. Does that mean there were other unit staff who were at
17 least in a more junior position to them?
18 A. That's right, yes, yes.
19 Q. Was KFJ [REDACTED] related to another person, who I think
20 was there at your time, called FZR [REDACTED]?
21 A. Indeed he was, yes. That was his son.
22 Q. Were there any other [REDACTED] who were related at that
23 time? Was there another son of KFJ [REDACTED] that worked
24 there in your time? Perhaps not, I'm just asking. If
25 you can't remember, it's not --

1 A. I can't recall. I knew FZR [REDACTED], but I didn't know if
2 there was any other [REDACTED], sorry.

3 Q. No, no, don't apologise.

4 LADY SMITH: Don't worry, 'Sandy', you've done well to
5 remember the names you have from over three decades ago.

6 A. Thank you, my Lady.

7 MR PEOPLES: Some may be more memorable than others,
8 I suppose.

9 A. Indeed, yes.

10 Q. As we'll find out.

11 A. Yes, indeed.

12 Q. I'm not going to dwell on the meals, and we have heard
13 some evidence about the quality of the meals, but at
14 least from your perspective, meals weren't very nice and
15 you likened them to -- well, it was a school, but you
16 likened them to what people have -- perception of school
17 dinners, that they're not particularly appetising in
18 those days, at least?

19 A. No, and it was delivered on site and in the context of
20 30 years ago, I suppose, we didn't have a selection of
21 -- or any choice as to what we had to eat. We were just
22 given what we had to eat.

23 Q. Maybe also perhaps you came from a home background
24 where, if you were comparing the meals you received at
25 home with the meals you received at Oakbank, would you

1 say that the former were better than the latter?

2 A. Well, I have experienced my mother's cooking and I can
3 remember that very well, so probably not. Probably not
4 a very good yardstick to use, no.

5 Q. No, but we do know that some young people who came there
6 came from quite deprived backgrounds --

7 A. Yes.

8 Q. -- some maybe struggled for food and I think we have
9 heard some stole to get food --

10 A. Indeed, yes.

11 Q. -- and ended up in places like Oakbank.

12 A. Yes, yes. I can appreciate that and actually that
13 Oakbank, in some ways, for those young people, would
14 have been a positive experience in that regard, because
15 they would have had consistent meal times and they would
16 have had routine.

17 Q. Yes, because I think some people talk about it, and
18 I think that is sometimes the reason given why people go
19 to or are sent to places like that, to get some routine
20 and structure in their lives, which was previously
21 absent.

22 A. Yes.

23 Q. If I can move on to washing and bathing. You tell us at
24 paragraph 89 that the showers were open plan?

25 A. Yes.

1 Q. You tell us at paragraph 90 that you personally didn't
2 really like that arrangement?

3 A. No.

4 Q. Indeed, it affected the times you were prepared to go
5 and have a wash?

6 A. Yes.

7 Q. As far as clothing is concerned, you tell us at 92 and
8 page 17, that you wore your own clothing so you were
9 permitted to wear your own clothing?

10 A. Yes.

11 Q. Although you would say that the school itself would
12 provide clothing, including pyjamas, and you tell us
13 that your recollection is they were the same sort of
14 pyjamas that prisoners wore in the TV series, 'Prisoner:
15 Cell Block H'?

16 A. Yes, they were exact replicas of those pyjamas, which
17 I thought was incredibly unfortunate, yes.

18 Q. There is no variety at all?

19 A. No, no, no. I recall that the pupils did have
20 a clothing budget. For example, if there were specific
21 things that they could get. Er, I remember the waiting
22 times for things like shoes and underwear, just basics,
23 were incredibly lengthy.

24 Q. I think we've heard -- I don't know whether this was
25 happening in your time -- that young people at Oakbank

1 could be taken out shopping to buy things, clothes and
2 other items?
3 A. Yes. Yes. Yes.
4 Q. That also, if they were allowed out, and I think we
5 heard that at least at one point they were allowed out
6 on a Saturday afternoon to go into Aberdeen, that they
7 could go and spend some money?
8 A. Yes, yeah.
9 Q. Also if they went -- they might also wear particular
10 clothing to go out, what they thought was their best
11 clothes perhaps, to go out on these occasions?
12 A. Yes.
13 Q. They might go to various places when they were out?
14 A. Yes. I personally didn't go on a shopping trip with
15 anyone from Oakbank School, but I understand --
16 Q. You would be aware --
17 A. I was aware.
18 Q. -- that that was something that was happening?
19 A. Yes, indeed, yes.
20 Q. As far as leisure is concerned, you tell us there were
21 things within your unit, like a pool table.
22 A. Yes.
23 Q. I think we have heard there might have been a table
24 tennis table at one point, I don't know if it was in
25 your time, and there was a television room and so forth,

1 but you say there wasn't a lot of reading going on. Is
2 the reason for that that there were no books or that
3 simply most of the young people there weren't readers?
4 A. Yeah, I would agree with that statement, that most young
5 people there weren't readers and therefore there weren't
6 books.
7 Q. But if you were someone who was bookish or interested in
8 books, was there much choice of reading material?
9 A. No, there was no choice of reading material at all.
10 Q. There wasn't some sort of library --
11 A. No.
12 Q. -- that you could go to and take out some work of
13 fiction if you wanted or non-fiction?
14 A. No, no.
15 Q. From your perspective, I think you say at 93, that so
16 far as you were concerned that you didn't feel there was
17 a lot to do when you had free time?
18 A. No.
19 Q. You struggled with that situation?
20 A. Yes.
21 Q. Did a lot of the young people then spend a lot of time
22 in front of a television set?
23 A. Yes.
24 Q. Or playing pool?
25 A. Play pool and just sit around.

1 Q. And sit around?

2 A. And that's all -- that's the only stimulation they had.

3 Q. When they were sitting around, would they chat amongst

4 themselves about things that were going on in the

5 school? Would there be a certain amount of exchange of

6 information and, in that way, people would become aware

7 of things that they didn't personally experience?

8 A. Yes. There was also interaction with staff as well. So

9 staff members would invariably hang around, erm, and

10 talk with children. Some staff members would make

11 children make them coffees and things like that. So,

12 yes, but my recollection is there was very little

13 stimulation for young people, apart from -- and only two

14 people -- the units were, in my view, overpopulated for

15 the level of stimulation that each unit offered. So

16 only two people could play pool at the same time. And

17 the television area in Rosemount unit was partitioned

18 off in that pool room, so you could only fit a certain

19 amount of young people in there.

20 And it was sort of majority rule as to what you

21 watched as well. So things like MTV was at the time on

22 all the time, which had very little interest to me, so

23 yes, I did struggle with stimulation in that way.

24 Q. Would things such as use of the pool table or what you

25 watched on television, would that be to some extent

1 dictated by the older people in the unit?

2 A. Yes, the more established. Probably lot more long-term
3 residents. There certainly was a hierarchy in amongst
4 the pupils.

5 Q. There was a hierarchy. As far as the fact that they
6 came from different parts of Scotland, did they group
7 according to where they came from?

8 A. No, they were actually very well integrated. So
9 I remember meeting a couple of people from Dundee in
10 Rosemount unit. I think there was someone from Alloa,
11 I think.

12 Q. You mention that in your statement.

13 A. Yes, yes.

14 Q. You didn't get a sense -- because sometimes in places
15 that people who come from different areas maybe
16 naturally gravitate towards each other and group
17 together, and some might even be described as being in
18 a sort of gang-culture-type environment. It wasn't like
19 that, as far as you remember?

20 A. No, it was more -- if anything ... I suppose I knew
21 people in my unit best, so I didn't really know anyone
22 from Ashgrove unit. I didn't mix really. Erm, because
23 I didn't involve myself with the sort of social aspects
24 of Oakbank, because I'd got there much later in my
25 childhood, and because it was a short time, I didn't see

1 any, at the time, value in establishing any social
2 relationships with children.

3 I felt as though I'd had very little in common with
4 other people in Oakbank. It was just the fact that we
5 were there at that particular time.

6 Q. You at that stage, I suppose, would be one of the older
7 young people, because you were 15?

8 A. Yes.

9 Q. I think at that stage there they would be preparing for
10 people to leave between 15 and 16 often?

11 A. Well, indeed, which for me, I have to say, makes the
12 decision to be placed in Oakbank a very strange decision
13 at that stage of a young person's life, and I have to
14 admit I have struggled with that.

15 Q. I suppose that you were there six months at most and not
16 there all the time, but that's not a long time to turn
17 things around, if it's thought by the people that sent
18 you there that it's going to do something to change your
19 situation. It's not a long time to give to staff, even
20 if they have the skills, to achieve something?

21 A. Well, it isn't, and indeed, I had no idea what Oakbank
22 was supposed to achieve. That's what I mean. At the
23 panel hearing, it was never told to me why, what Oakbank
24 was actually to do for me, how it was going to help me,
25 and how it was actually going help me integrate into the

1 real world in six months.

2 I had no idea of the purpose of Oakbank. 32 years
3 later, I still struggle to actually identify any purpose
4 of Oakbank. Why I had to endure that experience.

5 Q. You talked earlier about the number of people in a unit
6 and perhaps -- did you get any kind of one-to-one time
7 or enough one-to-one time as a young person there?

8 A. No.

9 Q. You would have times when you'd have discussions,
10 because I think you do talk about some staff that you
11 liked --

12 A. Yes.

13 Q. -- and you felt closer towards and were a good influence
14 to an extent?

15 A. Yes.

16 Q. But you don't feel you were getting sufficient time on
17 a one-to-one basis as an individual to be helped and
18 supported?

19 A. No, because, these staff, you know, my recollection is
20 they weren't trained and they were quite open about
21 their backgrounds.

22 One, for example, came from an army background and
23 he seemed to aggrandise himself with that background,
24 that he based a lot of his handling and discipline on
25 his army background. Not necessarily from a social care

1 perspective, but from an army perspective, which at
2 15-and-a-half, even at that age, I thought was
3 incredibly strange.

4 LADY SMITH: And that was an 1990s army perspective, matters
5 may have changed?

6 A. Well, 1980s/1990s, and the one particular staff member
7 I'm talking about, your Ladyship, he was involved in the
8 troubles in Northern Ireland, so it was an incredibly
9 combative experience, and to go from that career to
10 a career in a social care residential unit, I didn't see
11 the nexus between the two and I didn't see how on earth
12 someone who is trained in combat could actually be
13 employed in a social care unit with extremely vulnerable
14 young people.

15 MR PEOPLES: I suppose if there was a disturbance, they
16 might feel they had the skills to quell it from their
17 army background.

18 A. I would say that was highly inappropriate.

19 Q. I'm not suggesting it was appropriate, but it may be
20 that they felt, because of that background, that they
21 were better able than some people to handle a situation.
22 I'm not saying it was handled well, but that may have
23 been their thought process.

24 A. I think the recruitment process in Oakbank, if you're
25 looking at -- they recruited -- there was a lot of

1 nepotism in Oakbank. They recruited on how they could
2 handle themselves and actually they could, as you
3 rightly say, quell trouble.

4 So these people were recruited, not because of their
5 social care skills, not because of their training or
6 their ability to engage with vulnerable young people,
7 they were there because they could handle themselves in
8 a situation and they could -- well, I think the term
9 would be to restrain young people in a way, physically
10 restrain a young person.

11 LADY SMITH: 'Sandy', you mentioned nepotism. Tell me about
12 that?

13 A. There seemed to be -- we have touched on KFJ and
14 FZR. There seemed to be -- I don't know what the
15 recruitment processes were, but it seemed to be not what
16 you knew but who you knew in Oakbank which got you
17 a job.

18 There seemed to be a disproportionate amount of
19 ex-Oakbank pupils employed as staff members, and I don't
20 criticise that in any form because if they have the
21 requisite training to do so, that's absolutely -- that's
22 admirable and indeed they would have some empathy with
23 young people. However, I have to say, I would not feel
24 equipped to be in that position as an ex-Oakbank -- if
25 my only qualification was as an ex-Oakbank pupil,

1 I would not feel qualified to say I can actually address
2 the needs of other vulnerable young people, just by
3 virtue of being an ex-Oakbank pupil.

4 It seemed to be that there were very little trained
5 staff members. The ones who were trained didn't seem to
6 actually be in positions of responsibility. I know
7 K F J was . And they seemed to
8 be -- their background, we knew too much about. We were
9 privy to. So we knew about the army backgrounds, the
10 ex-Oakbank pupil backgrounds. We didn't get to know
11 about the residential training or the vocational
12 qualifications anybody had. We seemed to know about
13 what I would say now is unconventional backgrounds,
14 going into social care and they seemed to be very proud
15 of that, that they had that background of being able to
16 handle themselves in a situation, that they were somehow
17 tough.

18 LADY SMITH: Yes, thank you. Mr Peoples.

19 A. Thank you.

20 MR PEOPLES: Can I take you back to your statement at
21 paragraph 94. This is under the section 'Leisure time',
22 and you tell us that one of the things that happened
23 from time to time was that young people would be taken
24 out in the school minibus?

25 A. Yes.

1 Q. Do you remember how many minibuses they had at the time,
2 was it more than one?

3 A. Yes, they did, because I think they had one allocated to
4 each unit.

5 Q. I see. So if there were three units in your time or
6 were there more than three units?

7 A. Three units. There was also a satellite unit to
8 Oakhill, which I think was called, my recollection was
9 it was number 46 or something, which housed, I think, it
10 was four boys and two staff members.

11 Q. I think you'll tell us about that in your statement --

12 A. Oh right, okay, I'm grateful.

13 Q. -- so I'll come to that. I think it's what you're going
14 to tell me about, but you'll correct me again if
15 I'm wrong, but I think I know what you're referring to.

16 You think there was maybe at least one minibus per
17 unit?

18 A. Yeah, I think so, yes.

19 Q. How big a unit for example was Rosemount? How many
20 pupils were they catering for at that stage? I don't
21 need a precise number but ...

22 A. I'm just trying to think, it was between 10 and 15. It
23 varied at different times, because people would be
24 transferred to other units, or people would leave, so it
25 was variable and, of course, there were day pupils and

1 residential pupils as well, but I think there was about
2 15, which I thought the size of Rosemount unit at the
3 time was wholly inadequate for the population.
4 Q. Size-wise?
5 A. Yes.
6 Q. We have heard that in the early days of Oakbank, they
7 had perhaps as many as 250 pupils at the school.
8 A. Well, that is unmanageable.
9 Q. I don't think anyone was suggesting it was manageable,
10 and it reduced over time.
11 A. Yes.
12 Q. It was registered, I think, in 1987 for about 66 young
13 people. Now, the numbers may have diminished by the
14 time that you were there, but that was the number,
15 I think, they had of permitted places in 1987, I think
16 at least. Although I think they may have tried to
17 reduce the actual numbers between then and the time that
18 you were placed there.
19 A. Yes.
20 Q. Now, just going back to the minibus trips. You tell us
21 that one of the places that pupils would be taken would
22 be to the red light area near the harbour in Aberdeen,
23 is that right?
24 A. Yes, that's right.
25 Q. How regular was that trip? Was that a common trip?

1 A. I don't know, to be honest with you. I'd been down --
2 I went down a couple of times, in my recollection of it,
3 but I don't actually know, because I wasn't often on the
4 minibus, so --
5 Q. But you were taken on a couple of occasions?
6 A. I was taken, yes.
7 Q. Was it ever explained to you what the purpose of going
8 there was, that particular part of Aberdeen?
9 A. Oh yeah, the pupils were very well aware they were going
10 to shout at prostitutes.
11 Q. They knew why they were going to the harbour area. I
12 mean, We've heard that pupils would be taken on trips to
13 other places, but that was the reason why -- they knew
14 why they were going there?
15 A. Yeah.
16 Q. On the occasions when you were taken there, that's
17 exactly what happened, you went to see the prostitutes?
18 A. Yeah.
19 Q. And --
20 LADY SMITH: Did you say they were going to shout at them?
21 A. Yes.
22 MR PEOPLES: You tell us what did happen on the occasions
23 you were there, that abuse was shouted at them?
24 A. Yes.
25 Q. You tell us it wasn't just pupils that were doing this?

1 A. It was staff members.

2 Q. On the occasions you were there, someone would obviously

3 be driving the bus?

4 A. That's right.

5 Q. Was there anyone else, any other member of staff with

6 the pupils, on the times you were there?

7 A. No, there was only one staff member driving the bus.

8 You were quite limited, given the size of the bus, as to

9 how many pupils you could take, so it must have been

10 about six or seven pupils, I think.

11 Q. And one member of staff?

12 A. One member of staff.

13 Q. The driver?

14 A. Yes.

15 Q. Whoever was the driver -- on the occasions you were

16 there, the driver was participating in the shouting?

17 A. Indeed, and encouraging the young people to shout abuse

18 as well.

19 Q. I think you say on page 18, end of paragraph 94. It was

20 almost as if it was a night out and you name one of the

21 persons who was doing this as EJS ?

22 A. That's right, yes.

23 Q. Was he the driver on the occasions you went or was it

24 someone else as well?

25 A. He was the driver, yes.

1 Q. You do tell us that obviously the minibus went to other
2 places as well. You tell us that at paragraph 95 --
3 A. Yes.
4 Q. -- but this was one of the places that people were
5 taken?
6 A. Yes.
7 Q. It sounds like for entertainment, at someone else's
8 expense?
9 A. Indeed, and there was an element of misogyny with
10 that -- with those trips, that these women were not
11 worthy of their respect and that this was some kind of
12 sport that they would engage in. But also, I think with
13 that particular staff member, he was particularly -- my
14 recollection of him, he was a particularly misogynistic
15 staff member and having the children there, it was
16 almost like a pack mentality, that -- and I think
17 there's an element of these children, these particular
18 children from Oakbank, whereby -- you possibly -- you
19 may do, from mainstream schools, but because they were
20 from Oakbank, they wouldn't think anything amiss at
21 this. This would be part of their development within
22 the units, and that's what I mean about male hierarchy
23 within Oakbank.
24 From my recollection, it was an incredibly
25 misogynistic environment towards women.

1 Q. You are looking back, but at the time, if you went down
2 there -- I think you may have said this, or you say this
3 in your statement, as a young person, like the others,
4 people would just do this and treat it as normal and
5 wouldn't think anything bad of it. Was that basically
6 the way it was perceived, it was just something -- it
7 was a good bit of fun or entertainment at someone's --
8 to take them to a particular place and do a bit of
9 shouting and hurling abuse and so forth?

10 A. Yes. Yes, I would agree with that, yes.

11 Q. Moving on, you tell us a bit about the educational side
12 at Oakbank and you say that every morning the whole
13 school would assemble together. Is this in some sort of
14 assembly room within the main building?

15 A. Yes, that is the gym room that actually Rosemount and
16 Ashgrove units fed into.

17 Q. This assembly would be taken by SNR ?

18 A. Yes.

19 Q. Then pupils would go to classes during the day. Was it
20 all classwork in your time or were there what I would
21 term things like practical workshops as well as
22 education classes or was there a bit of both at that
23 time?

24 A. Yeah, there was a bit of both at that time.

25 Q. In terms of practical instruction, someone might learn

1 how to do painting, or joinery or -- was there things
2 like that, can you recall?

3 A. I remember there was woodwork.

4 Q. Woodwork, okay.

5 A. I think that was about all I can recall at that time.
6 But that might be just what I engaged with.

7 Q. You told us earlier that the food wasn't very good, but
8 did you eat your meals in the main building in a sort of
9 large dining room or did you eat in the unit?

10 A. No, we ate in the units, yeah.

11 Q. As far as the school itself was concerned, at
12 paragraph 97, I think you describe schooling as basic
13 and you put it this way, that pupils weren't there for
14 schooling at Oakbank. They were there for behaviour
15 management. That's how you saw it?

16 A. Yes.

17 Q. Indeed, you say it was disruptive, you couldn't learn
18 there for love nor money, given the behaviour problems
19 the children had. I take it that class could be quite
20 a disruptive environment?

21 A. Yes, yes.

22 Q. You think there was -- you may have wanted to learn
23 things, but I think perhaps that's -- that was your
24 inclination, but would you have found it difficult to
25 get any proper learning and education?

1 A. Exactly. There seemed to be no structure to the
2 education either. They seemed to not follow any
3 curriculum and there didn't seem to be any priority to
4 actually -- for children to achieve anything. There
5 didn't seem to be any educational attainment goals there
6 at all. And it just seemed to be there for containment
7 during the day.

8 Q. If I was a pupil there at that time and I just didn't
9 want to bother doing any classwork at all, even if
10 I wasn't being disruptive, would the teacher have pulled
11 me up and done something to make sure that I did
12 whatever the class was being taught that day?

13 A. I'm not sure the teachers could control a lot of the
14 pupils and --

15 Q. If I wanted to sit at the back of the class and doodle
16 when there was something going on, would I have been
17 pulled up --

18 A. I don't think you would have done, no. I can't say that
19 for certain teachers. Some teachers were more proactive
20 than others, but certainly some of the -- there were two
21 particular teachers I recall who had very little control
22 over the pupils and the pupils were aware that they had
23 very little control over them.

24 Q. Once they sensed that they can get away with things and
25 that they can't control the class, they take advantage

1 of the staff and play up?

2 A. Yes, yes.

3 Q. Presumably not a very satisfactory position for the

4 staff member concerned to be in that teaching

5 environment, if that's what they're facing day in, day

6 out?

7 A. I would have thought it wasn't a satisfactory

8 environment for any teacher in that environment, because

9 there were just no educational goals at all.

10 Q. Moving on to paragraph 101 under the heading 'Birthdays

11 and Christmas'. You weren't there at a Christmas, but

12 you don't remember, so far as birthdays are concerned,

13 that anyone's birthday was celebrated --

14 A. No?

15 Q. -- in any way?

16 A. No.

17 Q. Can I come to the subject of bed wetting, where you have

18 a section where you deal with that starting at 103 on

19 page 19, which you say there was a problem with bed

20 wetting. Some young people were wetting the bed?

21 A. Yeah.

22 Q. What you tell us there is that staff didn't do anything

23 about it and that children, and indeed the staff

24 themselves, openly were mocking of children who were bed

25 wetters?

1 A. Yes.

2 Q. You give us an example of the sort of things that you
3 recall being said and one is, and I can just quote:
4 'Get you [I think it would be "your"] fucking shitey
5 arse out of that bed.'
6 Would be one sort of response?

7 A. Yes.

8 Q. To someone that had obviously wet or soiled the bed?

9 A. Yes, and if you did it once, it appeared you got
10 a reputation for doing so. So I couldn't really gauge
11 as to who was wetting the bed and who wasn't, but you
12 were aware if anyone had wet the bed, because they would
13 be humiliated and ridiculed.

14 Q. You say, quite candidly, in 103:
15 'I think, because things were normalised in Oakbank,
16 I didn't think there was anything wrong with all of this
17 ...'
18 Until actually you were out of there. So is this
19 again something that, well, that's what that happened,
20 and like going down to the harbour, it perhaps wasn't
21 questioned at the time but you can look back now and
22 say, 'What on earth was going on there?'

23 A. Well, some things I did question at the time.

24 Q. But not this?

25 A. No. It seemed to be the culture of ridiculing certain

1 young people and humiliating them and it seemed that
2 certain people were targeted and -- but that was the
3 nature of Oakbank. It was the same -- they applied the
4 same rules to certain staff members and I can recall
5 a staff member being ridiculed by another staff member
6 in Oakbank in front of pupils.

7 So it was a culture of bullying. That's how I could
8 best describe Oakbank. It wasn't just the pupils, it
9 was the staff as well, who would bully each other as
10 well as the pupils.

11 Q. When you talk about staff that might ridicule, not just
12 pupils but other staff, are you including senior members
13 of staff in that category, the ones at the top of the
14 school?

15 A. Yes.

16 Q. They could do that as much as people that were unit
17 staff?

18 A. Yes.

19 Q. On page 20, under the heading 'Culture', you tell us
20 about staff background and I think you've already
21 covered this, so I'm not going to dwell on it. We can
22 read that for ourselves, but I will read what you say at
23 106, which I think is an attempt, looking back, to see
24 how they approached the handling of children. You say:

25 'The way they handled children [the staff] was just

1 for containment. There was aggression. There was
2 nothing therapeutic about Oakbank at all. There was no
3 acknowledgment of children's vulnerabilities. If you
4 were vulnerable, they tended to exploit it. They tended
5 to see it as a weakness with which they could ridicule
6 you.'

7 A. Yes.

8 Q. I think you have told us obviously they did that in some
9 cases to staff as well?

10 A. Yes, indeed, yes.

11 Q. When we go to paragraph 108, you say:

12 'The worst bullying [in your recollection] came from
13 staff and that gave the green light to the pupils.'

14 So if pupils were seeing staff behaving in
15 a bullying manner, saying things, ridiculing people,
16 whether staff or other pupils, and the pupils themselves
17 were feeding off this?

18 A. Indeed. That seemed to be the environment, the culture,
19 that was fostered at Oakbank, that you got sort of
20 sucked into it if you weren't -- the most vulnerable in
21 Oakbank were actually the most targeted, which, when you
22 think Oakbank was there to be a haven for the most
23 vulnerable, it turned that notion on its head, because
24 the most vulnerable in Oakbank were the most targeted
25 and that seemed to be the culture.

1 You needed to actually have a game face in Oakbank
2 to survive. I think you needed to really be tough at
3 the outset. Not only with pupils, but with staff. So
4 there would be an element of respect there, because if
5 you were vulnerable in Oakbank, you weren't protected at
6 all. And, as I said in my statement, you were exploited
7 and your weaknesses were exploited.

8 Q. Can I just finish this part. I'm afraid we're going to
9 have to break shortly for lunch and continue this
10 afternoon, but can I just, before we do, just pick up
11 a couple of things under 'Visitors', on page 21.

12 I don't want to dwell on this, but you say that in
13 your case, your social worker did visit you regularly
14 and your father was a regular visitor, but you do say,
15 however, that other kids didn't get the number of visits
16 you received. Do I take it you mean both from family
17 and their social worker?

18 A. I can't talk about social workers. I don't recall
19 actually a lot of visits happening from social services,
20 particularly with young people who were out of area.
21 I don't know what interactions they had when they went
22 home with social services. There didn't seem to be
23 a great deal of monitoring by social services.

24 I can remember my father being a regular visitor and
25 that sort of stood me out as different, in a way, from

1 other pupils at Oakbank, in that my father did visit
2 regularly and I recall he far more frequently visited me
3 than other pupils got from their parents, and I remember
4 that was stark for me.

5 MR PEOPLES: I think this is a good --

6 LADY SMITH: One thing before we leave the subject of the
7 way people spoke to each other. I'm interested in this
8 picture of the staff, actually, speaking in a bullying
9 fashion to each other or being rude to each other.

10 Was any of it the sort of thing that some people
11 might say, 'Oh, it's just banter'?

12 A. No, I wouldn't class that as banter, I would say that
13 was deliberately to denigrate and humiliate that
14 particular individual. And I would know that now, a
15 nearly 50-year-old woman, that that behaviour was
16 deliberately -- that that person knew exactly what they
17 were doing.

18 LADY SMITH: And they did it openly in front of children?

19 A. Yes.

20 LADY SMITH: So that's beyond them doing something saying to
21 themselves, 'Oh, it's just banter'. Don't get me wrong,
22 'Sandy', banter can be very damaging.

23 A. Yes.

24 LADY SMITH: It's a very dangerous thing to accept, but
25 we're beyond that into another area of territory here?

1 A. I think we're beyond that, and again, there were, in my
2 view, there were more robust staff members than others
3 and I remember one particular staff member, who was very
4 quiet, who did get quite a lot of bullying and
5 humiliation, not only from pupils, but from staff as
6 well. They targeted the weak in Oakbank and that seemed
7 to be the culture.

8 LADY SMITH: 'Sandy', thank you.

9 A. Thank you.

10 LADY SMITH: We're going to have to stop for the lunch break
11 and bring you back at 2 o'clock, but I don't think it
12 will be too much longer after 2 o'clock, will it,
13 Mr Peoples?

14 MR PEOPLES: Well, I hope not. I think we're making good
15 progress, if I can say that.

16 LADY SMITH: Is that all right?

17 A. That's absolutely fine. I'm parked on
18 St George's Square, so -- George Street.

19 LADY SMITH: On George Street. You'd better deal with that.

20 A. I had better deal with that, absolutely. I'll have
21 to go and get a second mortgage, I think.

22 MR PEOPLES: Edinburgh parking is expensive.

23 LADY SMITH: 2 o'clock.

24 A. Thank you.

25 (1.03 pm)

1 (The luncheon adjournment)

2 (2.00 pm)

3 LADY SMITH: Welcome back, 'Sandy'. I hope you managed to
4 rescue your car.

5 A. I did indeed, my Ladyship, thank you very much.

6 LADY SMITH: Are you ready for us to carry on?

7 A. I am indeed, thank you.

8 LADY SMITH: Mr Peoples.

9 MR PEOPLES: Good afternoon, 'Sandy'.

10 A. Good afternoon.

11 Q. Can I ask you to return to the statement you've provided
12 and I've been asking you before the break about
13 visitors.

14 If I could move on, you have a section on page 22,
15 headed, 'Running away'. I'm not going to ask you about
16 something that happened there, because I think you deal
17 with it later on, so I'll come to it. But you do say
18 that there were a couple of occasions when you ran away
19 and you tell us about these and, as I say, I'll return
20 to those.

21 But on one of these occasions, which was in
22 April 1992, you say at 121 you were caught and taken
23 back.

24 You say that no one asked you why you had run away
25 and didn't want to be there --

1 A. Yes.

2 Q. -- and you explained that the reason was because of the
3 treatment by a particular member of staff, and we'll
4 come to that in a moment.

5 A. Yes.

6 Q. You weren't being questioned: well, why are you doing
7 this?

8 A. No.

9 Q. I think you do tell us later on, and in later reporting,
10 that you did tell certain people about things that were
11 going on, but basically none of them either seemed to
12 want to take any action or necessarily accepted as
13 worthy of investigation what you were telling them?

14 A. No, there seemed to be an expectation that that was what
15 went on in Oakbank and that was what you had to accept
16 as part of being in Oakbank.

17 Going back to the initial meeting with LIQ [REDACTED],
18 and I hope I do touch on this in my statement, is that
19 LIQ [REDACTED] referred to -- and I've never forgotten it,
20 referred to young people -- there was an expectation
21 that you would be knocked about, bruised and battered,
22 effectively. You're going to get bruised. That was how
23 it was -- that was the terminology that was used in that
24 meeting and there were professionals in that meeting and
25 there was my father in that meeting, and it's always

1 struck me that that is the culture that was prevalent at
2 Oakbank at the time, that this was -- there was a sense
3 of inevitability that you would be physically abused in
4 some way and that was an expectation and that actually
5 there was nothing that they were actually going to do
6 about it. You had to accept your fate, if you like.

7 Q. I'll perhaps ask you a few questions, because I think on
8 the following page, page 23, you have a heading 'Review
9 of detention hearings and so forth', and I think you
10 tell us about that in paragraph 125, if we scroll down.

11 Before I do that, if I go back to the question of
12 reporting. I think you're making the point that in some
13 ways it's not just a situation where a child says,
14 'I've been assaulted', and believes that someone will
15 say that that didn't happen or it's denied or that they
16 must be making it up. You're saying in fact what you
17 might have told them, it wouldn't have made any
18 difference because they might well have accepted that
19 what you're telling them did happen. It's just that
20 there was nothing, so far as they were concerned, wrong
21 with that, because that's what happens in a place like
22 Oakbank. Is that what you're saying?

23 A. Exactly, yes.

24 Q. Because you'll have two situations why you might not
25 report. One might be, 'I'm not going to be believed

1 they'll think that what I'm saying didn't happen'. But
2 you're saying, 'Well, they might well have accepted
3 everything I was saying, but it wasn't going to be
4 treated by them as something that was abnormal or worthy
5 of some sort of censure'?

6 A. Exactly, and if you did report it, the attitude would
7 be, 'Well, what's your problem? That's what happens in
8 Oakbank'. And that was almost like a disclaimer by
9 LIQ [REDACTED] at the outset to say, 'Well, you're going to
10 get physically abused, and that's tough really, too bad.
11 You shouldn't be in a place like Oakbank', and that
12 seemed to be the ethos that ran through the school as
13 regards physical abuse. There was an expectation that
14 it would happen. There was not an expectation that the
15 staff would in any way protect you and, indeed, there
16 was almost like an expectation that the staff wouldn't
17 protect you and you would get harmed.

18 Q. I suppose there is a third situation of either, 'You're
19 making it up', or, 'This is what happens', is that also
20 some people just accepted what happened as normal so
21 they didn't see it as grounds for complaint, because it
22 was something that just happened and they accepted it.
23 They weren't sufficiently aware to see that it was wrong
24 and something they could complain about?

25 A. Yes, I agree. There was a lot of children in there that

1 had normalised verbal, physical and possibly sexual
2 abuse in that environment, because they had been subject
3 to that prior to going into Oakbank.

4 Q. Just turning to page 23, you tell us about a particular
5 review hearing.

6 At 125, before that, you say that when you started
7 at Oakbank, you were told you 'would get some bruises
8 and things'. You must have taken it from what was said
9 at that stage that when you were told that you 'would
10 get some bruises and things', they were saying it
11 wouldn't necessarily be accidental through activities at
12 Oakbank but it could also be non-accidental?

13 A. Yes. I took it as read that it meant you would be
14 assaulted, you would be physically abused in some format
15 and that that was the expectation. I didn't see it as,
16 'There's going to be accidents and you're going to be
17 careless', or what have you. Yeah, the upshot of it was
18 I understood that I would be physically abused.

19 Q. That was your understanding at the time. In this
20 conversation, was it made clear who would be dishing out
21 the bruising; would it be staff, pupils or both?

22 A. No. I think it was intimated that it would be pupils.
23 At that time, when I was in that initial meeting, I was
24 not aware of the actions of staff members, so it was
25 intimated to me that it would be pupils who would be

1 causing me these bruises, yes.

2 Q. I suppose it might not have been a wise thing for one of
3 the senior people at the school to say in front of
4 others, that the bruises would be inflicted by staff,
5 it's maybe not the smartest thing to say in that type of
6 gathering?

7 A. No, and I find it absolutely -- and I think I say this
8 in my statement -- I find it absolutely extraordinary
9 that a senior staff member of an institution such as
10 Oakbank would think it appropriate, in front of other
11 professionals, to say, make such a stark statement as:
12 this child, who is supposed to be protected in our care,
13 is going to be physically abused and that's inevitable.
14 And ... yes, I find that completely extraordinary.

15 Q. I suppose it does raise the question, I suppose, why
16 would someone even say this in the context of a new
17 admission to a place where the staff and the pupils were
18 complete strangers. If that's your introduction, and
19 you're going to what is said to be a place of safety,
20 it's not exactly the most reassuring statement to hear?

21 A. Well, exactly, and that feeds into the narrative as to
22 why people abscond from Oakbank and, certainly, in the
23 first 24 hours why I absconded from Oakbank. It was out
24 of fear, because I thought I would be physically
25 assaulted.

1 Q. In your section about reviews, you tell us about
2 a review hearing in May 1992 at paragraph 129 and
3 following. I just want to take this short, but I think
4 what you're telling us is that effectively that there
5 was one teacher, LIU [REDACTED], who was very negative
6 at the review hearing, saying that you deserved
7 punishment and that you needed to be controlled because
8 your behaviour was so bad. That's at 130, you are
9 saying that.

10 A. Yes.

11 Q. But fortunately you had another teacher, who you say
12 stood up for you and went against the school line that
13 you had brought all this on yourself and she was saying
14 these things shouldn't have been happening to you and
15 you commend her for that?

16 A. Indeed, yes.

17 Q. Although you say that you feel she was struggling in
18 that environment and you understand she left Oakbank not
19 long after you did?

20 A. That's right, yes. And that did cause her -- I'm aware,
21 subsequently, that that did cause her professional
22 difficulties with Mr LIU [REDACTED], because she was actually
23 very friendly with Mr LIU [REDACTED] before, and her husband
24 worked there, and that particular meeting did cause
25 friction, because she was contradicting him.

1 Q. We'll hear a bit more about Mr LIU [REDACTED] shortly.

2 Can I go on to page 25. I'll just pick up one thing

3 just now under the heading of 'Discipline' at 139. You

4 say there there didn't seem to be any policy of

5 restraint or reporting incidents. Now, to an extent,

6 I suppose, how things were treated as a matter of policy

7 and how incidents were reported wouldn't necessarily be

8 something you would be completely familiar with at the

9 time, but that was the impression you had, is it, when

10 you were there?

11 A. Yes.

12 Q. That there didn't seem to be any particular policy?

13 A. No.

14 Q. Was there any particular method of restraint that maybe

15 you now know was recognised that was being used or was

16 it just a case of they did this sort of things that

17 I think you've described in statements, about hands up

18 a child's back, or arms, sorry, up a child's back and so

19 forth?

20 A. Yes. Yes, they certainly used to -- I was aware that

21 they certainly used to kneel on a child as well.

22 Q. Did you see that?

23 A. Yes. Yeah, but that was their main method of

24 restraint -- it was certainly their main method of

25 restraint with me, but they didn't get much resistance

1 from me. So I can't speak for other people's
2 experiences.

3 Q. Arms up the back was something you experienced?

4 A. Yes.

5 Q. You're aware that some people during restraint were
6 knelt on?

7 A. Yes.

8 Q. That suggests that when they were knelt on, they were
9 lying on the floor?

10 A. Yes.

11 Q. Were they face down or face up?

12 A. Face down.

13 Q. I don't need to take that any further because we
14 actually have some inspection reports from that time
15 that I think commented critically in the absence of
16 perhaps some sort of guidance and policy, so perhaps
17 your impressions, I can tell you, are confirmed by what
18 some of the inspectors were saying around that time
19 about what needed to change.

20 A. Yes.

21 Q. Moving on, you tell us about the level system and
22 I don't want to go there. We know enough about it now.
23 There were six levels and it was a case of you were
24 rewarded or you lost what they described as privileges
25 if you didn't behave in the way they expected you to do.

1 A. Yes.

2 Q. There is one matter you deal with in paragraph 141,
3 about a particular staff member, Mr EJS
4 EJS. You say that he is a person that was
5 caught bringing pornographic material into the country.

6 You said:

7 'I don't know how long this was before he was
8 employed at Oakbank, but he was prosecuted and then
9 managed to get a job in Oakbank.'

10 Was he the driver of the minibus?

11 A. Yes, he was, yes.

12 Q. He was there when you were there?

13 A. Yes.

14 Q. Can I say this: we haven't, I think, been able to locate
15 evidence that he was prosecuted --

16 A. Right.

17 Q. -- but we have been told by SNR
18 Mr EJS was dismissed by him --

19 A. Yes.

20 Q. -- having been advised informally by the police that
21 Mr EJS had been in possession of indecent images
22 of children. So you may or may not have the conviction
23 or prosecution correct, I don't know, because did you
24 know where you got that information from, that he was
25 prosecuted?

1 A. That's what was told to me at the time. I didn't have
2 first-hand evidence of it, but that was what was told to
3 me at the time, that he was in possession of indecent
4 images of children.

5 Q. I think what Mr HMY is telling us is that that's the
6 information he received and the action he took was to
7 dismiss Mr EJS from employment.

8 LADY SMITH: When you say 'at the time', was that the time
9 that you were at Oakbank, 'Sandy'?

10 A. I believe so. It may have happened subsequently after.
11 I know Mr EJS was dismissed subsequently after.
12 I think pupils were aware of his -- certainly I was --
13 that he was someone you weren't alone with, put it that
14 way.

15 LADY SMITH: Yes.

16 A. Thank you.

17 MR PEOPLES: I think when you were being -- you are hesitant
18 about exactly what the time was when you became aware of
19 this, because I think, as you tell us later in your
20 statement, you provided some evidence subsequently when
21 you left the school as part of
22 a Grampian Regional Council investigation, and you had
23 left by then, but you were providing some evidence about
24 matters that were either within your knowledge directly
25 or information you had become aware of?

1 A. Yes.

2 Q. So it's possible that -- it was very close to the time
3 that you left, but it could have been around that time
4 that you acquired some of the knowledge?

5 A. Indeed. It was a year later, so, yes, it may have been
6 in that sort of interim period between '92 and '93.

7 Q. On page 26, you tell us more generally that there were
8 some staff members who had convictions for violence,
9 although you say ironically these were people who didn't
10 actually abuse you in any way but they had a background
11 which, in your view, meant that they should never have
12 been there in the first place?

13 A. Yes.

14 Q. Again, maybe we should ask, well, how did you become
15 aware of that, was that perhaps something you learned
16 from others?

17 A. The staff didn't make any secret of it. They were
18 actually quite proud if they had any sort of combative
19 background or any -- it almost ingratiated themselves
20 with the pupils, if they had a sort of criminal
21 background. So we were aware.

22 So they made sure we were aware that they had the
23 propensity to commit violent acts, is what I would say,
24 now looking back. I didn't think anything of it at the
25 time. I thought it was odd that you would boast about

1 your own criminal background, but you had a very
2 receptive audience in Oakbank. You got a lot of kudos
3 for criminal activity in Oakbank. It made you, erm -- I
4 suppose it made you popular with --
5 Q. I suppose it was a badge of honour?
6 A. It was a badge of honour, yes, that's how I would
7 describe it, if you engaged in criminal activity, and
8 the police -- if you got the police up to Oakbank it was
9 a badge of honour, in a way.
10 Q. Just on that matter, do you remember people who bragged
11 about having convictions?
12 A. Yes.
13 Q. Can you give us names?
14 A. Yeah. One was a night watchman, LJK, I can't remember
15 his surname.
16 Q. LJK ?
17 A. He had the nickname LJK.
18 Q. LJK ?
19 A. Yes, thank you.
20 Q. He bragged?
21 A. Yes. And FZR, we were well aware of his criminal
22 background, not only from FZR himself, and other
23 pupils in Ashgrove, but also from KFJ, who was
24 a former police officer.
25 Q. So you knew about the fact that he had -- it's a matter

1 of -- I can tell you it's a matter we know, he did have
2 previous convictions, and it became an issue in this
3 investigation that Grampian conducted in 1993, that he
4 had been employed, notwithstanding having a number of
5 convictions.

6 A. Yes.

7 Q. Are you saying that you actually knew, in part through
8 what he was saying but also what was being said at the
9 time, that he did have convictions?

10 A. Yes, indeed.

11 Q. He didn't make a secret of it?

12 A. No, no. I think in Oakbank, because it wasn't regulated
13 closely, in my view, from what I could see, there didn't
14 seem to be any -- there didn't seem to be any check on
15 Oakbank at all, so there seemed to be a culture that
16 that was acceptable to have that background, that that
17 would in some way equip them for the children that they
18 were dealing with. It almost -- it meant they had
19 something in common with the criminality of the young
20 people they were there to look after.

21 Q. I think we know, from contemporary reporting, that it
22 would appear Mr FZR said, in a very unspecific way that
23 he had convictions. There was a check done on him,
24 which came back with no trace, and that was a mistake on
25 the part of the Criminal Records Office. He was

1 employed, and then it came to light, during his
2 employment, and then a decision was taken, when that
3 came to light, that he would continue in his employment.
4 I think that's probably things you know about now?

5 A. Yes.

6 Q. I think that did cause a bit of consternation on the
7 part of some people that this situation should (a) not
8 be picked up at all, but, secondly, how they responded
9 when it came to light?

10 A. Yes.

11 Q. I'm not going to labour this, because I think this is
12 something that was said at the time of these
13 investigations, at 145, but you say, and I think others
14 too said, there was a problem with a lack of oversight?

15 A. Yes.

16 Q. I think that that was being picked up in inspection
17 reports and was picked up in the investigation that was
18 conducted at that time?

19 A. Yes.

20 Q. Going on about staff, to paragraph 147, on page 27. You
21 say it was an open secret that a particular individual,
22 whom you name, had 'his boys'. There was a small house
23 attached to Oakhill and he lived there and you say he
24 and Mr ^{EJS} [REDACTED], that we have been speaking about, were
25 there supervising four boys. This was the unit I think

1 you maybe talked about this morning?

2 A. Yes.

3 Q. Can you just help me with what was said to be the open

4 secret. What was the open secret?

5 A. The intimation was that they were favoured. To think

6 now that that was -- that there was something suggestive

7 was there because two of the boys, I remember, were

8 actually, during the day and the evening, part of

9 Rosemount unit and these boys were always selected to go

10 on trips with those particular individuals, who you

11 mention and it was intimated -- I think they got a lot

12 of ridicule and were targeted as a result of being

13 IAA [REDACTED]'s or EJS [REDACTED]'s boys.

14 Q. Was that because the young people drew conclusions from

15 the fact they were favoured boys that something was

16 happening between the staff member and these boys? Or

17 was it simply that they were favoured and therefore they

18 got a better treatment than the other children? Do you

19 know what --

20 A. The intimation was that he was grooming them. That's

21 how I read it now.

22 Q. I'm trying to think what was happening then. What was

23 thought to be the open secret then? What were the young

24 people thinking about this member of staff and the boys

25 that appeared to be favoured who were spending time,

1 perhaps, in his company going on trips, what was the
2 talk then? Not so much what you now perhaps try to look
3 back on. Can you help me with that?

4 A. I wasn't -- I have to admit, I wasn't privy to the
5 discussions between other pupils about what we actually
6 thought about things. It was always said that it was
7 the same boys each time that would go with IAA
8 and EJS from that unit and would be taken out
9 on trips, erm, and they were always selected to go and
10 that was the, you know -- there were two particular boys
11 in our unit and their names were always read out and it
12 was always ridiculed by -- and they were always targeted
13 by other pupils because they were favoured by those
14 two particular individuals and they stayed in that
15 house, and that's all I was privy to.

16 Q. Going on, you have a specific section dealing with abuse
17 on Oakbank and I want to move on to that if I may.

18 At paragraph 149 first of all, we have something
19 that happened just after you arrived at Oakbank and you
20 tell us that you ran away the first night and you ran to
21 a flat that your father had and that two members of
22 staff from Oakbank arrived to collect you to take you
23 back?

24 A. Yes.

25 Q. One was LIQ, that you've told us about, and the

1 other was a Mr IAA. Can you tell us what
2 happened? You tell us about it in 149.

3 A. Yeah, my -- what happened is I'd run away and my father
4 worked on [REDACTED] in Aberdeen. If you know
5 the geography of Aberdeen, that is very close to
6 Mid Stocket Road where Oakbank was, and, inexplicably,
7 he gave the -- a staff member the key to his flat and
8 I was in there at the time, and I heard the door go, and
9 I went into the hall area of the flat, and LIQ
10 was standing to my left, and IAA was standing
11 to my right, and LIQ saw me and he hit me across
12 the head, which struck my ear at the side of the head,
13 with the palm of his hand. He then put his ... put my
14 arm, right arm, up behind my back and frogmarched me --
15 we were on the second floor -- frogmarched me down two
16 sets of stairs and into the car.

17 Q. As you describe it, it sounds like a clear case of
18 assault?

19 A. Indeed, yes, and it's ironic that it was LIQ, who
20 was actually telling me the previous day that I would
21 get bumps and bruises, that same LIQ was the one
22 who was giving me the bruises that day.

23 Q. If I can move on to something else you say, and to some
24 extent this maybe echoes some of the things that we have
25 talked about, the member of staff who had 'his boys'.

1 You say:

2 'Some members of staff would take children home with

3 them and people never batted an eyelid.'

4 You say that EJS [REDACTED] was someone that went to

5 the subunit and stayed there and boys would go there --

6 A. That's right, yes.

7 Q. It seemed to be unregulated to you how this was

8 operating?

9 A. Yes, I think I explained there were certain boys who

10 would go there and would stay there and, as I said,

11 I think two of them were in Rosemount during the day,

12 but they would stay -- I think it was number 46.

13 Q. We understand that at that time, SNR [REDACTED] would

14 have had a house in the grounds --

15 A. Yes.

16 Q. -- sort of like [REDACTED] and there were other

17 houses on the periphery of the site where staff could

18 live or did live, was that the situation?

19 A. Yes.

20 Q. This subunit you talk about, was that a house or just

21 simply a part of another building on the site? Was it

22 actually a house?

23 A. I think it was a free-standing house, but it was very

24 close in proximity to Oakhill.

25 Q. Then you say, at paragraph 152, LIU [REDACTED], whom

1 you're going to tell us a bit more about, used to take
2 a particular boy home quite often and you say there was
3 no apparent reason, that you could see, why he would be
4 taking him home with him?
5 A. No.
6 Q. This was a boy that was in Rosemount?
7 A. Yes.
8 Q. At the same time as you?
9 A. Yes.
10 LADY SMITH: About the same age as you?
11 A. Yes, I would say very similar, yes.
12 MR PEOPLES: I think you say he was 14 or 15.
13 A. Yes.
14 Q. You couldn't see any apparent reason why --
15 A. No, no. And there was no questioning of why you would
16 take -- randomly take a boy out to stay in your personal
17 property and there didn't seem to be any regulation of
18 that arrangement. There didn't seem to be any
19 safeguarding concerns about that arrangement. It just
20 happened.
21 Q. The boy in question, did he stay overnight away from
22 Rosemount on these occasions?
23 A. Yes. Yes.
24 Q. Were you aware of that?
25 A. Yes.

1 Q. Did you ever attempt to ask the boy why he was staying
2 overnight with this member of staff rather than in
3 Rosemount, which was his assigned unit?

4 A. No, because when you're in that situation, you don't
5 actually -- that's just the way it was. I was acutely
6 aware, from a very early stage, that I shouldn't report
7 things that were awry. But looking back now, there were
8 huge safeguarding concerns as regards a male staff
9 member taking out a male pupil. That particular pupil,
10 I remember, was particularly vulnerable, because he had
11 no extended family, and it may have been quite
12 legitimate, but at the time I remember thinking it was
13 strange that he would be taking that particular
14 individual out and that that was sanctioned in some way.

15 Q. I take it then that, at least so far as you're
16 concerned, you never got either through the boy or
17 through someone the boy spoke to, the reason why this
18 might be happening?

19 A. No.

20 LADY SMITH: You say you were acutely aware from early on
21 that you shouldn't report things that seemed awry, what
22 made you aware of that?

23 A. I think it was the reaction of staff members to reports,
24 that I had made about other pupils bullying me. Nothing
25 seemed to be done about it. You couldn't -- they

1 couldn't address it. As I said, the more vulnerable you
2 were in Oakbank, the more you were targeted, so I learnt
3 very early on to keep my head down and not make waves
4 whilst I was in Oakbank, because I didn't see any
5 benefit to me of making waves. In fact I saw a lot of
6 detriment --

7 LADY SMITH: Such as?

8 A. The threat of Rossie was always hanging over at Oakbank,
9 so it's the next stage then, so you were going to be in
10 an even worse place than Oakbank. So the threat of
11 Rossie was regularly used to ensure compliance with
12 pupils that you would be sent to Rossie. Erm, yes, you
13 were threatened. I was threatened by staff members and
14 I think I've detailed that in my statement.

15 You also didn't know, there was an intricate network
16 between staff and pupils. There were certain pupils who
17 were favoured and certain pupils who didn't seem to
18 suffer any consequences from their actions than others,
19 for example. So -- and I think I touch on that in my
20 statement as well.

21 MR PEOPLES: I'm going to come to that. I will deal with
22 that more specifically, but -- and I'll come to it in
23 due course. If we go on in your statement at this point
24 then, you've told us about this member of staff taking
25 a particular boy to his home and staying overnight, the

1 boy.

2 The same member of staff, you say, at 153, was

3 a particularly nasty bully to certain young people and

4 would target certain young people and you were one of

5 the people he targeted.

6 A. Yes.

7 Q. You say he seemed to be preoccupied with making you

8 suffer and you never really got to the bottom of why he

9 was doing that, but you say he glorified in seeing you

10 suffering?

11 A. Yes.

12 Q. I'm just trying to see how this links in with something

13 you say later about an incident when you were assaulted

14 by another pupil and there was a question of whether

15 charges should be pressed and --

16 LADY SMITH: This is at paragraph 155 to 156.

17 MR PEOPLES: Yes, I'll come to it specifically, but I think

18 the issue there was one member of staff seemed keen for

19 charges to be pressed against the boy that attacked

20 you --

21 A. Yes.

22 Q. -- whereas another member of staff took a different view

23 and didn't want charges to be pressed. We'll come to

24 that.

25 The one that was wanting charges pressed is this

1 individual that was nasty to you?

2 A. Yes, yes.

3 Q. Was it from that moment on that he was nasty or had he

4 been nasty before then?

5 A. I think it was from that moment on and I think that's

6 very much a flashpoint of my relationship with him, is

7 the fact that I didn't press charges, that seemed to

8 trigger him. I don't know why, but that seemed to be

9 a turning point because before, I didn't actually have

10 any issue with him and in fact I would say my

11 relationship with him was -- I didn't really have

12 a relationship with him up until that point, so, yes,

13 I think that was a turning point.

14 Q. Because I think, going back to the question of reviews,

15 there was a review in May at which the school line was

16 taken by this individual, Mr LIU ?

17 A. Yes.

18 Q. Whereas this other lady that you told us about took

19 a different position?

20 A. Yes.

21 Q. I think you've said that Mr LIU was very negative

22 about you in reports he was writing?

23 A. Yes.

24 Q. Do you think that to some extent this matter of the

25 assault and whether charges should be pressed was

1 perhaps the point at which this negativity perhaps
2 started to show itself?

3 A. Yes, I agree with that and, indeed, I can't recall any
4 incident, prior to that date, that involved Mr LIU .

5 Q. If we go on to this question of this assault. You deal
6 with that at 155 and onwards. What you tell us is on
7 11 March 1992, you were assaulted by another pupil and
8 ended up in hospital?

9 A. Yes.

10 Q. You say that the young person concerned, who was your
11 assailant, was very close to one of the senior staff
12 members, LIL ?

13 A. Yes.

14 Q. You describe him as another bully. Is this going back
15 to what you were telling us this morning about the way
16 staff bullied and intimidated both other staff, but also
17 pupils --

18 A. Yes.

19 Q. -- was he one of the people in that camp, if you like?

20 A. Very much so, yes.

21 Q. What you tell us in your statement at 155 is that
22 Mr LIL didn't want you to press charges and, indeed,
23 he tried to blackmail you --

24 A. Yes.

25 Q. -- not to press charges by uttering threats?

1 A. Yes.

2 Q. Can you just tell us; what was he threatening to do?

3 A. Well, his words were: I wouldn't know what would hit me.

4 That was a stark statement that I thought there would be

5 more violence ensuing, so I had to -- so the judgment

6 call for me was that I had to take -- to see what the

7 proportionate response would be, because if I pressed

8 charges against this individual, which I was quite

9 prepared to do, that there would be more violence

10 inflicted on me, which he would not be able to protect

11 me from.

12 Q. Do you think he was trying to deter you to protect you

13 or to protect the school or the way the school was run

14 from exposure? Do you know why he was --

15 A. I think he was motivated by trying to protect the

16 school's reputation. As I said in my statement, I think

17 any external agency or investigation seemed to petrify

18 the staff. They didn't welcome it. It was something to

19 be, I suppose, discouraged in any form possible.

20 Q. To turn that round, why then did Mr. LIU want the

21 opposite, he did want you to press charges, so can you

22 tell me what his reason was, why he thought that the

23 appropriate thing to do was to press charges?

24 A. I have no idea, and that's probably a question that

25 Mr. LIU needs to answer, because he was very much

1 motivated in advising me to press charges. That -- it
2 makes his approach somewhat confusing, because he did
3 want me to press charges. He wanted the police to be
4 made aware. There may be an issue -- all I can read
5 into that is there may be an issue between him and that
6 pupil, that particular pupil, who he didn't like and saw
7 this as an opportunity, or it may have been Mr LIL
8 involvement, and there may be some internal politics
9 between himself and Mr LIL, given that they were
10 taking very opposing positions as regards the assault.
11 Q. Whatever the background and reasons, one wanted you to
12 press charges, one didn't?
13 A. Yes.
14 Q. You have told us that the one who didn't was uttering
15 threats of some form of perhaps violence and aggression
16 towards you --
17 A. Yes.
18 Q. -- if you pressed on?
19 A. He also told my father that as well. So, at that
20 meeting, he also said that to my father.
21 LADY SMITH: Said what?
22 A. That there would be more violence.
23 LADY SMITH: Do you remember the exact words now? It
24 wouldn't be surprising if you didn't.
25 A. No, I remember the conversation he had with me. Those

1 were the words he used to me. I am not sure, my Lady,
2 whether or not my father was in the room at that time.
3 He very well may have been, because there was
4 a discussion about the assault because my father was not
5 notified and when he attended the review hearing, that
6 was the first my father had been made aware that when
7 I was -- I had my arm in a sling and, much as my father
8 is ... was a weak man, even at that stage I think he saw
9 a red flag there as regards, 'Well, I wasn't notified,
10 why was I notified about this?'

11 And there were a couple of incidents in my short
12 stay at Oakbank where that happened, where my father was
13 almost sidelined and his role was reduced to almost like
14 an ancillary role.

15 LADY SMITH: When you referred to him, LIL [REDACTED], using those
16 words, you were pointing, I think, to what is in
17 paragraph 156, are you?

18 A. 155, my Lady, yes.

19 LADY SMITH: Then the beginning of 156:

20 'He threatened me by saying ...'

21 A. '... I had seen nothing yet.'

22 Yes.

23 MR PEOPLES: You say those were his words, so that's your
24 memory of how he put it?

25 A. Yes.

1 Q. Just going on, on this matter briefly, you end up going
2 to hospital and your arm was put in a sling?

3 A. Yes.

4 Q. If we go back in your statement to paragraph 124, on
5 page 23, you say that in March 1992, that you attended
6 a children's review hearing with your arm in a sling.

7 One of the things that you say there is you feel
8 that you weren't asked about it at the hearing and from
9 that, you seem to think that, well, there was nothing
10 said, the attitude was, 'Well, that's what happens', and
11 nothing was done about it. It was treated as, well,
12 that's normal for Oakbank and there's nothing to be
13 fussed about --

14 A. Yes.

15 Q. -- if someone turns up with their arm in a sling, not
16 even to ask the question, 'Well, how did you get that?'?

17 A. Well, exactly, and that for me now, I didn't think about
18 it at the time, but for me now, looking back, it seemed
19 to be this normalisation that that kind of thing
20 happened in Oakbank and it seemed to be the attitude,
21 feed into that attitude, the culture that you deserved
22 it in some way, because you ended up in Oakbank. It was
23 some sort of punishment and that this was an expectation
24 that you wouldn't be protected, but you would in some
25 ways have to deal with physical assaults.

1 Q. Can I just take you to one record about this review
2 hearing, just to maybe help you, ABN-000003543, if I can
3 have that up on the screen.

4 LADY SMITH: This will be a Children's Hearing review, is
5 it?

6 MR PEOPLES: I think this is one of the review meetings
7 attended by various -- I'll look at the document, I'll
8 show you how it works.

9 If we look at the page 1 of the document, this
10 appears to be a review committee meeting on
11 11 March 1992. It's not a Children's Hearing as such.

12 LADY SMITH: No, it's a social work review.

13 MR PEOPLES: You can see, if we scroll down, page 1, that
14 this seems to be the first review after you were
15 admitted to Oakbank and there's a further review --
16 which I think is the one you tell us about in your
17 statement -- in May.

18 A. Yes.

19 Q. But this one you've attended, and your father has
20 attended, there is an educational psychologist there,
21 presumably from Grampian, there's a key worker,
22 Mr [REDACTED], that you have told us about, who was
23 negative at the later review, [REDACTED] is there, the
24 school psychologist is there, a social worker is there,
25 and a senior social worker is there. I think they're

1 probably external social workers. They wouldn't be

2 members of the staff, would they, or were they?

3 A. No.

4 Q. All I would say on this is -- I don't want to go through

5 all this -- this seems to be a sort of record of what

6 took place, according to whoever compiled this, and

7 I'm not wanting to go through it in detail, because it

8 deals generally about the history up to then, but if we

9 go to page 3 of the document, which is headed, 'Events

10 since admission', this 11 March, and if we read under

11 'Oakbank', the second paragraph, it says:

12 'Sandy' has had problems with peers and although

13 'Sandy' has seemed to manage the verbal teasing, over

14 recent weeks the difficulties have escalated to the

15 point where this morning, 'Sandy' was physically injured

16 by another child. The issue is being dealt with

17 separate to the review. A move for 'Sandy' to the

18 Oakhill unit is being considered and 'Sandy' is positive

19 about this.'

20 It looks like this injury has happened very soon

21 before --

22 A. It happened that day.

23 Q. At least they have acknowledged that it did happen and

24 unfortunately it's left rather hanging by saying that

25 the issue is being dealt with separate to the review.

1 The question I would like to ask you, having seen
2 that record, is: after this review that you've told us
3 about, were any questions asked of you, after the
4 review, as part of either an investigation or an inquiry
5 into the matter of the assault?

6 A. No.

7 Q. Whatever was said there, the issue, at least from your
8 perspective, didn't go anywhere?

9 A. No.

10 Q. Because you weren't asked about it further?

11 A. No.

12 LADY SMITH: Is it also that you make the point, as the
13 child, who should have been at the centre of this
14 hearing, you were left feeling nobody had any interest
15 in why you turned up with your arm in a sling?

16 A. That's exactly right, my Lady, and looking at the
17 second -- the next paragraph on, this is -- this alludes
18 to what I would say a blame culture of the child and
19 this is what I was alluding to, about a child being
20 beyond parental control, that definition and that blame
21 culture carried on in Oakbank, because it goes on to
22 say, and I don't know who's authored this, it may be the
23 Chair of the review:

24 'Although the bullying has been very difficult for
25 'Sandy', it was recognised that 'Sandy' has a part to

1 play in this too in terms of her attitude and
2 presentation and she needs some help to learn from these
3 situations and to work on building relationships and
4 finding some common ground.'

5 It didn't actually address the bullying. It said --
6 it sort of targeted me as the person who was
7 responsible.

8 LADY SMITH: If you tried harder, you wouldn't be bullied?

9 A. Exactly, if I tried harder and, you know, integrated
10 more, it didn't -- it seemed to place the blame on me
11 for being assaulted. It didn't actually say that
12 person, for me, would say, 'That person has committed
13 a criminal offence and the school needs to deal with
14 this and this is how the school are going to deal with
15 this'. This is how -- I'm sorry, I'm getting really
16 exercised about this, my Lady.

17 LADY SMITH: I see exactly where you're coming from.

18 A. I'm seeing this -- it's stark, because I haven't seen
19 this document and I'm seeing so many red flags with it.
20 It is dealt with separate to the review, drawn a line
21 completely. No further mention of it.

22 I'm sorry, I'm getting really exercised about it.

23 LADY SMITH: 'Sandy', would you like us to take it down?
24 Would that make it easier for you?

25 A. I'm really sorry, because --

1 LADY SMITH: We can take it off the screen.

2 A. It is triggering for me. Thank you.

3 It is triggering for me.

4 LADY SMITH: Can I just say, I get your point entirely that

5 it seems inconceivable that a committee like this would,

6 on the one hand, recognise, 'We have in front of us

7 a child who has been and is being the subject of

8 bullying, oh my goodness, and we're told that this child

9 was injured this morning by a bully, but, you know,

10 there's more this child could have done and should have

11 done to prevent this happening and address it'. Which

12 is not as it should be, putting it at its mildest.

13 A. I'm so sorry.

14 LADY SMITH: Don't apologise. I can well understand how it

15 feels to see that's the sort of reasoning that was going

16 on at the time.

17 A. I'm so sorry, I'm just so triggered by it, because it

18 just for me is a huge -- that was just not handled at

19 all and I was targeted and I was blamed effectively for

20 my own assault, I was victim blamed.

21 LADY SMITH: Meanwhile, you are there, with a painful arm in

22 a sling that nobody seems to show any interest in, and

23 you're a child living in an approved school away from

24 home, yes?

25 A. Yes, thank you.

1 LADY SMITH: 'Sandy', thank you for coping with this. It's
2 exactly the sort of learning I need to have, because
3 I need to understand what was happening at that time, if
4 we are ever going to stop circumstances like this
5 arising again. So thank you.

6 A. Thank you.

7 MR PEOPLES: Are you okay to continue just now?

8 A. Yes, thank you.

9 Q. As I've said, it's actually signed by the senior social
10 worker, this document, who was present at the review.

11 I'm not going to take you through -- I think you
12 said it shows an attitude that you've told us about as
13 well on the part of the people reviewing your case?

14 A. Yes.

15 Q. But I think, to be absolutely clear, whatever was said
16 about how the issue was going to be dealt with, as far
17 as you're concerned, you weren't involved -- if it was
18 dealt with in any way, you weren't part of that, and you
19 weren't asked to speak about it and have it dealt with
20 as part of some investigation?

21 A. No.

22 Q. Just moving on to paragraph 159 and following, this is
23 something you tell us about that was happening to other
24 young people and this is -- you say at 159:

25 'There was physical abuse going on in the office at

1 Oakbank.'

2 Can I just clarify, when you say the 'office at

3 Oakbank', do you mean Oakhill or Oakbank?

4 A. No, I mean Rosemount.

5 Q. Rosemount, sorry, okay.

6 A. Yes, yeah.

7 Q. You say this was close, this office, to where the dining

8 room was --

9 A. Yes.

10 Q. It was a little office, this is the one that you've

11 described, I think, earlier?

12 A. Yes.

13 Q. You say that they -- I think you mean staff -- would

14 quite often shut the door and beat people up?

15 A. Yes.

16 Q. We're talking here about physical abuse behind closed

17 doors?

18 A. Yes.

19 Q. You mention in fact that it happened a couple of times

20 to, in fact, the boy that caused the injury to your arm

21 through the assault?

22 A. Yes, yes.

23 Q. And it happened to another boy whom you name, and you

24 tell us at 160, that they came out of the office with

25 marks on their faces and came out more wound up than

1 when they went in?

2 A. Yes.

3 Q. '... that's how they used to discipline, take people in

4 the office and shut the door.'

5 You say the other staff who were involved in this

6 sort of treatment of boys was LIU [REDACTED], who you

7 have mentioned, and IAB [REDACTED] was another. You tell us

8 that you couldn't actually see what was happening but

9 you could hear it and that they came out with marks on

10 their face, very distressed, and didn't want to talk

11 about it?

12 A. Yes.

13 Q. Did you see them come out, boys come out of the room?

14 A. Yes.

15 Q. Did you hear the noises when they were in the room?

16 A. Yes.

17 Q. And the noises were of boys doing what?

18 A. There was a lot -- you could hear a lot of things being

19 thrown about in the office. It wasn't a very spacious

20 office, so you could hear things being thrown. You

21 could hear people fighting in the office. You knew it

22 was a young person and a staff member. I think

23 LIU [REDACTED] was involved with one -- the first one.

24 I don't remember who was involved in the second one --

25 Q. I'm not too worried precisely, I obviously want to get

1 the picture, but different staff were involved in doing
2 something in a closed office?

3 A. Yes.

4 Q. You heard all these noises?

5 A. Yes.

6 Q. What noises were coming from the boys, how would you
7 describe those?

8 A. There were some screams. There were -- it's difficult
9 to describe -- in the midst of a melee, I think there
10 were groans, screams, a lot of swearing.

11 Q. From boys or staff or both?

12 A. From both, both, because it was a fight. It was
13 a struggle, erm, yeah.

14 Q. Did you see the boys on these occasions go into the
15 office?

16 A. We --

17 Q. I mean, in what state were they in before they were shut
18 in the office?

19 A. I saw one, erm, and it seemed to happen out of nothing,
20 so it wasn't a remarkable entrance into the office. We
21 all knew about it when it kicked off in the office and
22 then the door was slammed and I don't know who shut the
23 door. I'm assuming it was the staff member.

24 Q. On these occasions, you say they came out with marks on
25 their faces and were distressed. Did you see boys come

1 out of the office with marks on their faces and visibly
2 distressed?

3 A. Yes, yes, yeah, yeah.

4 MR PEOPLES: I'm conscious of the time. I've not got much
5 more to go, and I'm conscious of the fact I think you
6 are traveling back to your home destination.

7 LADY SMITH: When you say 'not long', can I just check the
8 stenographers --

9 MR PEOPLES: Could we perhaps carry on for a little bit?

10 LADY SMITH: I think 20 minutes or so, is that okay, and
11 then aim for an afternoon break.

12 MR PEOPLES: I think we have covered a lot but there are
13 a couple of things I think we still need to cover from
14 this part of your statement and I'd like to do that.

15 The next thing I would like to cover with you is at
16 page 29, 165. This is an incident that involved you and
17 a member of staff in April 1992. You say that you were
18 feigning illness on this occasion and stayed in your
19 bed --

20 A. Yes.

21 Q. -- and that on the day in question, the member of staff
22 came up, pulled you out of bed and you say he hit you
23 across the face with his right hand like a slap?

24 A. Yes.

25 Q. And told you to get up?

1 A. Yes.

2 Q. Then you say you went onto the floor and the same member
3 of staff kicked you?

4 A. Yes.

5 Q. And you say you didn't report it at the time:

6 'I did nothing, because what was the point? At that
7 stage I felt everyone was in it together and it wouldn't
8 go anywhere and would cause more trouble.'

9 A. Yes.

10 Q. Then the point you make in the next paragraph is that
11 you mention KFJ . You didn't see him do anything
12 that concerned you?

13 A. No.

14 Q. But I think the criticism of KFJ you would make
15 is that he knew what was going on and did nothing about
16 it?

17 A. Yes.

18 Q. You go on at 169 to tell us about Mr LIU again on
19 6 May 1992 and that you were planning to go to
20 Sister Josie's annual memorial mass at
21 St Mary's Cathedral and you say on that occasion
22 Mr LIU assaulted you?

23 A. Yes.

24 Q. You were in an office -- you're not certain, but you
25 think that you may have had some disagreement or

1 argument with another member of staff the previous
2 day --
3 A. Yes.
4 Q. -- and that Mr LIU appeared to want to continue the
5 matter --
6 A. Yes.
7 Q. -- the following day?
8 A. Yes.
9 Q. When you were in the office together, was it just the
10 two of you?
11 A. No, there was Mr LIW in there as well.
12 Q. You say that you were told you weren't going to get to
13 go to the memorial mass and you tried to explain that
14 all that had happened had been a disagreement between
15 you and a member of staff?
16 A. Yeah.
17 Q. Whereupon you went for the door?
18 A. Yes.
19 Q. And I'll just read out what you tell us:
20 'He came up behind me, shut the door, threw me
21 against the door and said, "Don't you fucking look at me
22 like that again". He pulled my hair [you say] and
23 banged my head against the door. He then opened it and
24 shoved me out of the room.'
25 A. Yes.

1 Q. Is that what happened?

2 A. Yes.

3 Q. Then you say that later the same day you apologised to

4 him?

5 A. Yes.

6 Q. And you say:

7 'That was the thing about Oakbank, you thought you

8 had done something wrong when you hadn't.'

9 A. Yes.

10 Q. And that it was perpetuating the:

11 '... notion the children had felt all their lives,

12 that they were no good.'

13 And you feel this was a sort of deliberate strategy

14 that was used by the staff at Oakbank to make them feel

15 they weren't good and that they were responsible for

16 anything that happened to them like this?

17 A. Yes.

18 Q. Then you say that after apologising to Mr LIU, at

19 171, he replied by saying, 'You will be fucking sorry'.

20 A. Yes.

21 Q. But he did take you to mass?

22 A. Yes.

23 Q. You say, I think, you got to the point in Oakbank where

24 these things happened and you just didn't question them?

25 A. Well, I think that was a hangover from 11 March, whereby

1 clearly you can see from that professional document that
2 things weren't dealt with at all, that if you made any
3 allegations, it simply made your situation ten times
4 worse. So you didn't deal with it at the time.

5 Q. There's no point in them?

6 A. No, I agree, yes.

7 Q. You tell us also -- the final incident I want to ask you
8 about in this section is you were in the classroom of
9 a teacher who you had a good relationship with and you
10 say that you were there one lunchtime and you had
11 actually told someone you were going to her class?

12 A. Yes.

13 Q. When you say 'someone', do you mean a member of staff?

14 A. Yes.

15 Q. You say there was a full-scale panic however that you
16 weren't where at least some staff thought you should
17 have been and that IAB burst into the classroom
18 where you were, grabbed you by the scruff of the neck,
19 and struck you across the face with the palm of his
20 hand. He shouted at the teacher saying that you were
21 'a manipulative little bastard'?

22 A. Yeah.

23 Q. Is that, to the best of your recollection, how things
24 unfolded on that occasion?

25 A. Yes.

1 Q. Was that the only occasion that Mr IAB did anything
2 like that to you?

3 A. There was another occasion, and I don't think I've got
4 it in my statement because so much has happened, but
5 I now recall another occasion where he did actually
6 assault me after I returned from one of my -- there was
7 a week at the end of April where I absconded twice, once
8 was on the Tuesday, and I think it was Tuesday,
9 21 April 1992. I had just returned from my maternal
10 grandmother's in Amesbury. My grandfather had recently
11 died, so I was down with her in Wiltshire, and I think
12 another woman, who I was very close to in childhood,
13 used to babysit me, she had died that morning from
14 a stroke in hospital in Bath and I was quite distressed
15 about that.

16 When I got out of Oakbank, it was very difficult to
17 go back at that stage, at the end of April, because
18 I felt so embattled, if you like, that I always
19 struggled to go back. So when I'd been away for
20 an extended period, and that was for a long weekend, it
21 was always a struggle for me to go back, and I remember
22 staying out on that Tuesday and I was recovered outside
23 my father's property, and I remember my intention was
24 actually to go back down to England on the sleeper
25 train, but I can remember that IAB was on duty

1 that day, I was recovered in the minibus from my
2 father's property, and IAB was on duty that day
3 and he threatened me in the office by saying, 'If you
4 run away, if you fucking run away again, you're going to
5 be in for ...', you know, another three months or
6 something, and it was aggressive in my face, shouting.
7 It was meant to intimidate me and that was done in the
8 office.

9 Q. Was that after the incident you tell us about in your
10 statement or before, when he burst into the classroom?
11 If you can't remember, just say so.

12 A. I'm pretty sure it was before, because that classroom
13 incident was actually a very nice day, and we didn't get
14 nice days very often in Aberdeen, so it must have been
15 coming to springtime.

16 Q. To the best of your recollection that was probably after
17 this one that you've told us?

18 A. Yes. Chronologically, yes.

19 Q. That is fine.

20 If I move on very briefly you have a section on
21 reporting, and I think we can read it, that you told
22 certain people, including police, about things that
23 happened, and indeed your social worker, you think you
24 told about at least one assault. But at the end of the
25 day, anyone that you told it to, as far as you're aware,

1 nothing really came of it, nothing happened to
2 address --

3 A. No, they seemed to want to attribute responsibility to
4 myself, that I had brought it on myself, so anything
5 I said to my social worker at the time, she seemed to --
6 her focus seemed to be, 'Well, you must have brought
7 this on yourself', and that, unfortunately, was the
8 attitude of my father at the time.

9 Q. Is this though not necessarily saying, 'I disbelieve
10 what you're telling me, it's just that you deserve what
11 you got'? Is that more of what you remember how it was?

12 A. Yes. There wasn't an element of disbelief. I think
13 they actually believed what had happened. It was kind
14 of like, 'Well, we're going to victim blame you
15 effectively for what's happened to you', and that seemed
16 to be the way they dealt with it. Then, therefore,
17 it -- they were abdicating responsibility, or, you know,
18 that's how it would end, 'Well, you must have brought
19 this on yourself', and that's how they would end the
20 discussion. And that seemed to be the way that Oakbank
21 operated, not only Oakbank but people around Oakbank as
22 well on the periphery. For example, social services.

23 Q. I can move on very briefly and hopefully let you go very
24 soon. You tell us about what happened after leaving
25 Oakbank when you left, just shortly before you turned

1 16, went home, and you tell us about life after care and
2 we can read that.

3 When you left care, you took GCSEs when you were 18?

4 A. Yeah.

5 Q. And you went to college, you did A-Levels --

6 A. Yes.

7 Q. -- and went to university and graduated and thereafter,
8 you have had a successful professional career, since
9 your graduation?

10 A. Yes.

11 Q. If I go to page 35. You tell us at paragraph 200 that
12 you are glad to say that the abuse did not destroy you,
13 despite the experiences that you have been telling us
14 about today?

15 A. Yes. The experiences -- it's interesting to see, when
16 you see something as stark as a document, which has that
17 narrative and you can recall that incident, and you
18 recognise ... the good thing about education is you
19 recognise the failings -- and maturity -- you recognise
20 the failings of other professionals and for me, that was
21 exceptionally triggering, from a child protection
22 aspect, of that whole document.

23 It has impacted me hugely professionally, I would
24 say, because of the choices I have made -- without going
25 into detail of my profession, the choices I have made

1 has been motivated by I don't want young people to go
2 through what I went through, particularly older
3 teenagers going into care experience, and that's my --
4 that's how it's impacted me.

5 Q. You tell us about that, and I'm not going to take you to
6 the paragraph, but you tell us at 217, but I don't think
7 we need to read that out, but you have explained it why
8 it motivated you to choose what you are doing.

9 You also say, because of the abuse, at 218, you
10 suffered from imposter syndrome. I am not wanting you
11 to say too much, we have heard a bit about imposter
12 syndrome and we know what that involves and the fact
13 that it's trying to remove feelings of being undeserving
14 and not belonging and not -- and being too hard on
15 yourself and so forth and I think you say that that is
16 something that you have experienced and even today at
17 time still experience it, despite your achievements?

18 A. Yeah, and I hope, you know, you can see that even
19 32 years later, certain references to certain incidents
20 is still triggering and there is a culture in Oakbank
21 that you were a failure because you're there, and you're
22 going to be a failure moving on, and there seemed to be
23 almost a sense that you were inadequate, so you were
24 written off at a very early age and that nothing would
25 change and that Oakbank would not indeed change that

1 experience, your negative experiences into a positive
2 experience. It would perpetuate the negative
3 experiences and then -- excuse me, my phone is going off
4 in my hearing aids, so I apologise, it will eventually
5 go off. My phone is in another room, my Lady.

6 Apologies.

7 LADY SMITH: That's okay.

8 A. That you were written off and, indeed, it was said to me
9 at the time by LIW, the day before he assaulted
10 me, that because you've got Oakbank on your record,
11 you'll never make anything of yourself, which is why
12 I moved to the south of England to get my
13 qualifications, because I knew Oakbank's reputation was
14 so notorious that employers, colleges, wouldn't touch me
15 with that on my record at the time. You were that
16 stigmatised by being at Oakbank.

17 MR PEOPLES: I'm happy to say that I've asked you all the
18 questions I planned to ask today, but would just like to
19 thank you very much for taking the time to come and give
20 your evidence in person and I thank you very much
21 indeed.

22 LADY SMITH: 'Sandy', let me add my thanks. Thank you for
23 getting in touch with us in the first place, for the
24 valuable written evidence you have given to us, and the
25 clear, articulate and very thoughtful way in which you

1 have helped us with your evidence today by being here in
2 person. It's been of immense value to me. I'm sure it
3 will have taken an awful lot out of you doing this today
4 and I hope you have a restful weekend planned ahead once
5 you've finished your journey back home from here.

6 A. Thank you, my Lady.

7 LADY SMITH: Please feel free to go whenever you're ready.

8 A. I'm grateful, my Lady. Thank you.

9 (The witness withdrew)

10 LADY SMITH: Some more names, I would like -- some of them
11 are reminding people and some are new names of those
12 whose identities are protected by my General Restriction
13 Order. They are not to be referred to as identified in
14 our evidence outside this room.

15 We have LIQ [REDACTED], HMY [REDACTED], IAB [REDACTED],
16 KFJ [REDACTED], FZR [REDACTED], LIU [REDACTED], EJS [REDACTED],
17 IAA [REDACTED] and Mr LIW [REDACTED], so please would everybody bear
18 that in mind.

19 If we have a break just now and I know we have some
20 outstanding read-ins, are either of them short enough to
21 fit in before 4 o'clock?

22 MR PEOPLES: I think we should be able to at least fit in
23 one.

24 LADY SMITH: We'll take a short break now and then get on to
25 the read-ins.

1 (3.20 pm)

2 (A short break)

3 (3.26 pm)

4 LADY SMITH: Ms Forbes.

5 MS FORBES: Good afternoon, my Lady.

6 'Daniel' (read) (correction)

7 MS FORBES: There is a correction I need to make, my Lady,
8 in relation to a statement from an applicant I read in
9 on 25 September, which was Day 475.

10 That is 'Daniel', and just to give the reference for
11 his statement, it was WIT.001.002.9411. I had read in
12 a part of his statement that referred to contact with
13 his son and I used the word 'supportive' instead of
14 'unsupportive', so I'm just going to read that part of
15 the paragraph of his statement again.

16 It was paragraph 118. This was my fault, my Lady,
17 and he says:

18 'I have contact with my son. He is ten years old.
19 Social services oversee this although they are
20 unsupportive of my relationship with my son.'

21 LADY SMITH: Thank you, that does make sense.

22 'Benjamin' (read)

23 MS FORBES: My Lady, thereafter, the next statement is from
24 an applicant who is anonymous and is known as
25 'Benjamin'. The reference for his statement is

1 WIT-1-000000006.

2 My Lady, 'Benjamin' was born in 1968 and he says in
3 relation to life before going into care, he says his
4 earliest memory was about three or four and he lived in
5 Aberdeen. Stayed with his mum and his stepfather. He
6 says there was a lot of alcohol involved in that
7 relationship and they both drank. He has never met his
8 real father and he has a half-brother, three years
9 younger, and two half-sisters from a relationship his
10 mother had after his stepfather.

11 He says though he spent most of his time at his
12 great grandmother's and she had a partner who he thought
13 was his grandad, but turned out was just his partner,
14 but he saw him as his grandfather.

15 His first school was in Tillydrone and he was only
16 there for Primary 1 and then they moved and he went to
17 Sunnybank Primary School and at that time there wasn't
18 any social work involvement, but one day when he was at
19 school a social worker visited him. He thinks that that
20 might have been because somebody told the social worker
21 he was a bit dishevelled and dirty. He had been
22 disruptive and unruly in class and had been smashing and
23 breaking windows.

24 This social worker then started to come to his great
25 grandmother's house to visit when he was out, it seemed

1 to be, and he only saw her when he was coming back to
2 the house and she was leaving.

3 Looking back, he thinks that the social work thought
4 it was too much for his great grandmother to look after
5 him. He went to a family -- another family -- at the
6 weekends, that seemed to be to give his great
7 grandmother a bit of respite, and he loved going there.
8 So he was about eight years old then when he first went
9 into care in Aberdeen and he was at his great
10 grandmother's house when the social worker came and took
11 him away. He thought they were going for a day out and
12 there was no talk about where he was going or what was
13 happening.

14 So he seems to be admitted into care, I think, from
15 our records on [REDACTED] 1979, so he would have been aged
16 ten, so he might have been a little bit older than he
17 remembers, my Lady.

18 He talks about going to this children's home between
19 paragraphs 11 and 44. Secondary Institutions - to be published later

20 Secondary Institutions - to be published later
21
22
23
24
25

1 Secondary Institutions - to be published later
2 Secondary Institution However, his mother, at this point, had
3 a new partner, and he had been at the children's home
4 about eight or nine months when he left and he went to
5 stay with his mum and her new partner. He thinks that
6 his great grandmother died not long after he moved back
7 home.

8 He went on to a different primary school and then
9 moved into secondary school to Mackie Academy. He
10 wasn't there long before he was expelled from school.
11 He was absconding and 'being boisterous', he refers to
12 it as. He says he thinks he was 'a handful'.

13 Then he was put into another children's home for
14 a couple of weeks. Secondary Institutions - to be published late and then
15 he went back to stay with his mum and her partner, who
16 had moved at that point, but he continued to stay away
17 from school and would sneak back to his house when his
18 mum and her partner were out at work.

19 About 13 years old, he says he went to
20 a Children's Panel and then it was decided he would be
21 going to another children's home. He was very angry
22 when he was told about this and had to be calmed down.

23 He talks about this second children's home that he
24 stayed in between paragraphs 56 and 85, Secondary Institutions - to b
25 Secondary Institutions - to be published later

2 He thinks he was there for about 18 months and then
3 he was told that he was going to go to foster parents.
4 'Benjamin' says he understands there to have been
5 an advert put in the [REDACTED] by the home asking if anyone
6 was interested in fostering him.

7 He thinks then he went to stay with the foster
8 parents who were chosen for a day at first and then for
9 some weekends and after that they decided they would
10 foster him. He talks about his time in foster care from
11 paragraph 90 and he describes his time there. They had
12 a [REDACTED] and he says at first the foster
13 parents were brilliant with him, but after a few months
14 the foster father was fine but just a bit grumpier.

15 Things changed, however, when there was a family
16 holiday planned for Portugal. He'd been getting into
17 trouble at school and it was told to him that as
18 a punishment he wasn't allowed to go on that holiday and
19 whilst they went away, he was put to a children's home
20 and afterwards he went back to the foster home, but that
21 made him resentful and then he says that after this it
22 was a gradual downward spiral to him leaving and going
23 back to a home.

24 He had moved at this point to another secondary
25 school at Ellon Academy, but he was still absconding

1 a lot and missing school and just couldn't be bothered
2 going.

3 Going down to paragraph 107, he says he started to
4 get into trouble with the police for smashing windows
5 and he stole money from his foster parents and he ran up
6 a large account with the local bakers in their name and
7 when that all came to light, the social work came back
8 and told him that he was going to Oakbank and things
9 weren't working out.

10 'Benjamin' says there was no real preparation for
11 this. He was going and that was that. He looked on it
12 as another stepping stone and at 110 he refers to it as
13 being the 'bad boys' school'.

14 He then talks about his time in Oakbank from
15 paragraph 111. He was admitted there on [REDACTED] 1984,
16 he was still only 15 years old, and that's from our
17 records.

18 He tells us about his first impressions of Oakbank
19 at paragraph 111, it being big, with grounds, football
20 parks and playing fields, and separate buildings for
21 painting, decorating, brickwork, mechanics and joinery.
22 Everything was secure.

23 At paragraph 112 'Benjamin' says:

24 'When you went through a door, it was locked behind
25 you. You could open a window but it had wire mesh

1 behind it so that you couldn't get out.'

2 He tells us about the clothes that he was issued
3 with at paragraph 114. These were secondhand clothes
4 and he says it involved 'flares, a mustard-coloured
5 sweater and Jesus sandals'.

6 He tells us about the dormitories at paragraph 116
7 and again this area where he would sleep partitioned off
8 with screens, but you could then look over to the next
9 person's area.

10 'Benjamin' says it was only boys when he arrived, at
11 paragraph 118. There were about 30 boys aged from nine
12 or ten to 16 and the girls unit came later.

13 He tells us about the staff members he recalls at
14 paragraph 121 and he names them and there's a big list,
15 including LIL [REDACTED], Mr EJV [REDACTED] and other people.

16 LADY SMITH: He was 15 when he went into Oakbank, was he?

17 MS FORBES: Yes, he was.

18 LADY SMITH: Thank you.

19 MS FORBES: Thereafter, my Lady, he goes on to talk about
20 the routine in Oakbank and I won't go through that.
21 We've heard some evidence about that already.

22 At paragraph 125 he says:

23 'All boys slept in the same dormitory, irrespective
24 of your age. At night there was a watchman. We called
25 him "the watchy". He had a chair and a desk at the end

1 of the dormitory. If anyone was talking, he would shine
2 his torch on them and tell them to be quiet. This had
3 the effect of keeping you up, even if it wasn't you
4 talking.'

5 Going forward then, he says at paragraph 131 that
6 the food was okay. There were no punishments for not
7 eating food. It was just taken away.

8 At paragraph 132 he talks about a massive communal
9 shower area on the ground floor and says:

10 'You stripped off in a bit next to the showers, then
11 went for your shower. The showers weren't separated
12 into cubicles. There was no privacy. One of the staff
13 would supervise you. There were never any issues.
14 I think that they were just there to make sure there
15 wasn't anyone carrying on or fighting.'

16 At paragraph 135 'Benjamin' says:

17 'There were little cubbyholes that each boy had.
18 There was a change of clothes in there for you when you
19 put in clothes to be washed. Nothing ever fitted you
20 properly, it was always a size too big.'

21 He talks about there being an indoor swimming pool
22 that had been added to the main building and you could
23 use it if you'd been good and, that looking back, the
24 staff used the pool as a tool to make sure you behaved.

25 He goes on to tell us a little bit more about the

1 routine after you had your meal at night. At
2 paragraph 138, he says:

3 'There was a big room where you were taken for
4 a smoke, in the smoke room there was a partition that
5 had all been sectioned off into separate bits where
6 everyone's smokes were kept. Everyone had their own tin
7 with their name inside it. Even the youngest boys
8 smoked. It wasn't discouraged by the staff. I would
9 say that it was encouraged by the staff. You would go
10 to the smoke room five or six times a day.'

11 He then goes on in a section about 'School' at
12 paragraph 140:

13 'Every day after breakfast you were told what you
14 would be doing that day. For the older boys, this would
15 be one of the workshops where you would be shown
16 bricklaying, painting, mechanics or joinery. I don't
17 think that you had a choice. You were just told where
18 to go that particular morning. The younger boys would
19 go to school.

20 'I would also go to school for lessons if I wasn't
21 at one of the workshops. I never learned anything. The
22 education was non-existent. If you misbehaved in the
23 class, you would be taken out and segregated from the
24 other boys. This involved being manhandled by two of
25 the staff. You were never asked to leave. After being

1 taken out of the class, you were taken to the smoke room
2 and locked in. There was a bench in the room and
3 a window that was high up on the wall. You never knew
4 how long you were going to be in the room. It could be
5 half an hour or it could be four hours. This happened
6 to me quite a few times.'

7 Going forward in his statement to paragraph 147, he
8 says:

9 'Mr EJP would speak to me on a regular basis.
10 He would ask me if there was anything bothering me or if
11 I wanted to speak to him. I was 15 and never really
12 engaged with him. I think that this was because he was
13 so old.

14 'I would have regular 12-week reviews. I always
15 felt that I was being spoken down to.'

16 He says that nothing ever happened at these meetings
17 other than being told he was losing his weekend leave
18 for doing something wrong.

19 He then says:

20 'At the weekends, you would be allowed home for the
21 weekend, depending on your family situation.'

22 He said he didn't go home a lot at the weekends,
23 maybe just a few times, and he would go to his mum and
24 his stepdad's near Aberdeen and he would abscond
25 regularly when he was on leave.

1 At paragraph 150 he says:

2 'If you didn't go back to the home after the
3 weekend, you would be punished. This would be the loss
4 of your weekend leave for the next six weeks.'

5 'Benjamin' talks about running away from
6 paragraph 153 and says:

7 'If I had run away [...] it would be one of the
8 staff or police that would find me and take me back.
9 The police would ask why I had ran away. I never really
10 gave any explanation for this. It was just something
11 that I did.'

12 He says there were a lot of boys who ran away and
13 they would take the opportunity often when they were
14 playing sports outside and he would do the same. If he
15 was playing football and saw an opportunity, he would be
16 off. Sometimes for an hour, sometimes for three days.

17 In relation to discipline, 'Benjamin' says at 156:

18 'If any of the boys were fighting, EJT would
19 lie on top of them until they calmed down. It was
20 almost like he was smothering them until they stopped.
21 He was a big guy. I saw this happening to a few of the
22 boys at different times in the playroom, including
23 myself.

24 'If you had done something wrong then you might have
25 your privileges taken away. This would depend on what

1 it was you had done.'

2 In relation to 'Abuse at Oakbank', 'Benjamin' says
3 from paragraph 158:

4 'If you had been getting into trouble then the staff
5 could be quite physical with you. It wasn't just things
6 like a little slap. It would be punches. This could be
7 for not doing what you were told or fighting with one of
8 the other boys. The staff were quite fly about doing
9 this. I was obviously quicker than them. If I thought
10 I was going to be hit, I would make sure I got out of
11 their road and reach. The next day, and without
12 warning, the same staff member would give me a punch and
13 then say that it was for what happened yesterday.

14 'Other times would be getting an elbow in the ribs
15 or a punch in the head or back of the knee. The staff
16 members that I remember doing this to me were EJT
17 and LIL. I also saw them doing the same thing
18 to some of the other boys. EJT was the worst. He
19 was prolific. He was just a big bully. LIL was
20 aggressive, but not as violent as EJT.

21 'I would sometimes have bruises after being hit.
22 Nobody really noticed this because you were always
23 playing football and rugby. You would have bruises from
24 playing these sports. I just accepted being hit, as it
25 just seemed to be normal and part of being at the home.

1 I know now that this is physical violence and shouldn't
2 have happened.

3 'I could be hit maybe two or three times a day.
4 Other times it might be three days or more without being
5 hit. It was just random. You never knew when it was
6 going to happen or where.

7 EJT and LIL would also pretend to be
8 playing with you but it was really rough. They would
9 hurt you and you would be screaming but they just called
10 you a "Jessie".

11 EJT was just a staff member and LIL
12 was the PE teacher. I think that they might both be
13 dead now. They were both aged around 50 when I was in
14 Oakbank.

15 'I never told anyone about being hit by LIL
16 and EJT. The other staff members would see it
17 happening but there was never anything done about it.'

18 'Benjamin' says that he then left Oakbank in
19 1985, so it seems he was there about four or
20 five months, and he says it was just after his
21 16th birthday. There was no real preparation for
22 leaving.

23 'Life after being in care', he talks about from
24 paragraph 167. He moved into his mum's and managed to
25 get a job with a food packaging company, but after about

1 four months, he moved out. He was sofa surfing, staying
2 with different people. He ended up in trouble and in
3 jail a couple of times.

4 After about 18 months, he realised he had to get
5 himself sorted. There was a lot of drug problems with
6 people using heroin, but he never touched it.

7 He says at paragraph 168:

8 'All the people that I knew from that time are now
9 dead due to using drugs.'

10 He says that he eventually met his wife and they
11 have two children. He said he did a number of labouring
12 jobs before ending up in the oil industry and he worked
13 there for about 19 years before he got a work-related
14 injury and had to stop and now he does part-time work in
15 a warehouse.

16 He says at paragraph 170:

17 'I think that some of what I learnt at Oakbank in
18 the workshops helped me when I started working. I also
19 used a lot of what I learned in houses that I have lived
20 in and renovated.'

21 In relation to impact, 'Benjamin' talks about that
22 from paragraph 173 and says:

23 'I think that the way I parent now has been impacted
24 on from my time in care. I look on things differently
25 from how my wife does. I tend to think that if

1 a decision needs made, then I compare it with my time in
2 care, instead of looking at it for what it is. After
3 I left care, I had trust issues. I had constantly been
4 let down whilst I was in care, so didn't trust people
5 easily after I left Oakbank. I don't suffer fools
6 gladly.'

7 At paragraph 175 'Benjamin' says:

8 'If I am doing something I like to do it on my own.
9 That way no one can let me down. It is my
10 responsibility.'

11 He talks about watching documentaries or dramas
12 about children in care triggers things for him and he
13 can get a little bit upset.

14 In relation to 'Lessons to be learned' from
15 paragraph 179, 'Benjamin' says he should have been
16 better prepared for leaving care, there should have been
17 some sort of supported accommodation and a transitional
18 period to allow him to adjust.

19 He talks about the need for an allowance to live on
20 until someone gets a job after leaving care and
21 an effort to help them find a job and support them for
22 that first bit of time when they are away, and that
23 would have helped him.

24 He says at paragraph 181:

25 'I believe that there should be less children in

1 individual children's home and more staff. This would
2 allow more interaction between the staff and the
3 children.'

4 In relation to 'Hopes for the Inquiry', he says from
5 paragraph 182:

6 'I think that there needs to be more transparency in
7 homes. The child should be the most important person
8 when they're in care.'

9 He says:

10 'The reason that I came forward to the Inquiry was
11 to help children who are in care now and make sure that
12 they don't experience what I did when I was in care.'

13 He's made the usual declaration and then he's signed
14 that and it's dated 6 December 2019.

15 LADY SMITH: Thank you.

16 MS FORBES: My Lady, there is another short statement that
17 we can --

18 LADY SMITH: Maybe we can manage that as well then. Yes,
19 please.

20 'Laura' (read)

21 MS FORBES: My Lady, this is from an applicant who is
22 anonymous and known as 'Laura'.

23 The reference is WIT.001.001.3173.

24 'Laura' was born in 1975 and she tells us by way of
25 background that she has been now diagnosed as being ADHD

1 and OCD and that she also suffers from epilepsy and she
2 tells us she has two children who are in care and that
3 she's been struggling to get custody of them for
4 a number of years. She has some contact with them, but
5 it is not much.

6 She tells us that she has a twin sister and an older
7 brother and a younger brother. Before she went into
8 care, 'Laura' tells us that she was getting into trouble
9 with the police and was having a lot of problems at
10 school. That was mainly because she had dyslexia and
11 was having trouble keeping up with lessons and now she's
12 been diagnosed with ADHD, but she hadn't at that time.

13 At paragraph 5 of her statement, 'Laura' says that
14 during her earlier years they lived with her gran, but
15 her mum stayed across the road. Her gran died in 1989
16 and she wasn't able to go to her funeral because her mum
17 didn't think she would be able to handle it.

18 She then moved in with her mum but was getting into
19 trouble with the police for shoplifting. Her mum had
20 a drink problem and one night in 1988, she came home
21 drunk and called the police to say that -- the mother
22 said to the police that 'Laura' was in danger from her
23 mother, so the social work and the police became
24 involved and took her from the house and she says they
25 had to physically carry her from the house because she

1 refused to go and was fighting back.

2 'Laura' says that the main reason she didn't want to
3 go was because she felt it was her responsibility to
4 protect her siblings from her mother's alcohol abuse and
5 stick up for them in their local area.

6 She was taken to a residential home and then she was
7 put in front of a panel the next day and she was put
8 into a home in Dundee and she was there for a period of
9 three-and-a-half months before being taken back to the
10 panel, who sent her back to her mum's.

11 Things didn't improve and she was having problems at
12 school and then had to attend at a place to get
13 one-to-one tuition with a teacher

Secondary Institutions - to be publi

14 Secondary Institutions - to be published later

15 Secondary Institutions - to be publishe and they also used to take her
16 and her twin sister every second weekend away to give
17 her mum a break and that would be to wooden chalets and
18 these were residential placements at the weekends.

19 She then talks about various places that she was in
20 from paragraph 14 during that period

Secondary Institutions - to be pub

21 Secondary Institutions - to be published later

22 Secondary Institutions - to be published later she says that these
23 weekends away, at these places, continued until she was
24 sent to Oakbank.

25 She went to Oakbank in 1990 and she was

1 15 years old at that time. She had gone back to the
2 panel, having got in trouble with the police again, and
3 they said she was going to Oakbank and she threw a chair
4 at the panel, which made them all run out of the room.

5 They told her she was allowed to go home for four
6 days and prepare to go to Oakbank.

7 She then says that she planned to run away when she
8 got there, but the police were waiting on her and
9 a social worker took her to Oakbank.

10 'Laura' tells us about Oakbank from paragraph 21.
11 She says that she was put into 'Oakhills', I think that
12 is the Oakhill unit we have heard about, and this was
13 [REDACTED] 1990. On her first day she was in a fight
14 with another girl and she says a member of staff called
15 zLIM [REDACTED] punched her in the head.

16 She references Mr HMY [REDACTED] as being SNR [REDACTED] and
17 talks about the routine there being like the army. She
18 says that after you got dressed, at paragraph 24, you
19 would have breakfast then help clean up:

20 'After that you would go to school in the main
21 building, which would start with us all sitting in rows
22 on the floor in a big assembly room.

23 'At lunchtime those of us from Oakhill would go back
24 there for lunch, then it would be back to school, which
25 finished at about 3.30 or 4.00 pm and then it was back

1 to Oakhill. Between then and 5 pm we would again have
2 to help clean up about the place.'

3 Then she talks about dinner being at 5.00 pm and
4 then after dinner they'd be taken up to the main
5 building and they would play pool or snooker until about
6 9.00 pm.

7 Then she would go back to Oakhill unit, escorted by
8 social workers. She says that normally the door to her
9 room would be left unlocked, although sometimes they
10 felt it appropriate to lock it.

11 'Laura' talks about bed wetting at paragraph 28.
12 That wasn't a problem for her but those that did wet
13 their beds got abuse from other children and she says:

14 'I recall hearing SNR [REDACTED], Mr HMY [REDACTED], in the
15 boys' dorm one time and I could hear him slapping a boy
16 and saying "pishing the bed".'

17 In relation to schooling, at paragraph 30, she says:

18 'I only did school for about a month, however, the
19 staff thought I was disruptive so they took me out of
20 school and put me into what was basically a YTS
21 bricklaying scheme in the grounds of the school. I did
22 that every day thereafter instead of going to school.

23 On two occasions, we were taken to building sites in
24 Aberdeen. I was the only girl in the groups. I was
25 15 years old and I was embarrassed because all the men

1 in these places were whistling at me. After it happened
2 the second time, I refused to go back to those sites.'

3 She says at paragraph 33 that she never had any
4 visitors, but after four weeks she would get home every
5 weekend unless she was bad by doing things like fighting
6 or running away.

7 In relation to running away, she talks at 37 about
8 running away constantly and she would make sure it was
9 with somebody who came from Aberdeen and knew the area.
10 She would always try to get to Perth, but never made it
11 that far. She tried to run away almost every single
12 day.

13 She says at paragraph 38:

14 'The only real punishment I got for it was not being
15 allowed home at the weekend, but eventually they didn't
16 even do that. The exceptions were LIL [REDACTED],
17 zLIM [REDACTED] or SNR [REDACTED], Mr HMY [REDACTED], who would all
18 slap or punch me for running away.'

19 In relation to abuse she says from paragraph 39 the
20 following:

21 'One of my main complaints was that after three
22 weeks, I was transferred to the main building in
23 Oakbank, which was where the boys slept. I was the only
24 girl put there. I was the only lassie who was
25 physically abused and I think this was because I would

1 fight with the other boys and girls almost every week.'

2 She mentions a man who [REDACTED]
3 [REDACTED], zLIM [REDACTED] and LIL [REDACTED], being the main ones
4 who would assault her regularly:

5 'LIL [REDACTED] used to take me to watch a football
6 team, some amateur team. Once I was sniffing gas whilst
7 he watched the football. That was on the Saturday and
8 when he saw me again on the Monday, he battered me. On
9 one occasion he punched me in the head and it was two
10 days after this that I took my first seizure. I'm sure
11 he caused it by punching me on the head.

12 'There is no history of epilepsy in my family and
13 I've been epileptic ever since that incident.

14 'zLIM [REDACTED] used to restrain me by holding my thumb
15 and pulling it back to my wrist. He would then hold me
16 like this for about one-and-a-half hours, pulling me
17 with him wherever he went, though it was usually just
18 about his office. This was incredibly painful. He did
19 this at least three times a week. I still have pain in
20 my hand to this day because of it.

21 'He would do this if he caught me fighting and often
22 for no reason whatsoever. If he did this during the
23 week, I wouldn't be able to go to my bricklaying class
24 because my thumb and wrist would be too painful to work.

25 'Sometimes zLIM [REDACTED] would have me in this hold in his

1 office and Mr HMY would come in. I would be on the
2 ground and HMY would stand on my ankle or kick me in
3 the ribs and then just walk off. If LIL came in
4 and I was in this position, he would also assault me and
5 they would have a laugh about it. At times him and
6 zLIM would both have a hold of my hands in that very
7 painful position.

8 'On another occasion, zLIM threw a big heavy bunch
9 of keys at me. I avoided them, but in doing so, I burnt
10 myself on an extremely hot water tap. I have a scar
11 from that on my arm to this day.

12 'On my 16th birthday, zLIM and LIL,
13 along with an older man, whose name I can't recall,
14 grabbed me and cut my ponytail off. The next day I went
15 into their office and I saw they had actually got my
16 ponytail framed and put it up on the wall.

17 'I was horrified by what they had done. I had grown
18 the ponytail for years and loved it. They had actually
19 told me in the days leading up to my birthday that they
20 were going to cut off my ponytail, but I simply didn't
21 believe that somebody would do something so nasty. That
22 incident really upset me.

23 'I was also sexually abused, not raped, by male
24 members of staff though I don't wish to talk about it
25 and I don't wish to name those involved. I feel it was

1 more a power trip on their part rather than them getting
2 any sexual gratification from it. They did it simply
3 because they could. The physical abuse was far worse
4 than the sexual abuse.

5 'They weren't allowed to give us the belt, but in
6 place of it they just slapped, punched and kicked us
7 though they called it restraining.'

8 She says thereafter from paragraph 52 that she left
9 four days after she turned 16. She went to a panel and
10 they put her into an independent halfway house and she
11 left Oakbank on [REDACTED] 1991.

12 She was only in the halfway house for two weeks
13 before they kicked her out for not being in at the time
14 of night she should have been and she lived on the
15 streets for a few months. She went to stay with
16 a friend's mum for about two years and then, just before
17 she turned 18, she went back and lived with her mum for
18 about a year and then she and her twin sister got a flat
19 together across the landing from their mum.

20 That was after her son had been born -- sorry, she
21 says it was after her son was born that she started to
22 settle down.

23 In relation to impact, 'Laura' says that the impact
24 on her has been the violence, it made her a more violent
25 person. Her mum had been violent, then the social

1 workers were violent, and that became her way of life as
2 a teenager.

3 At paragraph 57 she says that one of the biggest
4 impacts is the way she's now being treated by the social
5 work and she says:

6 'As I fight to get back custody of my children,
7 I simply don't trust them because of the way they
8 treated me as a child and this has been used against me
9 by the social work.'

10 Then she sets out the issues she has had in seeing
11 her children in the following paragraphs and the fact
12 that they wanted her to have contact with her children
13 at one of the children's homes that she had stayed in as
14 a child **Secondary Institutions - to be pu** they didn't seem to
15 understand that that was a problem for her and they saw
16 that as something she was doing to refuse to co-operate
17 with them.

18 She says they eventually changed the meeting to
19 a different location and we can see that at
20 paragraph 62.

21 Again, she talks about 'Lessons to be learned' at
22 paragraph 64 and says:

23 'The social work have to take into consideration
24 a person's childhood when they're dealing with people,
25 especially when it concerns a person's children. They

1 have to understand people who have been through what
2 I have, especially given that that was at the hands of
3 the very social work department deciding what is
4 happening to my children.'

5 She has made the usual declaration and that's signed
6 and it's dated 4 January 2018.

7 LADY SMITH: Thank you very much indeed.

8 That completes the evidence we are presenting this
9 week. What is the plan for next week?

10 MS FORBES: Next week, my Lady, we start with three
11 witnesses on Tuesday.

12 LADY SMITH: Thank you very much.

13 Very well. I'll rise now for the weekend. I hope
14 everybody has a good one and I'll sit again at
15 10 o'clock on Tuesday.

16 (4.00 pm)

17 (The Inquiry adjourned until 10.00 am on
18 Tuesday, 1 October 2024)

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