

Wednesday, 23 October 2024

(10.00 am)

LADY SMITH: Good morning and welcome back to Chapter 9 of this section of the case study.

You'll remember, I hope, that we explained that today we're going to begin with finishing the evidence, it's all read-in evidence, and there are four statements that we're going to read in. Then we'll have a short break and then we'll move on to closing submissions. Unless there are any objections, my plan is to invite Aberdeen, Mr Crosbie, to address me first and then Inverclyde after that. If that will work for you, we thought that would work for us. Yes?

First of all to Ms Forbes and the read-ins. Thank
you.

MS FORBES: Good morning, my Lady.

'Stuart' (read)

MS FORBES: The first read-in is from an applicant who is anonymous and is known as 'Stuart'. The reference for his statement is WIT-1-000001138.

My Lady, 'Stuart' tells us he was born in 1953 and talks about his life before going into care between paragraphs 2 and 16 of his statement. In summary, he tells us that he was brought up in Maryhill in Glasgow. He initially lived with his parents, his father was in

1 the RAF and then worked shifts at a paper mill and his
2 mother worked at an industrial laundry.

3 He suffered physical abuse from his mother on
4 a regular basis and for insignificant things. He got
5 involved in stealing and started getting in trouble with
6 the police from the age of about eight. When he turned
7 13, they moved to another part of Glasgow and he
8 remembers staying out late one night and when he got
9 home he was, as he put it, 'set about' by his father.

10 He was on occasions sent to different aunties to
11 stay. Each time he would have to change schools, and
12 this was at secondary schools.

13 He tells us from paragraph 16 on page 4 he was
14 caught stealing at about 13 and received 28 days at
15 Larchgrove Remand Home from Partick Marine Magistrates'
16 Court and at that time there was no social work
17 involvement. The police charged him and he was summoned
18 to go to court.

19 He tells us about his time at Larchgrove between
20 paragraphs 17 and 46. By way of a summary, he says he
21 experienced corporal punishment there, physical assaults
22 by staff, and he says he lived in constant fear with no
23 compassion of any kind being shown.

24 After the first 28 days at Larchgrove, he went back
25 to live with his parents and at that time he was 14. He

1 was caught stealing again and went back to Larchgrove
2 for a second time and says it was as if he'd never left.

3 He was then sentenced to three years' training at
4 Loaningdale Approved School. He tells us about
5 Loaningdale between paragraphs 47 and 58 of his
6 statement and that part of his statement was read in on
7 5 June 2024, which was Day 450 of the Inquiry. He
8 describes a very positive experience at Loaningdale,
9 there being no locked doors and no discipline in the
10 form of anything physical and no bullying.

11 He says that after a few weeks, he broke into
12 a local shop and was caught by the police and taken back
13 to court. He was admonished but he was recommitted to
14 a different approved school and that is when he was sent
15 to Thornly Park.

16 'Stuart' then tells us about his time at
17 Thornly Park from paragraph 59 through to 112. He tells
18 us at paragraph 61 that --

19 LADY SMITH: He would still be about 14 then, would he, when
20 he went to Thornly Park?

21 MS FORBES: Yes, my Lady.

22 He tells us, my Lady, that boys there were aged
23 between 12 and 14 and he describes it as an intermediate
24 school, there being about 150 boys. He describes there
25 being five dormitories and says that dormitory one was

1 when you went when you first went in and that was also
2 for boys who wet the bed. Dormitory two was the one you
3 moved up to after you'd been there a while. Dormitory
4 three was better as they had big thick beds and it was
5 enormous. Then there was dormitory four, which was
6 a normal dormitory and then dormitory five, which was
7 where you could stay if you became a merit badge boy and
8 you would then get privileges that other boys didn't
9 get. 'Stuart' says you didn't move up the dorms because
10 of age. It was because of behaviour. If you wet the
11 bed you stayed in dorm one.

12 'Stuart' mentioned some members of staff.
13 Paragraph 63, he mentioned Bob, the night watchman, who
14 was the only one there at night.

15 Paragraph 64 he talks about Mr GTX being SNR
16 SNR who they called 'GTX' and he was
17 a very religious man and of small stature. There was
18 also a Mr KGE who was always there but never did
19 anything.

20 He talks about routine at Thornly Park from
21 paragraph 65 and says they all had a job to do before
22 breakfast and then they would go to work and they would
23 then work all day and then they went to bed after
24 dinner.

25 If we could go to paragraph 68 of his statement and

1 just read out from there, this is in relation to
2 a section that is entitled 'Washing/bathing', he says:
3 'There was a guy from [REDACTED] with the surname
4 [he gives the surname]. Let's just say downstairs he was
5 more blessed than some and upstairs he wasn't blessed at
6 all. After you came out the showers, the teachers would
7 tell you to stand facing the wall with your hands on the
8 wall so they could check if you had any rashes.
9 'Every single time, Mr KGE would come round with
10 a towel wrapped around his waist and a 12-inch ruler.
11 He was fully clothed. I think the towel was just to
12 stop any drips going on him. He would say to this boy
13 that he was a no-use, dirty bastard and how did he have
14 a thing like that. He would then whack his penis with
15 the ruler in front of everyone. It happened every time
16 he was on shower duty. It was seen by the whole school.
17 There must have been another teacher there too, as he
18 wouldn't have been in charge of the showers on his own.'
19 He then goes on to talk about there being clothes
20 pegs with numbers on them for their work boots and
21 slippers and they would hold the work clothes and
22 a shelf for pyjamas.
23 In relation to leisure time at paragraph 71,
24 'Stuart' says:
25 'They had kayaking, army cadets, cycling and Boys'

1 Brigade. I joined the army cadets. The cycling guy was
2 the personal trainer at the school and had his own wee
3 group. The teachers would pick who they liked. You
4 couldn't just join in whatever group you wanted.
5 I liked the army cadets anyway.

6 'Other than that, there wasn't a lot of interaction
7 with the teachers.'

8 He talks about a recreational room with board games
9 and then he says in the summer they could walk around
10 the grounds or lie down outside, but there was always
11 fights between people from different areas.

12 At paragraph 75, 'Stuart' talks about a two-week
13 camp during the summer with the army cadets and he says:

14 'The joinery teacher from Aberdeen also did
15 a kayaking trip and took his wee group away for two
16 weeks. They all thought they were the elite. The
17 joinery teacher would tell them that.'

18 'Stuart' goes on to say in relation to education:

19 'There was no education as such, it was mainly work
20 and they told you what to do. There were no books...'

21 At paragraph 77, 'Stuart' says:

22 'Two days a week you would go for lessons with a man
23 called Mr HFD . He taught us all at different
24 times. He would do some classes in the morning and some
25 in the afternoon. He taught us nothing though. He

1 thought he was a good guy and a laugh but all he would
2 do was sit and play his mouth organ. He would play it
3 with his nose as well. There was nothing like
4 an education in there.'

5 Then he talks about if you were getting near to the
6 end of your stay, you could become a merit badge boy and
7 get extra privileges, which was like being a prefect at
8 school.

9 He goes on to say that on a Sunday night after
10 showers, they had to go and sing hymns in the big games
11 room with Mr GTX. He says they went to the
12 Salvation Army on a Sunday morning if they weren't on
13 home leave. You couldn't say that you weren't going.

14 In relation to the work at paragraph 81, 'Stuart'
15 says:

16 'Everyone had a job to do before you got your
17 breakfast. Next to the cloakroom there was a big long
18 corridor and my job was to scrub and mop all that floor.
19 I did that the whole time I was there. After breakfast,
20 we went to our work. They had joiners, gardeners,
21 brickies and painters. I can't remember what else.
22 I worked in the garden. I dare say you could have had
23 a choice where to work but I didn't choose anywhere
24 else. They grew all their own vegetables and that went
25 into the kitchen. I would mostly rake leaves and do

1 weeding.

2 'I got sent up to a farm up the road once with [he
3 names another boy]. We had to shovel all the farmer's
4 animal waste into a big truck and then the teacher came
5 and drove it down to the fields and it got dumped. We
6 had to spread it all out all over the fields and then we
7 planted the seeds.

8 'We had beehives in the garden and I worked there
9 too. They produced all this honey but we never seen any
10 of it. I am not sure what happened to it.

11 'Mr GTX once told me they had applied for me to go
12 to agricultural school but I was knocked back. I didn't
13 even want to go and didn't know they were doing that.
14 I wanted to be a soldier. I loved the army cadets.

15 'The teacher from Aberdeen in the joinery shop had
16 his elite boys and used to tell them all how great they
17 were. I didn't like him and thought the boys were just
18 arseholes.'

19 He says that Christmases and birthdays weren't
20 celebrated and there was a big turkey that would be
21 wheeled into the dining hall at Christmas before the
22 other boys were getting away on home leave, but that
23 would be dished out to the top table of teachers and
24 then taken away and they would just get the usual steak
25 pie which they had every week, it was nothing special.

1 He goes on to say that the whole time he was there,
2 he never saw anyone reading a book, they never got
3 comics or magazines.

4 In relation to bed wetting at paragraph 89, he says:

5 'Anyone who had wet their beds had to come
6 downstairs with their wet sheets in the morning. They
7 had to take a cold shower. It was degrading. There was
8 maybe about six or seven boys that did it and they
9 always stayed in the first dormitory. It wasn't the
10 greatest.

11 'Bullying did happen but not to me. It was usually
12 to the boys with smaller statures. It was things like
13 if they had been on leave and had come back with sweets
14 they would get taken off them. It's just a thing that
15 happens in schools. At that time everything was
16 different. Everything was fear and terror.

17 'For guys in these places, violence wasn't a big
18 thing. If anyone else had set about someone, they might
19 feel bad afterwards, these guys didn't.'

20 He then talks about the fact you had to earn your
21 home leave and there was a mark system and that teachers
22 had big thick ledgers they would pass around the school
23 and they would say who would be getting a good or bad
24 mark and these were leather bound. If you had three
25 good marks, then you would get the whole weekend leave.

1 If you only had two, you would get less time out. He
2 then says if your mark was black in the book it was good
3 and if it was red it was bad.

4 At paragraph 94 'Stuart' says:

5 'There was a teacher that used to sit in the dining
6 hall at the big top table and he would make us sit with
7 our arms folded high up in his presence. If we did that
8 he would give us a good mark. That was to show him that
9 we were good boys. It depended what mood he was in
10 whether you got a good mark or not.'

11 He says after that every Friday, you knew if you
12 were getting out or not and they would be in the dining
13 hall at tea time and there was a giant wall board with
14 their numbers on it. They each had a peg at their
15 number and if it had been moved along, they knew they
16 were getting out and if it hadn't, you weren't.

17 He says at paragraph 96:

18 'I used to get out quite regularly once I had been
19 there for about ten months or so. Before that, it was
20 maybe just a few hours at the weekend. For maybe about
21 18 weeks out of the year and a half I didn't get home at
22 all.'

23 He says that when you became a merit badge boy near
24 the end of your stay:

25 '... you automatically got three good marks and got

1 weekend leave.'

2 He goes on to talk about running away at
3 paragraph 100 and says he ran away one time:

4 'I ran away one time I was out working in the fields
5 and Mr Paterson came running after me.'

6 He says he was with another boy who he names. He
7 says he found out that Mr Paterson was a champion
8 cross-country runner so he didn't get very far and then
9 he was taken to the deputy head and got the belt and no
10 home leave for six weeks.

11 He says the second time he ran away, he was in
12 dormitory three and he talks about that and he says that
13 when they got caught, they were taken to the police
14 station and the police never asked them why they were
15 running away. They weren't interested.

16 In relation to discipline at paragraph 102 he says:

17 'I was disciplined twice by Mr GTX for running
18 away. I got the belt over the bum. I think it was
19 acceptable at approved schools at the time but probably
20 wouldn't have been acceptable to the powers that be.
21 You would have shorts on and they would make you lie
22 over a table and someone would lie over your back.
23 Another person would hold onto your ankles. Mr GTX
24 would belt you with the tawse on the backside and then
25 walk around the table once reciting the Bible. He would

1 repeat that six times. It was always him that did it.
2 I think one of the other people that was there was the
3 SNR but I can't remember his name.

4 'You always got six of the belt. Mr GTX didn't
5 always get you on the backside. Sometimes you would
6 have welts on your legs. When you went to the showers
7 afterwards guys would say, "Let's see your stripes".
8 They would go away after a day or two. It was for
9 things like running away, fighting or being really
10 cheeky to a teacher.

11 'Nine times out of ten, if you spoke back to
12 a teacher they would deal with it themselves and slap
13 you across the back of the head or something. All
14 teachers would do that. They would punch you, slap you
15 or kick you. If you got punched, it was on your body
16 and if you were slapped, it was on the back of the head.
17 You could also have your home leave stopped for six
18 weeks. That was mainly for running away and I had that
19 happen to me a few times.'

20 In relation to abuse from paragraph 105, 'Stuart'
21 says:

22 'When I was doing my job scrubbing that big
23 corridor, Mr KGE used to come and see me and called me
24 "the special boy" or "the Loaningdale boy". He would
25 call me that in front of the other boys too. He would

1 spit on the floor when I was cleaning.

2 'Mr KGE would also say to me on a Saturday

3 morning, if I was getting home, that he would go and

4 make sure I didn't get home. I think it was small-man

5 syndrome, as he was small and I was tall.

6 'Another time there was a boy from Elgin there in

7 dormitory three who had come back from home leave at the

8 weekend with crabs. Mr KGE must have noticed when he

9 was in the showers as he walked in when the boy was

10 lying in his bed and pulled his covers back. He then

11 pulled the boy's pyjamas down and started cracking the

12 crabs on his genital area with his key. It was a full

13 dormitory with 30 or 40 boys in it. How degrading can

14 you get? That boy must have lived with that all of his

15 life, as it has lived with me all of my life.

16 'On a Friday night, we got to watch a film before

17 bed. The joinery teacher would take us all up to the

18 dormitories after and if anyone spoke in line, everyone

19 was made to strip down and go in for a cold shower. It

20 was the whole school. He would ask if anyone was going

21 to admit to speaking and if no one did, he would keep us

22 there until he got bored. No one would own up to it

23 because if you were getting out on the Saturday morning,

24 you wouldn't get out if you admitted to it. It was

25 things like this all the time.'

1 He then says he was at Thornly Park for about
2 18 months and he remembers being on the train on the day
3 he got out from Paisley and was crying that he was going
4 back to his mum. He says he should have told someone he
5 didn't want to go back to her but he never did.

6 He says he was 16 by this point at the time of
7 leaving and he'd been let out for about a week to get
8 a job before he left and he got a job in a supermarket
9 as a store boy. He says when he left he was given a big
10 parcel with clothes. It was all new stuff but you
11 wouldn't have worn it, so he ended up giving his to his
12 uncles.

13 He was supposed to go and see an aftercare officer
14 but he didn't like him and I think there was an issue
15 about where the aftercare officer was and the fact he
16 would have to travel through an area which may have
17 gangs to go and see him.

18 He then goes on to tell us about after he left
19 Thornly Park and he says that he ended up being caught
20 stealing scrap metal. He went to court and ended up
21 being sent to Longriggend for two weeks on remand. That
22 part of his statement was read in on 3 November 2023,
23 which was Day 384. He talks about physical assaults by
24 staff.

25 He went back to court and was given three months in

1 Glenochil Detention Centre. He talks about that from
2 paragraph 122, and again that was read in before. There
3 were physical assaults by staff. He was there for the
4 two months, eight days and a breakfast.

5 The day he was supposed to be released, he was taken
6 to Barlinnie because there was a warrant for him and he
7 tells us about Barlinnie from paragraph 156. He talks
8 about violence amongst the inmates. He was in Barlinnie
9 for nine months and he turned 18 whilst he was in there.

10 He then talks about life after care from
11 paragraph 161 onwards. He went back to stay with his
12 parents. He had a few jobs but they never lasted. He
13 loved the army cadets but once you'd been in homes, you
14 were said to be of bad character and he couldn't get
15 into the army, so he didn't apply.

16 He married his wife and he says that his dad bought
17 them their first house and he says they had four sons
18 and one had passed away as an infant. He worked as
19 a civilian for the American Navy and he did other jobs
20 at a newsagents and then he went off the rails and
21 became a professional criminal. Drinking became
22 a problem. He separated eventually from his wife, but
23 he says he still speaks to her now and he has a good
24 relationship with his sons.

25 He spent time in prison in Germany. He says that he

1 drinks alcohol very seldom now but smokes cannabis daily
2 and he talks about some health problems he's had.

3 If we go to paragraph 170, he talks about impact and
4 he says that he has difficulty with his feelings because
5 of his time in care and that's affected his
6 relationships. He wanted to join the army and he says
7 that being in these places took that from him. He never
8 got any further education. He thinks he could have gone
9 further in life.

10 At paragraph 174, he says:

11 'I accept that being in those homes was my fault but
12 I do not accept the treatment that was given out when
13 I was there. I never once said I shouldn't be in
14 there.'

15 He talks about the fact that his grandchildren, he
16 loves them and would do anything for them and he's never
17 laid a finger on any of his children. He says he has
18 flashbacks about violent things that happened to him in
19 the homes.

20 He talks about the fact that he hasn't spoken to
21 anyone about his time in care and it's not something he
22 would want to do and he hasn't reported any of the abuse
23 to the police.

24 In relation to 'Lessons to be learned', from
25 paragraph 182 he says there was no compassion or

1 understanding in these places.

2 At paragraph 184, 'Stuart' says:

3 'Thornly Park used to be a ragged school for
4 orphans. When I was there, the place was still
5 Victorian. I think it should be smaller institutions
6 that are more intimate like Loaningdale. That would be
7 better. There were children sent to these places at
8 eight years old. That shouldn't have happened.'

9 In relation to 'Hopes for the Inquiry' at
10 paragraph 187, he says:

11 'I don't think you'll be able to change anything
12 because it is too far in the past. I just want to let
13 everyone know that this was the way it was then and we
14 should have been listened to but no one did. We were
15 all ruled by fear and terror so no one could speak out.
16 It happened to everyone. It wasn't just me.

17 'I just hope it does somebody somewhere some good
18 when they read this.'

19 'Stuart' has made the usual declaration, he has
20 signed his statement and it is dated 1 September 2022.

21 LADY SMITH: Thank you.

22 'Ewan' (read)

23 MS FORBES: My Lady, the next statement is from an applicant
24 again who is anonymous and is known as 'Ewan'. The
25 reference for his statement is WIT-1-000000724.

1 'Ewan' tells us he was born in 1949 in Edinburgh.
2 He had a younger brother and a younger sister. He lived
3 with his parents on the south side of Edinburgh. He
4 said he lived a normal life until his parents divorced
5 and then his world collapsed. He was only about five
6 years old when that happened.

7 He was then sent to a school on his own while his
8 siblings were taken somewhere else. He says that he
9 remembers, before being sent to this residential school,
10 going to a primary school and that he would run away.
11 He found out later from his mother that he would
12 immediately run away and be back at his house before his
13 mother got home.

14 He said that his dad had been in the army and when
15 he came home, he started working for a removal company.
16 He doesn't know what his mother did, but he says he
17 didn't see her again until he got out of the residential
18 school as a 14-year-old boy.

19 He then talks about the time at the residential
20 school from paragraph 7 through to 52 and he says he was
21 there for nine years between the ages of 5 and 14.

22 Whilst he was there, though, there were times when
23 the holidays would come round and he talks about that at
24 paragraph 33, which is a part that isn't redacted in his
25 statement and this was read in during the evidence the

1 Inquiry heard about Balgowan on 14 February 2024,
2 Day 417. He would go to Balgowan during the holidays
3 from the residential school because he couldn't go home.

4 He talks about bullying at Balgowan from older boys.
5 Whilst he was at the residential school, he tells us
6 that he was drugged, he thinks, and suspects he was
7 sexually assaulted too. He talks about bullying from
8 other boys and sexual and physical abuse.

9 However, he does tell us at paragraph 53 -- and
10 again, this was read in -- that the bullies at Balgowan
11 were the worst and he talks at paragraph 53 about
12 physical and sexual abuse by older boys at Balgowan and
13 again that was read in.

14 He then talks about leaving the residential school
15 and he thinks that he was about 15 when he was then sent
16 to Thornly Park and he didn't understand why he wasn't
17 being sent home and he tells us about Thornly Park from
18 paragraph 55. He says that the man in charge was
19 a Mr Miller or Mr Mullen. He describes him as being
20 a very fair man.

21 He talks about Thornly Park being a locked school,
22 so you couldn't get out without the door being unlocked
23 for you. He says that it was a place that was very much
24 run by the teachers.

25 In relation to first impressions at paragraph 57, he

1 says:

2 'My first impression was one of fear. It was a huge
3 building with a lot of boys and members of staff. I had
4 come from a place with two members of staff. It was
5 intimidating and I felt on my own. The boys were older
6 than me. I couldn't understand why I hadn't been sent
7 home.'

8 He then talks about schooling at Thornly Park and he
9 says that you attended school within the complex and you
10 were taught by teachers who were part of the staff. He
11 can recall being belted by them on a few occasions and
12 recalls one occasion when he was belted by a teacher in
13 front of other children after he'd run away.

14 He also recalls teachers standing watching when you
15 were showering. He says at paragraph 59:

16 'There was a lot more interaction between the staff
17 and the boys, although it is nothing like what it is
18 now. Nowadays there are inspections of the services and
19 the staff are more carefully selected. I never passed
20 any exams in all the schooling I had.

21 'I remember that Mr Miller or Mr Mullen, I can't
22 recall his name, tried to talk to me about running away.
23 I couldn't talk to him because I didn't trust the
24 masters. He also tried to help me with my schooling by
25 recognising my academic problems in that I was poor at

1 reading and writing. He would try to make it easier for
2 me to understand by spending more time with me one to
3 one. He was a very nice man.

4 'In Thornly Park you always got the belt on the
5 backside but in the local school I attended you got the
6 belt on the hands. In Thornly Park you had to bend over
7 a desk and one of the masters would hold your hands so
8 that you couldn't move. There was always two of them
9 when you got the belt. They only did it in front of
10 other boys if they wanted to make an example of you.

11 'There was a green where the masters at Thornly Park
12 would sit. It lead to a railway embankment which
13 I would climb up and then run away. Mr Miller told me
14 to look at the policeman who was walking on the railway
15 line. He told me that he was a fast runner and would
16 catch me. I wanted to prove otherwise and he never
17 managed to catch me. I could run three miles and
18 through the brambles but he never caught me. I was
19 a lot older then. I recall that the man who chased me
20 came into the showers one day and punched me.

21 'At every opportunity I would run away. It was easy
22 to do as there was a yard with no gates on it and you
23 could just make a run for it and escape. I always got
24 the belt for running away and it was done in front of
25 all the other boys.'

1 He talks about abuse from paragraph 64:

2 'All I can recall were the weekly beatings we would
3 receive. If your shoes weren't polished or if your
4 socks were down round your ankles or if you tore your
5 trousers, you would get a beating. You would get a cuff
6 round the ear or a punch. The beating was being hit on
7 your backside with the belt.

8 'In Thornly Park, if a boy was being punished then
9 the rest of the boys would also be punished. That led
10 to more bullying by the other boys, who would attack you
11 if you were the cause of the group punishment and you
12 all suffered the consequences.

13 'There was a lot of bullying amongst the boys.
14 These were older boys and so the fighting was much
15 rougher. If you tried to tell one of the teachers, he
16 would tell you to go away and stop talking nonsense.
17 The older boys would also bully you for sexual favours
18 but I learned to fight back, so I was not bullied to the
19 same degree.

20 'The staff did not want to hear about bullying
21 because to them it meant that they were not doing their
22 job in preventing it. If, for example, you ripped your
23 shirt during a fight you would have to tell them that
24 you had accidentally ripped it. They didn't want to know
25 about the bullying, which was rife in the school.'

1 'Ewan' then says he was pulled into the office one
2 day and let go next and it was his time to go and that
3 was all he knew. He doesn't think he was ready to go
4 home from Thornly Park when the time came and said he
5 had been working as a porter at a hospital to gain work
6 experience. He says he was 15 years old and he ended up
7 then staying with his grandmother in Leith.

8 He recalls that when he came back to Edinburgh, he
9 had to go to school for few months as he was too young
10 to leave. He talks about him only having short trousers
11 and the rest of the boys wearing long trousers, which he
12 took a lot of ridicule for.

13 He tells us about his life after being in care from
14 paragraph 70 and he first lived with his grandmother and
15 then with his mother, got a job on the trawlers and
16 enjoyed that. He says that he worked on the trawlers
17 for ten years and it built up his confidence. He then
18 worked on the oil rigs, doing different jobs but
19 primarily on catering, and then he worked in the
20 ██████████ department for the Lothian Region until he had
21 a bad accident and he was out of work for a long time.

22 Then, for his last ten years of his working life, he
23 worked in a hotel. He tells us he got married in 1968
24 and has got children and grandchildren.

25 In relation to impact from paragraph 72, 'Ewan' says

1 he can't watch films on television which deal with
2 children's homes or children in care. He thinks that
3 his life with his siblings was ruined by his time in
4 care, because he never grew up with them and didn't meet
5 them again until he was 19.

6 At paragraph 74, he says:

7 'I look after my grandchildren and I always have to
8 lock up the house at night to make sure that they are
9 safe. I don't like them being out late at night.'

10 In relation to 'Lessons to be learned' from
11 paragraph 77, he says:

12 'There were no disclosure procedures when I was in
13 care. There were no inspections. The social services
14 and the staff in the institutions didn't take the time
15 to listen to children. I don't like the idea that
16 children turn 16 and 18 and are no longer under the care
17 of the social work department. Children are being
18 excluded from schools and it can take a full week before
19 someone from social services manages to speak to them.
20 That is too late.

21 'The Scottish Child Abuse Inquiry should be going
22 into the children's homes and asking the children what
23 they think. It is what they want and they need someone
24 to listen to them. "Tomorrow is the new future,
25 yesterday has gone". My life has nearly gone, but the

1 children's lives are just starting.'

2 He then tells us that he's been involved in the
3 Kinship Care Group and foster care groups and he has
4 parental rights for his grandchildren from 2004.

5 He then talks about working closely with these
6 groups and we have his views about that in paragraphs 80
7 and 81.

8 'Ewan' has made the usual declaration and he has
9 signed his statement and it's dated 16 June 2021.

10 LADY SMITH: Thank you.

11 'Callum' (read)

12 MS FORBES: My Lady, the next statement is from an applicant
13 who is anonymous and is known as 'Callum'. The
14 reference for his statement is WIT.001.001.6616.

15 'Callum' tells us he was born in 1957 and tells us
16 a little bit about his life now in the background
17 section at paragraph 2. He says that he has three
18 brothers and a sister and he's the oldest and talks
19 about life before care from paragraph 3 onwards and he
20 says that life before care was a struggle and that his
21 parents lived in a place near Kilmarnock and his father
22 couldn't pay the rent.

23 He says that when he was about six, one of his
24 aunties came to get him from school and when they went
25 to his house, all the furniture was sitting outside and

1 his parents separated at that point.

2 They went to stay at maternal grandmother's house
3 and then paternal grandmother's and then he says he
4 stayed there with his dad for two years and his parents
5 got back together and they all moved to Longpark in
6 Kilmarnock, which he says was 'the pits'. He describes
7 it being rough and ready.

8 'Callum' says he went on and off to secondary school
9 when he lived there and he says he had a hard time going
10 to school, because he had come from another area. There
11 was a lot of bullying, he had to defend himself, and
12 people were fighting him. He says he got physically
13 abused by [REDACTED] there whilst he was at school,
14 who would be emotionally abusive towards him as well.

15 He says that when he was about 10 or 11, he started
16 to go off the rails and would commit crimes. He was
17 doing stupid things and he says that by the time he was
18 14 years old, he was then taken to his first
19 children's panel because of amassing a number of charges
20 and not going to school.

21 He says that he was sent to a home by the
22 children's panel after the hearing and he says he thinks
23 he was sent there because of the charges and not going
24 to school. This was a place for assessment for three or
25 four weeks.

1 He had to go there before he was at a second panel
2 hearing and after that, he was sent to Thornly Park,
3 where he stayed for about four to five months. Then he
4 went back again for assessment to the same assessment
5 place for another three or four weeks, before going
6 home.

7 He tells us about going to the first place for
8 assessment between paragraphs 11 and 42. He says he was
9 aged 13 or 14 years at that time. Secondary Institutions - to be published

10 Secondary Institutions - to be published later
11
12

13 He talks about the in-between period when he went to
14 the second children's panel hearing and that was the
15 panel that decided to send him to Thornly Park. This is
16 at paragraph 43. This was in 1971. He was there for
17 about four to five months.

18 He talks about Thornly Park from paragraph 44 and he
19 says the place was open and he describes that at
20 paragraph 44. We have his description there of it
21 having a main house, which was massive, and a lot of
22 grounds around it. He doesn't know who ran the place,
23 he thinks it could have been the council, but the boys
24 were aged between 13 or 14 up to 16.

25 He says there was a football park and a vegetable

1 plot. There was a lot of staff there who were mostly
2 male. There was a high turnover of staff and you would
3 see staff members for a week and then they were off and
4 you wouldn't see them again.

5 'Callum' says there were two schools in Paisley, one
6 of them was Geillsland, and some of the staff used to
7 come up from there to work at Thornly Park.

8 He tells us at paragraph 47 about staff and he says:

9 'Mr GNG [REDACTED] was SNR [REDACTED]. He would have
10 been in his 40s. There was also a matron there ...'

11 He doesn't recall her name.

12 He says at paragraph 48:

13 'When I arrived, I was taken to a big white tiled
14 room, which had baths in it. I was then covered in this
15 bleach stuff. The matron then scrubbed me with
16 a scrubbing brush and I then had all of my hair shaved
17 off. I was then taken to a big dorm with ten or 20 boys
18 in it.'

19 He talks about routine from paragraph 49 and says:

20 'You got up at about 6.00 am to 6.30 am. The staff
21 would shout at you and kick you to get you up. After
22 you got up, you had to have a shower. You all got put
23 into groups after that and went to school or work. At
24 night, you were locked into your dorm. If you needed to
25 go to the toilet, there were people on duty at night.

1 You would have to chap the door to get out at night for
2 the toilet.'

3 He thinks there were about 20 boys in each dorm and
4 he says he was only in one whilst he was there and the
5 dorms had boys of mixed ages, he thinks, but he can't
6 remember.

7 He then talks about school and work from
8 paragraph 51 and says:

9 'At the back of the house were wooden huts where you
10 went to school. There would be about 20 or 30 in each
11 class. You had to go. You went for two or three hours.
12 They taught you basic things like spelling, reading and
13 writing. I just looked out the window during the
14 classes. I think there was a joinery class but I didn't
15 go. I went to the gardens. I was in the garden squad.
16 I liked planting things. I can't remember whether we
17 got paid for our work.'

18 He talks about there being a uniform that you had to
19 wear being grey trousers and a grey jacket and a blue or
20 red-striped rugby shirt with boots.

21 (Pause)

22 'Callum' says he was in Thornly Park for about six
23 weeks before he got any home leave. He then tells us he
24 remembers there being in relation to leisure time
25 a shared pool and a television and there were books to

1 read as well as a football pitch outside and they mostly
2 played football amongst themselves.

3 He went to army cadets in Barrhead and he says he
4 quite liked that and they also went to Salvation Army on
5 a Sunday and he says though that was optional.

6 He then talks about abuse at Thornly Park from
7 paragraph 59 and he says:

8 'The abuse started on the first day when the matron
9 scrubbed me with a scrubbing brush in the bath.'

10 LADY SMITH: That was the reference that we have made
11 already to the thorough scrubbing and head shaving that
12 happened when he arrived.

13 MS FORBES: Yes.

14 He goes on to say:

15 'She did sexual things to me. She touched me whilst
16 I was in the bath.

17 'On the third day I was there, something happened.
18 I don't know what it was. I think I might have been
19 fighting. I was then taken to a room. I can't remember
20 where the room was in the building. I don't know who it
21 was who took me there, but it was a couple of male staff
22 members. I was beaten in the room. They beat me with
23 their fists. I hated them so they had to fight me to
24 make me do anything. I wouldn't lie down for them.
25 I just wouldn't do it. They beat me until there was no

1 fight left in me. They then sexually assaulted me.
2 They made me perform oral sex and then they performed
3 penetrative sex on me. Both the staff members did that.
4 'One or two weeks after I arrived, I tried to escape
5 from Thornly Park. It was nighttime. I was caught
6 before I even got out of the grounds. A member of staff
7 who worked there caught me. I got given a beating
8 because of that. I was also sexually abused. I was
9 made to perform oral sex and suffered penetrative sex.
10 I was then isolated and put in a different part of the
11 building from the other boys. I was locked in a room
12 separate from everyone else. There was a bed but
13 nothing else. You would be locked up in that room day
14 and night until your injuries healed. The staff brought
15 me my dinner.
16 'I remember my dad came up to see me after this
17 incident. It was a Saturday. He had travelled all the
18 way up from Kilmarrock. He was told I had mumps by the
19 staff. Because of that, he didn't get to see me.
20 I didn't have the mumps. I was being kept away because
21 I had a sore face from the beating. I had black eyes
22 because the staff members had gone too far.
23 'I did eventually escape later on. I was caught
24 again though. I think I was taken back to Thornly Park
25 by the police. It was the same scenario again. I was

1 beaten and sexually assaulted. I was in Thornly Park
2 for about four months. I think I tried to escape about
3 five times.

4 'The last time I escaped was on a Saturday. I heard
5 that some of the Glasgow boys were going to abscond.
6 I said that I would go with them. I went with them as
7 far as Barrhead. I then got a bus to my auntie's house.
8 My mother and father didn't know I was at my auntie's
9 house at the time. I think it was arranged that if
10 I handed myself in, a quick panel hearing would be
11 arranged.

12 'Mr GNG knew about the abuse. I know he knew
13 because he came into a room and saw things happening to
14 me. I can't remember where the room was. He came into
15 the room and saw two of the members of staff sexually
16 assaulting me. I can't remember whether he said
17 anything, but I remember him walking back out of the
18 room. That's the only occasion I can remember him
19 seeing something happening. He never spoke to me about
20 the incident.

21 'When I went into Thornly Park, I was like the new
22 kid on the block. There were boys in the home from
23 Glasgow and Paisley. There weren't many Ayrshire boys
24 in there. There was resentment right away between the
25 boys from Glasgow and Paisley and the boys from

1 Ayrshire. I had to fight them. They bullied me. I had
2 to try and protect myself. I would fight back the best
3 I could. You were always on your guard because the
4 other boys bullied you. I remember the other kids used
5 to spit in your dinner.

6 'The staff didn't care about the bullying. They
7 just laughed it off. They only became involved if it
8 became serious. You couldn't concentrate. You had to
9 have eyes on the back of your head.

10 'I continued to have problems with bed wetting. You
11 would have to take all of your bedclothes down to the
12 laundry. You would then get a slap or a punch or
13 whatever the case may be from the staff. I think there
14 were two or three other boys who wet the bed.

15 'You got the belt there. Mr GNG or [REDACTED]
16 would give you it. I don't remember what Mr GNG
17 [REDACTED] was called. The belt was given on your hands.
18 You could also miss your home leave if you didn't
19 behave. Mr GNG made the decision about that.'

20 He then talks about a boy who was there at the same
21 time as him who he became friends with and they stuck up
22 for each other. He says that that boy confided in him
23 whilst they were in Thornly Park that things were
24 happening to him. He says at paragraph 70:

25 'He told me that the same things that happened to me

1 by the staff happened to him. He said that the staff
2 had physically and sexual abused him.'

3 'Callum' then goes on to say that he couldn't have
4 told anyone what was happening to him at the time.

5 He then tells us about leaving Thornly Park at
6 paragraph 74 and says towards the end of his time there,
7 he became determined not to go back. He would have
8 preferred to die than to go back. He says at
9 paragraph 74:

10 'I wanted away. It was hell. We never had a good
11 upbringing at home but we were never physically
12 battered. We were just shouted at.'

13 He thinks they arranged a third children's panel
14 hearing for him after the last time he escaped and that
15 would have been in either [REDACTED] or [REDACTED] 1971. He
16 thinks that was then the second time that he went into
17 the assessment place [REDACTED] Secondary Institutions - to be published later

18 [REDACTED] Secondary Institutions - to be published later
19 [REDACTED]

20 At paragraph 79, he talks about going to his fourth
21 panel hearing after that second time in the assessment
22 place and that was in December 1971 and his mother was
23 able to persuade the panel to let him go home for
24 Christmas and New Year.

25 Then after that, he went to a fifth panel hearing

1 and he was allowed to go back to secondary school and he
2 was allowed to stay at home.

3 He tells us about his life after care from
4 paragraph 80 onwards and says that when he got the
5 chance to go back to secondary school, he didn't miss
6 a day.

7 At paragraph 81, he says:

8 'I had to put on a mask when I went back. I made
9 sure that I didn't do anything wrong. I didn't get into
10 any trouble. I went in every day because I was
11 terrified to go back to [REDACTED]
12 [REDACTED] Thornly Park.'

13 He says then that he left school when he turned 15
14 and that was in the summer of 1972 and he went to work
15 at a [REDACTED] where his mother worked. He was there
16 for a while and then he worked for a pottery place. He
17 says he got married in 1974 when he was about 17 and
18 then they had a daughter and he did get into trouble in
19 his teens after he left school and he went to
20 Longriggend in 1973 or 1974 for about two or three
21 weeks, awaiting sentence but he got out because he was
22 about to start a job.

23 In 1974 he ended up in Jessiefield Prison on remand
24 and when he was 18, he ended up in Barlinnie for
25 non-payment of fines and got out in [REDACTED] 1975.

1 He says that thereafter, his father died and he was
2 then left with his brothers and his mother to look
3 after. He worked for a while before starting with the
4 council in 1977 and then he worked there for over
5 20 years in the roads department and worked for a cable
6 company as an HGV driver and he's now retired.

7 He talks about the fact that he then, at
8 paragraph 88, went to see his GP and was referred to
9 a psychiatric nurse and then was introduced to
10 a counsellor from an organisation called Break the
11 Silence and the counsellor there was the first person he
12 told about what had happened and told him everything.

13 He says his next step after speaking to the Inquiry
14 is to go to the police.

15 In relation to impact he says in paragraph 90 he
16 doesn't trust anybody at all because of his time in care
17 and he is still anti-authority.

18 At paragraph 91, he says:

19 'For a long time I put a mask on. Didn't want
20 anyone to know what had happened. I tried to be the
21 macho guy. It started eating away at me in my late 40s,
22 you can only keep the mask on for so long. The mask was
23 coming off all the time.'

24 He tells us thereafter that his marriage has ended
25 and he says he loves his daughters and his grandchildren

1 but he doesn't really know what love is. He says his
2 granddaughters are the most important things in his life
3 and mean the world to him.

4 He tells us about some physical health problems he's
5 had and some mental health problems. He tells us he's
6 tried to take his life on a couple of occasions and the
7 only thing that has stopped him is his grandchildren.

8 From paragraph 98, 'Callum' says:

9 'Speaking to the Inquiry isn't about jumping on the
10 bandwagon or something. If I can save a young laddie or
11 lassie going through what I went through then I will
12 feel I have achieved something in my life. I hope that
13 speaking to the Inquiry and the police will stop
14 something, even if it is just one person who is helped.
15 Maybe I'm stupid thinking that way, but that is the way
16 that I am thinking.

17 'When I was put into care, I should have been cared
18 for. I shouldn't have been abused and left like I am.
19 If I hadn't been abused maybe my life would have gone
20 better and I wouldn't be like I am now. I think about
21 what happened to me every day. You can't help it.
22 Whatever you do you hear about these things, whether
23 it's on the telly or in the paper. The homes ruined my
24 life. These people ruined my life. I want to see
25 justice somewhere, I want people, dead or alive, named

1 and shamed.'

2 Then he talks about the fact that he thinks staff
3 working in homes should be vetted and people should look
4 into the records that they have.

5 He says at paragraph 101:

6 'I would like if something did happen that a child
7 had a separate independent person to speak to. There
8 was nobody there for me. I was on my own. All I could
9 do was survive and look after myself as best I could.

10 'I would just like somebody to come back to me and
11 say, "Aye, you are telling the truth". That's all.'

12 'Callum' has made the usual declaration and he has
13 signed it and it's dated 11 July 2017.

14 LADY SMITH: Thank you.

15 'Graham' (read)

16 MS FORBES: My Lady, the last statement then is from
17 an applicant who is anonymous and is known as 'Graham'
18 and his reference is WIT-1-000001128.

19 My Lady, 'Graham' tells us he was born in 1964 and
20 talks about his life before care from paragraph 2
21 onwards. His dad was in the army and he ended up being
22 born abroad where his dad was stationed. He says that
23 he has an older brother.

24 When he was three-and-a-half, the family returned to
25 Scotland and his dad was then posted to Ireland. He

1 says that when they settled in Scotland, they lived in
2 Renfrew and he says that family life was 'absolutely
3 disgustingly terrible' because his dad wasn't there and
4 his mum was a very sharp-tongued person who was very
5 strict and very quick with her hands and other
6 implements, like canes or belts. He talks about a lot
7 of physical abuse from his mother and talks about
8 wetting the bed every night and her rubbing his face in
9 the wet sheets in the morning. He has no fond memories
10 of his mother.

11 At paragraph 6 he talks about having a group of
12 friends who were really bullies, but he would mess
13 around with them all the time and he was a punchbag for
14 them; they would physically assault him and bully him.
15 But he didn't want to go back to be at home with his
16 mum, so he kept going back to them.

17 When he was about eight his parents divorced and he
18 wanted to live with his dad and initially that was
19 agreed, but then his mum said no, because of his dad's
20 job in the army. Then he had to live with his mum and
21 he didn't see his dad again until he was about 17 or 18.

22 He was very upset about not being able to live with
23 his dad, to the point that he says he tried to kill
24 himself when he was eight years old and he says he tried
25 more than once.

1 He was running away from home. Every time he ran
2 away, he would be picked up from motorways or main
3 roads, thumbing lifts, and he said he would be picked up
4 by males and was being assaulted. He would also get on
5 trains and he remembers getting on a train to London and
6 a guard on the train sexually abusing him. He tells us
7 about that in paragraph 11.

8 He talks about sometimes running away for a whole
9 day and getting picked up by the police, but then
10 sometimes he would be lost and knock on people's doors,
11 but regularly the running away led to him being picked
12 up by males in the street and being sexually assaulted
13 and 'Graham' says he didn't know any different and he
14 was just trying to survive.

15 He says that one of the worst times was when he
16 didn't go to school and ran away and he was picked up in
17 the town centre by an HGV driver who took him away and
18 took him down to England and he says that he was
19 sexually abused virtually every day whilst he was away.

20 My Lady, we do have a record of that in his records
21 of him being away with this man and there being concern
22 by the social work department about what had happened
23 while he was away and there were suspicions about sexual
24 abuse but he wouldn't tell them.

25 LADY SMITH: He would still have been quite a young teenager

1 then.

2 MS FORBES: Yes.

3 He goes on to say, my Lady, that at that time when

4 he was brought back, this was the first time there was

5 any social work involvement with him and the family and

6 he says then there was some kind of panel he thinks from

7 his memory, but he ended up being sent to Bellfield for

8 assessment. He talks about Bellfield between paragraphs

9 21 and 27.

10 LADY SMITH: In fact, when the lorry driver incidents took

11 place, he wasn't yet a teenager, if he has the ages

12 right in his memory, because he thinks he was about 12

13 to 13 when he went to Bellfield.

14 MS FORBES: Yes. I think, my Lady, from the records that we

15 have, I think that this incident with the lorry driver

16 was what precipitated the move to Bellfield, so he might

17 have been around that age at that time.

18 LADY SMITH: Thank you.

19 MS FORBES: He tells us that he was about 12 or 13 at that

20 point and he says he was only there for a couple of

21 months.

22 He talks about abuse at Bellfield from paragraph 25

23 and says that he thinks he had a sign on his head

24 saying, 'Come and do whatever you want to me', and they

25 did.

1 He makes the comment:

2 'I sometimes think now that the beatings and mental
3 abuse were far worse than the sexual abuse that I went
4 on to encounter.'

5 He talks about the brutality of Bellfield.

6 He says when he ran away he would -- the first time
7 that happened, paragraph 26, he was taken to a room and
8 he says:

9 'I had the shit kicked out of me by a couple of
10 staff.'

11 After that, he says, it was like every opportunity
12 he would get a beating and it wasn't just him, it
13 happened to everyone.

14 He says he doesn't remember leaving Bellfield but he
15 wasn't there for very long and we know from our records,
16 my Lady, that 'Graham' was admitted thereafter to
17 Thornly Park from Bellfield on [REDACTED] 1979, so he would
18 have been aged 14 years by this time, so he's perhaps
19 a little bit older than he recalls.

20 LADY SMITH: Okay.

21 MS FORBES: He tells us about Thornly Park from paragraph 30
22 onwards and he thinks he was about 12 or 13, but he
23 would have been aged 14.

24 He says he wasn't there for very long, just a matter
25 of months, and I think from the records we have, he

1 tells us he was moved to Redheugh Hostel at the
2 beginning of [REDACTED] 1979, so he was really there for
3 just under three months.

4 'Graham' tells us that Thornly Park was a terrible
5 place to be and it was in a terrible state of repair as
6 well. It was in the process of being shut down.
7 I think we know from the framework document that
8 Thornly Park closed in around March 1980 and indeed
9 there is reference in 'Graham's' records saying that the
10 move to Redheugh Hostel was brought about because of the
11 closure of the unit that 'Graham' was staying in in
12 Thornly Park.

13 'Graham' talks about there only being about four or
14 five boys resident at the place at the time, this is at
15 paragraph 32. There is a reference in the records we
16 have to the first part of his stay there being during
17 the summer holidays, when he was one of only a handful
18 of boys that had remained in the school. So there were
19 fewer boys there I think when he first arrived.

20 He says that they were left really to their own
21 devices and there was nothing organised for them. He
22 says the only buildings that were open were some
23 Portakabins, a swimming pool and a TV room. All other
24 outbuildings like the education block were locked up and
25 not in use.

1 At paragraph 34 'Graham' says:

2 'The boys stayed in little Portakabins. There were
3 four beds in each one and I stayed in one with another
4 boy, so there were just the two of us in our
5 Portakabin.'

6 He then talks about abuse at Thornly Park from
7 paragraph 35 and says:

8 'The abuse began for me after only a few days at
9 Thornly Park. It came firstly from one or two older
10 boys, who were engaging me in sexual activity. That was
11 in my room, my Portakabin, and it included touching and
12 masturbation. They were about 16 or 17. I don't know
13 their names. I can see a tall, slim guy with black
14 hair. That's about it. I've just blocked everything
15 out.

16 'That abuse went side by side with some bullying
17 from the same boys. I couldn't fight back because of my
18 age. I didn't know how to fight back and I was scared.
19 It was one of those things that I just had to accept.

20 'The abuse continued and then involved one of the
21 carers who should have been looking after me. He forced
22 me to commit sexual acts on him, oral sex and
23 masturbation. At times he also buggered me.

24 'I felt like this was normal behaviour due to my
25 experiences with other men who picked me up when I was

1 running away from home. The member of staff that abused
2 me was a short, fat guy with dark hair. I don't
3 remember his name but he used to look after the swimming
4 pool. When we all went to the swimming pool he would be
5 there and abuse us there. I say us, because he abused
6 other boys who were at Thornly Park at the same time.

7 'He forced us to do things to each other together
8 while he would watch. He would get two of the older
9 boys to come to the Portakabin I was in and he would
10 force us to take part in sexual activities. With me it
11 was mainly touching, masturbation and oral sex.

12 'That staff member and another staff member once
13 took a small group of us, about four or five boys, on
14 an outing to the Cairngorms. We did a lot of walking
15 and stayed in tents. There was a bit of abuse going on
16 during that trip as well.

17 'Thankfully I wasn't at Thornly Park for that long,
18 but it was long enough to impact on my well-being. That
19 obviously went on to impact on my development as
20 a child. I had no guidance or help at Thornly Park,
21 because every male I had contact with had only one thing
22 on their mind and that was to abuse me in some form or
23 another.

24 'I contemplated suicide many times at Thornly Park,
25 but I didn't ever go through with it. I did make

1 a serious attempt to kill myself some years later
2 though, while I was in prison.

3 'As I said, the place was in the process of being
4 shut down and you never really saw any members of staff
5 so there was no one to speak to. The only time we saw
6 anyone was when we went swimming and that was the staff
7 member who was abusing us.

8 'We did see some other staff when we went to the
9 dining room, which was a long way down the road.

10 'I had to leave Thornly Park because it was being
11 closed down. I went from Thornly Park straight to
12 Kibble School.'

13 My Lady, I think we know from 'Graham's' records
14 that he went from Thornly Park to Redheugh Hostel and he
15 then went to Calder House and he was in Calder House for
16 a short period between [REDACTED] 1980 to [REDACTED] 1980
17 and it was on [REDACTED] 1980 that he was admitted to
18 Kibble. So he was a bit older than he thinks when he
19 went to Kibble.

20 He tells us about Kibble from paragraph 47 onwards
21 and he says that the abuse there was physical in the
22 form of beatings, bullying, intimidation and
23 humiliation. There was also a small amount of sexual
24 abuse, in the form of touching, masturbation and oral
25 sex.

1 He talks about going to the adolescent unit or the
2 hostel at Redheugh from paragraph 56. Secondary Institutions - to be pu

3 Secondary Institutions - to be published later
4
5
6
7
8
9
10
11
12

13 He talks about his life after being in care from
14 paragraph 77 and he says that when he [REDACTED] to London
15 on a train, he ended up being involved with a paedophile
16 ring, renting out of boys and he was doing that for
17 a period of time until he was well into his 16th year.
18 He started taking drugs at that time.

19 He then decided that he would get out of that and he
20 says he went through a period of searching out people
21 who he perceived to be sexual abusers and beating them
22 up and he would end up getting in trouble for that and
23 going to court.

24 He talks about meeting his first wife in the
25 mid-1980s and they had two children, but the marriage

1 didn't last. He was committing a lot of crime,
2 burglaries and thefts of cars, and he spent most of the
3 1980s in and out of prison in England.

4 He tells us then about his journey through the
5 prison system. He was in a therapeutic community-based
6 prison at one time between 1989 and 1992. He came out
7 of prison, went to college and met his second wife and
8 they had a daughter.

9 Then he talks about committing an offence in 1966
10 and he was sentenced to life and he's been in prison
11 since then.

12 He says that at that point he was very violent. He
13 was categorised as a category A prisoner in
14 a high-security prison and again he was seeking out sex
15 offenders and assaulting them.

16 He ended up in a close supervision centre, which he
17 tells us about in paragraphs 84 and 85, and then he was
18 sent to a special supervision unit in Manchester. He
19 started to see a psychiatrist and then it was after that
20 he ended up, I think, being given some therapy and he
21 went to a special unit, in a different prison, where he
22 was seeing a psychiatrist and a psychologist regularly
23 and he was diagnosed with PTSD. He tells us about
24 a mental health diagnosis that he was given and he
25 received some treatment.

1 He then was in a medium-secure unit and he was sent
2 to Broadmoor at different times as well. He did
3 intensive therapy at Broadmoor and tells us about where
4 he is now.

5 In relation to impact, at paragraph 91 he says:

6 'I am now a 58-year-old man and I feel the abuse
7 just as if it happened yesterday. Not a day goes by
8 when I am not thinking about it. There are triggers
9 every day, sights, smells, comments or whichever form
10 they take. I could be set off by a story in the
11 newspaper, a news article on the television or just
12 seeing and hearing people talking about abuse or
13 relationships.'

14 At paragraph 95, he says:

15 'I was placed into the care of a local authority at
16 an early age with only one purpose, to be taken care of
17 by the institutions I found myself in. I was not taken
18 into these care homes to have my body violated in any
19 way, shape or form and yet that is what happened time
20 and time again.

21 'For over 45 years I have lived my life with trauma
22 and it is only now that I am being listened to. That
23 has only happened because I committed crimes that led to
24 me being incarcerated. I am currently in
25 a medium-secure unit and the goal is to complete my

1 therapy and eventually be returned to the love and
2 support of my family, who are out there waiting for me.

3 'Sadly the effects of the trauma I had to endure
4 have affected every relationship I have ever had and
5 this has caused me problems throughout my life.'

6 He talks about his difficulties in having
7 relationships and being in relationships.

8 At paragraph 98:

9 'It's only recently through extensive therapy that
10 I'm beginning to slowly understand how relationships
11 work. It's a long, slow process, but I am beginning to
12 see the benefits of the trauma therapy.'

13 He talks about trauma, its impact on him and the
14 issues he's had about his sexuality, given what happened
15 to him growing up and in care. He talks about the fact
16 that he's not had any real education and he talks about
17 his difficulties in being able to hold down jobs when
18 he's been out of prison.

19 Thereafter, if I go to paragraph 116, he says:

20 'I'm just like anybody else. All I want when
21 I finally get released is to be able to have a proper
22 relationship with my children and hopefully form
23 a proper relationship with a partner. I'm lonely and
24 I want to experience having a partner again.'

25 At paragraph 118, 'Graham' says:

1 'What happened to me should not have been allowed to
2 happen, but it did, and I have been made to suffer the
3 effects of this abuse for over 40 years. It's only now
4 with the Scottish Child Abuse Inquiry and the Redress
5 Scheme that my story is being told. Without it, I would
6 go to my grave knowing that my whole life had been
7 stolen from me and who would be standing by my grave, no
8 one.'

9 Then he talks at paragraph 122 about the mental
10 health treatment he's received and says it's been very
11 helpful and he wouldn't be sitting here today without
12 it.

13 He then tells us about 'Lessons to be learned' from
14 paragraph 125 and that relates to his whole time in care
15 and through his journey through the system later on and
16 the treatment that he's been receiving for his mental
17 health problems. We have that there, I'm not going to
18 read it out, because it relates to his entire
19 experience.

20 At paragraph 130 in relation to 'Hopes for the
21 Inquiry':

22 'I'm hoping something good might come of the
23 Scottish Child Abuse Inquiry. The level of risk is up
24 so hopefully something good does come from it.'

25 'Graham' has made the usual declaration and he has

1 signed the statement, it is dated 16 November 2022.

2 LADY SMITH: Thank you very much.

3 We'll take a break now and then move on to the
4 closing submissions after that.

5 Thank you.

6 (11.15 am)

7 (A short break)

8 (11.30 am)

9 LADY SMITH: I'll invite you just to formally introduce
10 where we're going next, Mr Peoples.

11 MR PEOPLES: Just to say, I think, that we're now moving to
12 closing submissions and we'll hear some submissions from
13 both Aberdeen City Council and Inverclyde Council.
14 Mr Crosbie is here on behalf of Aberdeen, Mr Blair is
15 here on behalf of Inverclyde. They've both provided us
16 with written submissions and, in accordance with the
17 settled practice, I don't plan to say anything, other
18 than to say by my arithmetic, we have covered 22 oral
19 witnesses during these hearings and 31 read-ins.

20 A large number of these were applicants giving
21 evidence, either live or through their signed statements
22 which were read in. We have obviously heard from
23 a number of other witnesses, including people who were
24 the subject of allegations, so there's quite a large
25 body of evidence that we have ingathered during the

1 course of this.

2 Beyond that, I wouldn't plan to say anything at this
3 stage.

4 LADY SMITH: I wondered, just for the transcript, if you
5 wanted to record that despite best efforts, we couldn't
6 source a provider for Thornly Park. I think that was
7 the position.

8 MR PEOPLES: Yes, I think we did try to find out but I think
9 it's a bit of a mystery and obviously it had closed
10 quite a while ago and trying to trace anyone with any
11 connection proved problematic.

12 Of course, we have to bear in mind that in relation
13 to Oakbank and Balracraig, although we did hear from
14 witnesses who provided an A to D response, I think at
15 least from a legal aspect, Oakbank was run by a board of
16 management, albeit with local authorities heavily
17 represented, and Balnacraig was again a private
18 provider. We heard from Mr Law who had involvement
19 latterly with the board, but clearly the school had
20 closed as Oakbank and, indeed, as did the other two, so
21 we are down really to two individuals today to assist us
22 in the closing statements.

23 Other than that, I wouldn't plan to say anything
24 more at this stage other than to thank everyone who has
25 actually assisted us, because I'm conscious that there's

1 a lot of work that's been involved, particularly by
2 those who have had to provide responses and, indeed,
3 come forward with evidence in addition through their
4 representatives.

5 LADY SMITH: Thank you very much, Mr Peoples.

6 Mr Crosbie, when you're ready.

7 Closing submissions by Mr Crosbie

8 MR CROSBIE: Thank you, my Lady.

9 I should say that, given the relative brevity of
10 these submissions, my intention would simply be to read
11 them into the transcript, if your Ladyship deems that
12 suitable.

13 LADY SMITH: Absolutely.

14 MR CROSBIE: Thank you.

15 My Lady, on behalf of Aberdeen City Council, the
16 council's grateful for the opportunity to participate in
17 and contribute to this phase of the Inquiry and these
18 closing submissions focus on Oakbank School, which
19 I think, as Mr Peoples alluded to, closed in 2008.

20 As the Inquiry has heard, over many years it was
21 an approved school, thereafter a List D school, before
22 its final designation as an independent residential
23 school.

24 The council acknowledges from the outset the
25 difficulties that have been faced in recovering the

1 information necessary to paint the full picture of the
2 operation, resourcing and day-to-day governance of
3 Oakbank School. That's apparent from the number of
4 times in the section 21 response where the council
5 indicates that various questions might perhaps be
6 referred to the trustees of Oakbank School Trust.

7 Despite that, the council submits that it has done
8 its utmost to assist the Inquiry and provide information
9 where it can in as much detail as possible.

10 That question of governance and oversight was
11 explored in some detail with Graeme Simpson, the
12 council's chief social work officer, when he gave
13 evidence on 24 September this year.

14 Oakbank School was not operated by
15 Aberdeen City Council or its predecessors. However, the
16 council accepts that it and its predecessors was
17 represented on the board of governors and that the
18 social work department had a responsibility to inspect
19 the institution and encourage good governance, however
20 it reasonably could.

21 While the headteacher of Oakbank at any given time
22 would have a significant degree of autonomy in how the
23 school was run, there should have been a greater focus
24 on supporting them and the school by, insofar as
25 possible, getting the right people with the right

1 expertise onto the board of governors. From the
2 evidence, it's apparent that that did not necessarily
3 happen consistently.

4 The experiences of those who have given evidence to
5 this Inquiry of abuse they suffered while at
6 Oakbank School have been very clear. The council has
7 followed the evidence closely. It expresses its deepest
8 sympathies to those who have suffered. One of the
9 recurring themes in the evidence relating to Oakbank
10 abuse in the context of bullying among young people, on
11 more than one occasion the Inquiry heard evidence of
12 gangs of typically older children, who often divided
13 themselves by the region of Scotland they had originally
14 come from, acting as a law unto themselves. That's
15 perhaps encapsulated by the evidence of 'Alistair', who
16 spoke to the violence happening all the time between
17 boys and the staff just couldn't control it. The older
18 boys controlled that school, not the staff.

19 That kind of serious and prolonged abuse can only
20 occur when there are not adequate safeguarding
21 procedures in place. It's tragic that young people who
22 were subject to such abuse did not feel able to seek
23 help from those in authority at Oakbank.

24 Equally, if not more concerningly, there was
25 evidence of staff historically ceding responsibility for

1 discipline to fellow schoolchildren. 'Daniel' spoke to
2 there being a problem with the discipline at Oakbank:

3 'The discipline was very strict, but if someone was
4 stepping out of line it wasn't the staff that would
5 touch you, they had this special discipline where the
6 staff would tell other guys, pupils in the place and
7 they would then sort you out.'

8 Clearly, this could never be appropriate. It
9 perhaps reflects Graeme Simpson's evidence that
10 historically the focus of institutions like this was to
11 attempt to manage behaviour through control and through
12 regime, whatever form they might take, without
13 sufficient regard to the values being instilled in
14 vulnerable young people. It was a culture that could
15 never be tolerated today.

16 Another recurring theme was the inappropriate use of
17 restraint. It's clear that historically at Oakbank,
18 restraint was used excessively, with a lack of proper
19 oversight and a lack of proper records being kept.
20 Mr Simpson gave extensive evidence on this aspect.
21 There can be no doubt that the approach to restraint at
22 Oakbank was unacceptable. The evidence of a woefully
23 inadequate approach to restraint will no doubt be sadly
24 familiar to the Inquiry in this phase.

25 It's perhaps fair to say that towards the end of

1 Oakbank School's life before closure, there appeared to
2 be some improvements in the culture, governance and
3 oversight of the institution. Regardless, there has
4 been a considerable amount of reflection on the part of
5 the council in respect of this phase of the Inquiry.
6 The lessons of the past will only serve to strengthen
7 the council's ongoing commitment to learning, staff
8 training and improving its modern, compassionate and
9 child-centred practices.

10 Put simply, it is determined to ensure that what
11 happened at Oakbank School could never happen again.

12 For instance, the historical issue of young people
13 from disparate regions of Scotland being accommodated
14 together in an Aberdeen residential school have been
15 addressed. As Mr Simpson put it:

16 'All of the children's homes within the Aberdeen
17 city are for Aberdeen city's children.'

18 Further, young people are empowered to reach out and
19 speak their minds whenever they feel the need or desire
20 to. Beyond the recognised value of children's rights
21 officers in bridging the gap between the young person
22 and responsible authority, Mr Simpson referred to
23 investment in the Mind of My Own app, which is
24 purpose-built for care-experienced young people to be
25 able to make their voices heard and communicate their

1 feelings and needs to their support worker directly and
2 is integrated with the council's existing systems for
3 recording interactions relating to those in care.

4 So appropriate records are kept. It's a process
5 designed to be proactive while recognising that there is
6 always scope for improvement. The Inquiry can be
7 reassured by Mr Simpson's evidence that we continue to
8 find ways of engaging with them.

9 In respect of restraint, the council's modern
10 practice is a far cry from the regime spoken of at
11 Oakbank in the past. In short, physical restraint is
12 not practised. The council recognises the need for
13 a better-informed system and accordingly has invested
14 significantly in training its staff in Dyadic
15 Developmental Psychotherapy. The evidence from
16 Mr Simpson was: 'We don't restrain our young people, we
17 build relationships with them'.

18 LADY SMITH: That sounds ideal, but is that always going to
19 work, Mr Crosbie?

20 MR CROSBIE: I think, my Lady, reflecting on Mr Simpson's
21 evidence, he spoke quite fairly and recognised how
22 difficult that can be and I recall your Ladyship
23 questioning him on that point; when emotions are at
24 their most fraught, whether staff can be expected to
25 step back and implement good practices in the heat of

1 the moment. But, in my submission, Mr Simpson's
2 evidence can be of assurance to the Inquiry in that he
3 spoke of times when emotions being at their height would
4 be the times when the most reassurance is needed and
5 tied in with appropriate records being kept and ongoing
6 commitments to staff learning. My Lady, my submission
7 would be that the council's effectively doing everything
8 it can in that respect to ensure that in the heat of the
9 moment right decisions are being made and there is
10 appropriate oversight for those.

11 LADY SMITH: Thank you.

12 MR CROSBIE: My Lady, staff are trained to be a strong and
13 supportive presence in the difficult moments when
14 children need reassurance the most. In the event that
15 a young person is placed in an establishment run by
16 a third party provider, there is an individual placement
17 agreement that respects the young person's particular
18 background and promotes a true and proper understanding
19 of their circumstances.

20 To conclude, the council's modern practices are born
21 of careful reflection and a commitment to ongoing
22 learning and improvement. The bravery of survivors of
23 historical abuse and the ongoing work of the Inquiry can
24 only help to improve it further.

25 Thank you, my Lady. Those are the submissions on

1 behalf of Aberdeen City Council.

2 LADY SMITH: Thank you very much, Mr Crosbie.

3 Can I turn now to Mr Blair, when you are ready.

4 Closing submissions by Mr Blair

5 MR BLAIR: Good morning, my Lady.

6 The council is grateful for this opportunity to

7 participate again in this case study and to make some

8 closing submissions.

9 My Lady, I'm conscious that a written submission has

10 been provided, reasonably lengthy in an attempt to

11 perhaps summarise some of the key themes emerging from

12 the evidence of Mr Hinds.

13 It's not my intention to take this verbatim, if

14 that's acceptable --

15 LADY SMITH: That is absolutely fine. You have set out in

16 some detail all your thoughts on behalf of Inverclyde.

17 That's very helpful. But do feel free to go where you

18 think you need to go for your client.

19 MR BLAIR: I will endeavour to pick some selected

20 highlights, my Lady.

21 My Lady, I think, is conscious that the two

22 institutions with which the Inquiry is concerned with in

23 the Inverclyde area; Balrossie near Kilmacolm and

24 Langlands near Port Glasgow, where in the case of

25 Langlands, it never operated under any responsibility on

1 the part of Inverclyde Council. It closed, from memory,
2 around about 1980.

3 Balrossie closed in 1998 and there was a window of
4 some two years where Inverclyde Council was the
5 authority of the moment, from 1 April 1996 onwards.

6 All of that being said, my Lady, it's never been the
7 position of this council to take the view that this is
8 all in the past and to a great extent the council had no
9 responsibility for these institutions.

10 Quite the opposite, my Lady, and I would hope that
11 the Inquiry would accept that the council has shown
12 relevant diligence, transparency and good faith in
13 uncovering the records available to it in relation to
14 both of those institutions.

15 LADY SMITH: Let me say at the outset, I'm very grateful to
16 them for the work that was done by way of let's call it
17 'supplementary homework'. I'm well aware the efforts
18 will have been considerable to produce the further
19 information that we needed from them.

20 MR BLAIR: Indeed, my Lady. Of course, Inverclyde is,
21 I think, the smallest local authority in Scotland in
22 terms of population at least, if not geographical size.
23 In my respectful submission, for a very small authority,
24 the work they had to undertake was substantial and
25 I hope of value to the Inquiry.

1 LADY SMITH: Yes. Thank you.

2 MR BLAIR: That really leads me to the wider point that this
3 is not an authority that is complacent. It is true that
4 there are no residential schools currently operating
5 within Inverclyde, but nevertheless, as the submission
6 makes clear, there are a number of children's homes
7 there and, as hopefully the submission makes clear,
8 those homes are run in a way very different from the
9 culture prevailing particularly in Balrossie under GKF
10 GKF

11 LADY SMITH: Yes.

12 MR BLAIR: The council would also invite the Inquiry to
13 respectfully accept the evidence of Mr Jonathan Hinds,
14 the chief social worker officer of the council. In my
15 respectful submission, he was a measured and helpful
16 witness. He was able to speak from a position of
17 considerable professional expertise and helped to cast
18 light on historic practice, as well as providing
19 an illuminating comparison with more recent and
20 contemporary practice within the council.

21 I do want to touch on aspects of his evidence as
22 I go through the submission.

23 LADY SMITH: Please do.

24 MR BLAIR: Before I do that, I would like to summarise very
25 briefly some of the witness evidence that the Inquiry

1 heard in relation to Balrossie.

2 It is entirely clear, my Lady, that from the mostly
3 read-in statements for Balrossie, that there was sadly
4 a variety of abuse; physical, sexual and emotional abuse
5 within Balrossie. Some 19 witnesses provided evidence.
6 Mostly former residents, with the exception of LWH

7 LWH

8 'Robert', one witness, gave oral testimony and some
9 18 alleged abusers were named. The substance of the
10 evidence of LWH was that he found
11 Balrossie to have been old-fashioned and punitive, that
12 it promoted a controlling approach and that when he
13 decided to stop corporal punishment, there was some
14 resistance from staff members, who were perhaps of the
15 old regime, who thought they would be swamped by boys as
16 a result of the discontinuation of corporal punishment.

17 He denied himself ever having assaulted or abused
18 a child. He did accept that he was reluctant to avoid
19 the police in cases of absconsion, because in his view,
20 that would disrupt his desire to have the children live
21 as normal a life as possible.

22 All of that being said, in my respectful submission,
23 there is a reasonable body of evidence, particularly
24 from Scottish Governmental reports and inspection
25 reports, that during his tenure at Balrossie, there were

1 some, not insignificant, improvements.

2 The witness 'Robert' provided evidence of abuse with
3 particular focus on three members of staff and, in
4 particular, a focus on GKF [REDACTED] during the
5 punitive period of Balrossie's operation.

6 He gave evidence about sexual abuse, potentially by
7 GKF [REDACTED] and another member of staff, as
8 well as inappropriate chastisement, bullying and
9 mockery, in his case because of a speech impediment. He
10 made other complaints, which were plainly of concern.

11 The Inquiry will, of course, make its own assessment
12 in light of whether practice at the time in relation to
13 any such witness has evolved, but the council
14 acknowledges evidence given by every witness in
15 providing an insight into their experiences in care is
16 of value.

17 My Lady, moving to the evidence of Mr Hinds.

18 Mr Hinds' evidence covered a period from GKF [REDACTED]
19 GKF [REDACTED], from 1960 or 1962 to around 1975; LWH [REDACTED]
20 LWH [REDACTED], from 1976 to 1996; and thereafter the
21 council, from 1 April 1996 until March 1998, under SNR [REDACTED]
22 SNR [REDACTED].

23 Perhaps consistent with some of the evidence from
24 LWH [REDACTED] his assessment was that in the
25 second era, the school had modernised and that the

1 change in SNR broadly coincided with the dates of
2 local government reorganisation. He agreed that
3 inspection reports were more favourable for the second
4 era and that there were not too many allegations for the
5 third era, when the council had been the relevant
6 authority.

7 Initially, of course, this was an authority that
8 provided some 20 per cent of the files available to it
9 in response to the initial Section 21 response, but
10 happily, after a considerable body of work, further file
11 reading was undertaken and a further 593 files were
12 recovered and read.

13 Initially the view of the council, based on the
14 initial file reading, was that there was limited, if
15 any, evidence of abuse, but it has to be said with that
16 more extensive reading of files, assisted by a very, in
17 my respectful submission, robust template, it's quite
18 clear that abuse was prevalent at Balrossie.

19 We know from the files that were recovered,
20 accepting, my Lady, of course that recovery of files is
21 never a complete picture of what was going on, because
22 files only record what is in the files.

23 LADY SMITH: It's all dependent on the recording practices.

24 MR BLAIR: Indeed, my Lady.

25 Of the 36 files of the 593 additional files, there

1 is reference to the use of abuse, to the use of physical
2 restraint. The evidence of Mr Hinds was that there had
3 been some attempt to investigate any allegations made by
4 residents, but sadly that had been variable and
5 a feature that was consistent was essentially the lack
6 of police involvement, even though some of the
7 complaints involved clear potential criminality,
8 including sexual abuse.

9 Mr Hinds was clear that the current council practice
10 would be to inform the police and he could find no
11 explanation as to why the police had not been informed
12 at the time, but did accept that the unequal power
13 relationship between the child and the institution may
14 have had a role to play which contrasted with current
15 practice and the important role of independent advocacy.

16 My Lady, I was struck this morning in some of the
17 evidence we heard in relation to other institutions,
18 such as Thornly Park, of a number of the witnesses
19 saying if only they had someone to speak to independent
20 of the institution, that might have made a difference
21 and happily it would appear that within
22 Inverclyde Council at least, independent advocacy does
23 have a clear role.

24 He also makes the point that when asked to consider
25 where complaints were withdrawn, his evidence was that

1 nowadays that would be a red flag if a child decided to
2 withdraw a complaint and not pursue it. Again, we see,
3 in the evidence from Balrossie, evidence of children and
4 young persons withdrawing complaints once they were
5 made.

6 LADY SMITH: Of course that was one that had not only been
7 made to the organisation, but to the police?

8 MR BLAIR: That's right, my Lady, yes.

9 LADY SMITH: Then the child withdrew the complaint and that
10 was the end of it.

11 MR BLAIR: Perhaps the one allegation that made it as far as
12 the police, from my recollection of the evidence, and
13 there didn't seem to be any professional curiosity on
14 the part of the police or others to take that forward.

15 Indeed, he goes on to accept that the outcome of the
16 investigation had not always been apparent in the
17 records, something that would be quite different in the
18 council now. His evidence was that if an investigation
19 took place, there would be recording of the information
20 that was provided, what was done and why, reasons would
21 be recorded to help explain why a decision was reached
22 and record keeping as a whole within the council is far
23 more detailed, empathetic and analytical than it had
24 been at Balrossie in former years.

25 He was also clear that there was no evidence to show

1 that any of the complaints that did go as far as
2 a complaint were upheld.

3 He also gave evidence in relation to the aims and
4 functions of Balrossie. In my respectful submission,
5 his evidence is important because it indicated that at
6 Balrossie, during a considerable part of its existence,
7 the emphasis was very much on process and discipline and
8 not putting the child at the centre of things and asking
9 why a child was acting in a particular way.

10 As he said, the wording would appear to put the
11 focus on the behaviour of the young person as opposed to
12 any potential harm that they themselves may be at.

13 LADY SMITH: Therefore the need to control the child.

14 MR BLAIR: Yes, control the child rather than ask: why are
15 you running away? Why are you saying these things about
16 staff members?

17 Happily, his position in evidence was that this is
18 not something that would equate with current practice at
19 all in terms of those statements of aims and functions.
20 He was also clear in response to questions from my Lady
21 that practice at the time had a really strong process,
22 disciplinary approach, and that a child-centred approach
23 did not appear to be strong in the statement of
24 functions and aims at all.

25 On the wider question, my Lady, of proposed

1 mandatory reporting to the police or other agencies of
2 complaints, I think in response to a discussion from the
3 chair, my Lady, and Mr Peoples, Mr Hinds was candid in
4 accepting that there were arguments in a range of
5 directions but his preliminary view was that, consistent
6 with accepted thinking, that the best interests of the
7 child should inform the approach that should be taken
8 and it was appropriate that the question of possible
9 mandatory reporting should be further discussed and
10 considered.

11 Further on in this submission, my Lady, the council
12 does go on to ask that the Inquiry does consider this
13 question further, whether there should be a mandatory
14 system of reporting of allegations of abuse by a child
15 to an external agency. As my Lady will recall,
16 Mr Hinds' evidence on that was balanced, he couldn't
17 commit to one position or another, but he did think that
18 the best interest test should inform what was done.

19 LADY SMITH: It was striking how quickly his answer focused
20 on the child.

21 MR BLAIR: Yes, very much so.

22 LADY SMITH: Rather than the outside aspects, if I can put
23 it that way, of identifying somebody who is doing
24 something wrong and dealing with them. Where is the
25 child in all of this and what is the right thing to do

1 for the child?

2 MR BLAIR: Exactly, my Lady. That was the tenor of his
3 evidence as a whole, my Lady, that it is very
4 child-centred, this focus on the child. Why is the
5 child doing this? Let's dig behind it. Let's not not
6 pursue the matter if the child doesn't want to. All of
7 that is an entirely different approach from the culture
8 that seemed to prevail, certainly at Balrossie.

9 LADY SMITH: It certainly raised in my mind the possibility
10 of, in certain cases, it being detrimental to a child to
11 report to the police or the authorities, the social work
12 authorities, in the face of the child being dead set
13 against that. It doesn't mean you don't deal with it
14 internally and recognise the problem and the need to
15 deal with it. But, first of all, you have to do what's
16 right for the child.

17 MR BLAIR: Entirely, my Lady, and, of course, that would be
18 consistent with established principle on best interests
19 and about it being the paramount consideration, which of
20 course can be overcome by other countervailing
21 considerations. A fairly minor allegation made by
22 a child might be viewed more seriously by those in the
23 care of the child might be one to put to one side, but
24 where a child makes a serious allegation and the child
25 doesn't want to report that, that might be the case

1 where best interests really have to come to the fore.

2 LADY SMITH: First of all, you will have to be satisfied
3 that the systems that would be in place for going on to
4 the next stage of gathering evidence from the child,
5 a statement, that they are appropriately supportive of
6 the child and that that isn't going to be a harmful
7 process to the child in itself.

8 There is a lot of consider. The whole issue of
9 mandatory reporting is not straightforward. It's a very
10 complex idea.

11 MR BLAIR: There is indeed, my Lady. There is also, of
12 course, a body of material in relation to initial
13 referral discussions in relation to child protection
14 matters, where there is already a established and
15 developed practice in relation to how one does go around
16 interviewing a child who has something significant to
17 say. So there may be some material there that would
18 assist the Inquiry and we're conscious that child
19 protection is coming up in due course.

20 LADY SMITH: Yes, thank you.

21 MR BLAIR: My Lady, in relation to Balrossie more generally,
22 the evidence of Mr Hinds was that it's entirely clear
23 that concerns about Balrossie were being picked up from
24 pretty much the get go in the early 1960s and that
25 a range of professionals were expressing concerns about

1 Balrossie. Again, it's striking that that appeared to
2 have been particularly focused during the era of GKF
3 GKF.

4 In relation to LWH the evidence
5 of Mr Hinds was to the general effect that there had
6 been a move away from a focus on corporal punishment
7 towards other ways of approaching challenges and that
8 seems, in my submission, to fit with the first-hand
9 evidence of LWH

10 He indicated in his evidence, Mr Hinds, that the new
11 regime appeared to have better records and there was
12 a greater recognition of children having rights during
13 that time. He did, however, go on to accept that it
14 wasn't only until around 2001 that one could point to
15 something approaching a comprehensive system of
16 inspection, the training and qualification of workers in
17 homes of this kind and, of course, the establishment of
18 the SSSC as completing some of the issues that were
19 lacking in Balrossie where there was ample evidence, in
20 my respectful submission, of people who were wholly
21 untrained being sent to work with children who were very
22 troubled, on any view, and required the utmost care
23 rather than abuse.

24 My Lady, I go on to make some comment on current
25 provision within Inverclyde. I don't intend to take

1 my Lady through that, but again, to make the point that
2 the evidence from Mr Hinds and the documentary evidence
3 provided is hopefully clear, that there is a great
4 emphasis now on children speaking out, the child being
5 at the centre of their experience in a children's home
6 and really one has the complete opposite, one would
7 hope, of the culture that prevailed at Balrossie.

8 My Lady, in terms of further reflections and
9 apology, the council's committed, as a learning
10 organisation, to continue to review and reflect upon the
11 evidence that has been led. It wishes to acknowledge
12 the suffering of all of those who were subjected to
13 abuse of any kind while in care and the unflinching
14 strength and bravery of all of those who have come
15 forward to narrate their experiences to this Inquiry.

16 Simply saying this, but being truly aware of it,
17 of course, are different things. The strength of the
18 written and oral evidence has only served to make the
19 council seek to improve the care experience for all.

20 My Lady, notwithstanding the sincere belief of this
21 council that it has always strived to protect children
22 in the care system, the council notes that there is some
23 evidence of allegations of abuse, albeit few, after the
24 establishment of the council on 1 April 1996. It will,
25 of course, be for the Inquiry to decide if there is

1 evidence capable of supporting those allegations, but
2 equally, the council does not dispute that there is
3 evidence.

4 The council reiterates that anyone who was placed in
5 care by the council or its predecessors, and believes
6 that they may have suffered abuse, can access support
7 from the council and they should not hesitate to contact
8 the council to discuss their needs. The council
9 continues to apologise to any person whose lives have
10 been impacted by the abuse they've suffered whilst in
11 the care of the council.

12 My Lady, in relation to chapter 7 of the submission,
13 I endeavoured to provide some response to the evidence
14 led in the case study and I don't intend to dwell on
15 that further. I do though wish to move, with a view to
16 concluding, in relation to some of the evidence in terms
17 of failings or deficiencies in the systems at Balrossie.
18 That's part 8 of the written submission, my Lady.

19 The council has endeavoured to take a broad view of
20 what abuse might mean. That includes at least any
21 concern noted by a professional, or any issue raised by
22 a child, or any allegation of a complaint, irrespective
23 of nature or outcome.

24 In my respectful submission, the further file
25 reading carried out with the other 593 files very much

1 had that focus. It was striking that that further
2 work -- with that greater focus on not so much did the
3 complaint go anywhere, but was a complaint made -- did
4 uncover evidence of abuse.

5 LADY SMITH: Thank you.

6 MR BLAIR: The council, of course, doesn't hold records for
7 a number of children accommodated in Balrossie, given
8 the framework that was in place, the Glasgow Corporation
9 and then Strathclyde Regional Council. Most, if not the
10 vast majority, of children placed at Balrossie were not
11 placed there by Inverclyde Council or by the former
12 Borough of Greenock or the Corporation of Greenock, they
13 were placed by other authorities. Accordingly, there
14 may be material out there in other files that the
15 Inquiry has not heard from in relation to experiences of
16 children.

17 The council would though invite the Inquiry to hold
18 that the council has carried out a diligent file reading
19 and, certainly with reference to the council's existence
20 from 1 April 1996 to March 1998, there is no evidence of
21 large-scale abuse at Balrossie, accepting, of course,
22 that any instance of abuse is important, should be
23 acknowledged, and that this isn't a numbers game,
24 my Lady.

25 What I would say in relation to the evidence about

1 Balrossie before 1996, in terms of the evidence, is
2 that, while the picture happily from 1996 onwards is
3 broadly positive, alas the same cannot be said in the
4 period before 1 April 1996.

5 There appeared to have been some improvements under
6 LWH [REDACTED], but the record reading as a whole
7 indicates that certainly under [REDACTED] GKF
8 GKF [REDACTED], the ethos at Balrossie might fairly be
9 described as punitive.

10 LADY SMITH: Yes.

11 MR BLAIR: Even with some improvements over time, there was
12 little assessment by Balrossie of the needs of the
13 children placed there and there was often no apparent
14 alternative to placement in Balrossie.

15 It is clear from the evidence, my Lady, that
16 allegations made by children were not properly
17 investigated internally and where referral to external
18 agencies such as police or social work was made, it was
19 not supported.

20 Care staff were essentially untrained and
21 unqualified. It may be said that these failures, which
22 are non-exhaustive, might be fairly described as
23 systemic, because they are a failure in system,
24 a failure in culture, and a failure of the children,
25 my Lady, who were abused in every way that is possible

1 at Balrossie.

2 LADY SMITH: Thank you.

3 MR BLAIR: There is therefore evidence that abuse at

4 Balrossie, certainly under [REDACTED] GKF

5 [REDACTED] GKF was commonplace.

6 In terms of reflections on lessons to be learned or
7 changes to be made, again, the council has been struck,
8 through its file reading and through a review of the
9 witness statements, by the impact of trauma. It's been
10 reiterated again today, my Lady, in the evidence we've
11 heard about the evidence of men who certainly struck me
12 as people with potential, whose lives have sadly gone
13 awry.

14 I don't suppose that there are examples from
15 Balrossie that one couldn't pick upon where one could
16 find a similar trail of residents of Balrossie going
17 from institution to institution and sadly ending their
18 time in prison.

19 All of that is trauma that the council recognises
20 and the council puts trauma at the centre of its work
21 with the children in its current children's homes within
22 Inverclyde, the children houses system.

23 The council does accept that residential care
24 remains a key element in the spectrum of measures
25 available to it, but it has to be care, my Lady, and not

1 abuse.

2 My Lady, I summarise the recommendation for law
3 reform or change in policy and practice at part 11 of
4 the submission. That simply tracks back to the idea of
5 mandatory reporting or not and my Lady has heard my
6 submission on that.

7 My Lady, by way of conclusion, the council came to
8 this Inquiry with an open mind and a willingness to
9 learn. It does not doubt that it has learned from this
10 process something which is to the clear benefit of all
11 children and people in the area of Inverclyde Council.

12 As of 17 October this year, the council has
13 responsibility for 35 children in residential children's
14 placements. Some of these, 19 of them are placed in
15 Inverclyde children's houses and 16 externally. The
16 learning from this Inquiry will be of clear benefit for
17 them.

18 My Lady, the council would again wish to express its
19 sincere gratitude for being permitted to be part of this
20 process. Those are my submissions.

21 LADY SMITH: Thank you very much for that, Mr Blair, and for
22 the very frank, detailed and candid analysis of the
23 evidence in relation to Balrossie and Langlands.
24 I'm very grateful to you, as I've already said, to the
25 hard work that's been put in by Inverclyde Council to

1 assisting the Inquiry.

2 Can I add to those thanks, please, my thanks to you,
3 to Mr Crosbie, and to my team here. Everybody has done
4 tremendous work in this last chapter, which on the face
5 of it may have looked not as bulky as previous chapters,
6 but actually in terms of the evidence, and the detail,
7 and the number of statements, and the variety of
8 information that we've all had to absorb over an intense
9 period, there's been a lot of work done and it couldn't
10 have been done without everyone's commitment.
11 I'm really grateful to you for that.

12 So we now have a pause, but not for long. We start
13 again next Tuesday, is that right, Mr Peoples?

14 MR PEOPLES: Yes, my Lady.

15 That concludes Chapter 9, but we do move on fairly
16 quickly to Chapter 10, starting on Tuesday of next week,
17 and we'll run for two weeks in this case and there will
18 be a further date for closing statements.

19 LADY SMITH: Thank you very much.

20 I'll rise now until next week.

21 (12.12 pm)

22 (The Inquiry adjourned until 10.00 am
23 on Tuesday, 29 October 2024)

24

25

1	INDEX	
2		PAGE
3	'Stuart' (read)	1
4	'Ewan' (read)	17
5	'Callum' (read)	25
6	'Graham' (read)	38
7	Closing submissions by Mr Crosbie	54
8	Closing submissions by Mr Blair	61
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

