

1 Tuesday, 29 October, 2024

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to our oral
4 hearings, as we move into Chapter 10 of the current
5 phase in which we are looking at all forms of secure
6 accommodation and similar accommodation for children.

7 Mr Sheldon, I think we are going to move to
8 re-inviting Mr Simpson; is that right?

9 MR SHELDON: That's so, my Lady. As my Lady says, this is
10 the tenth chapter of the secure care case study. In
11 week one, this week, we will be looking at Brimmond
12 Children's Home --

13 LADY SMITH: Yes.

14 MR SHELDON: -- or Assessment Centre, in Aberdeen. Then, in
15 week 2, two other assessment centres, Newfield in
16 Johnstone, and Beechwood, from Glasgow. Mr Peoples will
17 take over from me at that stage, so it is a relay race,
18 this chapter.

19 LADY SMITH: Thank you.

20 MR SHELDON: But as my Lady says, we have Graeme Simpson
21 back from Aberdeen to guide us through some of the
22 records, under A to D.

23 LADY SMITH: Thank you very much.

24

25

1 Mr Graeme Simpson (sworn)

2 LADY SMITH: Graeme, do sit down and make yourself

3 comfortable.

4 A. Thank you.

5 LADY SMITH: Graeme, welcome back.

6 A. Thank you very much.

7 LADY SMITH: Thank you for returning to help us with another

8 place in the Aberdeen area, where children were

9 accommodated in the past. You know how we work. You

10 have your red folder. You know we are going to look at

11 the very helpful homework that your council has already

12 done and the input that you have given to that and just

13 focus on some particular aspects of it --

14 A. Okay.

15 LADY SMITH: -- that we would like to discuss in oral

16 evidence. If at any time there is something you want to

17 mention that you think we should be asking you about

18 that we have not done, please do speak up. Any queries,

19 don't hesitate to say. If you want a break, just tell

20 me.

21 A. Thank you very much indeed.

22 LADY SMITH: If you are ready, I will hand over to

23 Mr Sheldon and he will take it from there.

24

25

1 Questions by Mr Sheldon

2 MR SHELDON: Good morning, Graeme.

3 A. Good morning.

4 Q. As Lady Smith says, you have given evidence to us
5 before, and for the record, my Lady, it is days 284, 340
6 and 474, so we have been here three times, and I am sure
7 you will know the drill very well. You have also told
8 us quite a bit about your CV and your career, so I am
9 not going to go through that in any detail. Just to
10 confirm that I think you remain the chief officer for
11 children and family services in Aberdeen; is that right?

12 A. That is correct.

13 Q. And you have worked with Aberdeen City since 2018?

14 A. No, sorry, it is --

15 Q. Sorry, I beg your pardon, you have been in that post
16 since 2018, but in Aberdeen since 1999; is that right?

17 A. Scarily, yes.

18 Q. Right, and been in social work generally since 1995; is
19 that right?

20 A. Correct.

21 Q. Right. You told us the last time you were here, when
22 you were giving evidence about Oakbank School, that you
23 had actually visited Oakbank; that was about 1996. But,
24 of course, we know that Brimmond, that we are looking at
25 today, closed around 1993, so that's before your time at

1 Aberdeen.

2 A. (Nods) .

3 Q. I just wondered if you had any experience of the

4 assessment centre system, so-called? There were still

5 some around, I think, when you were in practice; is that

6 something you came across in your career?

7 A. So there was an assessment centre just on the west end

8 of -- the periphery of Glasgow, where I studied and

9 practised for a bit in the early 1990s. And that place

10 would have been part of what would be Dunbartonshire

11 now, but it certainly is in sort of the west coast of

12 Scotland, is where I would have come across

13 an assessment centre at that point in time.

14 Q. Which one was that, Graeme?

15 A. You are testing my memory, but I think it was Dunbar, I

16 think it would have been called at that point in time.

17 Q. Right. Can you just tell us, then, what your

18 understanding of the set up was and how it was intended

19 to work?

20 A. So the concept of an assessment centre was that these

21 were residential placements for children with complex

22 needs and usually in circumstances where it had been

23 concluded that the child could not remain at home within

24 their family context at that point in time, whether that

25 was as a result of an immediate crisis within the family

1 or whether that was as a result of more ingrained and
2 systematic challenges within the family. The
3 assessment centres were often used as a setting to have
4 a much more holistic understanding of the child's needs,
5 from both a care perspective and, indeed, from
6 an education and wellbeing perspective as well.

7 Simultaneously, whilst the child would have been in
8 a residential -- the assessment centre, it would have
9 been hoped that work would have been undertaken with the
10 family to put in place supports and change that would
11 have enabled the child to return. Often that wasn't the
12 case, however, and the assessment centre's assessment
13 was then utilised to identify a longer-term placement
14 for the child to move to at the end of the defined
15 assessment period.

16 The experience I had in Glasgow, it was up to
17 12 weeks, it was that, and there was really quite
18 intensive support around that point in time. And as
19 I said, the aim was for the child to return to the
20 family network, but where that wasn't -- it was to
21 identify an appropriate setting for the child to move
22 to.

23 Q. So, in general terms, this was intended to be
24 a short-term or relatively short-term arrangement?

25 A. Correct.

1 Q. How did that work out in practice, from your
2 recollection?

3 A. Um, so, from my practice, that would have been the case
4 when I was there. I know from reading the records
5 within relation to Brimmond that young people stayed
6 there much, much longer than that sort of relatively
7 short intended period that was intended.

8 There is always challenge in being able to move
9 children on to, probably, the most ideal -- if I can use
10 that word -- setting. If there is not a vacancy, then
11 you are looking at alternative options for the child and
12 those sometimes can take a little bit of time to put in
13 place around it.

14 So the 12-week was very much an indicative
15 timescale, but there was always that sense of 'where was
16 the child moving to?' was very much the focus, sometimes
17 extended by necessity beyond that period of time.

18 Q. And I suppose then that if there were no other suitable
19 placements available, or not immediately available, then
20 that became a problem?

21 A. Correct. It created a bit of a bottleneck sometimes in
22 the system around that, for the child, for the family,
23 and, indeed, for the placement itself.

24 Q. Either from your own experience or from your knowledge
25 of the records now; what's your impression of the

1 availability, the range of suitable alternative
2 placements in Aberdeen, thinking about Aberdeen,
3 Aberdeenshire?

4 A. I think it is fair to say that there is limited
5 availability of specialist residential placements for
6 children with complex needs. We have our children's
7 homes within the city and they provide small group
8 living care for about five young people within the one
9 setting. There is, within the city boundaries, two
10 residential schools, if I can call that -- use that
11 term. One is Camphill, which is operating under the
12 Rudolf Steiner approaches, particularly for children
13 with complex neurodiverse needs and circumstances. And
14 we have Linn Moor, which is run by
15 Voluntary Services Aberdeen, which provides residential
16 care and education to children with really complex
17 health and physical/mental disabilities for the children
18 that are there.

19 Beyond that, we really have to reach into the
20 central belt to identify specialist residential
21 education provisions for our young people.

22 Q. All right. Thank you. We will look at some of the
23 records in relation to the historical position a little
24 bit later on. But that's helpful.

25 If we can turn then to what we have called the A to

1 D reports that you have now seen, I think, probably at
2 least twice in two different contexts.

3 The A to D in relation to Brimmond is at
4 ABN.001.001.0272, and we will be looking at -- coming
5 backwards and forwards to that, as it were. So, if you
6 can, as it were, keep a thumb in the page that would be
7 helpful.

8 So if we can turn, first of all, to page 16 and just
9 to take the basic background first of all. We see that
10 the establishment, reading from the top, more or less,
11 operated between 1973 and 1994. You say that there is
12 various documentation being considered and a sample of
13 31 children's case files. You talked before, I think,
14 Graeme, about the research team that you had to look at
15 the material the Inquiry was interested in; was that the
16 team that worked on this sampling exercise?

17 A. It was, yes.

18 Q. How did that sample compare with the number of records
19 that you actually had? What percentage of the records
20 were you looking at?

21 A. So every child who comes into our care has an individual
22 record. And as you can imagine, for a local authority
23 of Aberdeen City, which is a population of a quarter of
24 a million, we will work with at any one time, probably,
25 around about 1,500 to 1,600 children. Of those, we

1 currently have around about slightly less than 500
2 children who are 'looked after'. That's a snapshot at
3 any one point in time, so therefore you can imagine over
4 a number of years, those numbers are considerable and
5 the duration of the Brimmond Centre was from -- was for
6 21 years. So you can imagine there was a significant
7 number of 'looked after' children within that period of
8 time.

9 That was also at a point in time when
10 Aberdeen City Council didn't really exist; it was
11 Grampian Regional Council for that duration. Therefore,
12 there would have been children there whose home would
13 have been outwith the boundaries of Aberdeen City,
14 although I would accept the majority of children would
15 have lived within the city of Aberdeen. So I think we
16 know that there were many children who would have passed
17 through Brimmond's doors over those 21 years.

18 The 31 children's files or individual's files,
19 because they wouldn't be children now, they would be
20 adults and we would recognise that. But, nonetheless,
21 their files were looked at, either they themselves had
22 flagged concerns as a result of their time within
23 Brimmond or, indeed, we knew of individuals who would
24 have had experience within Brimmond around that point in
25 time. It was trying to be proportionate; it was trying

1 to be as, you know, as broad a sample as we possibly
2 could provide without looking at every available piece
3 of file that we had around it.

4 Q. All right. So to some extent limited, but also to some
5 extent targeted selection of files; is that fair?

6 A. That is fair, yes.

7 Q. So, just reading on in A to D, second paragraph:
8 'In 1973 Brimmond had the capacity to care for 25
9 children. From the documentation there is evidence of
10 a steady decrease in these numbers down to 6 at the
11 point of closure.'

12 If we go to page 21, please, in the A to D, I think
13 we should see that about -- yes, just at the foot of the
14 page, (b) (i), again, it is repeated. In 1982, the
15 capacity is given as 25 places. In 1985, the capacity
16 is 23. But we have just seen on the previous page that
17 by closure, there is only six children, so it is
18 a pretty steep decline in number from 1985; is that
19 fair?

20 A. That is fair, yes.

21 Q. Did that reflect the picture more generally in terms of
22 residential childcare?

23 A. No, it didn't. You know, I think that the picture of
24 residential childcare has reduced over a period of time.
25 I think that the operating model within Brimmond was

1 becoming a dated model, in that we had a reducing sense
2 to place children in an assessment centre. We would
3 rather much look to assess the child's needs within
4 their situation at that point in time. And also a move,
5 very much, to smaller group living arrangements of the
6 kind that we have at this point in time, where we have
7 five or six bedded children's homes, around that, as
8 opposed to the 25 and upwards that are noted within the
9 A to D response.

10 Q. If we move then to page 22 in the A to D, I think we
11 see, just in that first paragraph there, numbers will
12 have changed. Reading short, Brimmond was closed for
13 ten months between February 1989 and November 1989 for
14 refurbishment. Capacity at local establishments were
15 discussed and approval given in principle for
16 redevelopment as a two unit establishment for 12
17 children, plus two emergency placements.

18 Ultimately, this is the Social Work Committee, noted
19 a report by the director of social work on the increase
20 in demand for residential care places for children and
21 approved the short term reopening of the vacant wing at
22 Brimmond Children's Home with a review of this position.
23 But then, of course, we know Brimmond closed around 1993
24 and there was a proposal then to replace
25 Brimmond Children's Home with a purpose-built unit.

1 This is the six to seven, the much smaller unit that you
2 have been talking about.

3 Can I just ask in relation to that: obviously, we
4 know that, in about 1985, there were, we think, about 18
5 children or thereabouts; what would have happened to
6 those children when the centre closed for that period of
7 time?

8 A. So the young people would have had to have been moved to
9 other provision or, indeed, supported to return home,
10 or, indeed, to independent living, dependent upon their
11 age and circumstances at that point in time. So there
12 would have had to have been a managed transition for
13 those young people to move out of Brimmond into
14 a more -- an alternative setting which could meet their
15 needs.

16 Q. Thank you.

17 Moving again in the A to D to page 72, please.
18 Again, just at the top of the page, this is in relation
19 to admissions policy and practice. It is noted that:

20 'A number of case files sampled evidenced that
21 [I think show that] in determining whether children
22 should be admitted to the establishment, consideration
23 was given to whether this would result in the number of
24 children admitted exceeding the number of places
25 available. On some occasions, the decision was taken to

1 temporarily exceed the number of places available and,
2 on other occasions, it was decided not to do so.'

3 I suppose an observation and a question about that:
4 the observation is that presumably, if you have
5 an excess of children over capacity, that increases
6 stress and strain on staff members?

7 A. It does, yes.

8 Q. And what, in general, can be the outcome or the result
9 of that?

10 A. I think in general, but again specifically in relation
11 to Brimmond, when you are caring for upwards of 25 young
12 people at any one point in time, each of them with their
13 own unique set of needs, but many of them with competing
14 sets of needs, that can create an environment which is
15 very difficult to manage. It's difficult to maintain
16 an orderly care environment where children receive
17 individualised care, where they receive individualised
18 attention as well.

19 I think, when we are looking at this, we are still
20 looking at a premise when children who are placed in
21 residential care, that the underlining theory was that
22 these children were bad, as opposed to sad. And
23 I think, again, there was that sense of lack of
24 compassion, lack of empathy in some of the structural
25 arrangements that we put in place for children living

1 within those large institutionalised arrangements around
2 it, as well.

3 So I think you had a very -- potential for a very
4 difficult set of circumstances for staff to manage.
5 I think we were also operating at a point in time when
6 the staffing ratios in the mid-1980s, early 1980s, would
7 have not been what they were in 2024. So you were
8 asking staff to care for a large number of young people
9 with an even smaller staff cohort than you would have
10 expected -- than I would expect today.

11 So, again, all of that creates a context of, really,
12 a really difficult set of circumstances around it and we
13 can see that in some of the accounts of some of the
14 individuals who have come forward to retell their
15 experiences.

16 LADY SMITH: So, Graeme, does that mean an increase in
17 numbers beyond what was thought to be the appropriate
18 capacity would not necessarily lead to an increase in
19 the number of staff?

20 A. Correct.

21 LADY SMITH: So your existing staff cohort would have to
22 just cope with more children.

23 A. That is correct, yes.

24 LADY SMITH: Each with their own individual, potentially
25 complex needs?

1 A. Yes.

2 MR SHELTON: Just following on from that, Graeme: I suppose
3 there might be circumstances where an increase in staff
4 numbers might be approved, but that's something that
5 would have to go through, I presume, a process and might
6 take some time?

7 A. Indeed, yes.

8 Q. All right, setting the A to D aside for the moment,
9 I just want to look at a couple of newspaper clippings.

10 The first is at INQ-0000000935. I think we see this
11 is a clipping from the Aberdeen Press and Journal, in
12 March 1973. There is a story at the side, headed
13 'Newhills Centre'. We are told that children will be
14 admitted to the Brimmond Assessment Centre at Newhills
15 on March 26; that was reported by Ms Urquhart, who,
16 I think we know, was the director of social work at that
17 time. So it is just to get that date into the record,
18 Graeme --

19 A. Okay.

20 Q. -- so we have a date for the opening of Brimmond.

21 A. Thank you.

22 Q. If we move then to another clipping, it is
23 WIT.003.002.1175. We see there is a photograph there of
24 the superintendent and matron at the first opening of
25 Brimmond. This is a clipping from the Evening Express,

1 Aberdeen Evening Express of 6 September 1973. And we
2 see the headline is:
3 'The remand home loses a bad image.'
4 We are told at the start:
5 'Perched on a high hill and commanding a superb view
6 over Donside, the house is one of the best sites in the
7 district. With its sweeping lawns and attractive
8 architecture, it looks like somebody's dream home, and
9 the simple name plate belies the fact it is not just
10 a luxury house, but in fact a brand new, modern
11 equivalent of the old-type remand home. Nothing remains
12 of the old idea, though. There are no bars on the
13 windows or dark sombre paint on the walls. Brimmond may
14 be a "short stay children's home with secure
15 accommodation" [and that's in quotes] but the decor is
16 bright and cheerful, as is the atmosphere.'
17 Then there is some material about the superintendent
18 and his wife. In the top of the second column, it says:
19 'She looks more like a beautician than a matron.'
20 And:
21 'It is this couple's friendly, relaxed manner that
22 sets the tone at Brimmond.'
23 And the article goes on somewhat in that vein.
24 If we look at the second last column:
25 'The children who live at Brimmond can hardly be

1 expected to enthuse about their surroundings, after all
2 they are being confined in secure accommodation. But
3 they do take a keen interest in activities organised by
4 the home, and some of them did tell me, reluctantly
5 perhaps, that they thought Brimmond wasn't too bad.'

6 So the general tone of the piece, I think you would
7 agree, is pretty positive, if not very positive about
8 the place?

9 A. I would agree. And I suppose, thinking of what the
10 concept of Brimmond was, it replaced a previous setting
11 within the city at Kaimhill Remand Centre and, again,
12 would that have been a step up in terms of its
13 facilities and its context around it as well?

14 The setting of Brimmond; it does sit on a hill
15 overlooking the west end of -- the Don area of Aberdeen,
16 but it is also quite remote and for children who have
17 lived in quite an urban setting, then that would have
18 been, you know, something that they would not have been
19 familiar with.

20 Q. Yes, I think we can look at a couple of photographs,
21 Graeme. The first is INQ-000000211.

22 Are you familiar with Brimmond, Graeme?

23 A. I am.

24 Q. Is that it?

25 A. That is it.

1 Q. All right.

2 A. That is it.

3 Q. So I think we can see, well, obviously the building

4 itself. But, just over to the right-hand side, I think

5 there is the view. I think that's back down towards

6 Aberdeen or Dyce, at least; is that right?

7 A. That's correct, yes.

8 Q. Just to the, I suppose, south west of it, about

9 200 metres away there is a church; is that right?

10 A. Correct.

11 Q. That would be Newhills or Brimmond Church?

12 A. Correct, yes.

13 Q. And if we can look, please, at INQ-000000213, it should

14 be another view of Brimmond?

15 A. Yes, that's what I would recognise. It's a road I have

16 passed many a time into Aberdeen, just from the back

17 way. It became a bit of a rabbit warren for cars to get

18 into Aberdeen. So, yes, and it obviously overlooks the

19 airport, as well -- around it, as well.

20 Q. All right, thank you.

21 A. Still, maybe very much a 1970s-type design or 1960s-type

22 design and building.

23 Q. I was just going to ask you, in general terms: I mean,

24 we know that Brimmond closed about 1993 and, just

25 looking at these photographs; what would you say about

1 the overall image, the overall make up and situation of
2 the establishment?

3 A. Two words that immediately spring to mind would
4 be: isolated and cold.

5 Q. It's a windy hill.

6 A. It's a windy hill. It's isolated from the city and it
7 gives an impression of quite austere. You know, even
8 though it is there, it's quite a cold environment for
9 children to be arriving there.

10 I know from some of the testimony that young people
11 gave arriving, if they did, in the evening, it was very
12 dark. The darkness of the location was something they
13 commented upon and I could imagine that.

14 Q. Yes. I think we know some of the children had to go to
15 school or did go to school in Bucksburn?

16 A. Correct.

17 Q. How far is that?

18 A. Probably about a mile and a half. It's not too far.

19 Q. All right. About a mile and a half down the hill?

20 A. Downhill.

21 Q. All right. And would it be street lit -- if that's the
22 right word --

23 A. No.

24 Q. -- at that time?

25 A. I wouldn't have thought so. I'm not even sure it's all

1 street lit today.

2 Q. All right. And just in terms of the overall size and
3 structure, looking at it from a -- with a modern eye;
4 what would you say about it?

5 A. Is it possible to revert back to the previous picture?

6 Q. Of course, yes. That was INQ-000000211.

7 A. So what you see, I think, in there -- and I have not
8 been in the building, so I would want to maybe just
9 caution my response there. But I think that the
10 perspective you are looking at just now, with all of the
11 sort of dormitory windows on the roof, that, to me,
12 would suggest that's a bedroom unit. And when you think
13 about that, that is what -- as I can quickly count those
14 windows -- at least a dozen windows, probably a dozen
15 bedrooms at that point in time.

16 Again, we just know the size and that actually that
17 would make it a very difficult sort of space, that
18 corridor sort of sense, to sort of manage around it as
19 well. It is built on top of some garages, I think,
20 there as well and then you have the other parts of the
21 house on three levels around that as well.

22 It is a big building for a young child to be
23 appearing, you know, there. The size of it is daunting
24 for young children. I think we look at it through the
25 adult eyes. From a child's eyes, the perspective is

1 different around it, as well.

2 Q. It would be quite difficult to look on it as home or

3 to --

4 A. Oh --

5 Q. -- regard it as homely?

6 A. I think you are absolutely right, as well. And I think

7 you then have the matron's house, if my memory serves me

8 correctly, this building at the front of it with a fence

9 around it. You know, so it was slightly detached from

10 the main building around that as well.

11 Q. Thank you for that. If we can go back now to the A to

12 D, and again to page 16, please, so that's -- thank you.

13 You got there before me. So it's looking at the

14 second paragraph, and from the third line:

15 'However, the admission register does evidence that

16 a ...'

17 Sorry, I have gone too far. The second line:

18 'The overarching function of the establishment was

19 to provide assessment and/or short term care for

20 individual children. However, the admission register

21 does evidence that a small number of children remained

22 in the establishment for more than a year and that it

23 was used in the 1970s and '80s as a home base for

24 children whose substantive placements were outside the

25 city.

1 'There is also evidence that this establishment was
2 being used as a short-term placement for children who
3 had absconded from other parts of the UK, as well as
4 local children's homes.'

5 Reading short, there is some evidence that it was
6 also used to provide secure care; that's prior to the
7 1983 Act that you mention.

8 There is also information that the establishment
9 provided some level of education for some children
10 during the 1980s, although the exact timeframe is not
11 known.

12 At certain points in its history, there is reference
13 to the specific role and function of the establishment,
14 such as it provided a structured resource for children
15 and young people between 12 and 18. The children
16 usually have a range of serious behaviour/emotional
17 disturbance.

18 So it is being used, it seems, for really quite
19 a wide variety of, perhaps, different purposes; is that
20 fair to say?

21 A. It is fair to say. And I think that in itself makes it
22 difficult to provide an orderly, caring environment when
23 you are having such a diverse range of children coming
24 into the setting; some for one night or two, others for
25 a few weeks, others on a longer term basis. All of

1 those needs would clash and compete with each other and
2 not making it an easy environment in which to deliver
3 the appropriate and necessary care, love and attention
4 that these children would require.

5 LADY SMITH: And some of the children, potentially, from far
6 afield.

7 A. Correct.

8 LADY SMITH: As we see from the absconders from other parts
9 of the UK.

10 A. Yes, that is a challenge. You know, more locally, even
11 today, you know, we often, in Aberdeen, have to provide
12 responses to children from England with county lines
13 behaviours. Children used to transport through illegal
14 activities often end up in Aberdeen and we are having to
15 provide an environment for their care whilst they are
16 arranged to go back down, so -- and it would be the same
17 in those -- I imagine those children would have been
18 picked up in an evening and they would have been found
19 somewhere to stay overnight whilst their local authority
20 made arrangements for their return the following day.

21 LADY SMITH: Yes. And are we back to, when you say 'county
22 lines and illegal behaviours', the history of drug
23 supplies coming from the Wolverhampton area,
24 particularly, down south?

25 A. Certainly that's what we are experiencing just now.

1 Wolverhampton, Liverpool would be the two areas where we
2 would often -- West Midlands more generally, around
3 that. So that's an issue we are having to deal with
4 currently around it. In this, I would suggest it's
5 probably more about children who have absconded with
6 other children, some of whom may have been from Aberdeen
7 and, therefore, they would have all gone to Aberdeen as
8 a sort of destination and then the police would have
9 probably picked them up as a missing person and we would
10 have taken over responsibility for their care until
11 arrangements were made for them to go back to whence
12 they came.

13 LADY SMITH: Thank you.

14 MR SHELTON: Thank you. And we see there, also, that there
15 is evidence that Brimmond was used to provide secure
16 care, although you qualify that with a reference to the
17 1983 Act and we may come back to that.

18 But, in the meantime, can we look, please, at
19 another document? It is ABN-000003388. I think we
20 should see there that it's a note from
21 Brimmond Children's Home. It's prepared by -- we can
22 look at page 2 in a moment but you can take it from me
23 that it is prepared by the matron or deputy
24 superintendent of Brimmond. She says here -- she is
25 referring to a particular child who was admitted to

1 Brimmond in 1973 and there is reference to various
2 abscondings and -- up to 1976, and --
3 LADY SMITH: So this is a 14 and a half year-old child --
4 MR SHELTON: This is a 14 and a half year-old.
5 LADY SMITH: -- at the stage this was written?
6 MR SHELTON: Yes.
7 LADY SMITH: Yes.
8 MR SHELTON: And if we look at page 2 of the document, first
9 of all, just to get the date, so it is 15 November,
10 1976. And it is presumably signed, although the
11 signature hasn't come out on the copy, but it is under
12 the signature is 'Matron'. And third substantial
13 paragraph:
14 'The decision to ask for [this child, this
15 14-year-old] ... to be held in Craiginchies was not made
16 lightly.'
17 Now, Craiginchies, of course, is what is now HMP, His
18 Majesty's Prison, Aberdeen; is that right?
19 A. Craiginchies is closed and it has been demolished and is
20 now modern housing. It has been replicated by
21 HMP Grampian.
22 Q. All right, so it was then the Aberdeen prison?
23 A. Correct.
24 Q. So, although the request perhaps isn't spelt out
25 completely clearly, it does seem to be what is being

1 asked for, a decision for this boy to be held in
2 Craiginchies rather than Brimmond, presumably on the
3 basis of an unruly certificate, my Lady. But, again, it
4 is not spelt out.

5 LADY SMITH: Yes.

6 MR SHELTON: And it goes on to say:

7 'The writer felt personally responsible for having
8 allowed this boy to participate in two activities where
9 he contrived to find an opportunity to abscond. Had we
10 had to take him into Brimmond yet again, we could have
11 taken the precaution of excluding him from all such
12 outings, but we were convinced that this would not have
13 deterred him. Brimmond is not a secure unit. We merely
14 have one secure room where a boy can be held for a day
15 or a weekend, but not indefinitely.'

16 And it goes on with more detail about the background
17 but what can we say then about the idea that Brimmond
18 was a secure -- or provided secure care, I think is the
19 way you put it in the A to D?

20 A. This is very uncomfortable reading. You know, thinking
21 of a 14-year-old boy being considered for an adult
22 prison is something that doesn't sit at all easily or
23 comfortably with me at all. In fact, I'm appalled by
24 it, actually, and I'm glad we have moved to a position
25 where we are no longer looking at 16 and 17-year-olds

1 going into to an adult prison -- adult prison estate.

2 LADY SMITH: And, separately from that, an assessment looks
3 as though it is not going to move beyond deciding: 'This
4 is a boy who has committed to a life of crime and there
5 is nothing anybody can do about that --

6 A. Yes.

7 LADY SMITH: -- all we have to think about is public
8 protection and we should have been doing that sooner'.

9 A. Absolutely. There is a defeatedness; there is a sense
10 of giving up. And, actually, this is still a 14 and
11 a half year-old young person at the heart of this as
12 well.

13 I am uncomfortable with the reference to a secure
14 room. Was it a secure room? Did it have the facilities
15 that you would expect within a modern secure estate,
16 where the children could be supported? What sense did
17 it make of all of that? Is it a room with a lock on it?
18 Did it have the facilities?

19 All of that just rings, I think, quite coldly to me
20 reading this and doesn't read at all easily in
21 recognising all of that and I think it goes back to your
22 earlier comment that, actually, I think the role and
23 remit of Brimmond became at times quite confused. What
24 was it actually there to deliver in terms of its care
25 and support to our young people, who required our

1 intervention and our understanding, not our rejection,
2 in some respects.

3 MR SHELTON: Yes, if we look at another newspaper article,
4 a later one this time, it is WIT.003.002.1176.

5 Although the legend, as it were, is obscured,
6 I think we know this is from the Aberdeen Press and
7 Journal, in 1981. It is not quite clear exactly when.
8 But if we just take, first of all, the first column:

9 'Order at Brimmond Remand Home [and it is
10 interesting, perhaps, that it is called there a remand
11 home] has collapsed in recent months with a series of
12 attacks on staff, school lessons suspended when the
13 pupils proved uncontrollable and a riot culminating in
14 four inmates being led away in handcuffs by police.
15 Today, a former member of staff at the home reveals
16 Brimmond's disturbing inside story.'

17 This is someone who had been assistant officer in
18 charge at Brimmond for eight months before he resigned
19 through, it is said, disgust in the situation at the
20 home. There is a quote:

21 'I resigned through professional outrage because the
22 place totally collapsed in terms of its function and the
23 morale of the staff and the boys and girls. There are
24 no bad kids. Some of them are retrievable when they
25 come in, but very few have any chance by the time they

1 leave, and the staff are going off sick because of the
2 stress.'

3 It is noted then that, during October, classes were
4 stopped for three weeks when two teachers were withdrawn
5 from Brimmond because of the children's behaviour.

6 Reading short to the next paragraph:

7 'During an incident, an earlier incident, one boy
8 became so uncontrollable that a staff member actually
9 opened the door and released him.'

10 If we then look at the heading -- or under the
11 heading 'Stress', it is noted that another house parent
12 only lasted three months so great was the stress and he
13 explains some of the reasons for that.

14 And at the foot of the page, it is said -- at the
15 foot of that column:

16 '17 children ran away during a three-day period
17 in October. After a riot, four boys were remanded to
18 Craiginch Prison.'

19 So, again, we are having children being sent to
20 Craiginch.

21 There is some explanation, I think, around that in
22 the third column. Just over halfway down that third
23 column, it is said:

24 'All of the staff member's claims were confirmed by
25 a member of staff who did not want to be named for fear

1 of losing his job.'

2 However, this member of staff, as it were, the
3 whistleblower, I suppose, the claims were confirmed by
4 a member of staff who did not want to be named, but he
5 witnessed an incident where one of the children was
6 attacked by a staff member:

7 'I saw one of the kids hit in the face and literally
8 knocked across the room for not making his bed. The
9 person who did that was later transferred from
10 Brimmond.'

11 Although it is not said what else, if anything,
12 might have happened in a disciplinary sense.

13 The fourth column, it is noted, towards the foot of
14 that:

15 'Currently, there is no long-term psychiatric unit
16 designed for the treatment of problem children [as they
17 are called here] in Grampian, but the authorities have
18 given emergency priority to such a unit. With staff
19 leaving or being transferred at an unprecedented rate,
20 this member of staff believes the deep underlying
21 problems at Brimmond will only be solved if the home is
22 immediately closed and a complete reappraisal of the
23 centre's role undertaken.'

24 Reading on:

25 'Brimmond was purpose-built with no purpose in mind.

1 The argument is that it is a children's home providing
2 semi-secure accommodation with an assessment function,
3 but the claim is offset by the fact that the staff are
4 not paid or trained at the same level as staff in other
5 regional assessment centres. On the other hand, if it
6 is a children's home, then why are the children sent
7 there who can't be handled in other homes, at other
8 places in Aberdeen?

9 'Part of the ruling in children's homes is that
10 children should not be deprived of their liberty, but
11 they are in Brimmond. What children's home has
12 a detention room or cell? If it is a children's home,
13 why do you have children who are classifiably seriously
14 mentally ill? Brimmond is just a dumping ground for all
15 children of the area.'

16 So again, it is troubling reading.

17 A. Very troubling reading. The language -- and, okay, this
18 is a news article and I think that there -- but I think,
19 nonetheless, I think even reading some of the -- in the
20 fourth column, there was a kid there who had been
21 labelled as a psychopath. All of that is how we are
22 referring to children, how we are referring to their
23 needs is there. It does feel as if this was a time when
24 there was little control over the environment within
25 there. And when children don't feel safe and held, they

1 react in ways which are unpredictable, they react in
2 dysregulated ways. So, in some respects, the children
3 were responding to the conditions in which they were
4 experiencing life and yet we turn round and we blame the
5 children for their behaviours.

6 Again, in terms of looking at that as well, my
7 experience and reading of this would be: yes, at times
8 Brimmond was used as a place where children from other
9 care settings were placed when their behaviour reached
10 a level that could not be contained within that setting.
11 And, again, I think that added to a very difficult set
12 of arrangements that we were asking staff to manage,
13 whether we were training the staff, whether we were
14 supporting the staff to deliver the care that they
15 needed, is another matter all together, but it is
16 a relevant one.

17 So we were really increasingly layering upon
18 layering the complicated environment in which both
19 children were living, but also in which we were
20 expecting staff to oversee and manage.

21 LADY SMITH: It is a very interesting point you make there,
22 Graeme, and we have seen it elsewhere, the reaction of
23 adults being to blame the children.

24 A. Yes.

25 LADY SMITH: Criticise them for their behaviour, failing to

1 recognise that the cause of the children's behaviour is
2 adults' behaviour and attitudes.

3 A. Absolutely.

4 LADY SMITH: Have I got that right?

5 A. Absolutely.

6 LADY SMITH: Yes.

7 MR SHELDON: Thank you, my Lady.

8 Just a couple of other points arising from the
9 article, Graeme. In the last column, just three
10 paragraphs from the foot, we see Mary Hartnoll, who was,
11 I think, then the director or chief of social work at
12 Aberdeen. We are told she denied knowledge of
13 an incident involving a Brimmond staff member assaulting
14 a child and said it was untrue that any staff member had
15 been convicted of assault but that's not quite what was
16 being said earlier on, was it? There wasn't any
17 suggestion that they were convicted?

18 A. No, there was a suggestion that an individual had
19 reacted in a very physical and aggressive way to
20 a child. And as a result of that incident, or how it is
21 being reported here, they were moved to a different
22 setting within the local authority,
23 Grampian Regional Council area at that point in time.

24 As you said in your remarks, whether there was other
25 action that followed that person's move, I don't know,

1 without knowing who the individual was or indeed other
2 bits around that but we do also know that some other
3 individuals have subsequently been charged and convicted
4 of their behaviour within Brimmond.

5 MR SHELDON: One other point arising from the article arises
6 from something in the second last column, the suggestion
7 that it is a semi-secure accommodation with
8 an assessment function -- this is at the top -- but the
9 claim is offset by the fact that the staff are not paid
10 or trained at the same level as staff in other regional
11 assessment centres.

12 Now, I think we know that Brimmond was also known as
13 Brimmond Children's Home. It is in the A to D, but
14 I don't think we need to look at it for the moment. It
15 is page 10 for the record. There is certainly some
16 correspondence that proceeds under the name of
17 Brimmond Children's Home in the records but we know it
18 is also described as an assessment centre and certainly
19 seems to have had an assessment function.

20 The former deputy superintendent or matron has also
21 suggested -- again, I don't think we need to look at her
22 statement -- but she suggests that again, the purpose of
23 calling it a children's home rather than
24 an assessment centre was so that lower salaries could be
25 paid. And presumably one would then have more

1 difficulty in attracting trained, experienced staff and
2 so on; would that be fair?

3 A. Yes, it would. And I think that --

4 Q. I mean, if that's right.

5 A. I mean, I don't know if it was right at that particular
6 point in time. What I would know -- what I would
7 reflect back is that I think children's residential
8 services have been often the Cinderella element of
9 social work, which I would argue has been an underfunded
10 service for many years. But, even within that, the
11 children's residential services are there. And, yes, we
12 have sought to increase the level of qualified staff.

13 And I think we are looking at, sometimes, different
14 qualifications for our staff within residential care
15 and, certainly, we are supporting some of our current
16 staff to access degree level learning around residential
17 care, as opposed to necessarily a specific social work
18 degree. It has cross elements, to it, obviously, when
19 it's there.

20 But the term 'assessment' requires -- insinuates
21 a professional undertaking and not simply just a caring
22 relationship with the child. And I am not trying to
23 belittle the caring relationship for a child, but,
24 nonetheless, there is that professional assessment of
25 that child's needs to present to other settings.

1 Whether that was used as a basis of determining salary
2 scales is something I couldn't generally say, but it may
3 well have been a factor at that point in time.

4 Q. All right. I think just following on from that and,
5 first of all, in general terms, the picture that we get
6 from this article, the Bedlam article, if I can call it
7 that, it is very different from the rather more idyllic
8 picture that we get from the previous article at the
9 opening of Brimmond; is that fair?

10 A. Very fair.

11 Q. And I think you made reference in your Oakbank evidence
12 to what has sometimes been the presentation of a rather
13 sanitised view of residential care to the public. And
14 we see here that the -- well, in fairness, I suppose,
15 the original view of the place doesn't really compare to
16 the reality of this unit with a secure room. We see it
17 described elsewhere as a cell.

18 And you refer -- or you referred in your Oakbank
19 evidence to the use at the time of staff who may have
20 been ex-services, who may not necessarily have been the
21 most suitable people to look after children and we may
22 hear evidence of at least one such individual at
23 Brimmond, but we will come to that.

24 I just wanted to take from you this: you mentioned
25 the importance of values, the values that care staff

1 bring to the job, and I just wanted to ask you what you
2 had in mind there in that context and to what extent is
3 your recruitment practice now values-based?

4 A. So what I mean by 'values' is: are the individual's
5 values consistent with the values of the profession, the
6 social work profession, where we have unconditional
7 regard for the child; we recognise that children's
8 behaviours often is as a result of their early life
9 experiences; that we show empathy and compassion, mutual
10 respect, to all of those. Those are really important
11 values that we would want to place emphasis on and we do
12 that within our recruitment process. Our recruitment
13 process is not simply just an application and a formal
14 interview. We would actually look at, probably, three
15 stages to our interview processes.

16 The first stage would be, yes, the application. But
17 then we would then invite suitable applicants to come
18 and meet with some of our young people and for them to
19 be part of the interview process. They would often
20 undertake -- ask questions of the candidates, sometimes
21 that can be facilitated through a game or other means of
22 that. But it's ways in which some of our older young
23 people -- and were supported to actually elicit views.
24 It is really interesting in what the children themselves
25 come up with in terms of their perspective of

1 individuals in terms of doing that.

2 We ask people to present a life history of
3 themselves to some extent, as well, thinking what about
4 the key events in their life that have shaped their --
5 the person they are today, and we do that through a sort
6 of genogram presentation --

7 Q. Sorry, can I just stop you there? A genogram?

8 A. Family tree.

9 Q. Right.

10 A. A family tree. Recognising that actually we are
11 informed by those around us, as an adult, as an
12 individual, and which of those relationships and why.
13 It is a way of trying to sort of enable that individual
14 to relax within a context they are familiar with, but
15 also speak to what's important to them within their
16 lives as well. And then, yes, there is a formal
17 interview part of that as well.

18 So our interview process has, I think, moved
19 significantly from that that would have been there. And
20 from that, we try to actually not just look at the
21 qualifications the person has, but actually who they
22 are, what are the skills, the life skills that they
23 bring to the role as well. What are the values that
24 actually shape them and their decision-making around the
25 roles that they would undertake? That's how we would

1 interview staff for our residential services today.

2 Q. Just one other thing arising from that -- and I was

3 intrigued by your reference to the possibility of a game

4 being used in the assessment process. I think that was

5 in the context of children and young people --

6 A. Yes.

7 Q. -- interacting with the candidate?

8 A. Yes.

9 Q. How does that work?

10 A. So we would invite all the candidates to be part of that

11 same session and -- but within that, we would support

12 young people ahead of that session to think of questions

13 that they would want to ask of the candidates. And it

14 is often trying to create an environment which is more

15 relaxed, rather than -- the game is almost incidental.

16 It's about creating an environment in which the young

17 people feel relaxed and the candidates have a sense of

18 relaxation.

19 All this is explained to the candidates well in

20 advance of them coming, so, actually, they know they are

21 not walking into something quite bizarre. The purpose

22 of it is really explained to them in quite a lot of

23 detail as well. So we see our engagement with the

24 individuals over a couple of weeks as part of that

25 interview process.

1 Q. Thank you. Just returning to Brimmond specifically,
2 I want to take you to -- and I guess the general picture
3 at Brimmond -- this is in the 1970s -- it is another
4 document, ABN-000003553. I think we can see this is
5 from a set of social work records for a particular young
6 person. We may come back to his records later, but just
7 to take this particular passage --
8 LADY SMITH: Have we got a date for it? Am I missing it
9 somewhere?
10 MR SHELTON: The dates are in the left-hand margin, my Lady,
11 or should be.
12 LADY SMITH: The date of the document? I can see the date
13 of birth is a 1970 date of birth. We must be about 1985
14 if it is a 1970 date of birth and the young person is
15 15.
16 MR SHELTON: This is 355.
17 LADY SMITH: Oh, right.
18 MR SHELTON: I'm sorry, I think this may be the wrong
19 document. It may be my fault. It's 3553.
20 LADY SMITH: This is 3533. Can we have 3553? Yes, this is
21 about Balnacraig, holiday periods.
22 MR SHELTON: Right.
23 TECHNICAL SUPPORT: Apologies.
24 LADY SMITH: It's okay.
25 MR SHELTON: I am sure it is my fault, don't worry.

1 It is a set of social work records, as I say, for
2 a particular individual and we see the dates of the
3 entries in the left-hand margin. It is about halfway
4 down, entry for 10 September 1976, and the entry
5 indicates this must be a social worker making the entry:

6 'Phone message from [the matron at Brimmond] ...
7 very ...'

8 Yes, I think this is a reference to the particular
9 young person who is said to be very dischuffed with
10 himself recently. This is the passage I want to take:

11 'The child morale in Brimmond has gone down and
12 down, probably as a result of the number of movements of
13 children there have been recently, with the ones who are
14 left having nothing much to do but sit around and being
15 generally down and depressed.'

16 It then goes on to talk about some other issues.

17 So, again, not a very happy picture of what's going
18 on for the children in Brimmond at that time. If you
19 were a social worker, at least in the current context,
20 getting a message like that; what would your reaction be
21 and what sorts of things would you expect to be done to
22 address the issue?

23 A. If I was a social worker receiving that message, my
24 first response would be to go and see the child
25 themselves and that's what I expect my staff to do.

1 I would be concerned. I would want to begin to
2 understand: is the context and -- for this child --
3 still the right plan for the child around it as well.

4 We might want to think about calling a review to
5 think about: does the plan for the child need to change?
6 Do we need to put in additional support measures to
7 enable that child to feel better about their
8 circumstances and about themselves as well?

9 We begin to think about an understanding of all that
10 has gone on. I think providing the child an opportunity
11 to reflect on their experiences, what their views were,
12 and understand just how they are experiencing care
13 within Brimmond at this particular point in time.

14 So those are the sorts of things that I would want
15 staff to do is: (a) first of all, engage with the child.
16 Then begin to think about the care plan for the child;
17 is it meeting the child's needs? And if not, what
18 additional or alternative supports can be put in place
19 to better meet that child's needs and circumstances?

20 LADY SMITH: Do we see, from the left-hand column, that
21 three weeks passed before the social worker actually
22 went to see the child? He seems to have written to the
23 child in the meantime, but that didn't exactly work.

24 A. Yes, that is correct, my Lady, that actually it does
25 take three weeks before that contact takes place around

1 it as well. What sense would the child have made of all
2 of that? You know, that sense of isolation; that sense
3 of 'nobody's interested, nobody cares about me' is
4 something that I think is important around it as well.

5 I think we often need to recognise, as well, that --
6 and it is of the time, but, actually, children's -- many
7 of these children's literacy and numeracy skills were
8 actually fairly underdeveloped and I think writing
9 a letter, yes, would have been something. But,
10 actually, what sense does that child make of it? Again,
11 it is that sort of -- it is quite detached, quite a cold
12 response to sort of quite a distressing message from the
13 setting to speak about a particular child.

14 MR SHELTON: Yes. Is there a more general point there,
15 Graeme, about the culture, the atmosphere of the place?
16 Because it doesn't seem to be just the one child who is
17 not having a great time, but the ones who are left,
18 I think we are told, because of movements of children.
19 The ones who are left have nothing to do and sit around
20 being generally depressed; what --

21 A. You're absolutely right. I mean, I think what we know
22 is that the more stable an environment you can provide
23 for children, the better they will actually thrive
24 within that. And, of course, there will always be
25 change, but actually those should be minimal.

1 When you have a setting that provides care for 25
2 upwards of young people, then you are creating, really,
3 quite a churn of change on an ongoing basis. What sense
4 do the young people themselves make of all of that? Is
5 it because of their behaviour they are being moved? Is
6 it because of their circumstances?

7 All of that makes little sense to children and young
8 people living within that context as well. It's that
9 sense of, you know, that Brimmond was very much on the
10 periphery of the city; were they on the periphery of
11 that city as well as individuals around it as well?
12 It's an environment that is not stimulating, that is not
13 giving these children the opportunity to fulfil their
14 potential.

15 Q. Thank you.

16 The next document is ABN-000003326, please. I think
17 we can see that this is a minute of a meeting of the
18 Joint Consultative Committee of the Children's Panel
19 held at Woodhill House, in Aberdeen, 2 December 1982.
20 There is quite a long passage about secure detention of
21 child offenders and children in need of protective care.

22 There is a note in the first paragraph:

23 'Dr Glasser [who is the chair of the children's
24 panel] expressed the concern felt by himself and other
25 members of the children's panel over the lack of secure

1 accommodation provided by the regional council, thought
2 to be at risk or in moral danger. The attention of the
3 committee was drawn to a number of cases where members
4 of the children's panel considered they had been unable
5 to obtain satisfactory placements for children because
6 of a reduction in the number of places available and
7 a consequent lack of vacancies in the region's
8 children's homes.'

9 And reading short, we see that Dr Glasser had cited
10 a case which had caused considerable concern amongst
11 panel members for adolescent absconders who had been
12 placed in interim detention in HMP Craiginchies when it
13 was found no accommodation was immediately available
14 within the region's children's homes. I think that may
15 be a reference back to the article, the four absconders
16 that were referred to there.

17 If we read on to the fifth paragraph in that page,
18 it is, perhaps, the second last paragraph, is perhaps
19 a better way of looking at it. It says:

20 'With specific reference to Brimmond [...]
21 Ms Hartnoll informed the committee that severe problems
22 had arisen in staffing and staff morale to the extent
23 that the number of places at Brimmond had had to be
24 reduced to 12. In addition, staffing difficulties had
25 been experienced at other children's homes which had

1 borne the additional strain of dealing with cases which
2 otherwise would have been referred to Brimmond.'

3 So it does seem, perhaps, there, that there may have
4 been some action taken in the light of what we saw in
5 the article from, we think, 1981. But the response is
6 to reduce the number of places and that creates strain
7 elsewhere in the system.

8 A. That's -- I would agree with your interpretation of that
9 reading. And, yes, I would understand that to be the
10 case.

11 Q. If we go to the next document, which is ABN-000003308.
12 The date of this isn't immediately obvious, but it seems
13 to be around the start of 1983.

14 A. There is a date in there under the notice of -- notion
15 of 17 February.

16 Q. Yes. It is given there. But the entry that we are
17 looking at is at the top, 'Brimmond Children's Home':

18 'The chairman referred to difficulties experienced
19 over recent months at Brimmond Children's Home and
20 stated that these difficulties should be viewed in the
21 context of the changing patterns of childcare in the
22 region. In recent years, the number of children in the
23 region's homes have decreased as fewer children of
24 primary age required to be taken into care or a parallel
25 increase in the number of adolescent children presenting

1 specific problems, exerted new demands on the region's
2 care resources. The committee had already recognised
3 these problems and had approved increased staffing
4 levels. Constructive work had been carried out at
5 Brimmond and overall the social work department was
6 actively pursuing resolution of the difficulties
7 encountered in the region's children's homes.'

8 But it goes on to say that:

9 'Brimmond would continue to be utilised for children
10 with specific behavioural problems, requiring a greater
11 degree of security not provided in other locations.'

12 So, again, just thinking back to what we have seen
13 of the facilities at Brimmond, with one secure cell and
14 the kind of staffing issues that it seems to have
15 encountered; what would you say about that plan for
16 Brimmond's future?

17 A. I still think it is very confused. And I think that --
18 I am wondering whether the reference to the greater
19 degree of security is not simply in relation to the use
20 of that one, that room, cell, as it has often been
21 referred to, but actually its very geographical
22 location.

23 It is out of the city. It is about a mile and
24 a half away from the community of Bucksburn. You know,
25 it's fields all around it. I think that would have been

1 seen as a deterrent for children to simply just leave
2 the home at will and deter them from absconding or
3 leaving around it as well. But I think, nonetheless,
4 there is still a sense of trying to use the children's
5 homes, including Brimmond, and that would still be
6 a place where children who were perhaps presenting with
7 the most challenging of needs would be considered for in
8 the early 1980s.

9 Q. We will hear more evidence about that later, Graeme, and
10 perhaps look at some of the records, but I want to turn
11 to a different topic.

12 Having looked at Brimmond, I suppose, fairly
13 generally, I want to look, perhaps quite briefly, at the
14 issue of inspection and oversight. If we go back to the
15 A to D, please, first of all, at page 36. We see in the
16 response that there is reference in the minutes of the
17 Social Work Committee, certainly from 1977, that
18 inspection involving members of the committee was to be
19 carried out annually. That's in June 1977. There is
20 a reference within committee reports and a 1985 working
21 party report to:

22 '... establishing formal arrangements with regard to
23 visits being undertaken by elected members who were to
24 report back on their findings to the Children's
25 Subcommittee'.

1 The minutes also note reports from these visits.

2 The minutes -- I'm sorry:

3 'Minutes also note reports from these visits [and
4 there may be something missing there] was asked to note
5 that the Secretary of State had extended the remit of
6 Arm's Length Inspection Units to include inspections of
7 children's residential establishments. Minutes suggest
8 that there was an Inspection Unit Advisory Committee
9 relating to the Regional Inspection Unit.'

10 That's a minute from 1991, August 1991. And if we
11 look at page 72 -- I beg your pardon, it is 68 not 72.
12 And at the foot of that page, we see the note that the
13 Arm's Length Inspection Unit was operational during the
14 last few years of the establishment's history.

15 Now, we do have records. I don't think we need to
16 go to them in any detail because we have seen the kind
17 of entries that are talked about in A to D, that's to
18 say the Social Work Committee minutes indicating that
19 there were to be visits by members. I think we know
20 that there were some visits by members, because the
21 minutes tell us that the visits had taken place, and had
22 been 'a valuable exercise', but we don't get any more
23 detail than that.

24 I just wanted to ask you a bit about the inspection
25 system generally at that time, if you can help us with

1 that. We know, I think, that there were visits by
2 members of the committee and sometimes members of the
3 children's panel. We have a witness who talks about
4 that and I might take you to some passages later but
5 what kind of action should or would normally have been
6 taken by the local authority in the 1970s and 1980s to
7 inspect units or establishments like this? Can you help
8 us with that?

9 A. I will do my best.

10 So I think that whilst the intention of elected
11 members to visit children's homes was probably
12 well-intended, I'm really not sure what value we can
13 place on them. These have been visits that I imagine
14 would have been well-planned and so, therefore, with any
15 sense of elected members coming to visit, the hoovering
16 is done, the dishes are washed and everything is neat
17 and tidy. I'm not saying that in a critical way, but
18 would they truly have got a sense of life for the young
19 people within that setting at that particular point in
20 time? I don't know, without -- specifically: did they
21 have the experience to actually probe and be curious
22 about aspects of the care that were being provided at
23 that point in time?

24 We didn't have an independent regulatory arrangement
25 in place nationally at that point in time. This is all

1 pre-Social Work Inspection Agency, Care Inspectorate,
2 all of those sorts of elements around it.

3 What I think we can say is that the inspection of
4 children's homes and, indeed, residential settings in
5 general, was deficient, was significantly deficient. It
6 allowed elements of care to continue, which we now see
7 as wrong and we would absolutely suggest should not have
8 happened around that as well. So I think the level of
9 accountability and assurance being sought through visits
10 is fairly limited and not what we would expect today.

11 In Aberdeen, there was
12 an Arm's Length Inspection Unit established in the early
13 1990s. And I think in my evidence in relation to
14 Oakbank, we spoke about some of the inspection reports
15 that they undertook in relation to Oakbank School and
16 they would have happened within some other children's
17 homes and settings as well.

18 The 'Arm's Length' would have been chaired by
19 a senior officer, with others working to them, and they
20 would have undertaken visits, read the notes of the
21 children, and of the care home to better understand. So
22 that was certainly a step forward as well.

23 Today, we have unannounced visits from the
24 Care Inspectorate, today we have -- we operate in
25 a different sort of way.

1 We also recognise that these are children's homes,
2 and, actually, what sense do children make of
3 strangers -- if I can use that term -- coming into their
4 home and actually asking them? So, again, within that
5 we look for different levels of assurance and how we use
6 data differently in terms of doing that.

7 We've also got and had -- and the A to D makes
8 reference to it -- the introduction of children's rights
9 officers or children's welfare officers within the
10 council as well, providing that independent voice for
11 children to access should they have concerns around that
12 as well.

13 I think, as Lady Smith said, as well, we also have
14 instances where children were not visited for many
15 weeks, if not months at a time. And, again, we are able
16 to sort of provide greater assurance through digitalised
17 means; we can more readily tell how often children are
18 being visited or not visited and take action in
19 a quicker way than reading through lots and lots of
20 notes.

21 So I think the level of assurance that we, as
22 local authority senior officers, took in the '70s and
23 '80s I don't think -- I think we took -- we had fairly
24 blind faith that the care that the children were
25 experiencing was of a standard that we expected and were

1 hoping to be delivered.

2 Q. Thank you for that. I guess the question that arises,
3 perhaps most strongly, given what you have said
4 particularly about the Arm's Length Inspection Unit
5 is: did they actually inspect Brimmond? Do we know
6 that?

7 A. We don't.

8 Q. And, if so, where did the reports go? We don't seem to
9 have any.

10 A. We don't. And I am surprised, because, I think, when
11 you look back at the press coverage that you have
12 already highlighted and what we knew about Brimmond,
13 that, actually, you know, if that was established in
14 1991; why was Brimmond not one of the first units to be
15 inspected at that point in time?

16 In the same way, today, the Care Inspectorate will
17 be much more -- will have a much more frequent
18 inspection regime around units which have been -- which
19 are assessed as weaker in terms of their delivery. They
20 will visit more regularly, they will do that for those
21 which have a track record of much more positive care
22 provision, then the inspection regime is a little bit
23 less intensive.

24 LADY SMITH: When you say 'if that was established in 1991';
25 that was the Arm's Length Inspection Unit you were

1 talking about?

2 A. It is, my Lady.

3 LADY SMITH: And, of course, Brimmond still had three years

4 of its life left --

5 A. Correct.

6 LADY SMITH: -- from 1991.

7 A. Yes.

8 MR SHELTON: So I suppose the follow-up question is: if

9 there were reports of inspections; what might have

10 happened to them? Where might they have gone?

11 A. I wish I could be more helpful but I'm not sure I can

12 be.

13 Q. You told us, for example, I think in the Oakbank

14 evidence, that there was a change of computer system in

15 1999. Might that have had something to do with it or

16 are the two things unrelated?

17 A. I generally think the two things are unrelated. The

18 change of data system was moving -- what I was referring

19 to was where we hold individual clients' records,

20 individual children' records within that system. In the

21 early '90s, reports were still being written by hand and

22 typed up. These would not have been held within

23 a Microsoft data system that we would have currently at

24 that point in time. They would have been physical --

25 physical reports that would have been held within the

1 Arm's Length Inspection Unit's records, presented to
2 committee, as was with Oakbank, or otherwise around it.
3 That would have been the purpose of those.

4 Q. I think we see in some other local authorities that
5 there were annual reports of the
6 Arm's Length Inspection Unit and I think we might see
7 those in relation to Renfrewshire in the Newfield
8 hearings, my Lady. And we do have those annual reports
9 from about 1995 or 1996 to about 2001, when the
10 Care Commission took over; was there anything like that
11 for Aberdeen?

12 A. So, from my memory, I seem to recall that latterly there
13 was and I think that was trying to elicit some of the
14 themes from our children's homes into sort of whether
15 that would be record keeping, whether that would be
16 around the use of restraint within our children's homes,
17 some of these themes would have been collected.

18 And so I came in 1999 and the manager for the
19 Arm's Length Inspection Unit, Mike Stevenson, had moved
20 into a different role, but was still part of the
21 organisation, so I would have known through Mike that
22 that would have been part of what his remit actually
23 was.

24 Q. All right. Is Mr Stevenson still around?

25 A. Not within the council he is not, but I think he is

1 still alive.

2 MR SHELTON: All right. We might follow that up, my Lady.

3 LADY SMITH: That might be worthwhile, thank you.

4 MR SHELTON: Yes.

5 There is another matter arising from the committee

6 minutes, and particularly the working party that's

7 mentioned in the A to D, and I think, probably after the

8 break, I will take you to a statement which deals with

9 some of the issues arising from a visit. But I think

10 there is time, my Lady, if you will bear with me, to

11 look briefly at --

12 LADY SMITH: Yes.

13 MR SHELTON: -- ABN-000002677. I think we see from the

14 title page, that's:

15 'A review of the "Running of children's homes"

16 report of the Working Party.'

17 And it is dated December 1985, if we scroll down to

18 the foot. Just very quickly, to take page 8, please,

19 and just to note, I suppose for completeness, that by

20 this stage -- and this is paragraph 3.2, towards the

21 foot of that first paragraph, at 3.2, there is a look at

22 the age ranges of children within Aberdeen's children's

23 homes, and most are spread between 12 and 17, but it is

24 said:

25 'The exceptions are Brimmond, with a clear majority

1 aged 15 and over.'

2 There are a couple of others mentioned as well. So,
3 by this stage, Brimmond clearly is, I think,
4 concentrating on older children.

5 I suppose that might be an issue which would be
6 likely to cause further problems, if you are not set up
7 for it right; is that fair to say?

8 A. It is fair to say.

9 Q. If we look at page 9, please, just under the heading,
10 second column, paragraph 4.1, 'Staffing structure':

11 'We formed the conclusion that children's homes have
12 been understaffed and that too many staff are
13 inadequately trained.'

14 If we look over the page, to page 10, again in the
15 second column, about halfway down, the heading, 4.3
16 'Stress in residential childcare work':

17 'The Working Party heard evidence about the damage
18 of stress in residential childcare ...'

19 Leaving it there; would it be fair to say that where
20 you are, where you have staff, which is -- I'm sorry,
21 where you haven't sufficient staff and those staff are
22 not sufficiently trained, then that is almost bound to
23 lead to stress?

24 A. Very much so.

25 Q. Just to complete this, if we can go to page 12, please,

1 second column, under the heading 'Secure accommodation',
2 there is consideration there, in the first paragraph, of
3 secure care measures and reference to
4 Secure Accommodation Regulations 1983, and it is said:
5 'The disciplinary measures available to staff in
6 residential homes were further restricted by statutory
7 changes in regard to secure accommodation. The
8 Social Work (Scotland) Act defines secure accommodation
9 as accommodation provided for the purpose of restricting
10 the liberty of children. Since January 1984, on advice
11 from the Social Work Services Group, staff have been
12 told that they may not keep a child in a locked room
13 either with or without a member of staff unless within
14 a unit conforming to the
15 Secure Accommodation Regulations and specifically
16 approved as such by the Secretary of State for Scotland.
17 At present, there is no such unit within the Grampian
18 region. Secure accommodation is available [...] at
19 Rossie School.'

20 So can we take from that -- should we take from
21 that, that Brimmond was not approved for use as secure
22 accommodation following these legislative changes?

23 A. You can.

24 MR SHELDON: Thank you.

25 My Lady, I see that it is 11.30.

1 LADY SMITH: I think that's a good time to stop for the
2 break, if that would work for you, Graeme?
3 A. Thank you.
4 LADY SMITH: Very well.
5 (11.31 am)
6 (A short break)
7 (11.50 am)
8 LADY SMITH: Graeme, are you ready for us to carry on?
9 A. Yes, indeed, thank you.
10 LADY SMITH: Thank you very much.
11 Mr Sheldon, when you are ready.
12 MR SHELTON: Graeme, we were talking before the break about
13 inspection and inspection records. There is just one
14 more document I would like to look at before we leave
15 that topic, and it is a statement. The reference is
16 WIT.001.002.7576. This is a statement from a lady
17 called Morag Morrell, who was a children's panel member
18 in the 1970s and, later, a counsellor in Aberdeen.
19 We are going to look at the statement in a lot more
20 detail later in these hearings, but I just wanted to
21 take you to a couple of passages in the context of
22 visits and inspections. If we can go, first of all,
23 please, to page 12, paragraph 49, where Ms Morrell
24 begins to talk about Brimmond. She notes that she
25 visited Brimmond both as a member of the panel and

1 as a counsellor:

2 'I thought people should see Brimmond, so I took a
3 party of sheriffs around and new panel members. I went
4 there every two or three months over a six or seven year
5 period. Brimmond was built as an assessment centre.
6 Before that, a children's home was converted into
7 an assessment centre.'

8 It is perhaps not quite clear what she means by
9 that, but I think we do know that it was regarded,
10 Brimmond, both as a children's home and as
11 an assessment centre.

12 And at paragraph 50, she says:

13 'The theory was that children would go to Brimmond
14 for two or three weeks while it was decided where they
15 should go on to. That didn't happen. Children could
16 stay at Brimmond for weeks, months or years.'

17 And reading short, then, to paragraph 52, she says:

18 'The first time I saw Brimmond, it was nicely
19 decorated. The bedding was nice ...'

20 And so on. Paragraph 53, she says:

21 'The next time I went to Brimmond, any colour had
22 been stripped away and they had a cell. Before that,
23 the cell was a "quiet room". There was a bathroom on
24 the landing next to the cell. Children couldn't access
25 the bathroom, although that was the intention when

1 Brimmond was built. [SNR] 's response was
2 that the children would tear the bathroom up. If
3 a child needed to use the toilet, they had to ring
4 a bell and hope somebody would turn up. At one point
5 I was taking people round Brimmond and there was
6 an infant's potty in the cell. There was a peephole
7 above the bed...'

8 Paragraph 54:

9 'The cell looked across the main runway at Aberdeen
10 Airport. There was nothing to look at. The cell had
11 the windows whitened out. The walls were white and all
12 the bedding was white. There was a wash handbasin which
13 was white. That was the conversion that was done when
14 [SNR] started at Brimmond. In Vietnam
15 they used all white rooms to get people's minds
16 confused. When a room is all white, you can't see
17 anything.'

18 She says the room was essentially converted into
19 an isolation room:

20 'It was quite shocking.'

21 Paragraph 55, she says she thought the main form of
22 discipline was that a child would be locked in a cell:

23 'Anything could get a child shut in the cell, such
24 as they had upset [SNR] they hadn't eaten
25 their tea or they had run away. [SNR]

1 told us that when they showed us round. We didn't have
2 any access to any children to ask them. I don't think
3 the children got beaten up, that wasn't my impression.
4 In my opinion there was mental torture.'

5 So, just leaving it there, Graeme, this is someone
6 who is a children's panel member, she's a counsellor
7 later on --

8 LADY SMITH: And she was a panel member between 1971 and
9 1979 --

10 MR SHELTON: Yes.

11 LADY SMITH: -- according to what she says in paragraph 2 of
12 the statement.

13 MR SHELTON: That's so, my Lady.

14 LADY SMITH: Yes.

15 MR SHELTON: The records certainly bear that out and then
16 a counsellor later on.

17 So, if the Social Work Committee was getting
18 information like that, it's not necessarily clear that
19 they considered it, formally speaking, but if that sort
20 of information was going to the Social Work Committee
21 from visits or, indeed, these sorts of things were
22 visible, obvious, during the visits; what would you
23 expect to have been done about that? Perhaps making
24 allowance for the dates, but all the same?

25 A. There's a sense of degrading of the children within that

1 cell, if I can just use that terminology, because that's
2 how it's referred to here. And I would expect there to
3 be a review of what was happening within Brimmond at
4 that point in time. I would have called into question
5 the -- there was almost a sense of this was instigated
6 by those [REDACTED] of Brimmond at the time. This
7 approach was being instigated. I would suggest that's
8 wholly inappropriate and, therefore, their suitability
9 to be [REDACTED] of that setting, I would have called
10 that into question.

11 You know, I think we need to think differently about
12 how we respond to children than this way. I think it
13 goes back to that sense of this was still seen as
14 some -- you know, that children were there to be in some
15 respects punished; they deserved it; their behaviour
16 deserved it. It's failing to understand the
17 psychological history of the child, their needs, and how
18 we provide reparative and enabling care going forward.
19 So, for me, there would be an expectation -- I would
20 have an expectation from a council committee that they
21 are shocked by this, that they are wanting better for
22 their children within the city as well.

23 Q. I think it is fair to say that we don't see any evidence
24 of that in the records of the minutes. We saw before
25 the break some evidence that some changes were made at

1 Brimmond in the early 1980s, for example by reducing the
2 number of children, but it certainly seems that the use
3 of the so-called cell may have continued after that
4 time?

5 A. Certainly, as you took me to the legislation, it changed
6 in 1984. If it continued to be utilised in the manner
7 that is described beyond that, then we have exceeded our
8 powers. We have failed children by utilising, you know,
9 restricting their movements, restricting their liberty,
10 in a way which we did not have the legal jurisdiction to
11 do.

12 Q. I think we don't see, again in the records of the
13 minutes, any suggestion that, you know, 'Things are
14 going terribly wrong at Brimmond and here's why'; we are
15 just told, 'Well, we have reduced the number of children
16 for a while'.

17 Just thinking about record keeping and minuting of
18 these sorts of things: is that the sort of thing that
19 you would expect to be minuted if there was
20 consideration of that kind of evidence?

21 A. Yes.

22 Q. If we can move on, then, to a different topic, Graeme.
23 I just want to ask you a couple of things about
24 education at Brimmond.

25 The A to D, if we can go back to that, please, at

1 page 75, it's about halfway down the page, at (a)(iv):

2 'The committee reports evidence of the provision of
3 on-site education at the establishment but it should
4 also be noted that there was at least one period in the
5 establishment's timeline where on-site education was not
6 provided. From the information available, it's not
7 clear why there was variation in the level of this
8 provision.'

9 If we can just look at a couple of documents about
10 that. First of all, it is in -- bear with me just for
11 a moment.

12 (Pause)

13 My apologies, I don't have that particular reference
14 but I think if we look at ABN-000003544, this is, we
15 see, a note of the Joint Working Party on 'Children and
16 young people in difficulty or at risk', and resources
17 alternative provision. And the introduction indicates
18 that there is a problem, which is:

19 'The system of primary and secondary education,
20 there are a number of children who find parts of the
21 curriculum [and so on] difficult, if not impossible
22 [...] it is necessary to make arrangements within the
23 system to allow such pupils to come to the establishment
24 by altering [...] daily routines or by providing
25 resource which can be utilised to support the pupil.

1 There is no universal pattern which can be applied ...'

2 So that's perhaps the context to this. But if we
3 look further on in this document, at page 9, please --
4 this is, I think, a slightly earlier document. Yes, the
5 first one we looked at was 1988; this one is 1980 --

6 LADY SMITH: 3?

7 MR SHELTON: 3, my Lady, yes. Thank you.

8 And if we look then at page 11, towards the foot of
9 the page, the last paragraph:

10 'Children's homes deal with the largest number of
11 children with these problems. The closure of some of
12 these in the recent past has increased the burden on the
13 remaining homes. In the Aberdeen area, the principal
14 home involved is Brimmond [...] over the past 12 months,
15 Brimmond has had difficulties which have included
16 problems of controlling bad behaviour there and outside
17 and of abscondment [...] there were also difficulties on
18 the provision of education at Brimmond.'

19 But that's all that we are told about it. And if
20 we -- I'm sorry -- look back, jumping around a little,
21 but this is moving forward in time. If we look at
22 page 7, please, about halfway down the page,
23 paragraph 9, 'Situation at Brimmond', this
24 is November 1985 now:

25 'There would appear to be a deterioration in the

1 position at Brimmond with regards to a virtual breakdown
2 in relationships between the care and education staff.
3 This view is supported by other professionals. Clearly,
4 such a situation gives hearing members no confidence in
5 a placement there.'

6 So, again, Graeme, it seems quite an unhappy picture
7 in relation to education. Just thinking about the
8 modern position; clearly there are difficulties,
9 children have special educational needs. How is that
10 dealt with now and is there any question of education
11 being provided within children's homes?

12 A. No, in Aberdeen, there's not. Our children's homes are
13 homes and we would be expecting our children to be
14 attending mainstream education. That may be with
15 a particular education plan in place that supports their
16 needs and strengths, plays to their strengths as well.

17 Where there is a sense that children cannot manage
18 education, then we are looking at a different type of
19 provision all together and, therefore, we still have
20 a number of residential 'schools' within the country,
21 which we will utilise, that provides both care,
22 education, and wellbeing support to our children and
23 young people around that. There are some with a very
24 particular set of needs in Aberdeen, as I mentioned
25 earlier, at Linn Moor and at Camphill, but by and large,

1 the majority of those provisions are within the central
2 belt of Scotland.

3 We do recognise that actually, there is a real need
4 for care and education to work absolutely hand-in-glove
5 together. The care staff will often be the staff who
6 know the child best and their knowledge about that child
7 is invaluable in helping our education colleagues think
8 about how the needs of that young person can be best
9 met.

10 I was struck by one of your earlier documents, when
11 I was reading through it when it was put in front of me,
12 when it spoke about some of the psychological needs.
13 I think we are talking about a time where we did not
14 really recognise neurodiverse conditions in the same
15 extent that we do today. You know, where these young
16 people who were running away and perhaps getting into
17 trouble within Brimmond -- you know, I'm immediately
18 questioning ADHD, autism. And, certainly, you know,
19 I know one of the adults who has come forward, he has
20 subsequently been diagnosed with ADHD in terms of there.
21 So his needs were not fully recognised and we were
22 responding to his, you know, psychological needs in
23 a way that actually paid no recognition to those.
24 Actually, it was that very strict, that very regimented
25 (sic) approach to try to ensure that young person

1 conformed to the expectations, as opposed to adapting
2 the conditions to meet the needs of that young person.

3 And I would say the same within an education context
4 as well; we need to think about how we are adapting our
5 education provision to still meet the needs of that
6 individual young person.

7 Q. Just looking at the position from a slightly different
8 perspective, Ms Morrell, whose statement parts of which
9 we looked at just a moment ago -- I don't think we need
10 to go back to it -- but she suggests that part of the
11 problem at Brimmond was that teachers were being brought
12 in and were reluctant to teach children with
13 neurodiversity, with behavioural issues and so on, and
14 simply, as it were, gave up because they couldn't be
15 forced to be there. What's your view of that? Bearing
16 in mind this is about 1980 or thereabouts.

17 A. My first view is we failed the children. My second view
18 is that we haven't prepared -- as an authority I am
19 talking about -- we haven't prepared our education staff
20 for the context in which they would be working. You
21 know, what preparation were they given on an individual
22 staff basis to understand the children they would be
23 absolutely educating around that? And, you know,
24 recognising, as I have mentioned earlier, in some of my
25 earlier testimony, where these young people were in

1 terms of their academic progress. Some of them may well
2 have been 13/14, but were operating at a much younger
3 age in an academic sense. Were we developing and
4 devising plans for their education to fit their
5 developmental needs? You know, were we giving them the
6 training to understand and respond to autism and other
7 behavioural needs, impulsive behaviours, around it?

8 I would be expecting some of those classes to have
9 been very small. I would be expecting there to be no
10 more than a handful of young people in a classroom. But
11 how were we still devising a class -- even where you
12 have four or five young people of a similar age within
13 there -- how do you support the delivery of a young
14 person, who may well be academically able at 14, but
15 another 14-year-old whose attainment level is much
16 younger than that? So to what extent were we, as
17 an authority, preparing our education colleagues to come
18 in and deliver an education curriculum suitable to the
19 needs of the young people for whom they were being asked
20 to prepare?

21 We simply cannot walk away from young people, you
22 know. We need to find different approaches to meet
23 their education needs as well.

24 Yes, there are still times when I would get
25 frustrated about how, perhaps, sometimes our schools

1 still, you know, seek to exclude children too quickly
2 and those that are there without taking account of their
3 trauma and their early life trauma. So how do we
4 continue to adapt the provision that actually is
5 sensitive to the needs of young people with really
6 complex needs and backgrounds?

7 Q. But I suppose one would have to say in this instance, if
8 Ms Morrell is right, that teachers were effectively
9 voting with their feet, that both they and the education
10 department were in effect walking away from the issues,
11 walking away from the children?

12 A. Absolutely. We see it today still, don't we, in some
13 respects? We have concerns being raised about violence
14 within our classrooms and thinking about there. And
15 I would support people need to be safe, feel safe, at
16 work. I have no problem with that at all. But,
17 actually, we need to understand that actually there are
18 children who will exhibit their anxieties and their
19 dysregulation through very inappropriate means. How do
20 we support and respond and contain those young people?

21 It's about providing -- some of the physical
22 environment in which the education is being delivered
23 has to be conducive to their needs as well.

24 Q. And I suppose there is also the piece about training the
25 teachers and support staff appropriately to deal with

1 issues like this?

2 A. Absolutely, you know. And, you know, our knowledge has
3 grown in the last 30 years since this document was
4 provided. And, actually, how do we understand the use
5 of different teaching methods to better deliver
6 education that is accessible to young people with
7 neurodiverse needs and conditions?

8 Q. Thank you.

9 I am going to move on again, Graeme, to look at some
10 records of individual young people, just to illustrate
11 some of the issues that you bring out in the A to D.

12 I think perhaps the place to start is at
13 ABN-000003409. This is from [REDACTED], in
14 2001. Part of the headline's been cut off, but I think
15 the essence of it is that a particular person may sue
16 the council for abuse 25 years ago. Just reading at the
17 start of that:

18 'A council may face legal action for negligence
19 after a man with a history of sexual offending was
20 allowed to befriend a boy from a north-east children's
21 home and subjected him to prolonged abuse. The
22 particular young person, now an adult, of course,
23 revealed that he was considering a civil claim after his
24 nightmare at Brimmond Children's Home. The move came on
25 the day that his abuser [...] Robert Hannah, was

1 sentenced at Aberdeen Sheriff Court.'

2 We are told that he was jailed, as it happens, for
3 four months and his name added to the Sex Offenders'
4 Register.

5 'Hannah was on probation for sex offences when he
6 committed indecent acts against the young person between
7 the boy's 14th and 16th birthdays.'

8 It says:

9 ' [REDACTED] can reveal that if social
10 workers had made checks at the time, they would have
11 discovered that Hannah had three convictions for lewd
12 behaviour in the four years before the offences.'

13 The first conviction saw him sentenced to three
14 months in prison. The second and third, perhaps quite
15 surprisingly, led to probation orders.

16 And just right at the end of the article, the young
17 person again, the former young person, again makes the
18 point that if they had made a simple check and found
19 that he had previous convictions, then these things
20 might never have happened.

21 So, just looking at some of the detail of that, if
22 we can look, please, at ABN-000003547, I think we see
23 that that's an indictment for a first diet
24 in February 2001 of Robert Hannah. The various charges
25 are set out, some of them have been scored out. I think

1 we understand that these would have been not guilty
2 pleas which were accepted. There is a note on the next
3 page and there is some handwriting on this. It is not
4 clear who made the inscriptions, but it is noted:

5 'Yes - could be a high risk offender.'

6 I think is the note. There is then a charge of
7 what's clearly a serious example of sexual abuse taking
8 place against the particular young person at a location
9 in Bucksburn, in Aberdeen. There is then, at the foot
10 of the page, more handwritten notes.

11 It is not clear, my Lady, whether this is a social
12 worker or somebody preparing a social inquiry report,
13 but there is some detail which presumably came from
14 Mr Hannah. He got to know the young person as he was
15 interested in helping people. He took magazines and
16 comics at -- possibly to -- Brimmond home, took pity on
17 him, became friends, told him he was 15 and 'led him
18 on'.

19 Taking that short, yes, there is a kind of splodge
20 at the side of the page and about two lines after that,
21 there is a line:

22 'Believes victim did understand what was going on.
23 Thought was helping him. Victim wanted him to do it.
24 Believes wanted money. Does not believe happened for
25 two years. Could have.'

1 So, yes, just under the end note:
2 'Believes victim was to blame for letting this
3 occur. Company was good and did not want it to stop.'
4 So there is some quite interesting and surprising
5 material about the perpetrator's attitude to this.
6 LADY SMITH: Very significant victim blaming going on here,
7 isn't there?
8 MR SHELTON: Indeed, but if we then look at the next page,
9 we will see that, as usual, there's a schedule of
10 previous convictions and there is certainly one there
11 from 15 March 1972 for three charges of lewd and
12 libidinous practices, three months' imprisonment. So
13 that bears out the idea that there had been previous
14 convictions that perhaps could have been discovered, had
15 that been checked.
16 LADY SMITH: So that's on three different
17 occasions, March 1972, October 1972 and September 1973;
18 is that correct?
19 MR SHELTON: It's perhaps not entirely clear, my Lady.
20 There are also charges of -- yes, there are charges of
21 fraud, and that's right --
22 LADY SMITH: Yes.
23 MR SHELTON: -- so yes.
24 LADY SMITH: I think those are there. Mm-hm.
25 MR SHELTON: And it does seem surprising that the sentence

1 would have been probation and I think admonition in
2 relation to the last occasion. It is not entirely clear
3 from that note, my Lady. Certainly imprisoned on the
4 fraud charge in September 1973.

5 LADY SMITH: And the first lewd and libidinous practices
6 conviction appears to have resulted in imprisonment.

7 MR SHELTON: Yes. So it's quite strange.

8 LADY SMITH: Yes.

9 MR SHELTON: That appears to be the position, so
10 unfortunate. And this does seem to have gone on for
11 really quite some time and staff at that time presumably
12 allowed this young person to go away with what we now
13 know is the perpetrator, Mr Hannah, and abuse him
14 elsewhere off-site, where, of course, the opportunities
15 will be that much greater, I suppose.

16 Are you able to help us with the kind of attitudes
17 that might have allowed that sort of thing to happen at
18 that time and, thinking about it also from a modern
19 perspective, what the staff's attitudes might be now if
20 someone was trying to get access or having access to
21 a young person in this way?

22 A. So the attitude is one perhaps I will struggle with,
23 because, actually, I can see no justification for
24 allowing this man near -- or to be involved in the care
25 of children. I think -- even the care of vulnerable

1 children around this as well. I am not clear from the
2 records whether or not Mr Hannah was -- his role as
3 a volunteer was through the children's home or through
4 another organisation. In many respects it doesn't
5 really matter. We should have still better understood
6 the motivation, the history, the risks attached to this
7 individual before enabling him to have access to a child
8 as vulnerable as the person who is referenced in that
9 newspaper article.

10 My view would be the March 1972 offence would
11 have -- should have been the red line. We should have
12 gone no further. That should have debarred him from
13 having contact with children.

14 Where I am thinking -- and there is a bit of
15 speculation on myself here, so please bear that.
16 I think, again, we were probably recognising that many
17 of the young people within Brimmond Assessment Centre,
18 they probably didn't have much contact with the world
19 outside Brimmond and perhaps this was a means of trying
20 to promote other opportunities, other activities, that
21 children could be -- could access and enjoy. You would
22 want to think that was the purpose behind it, in terms
23 of doing that. But this man was wholly inappropriate to
24 take on that role. As an organisation just now, we do
25 not use befrienders in that way at all.

1 There is an organisation within the city called
2 Befriend a Child who do recruit befrienders to care for
3 children who are probably living at home, or are living
4 at home or within their family network, to provide
5 social opportunities in a way that is intended to enrich
6 their lives around it. I know that their recruitment of
7 befrienders is robust and would include full disclosure
8 checks being undertaken before any individual is
9 introduced to a child at that point in time and there is
10 monitoring of those elements around it as well. But, as
11 a local authority, we do not use befrienders within our
12 children who are in our care. That is the role of staff
13 and we would want to sort of ensure that staff are --
14 actually have the time to undertake those activities of
15 enjoyment with children, that actually they can have
16 that sense of life beyond the children's home, actually
17 experience our city and our communities in a way that's
18 intended around that as well.

19 I don't know if that answers your question?

20 Q. No, it's very helpful. And I suppose you would say for
21 children to have a range of healthy, nurturing, safe
22 contact with adults is, on the whole, a good thing, if
23 that is properly done.

24 A. Absolutely, I would agree.

25 Q. Thank you. Just to complete looking at some records of

1 this particular young person; can we look, please, at
2 ABN-000003419?

3 This, again, is a sheet from social work records for
4 this particular young person. And, again, there are
5 dates in the margin and if we look at the entry for
6 12 November 1976, we see that the matron had been trying
7 to contact the social worker:

8 'When I phoned up she was not available. [Another
9 member of staff] ... advised me that the young person
10 had had a rather stroppy week this week and had to be
11 put in the cell on a couple of times.'

12 And in fact was in the cell at the moment because of
13 his behaviour:

14 'He certainly has had bouts in the past, but at the
15 moment they seem to be becoming more aggressive.'

16 So it is, first of all, to take from you the fact
17 that this is an example of the use of the cell on more
18 than one occasion for the same child, and also in the
19 context where the child's behaviour seems to be
20 deteriorating, at least that is apparently how the staff
21 saw it. Perhaps looking behind that a little with your
22 expertise; what might you say about the use of the cell
23 in these circumstances?

24 A. If I may, I think most teenagers can be stroppy and
25 I would hardly think stroppy behaviour justifies the use

1 of a cell and seclusion and detention within a cell at
2 that point in time. I think that speaks more to the
3 capacity of the staff to understand the child's needs
4 and circumstances than it does to speak to the child
5 themselves. It is to acknowledge -- I would acknowledge
6 that the cell is being used as a means of managing the
7 child's behaviour, but if you are being put in a cell
8 for what you probably would perceive as unjustifiable,
9 then it is hardly unsurprising that your behaviour is
10 going to become more challenging and more, you know,
11 difficult in some respects as well.

12 So I think to look at this and to look at this
13 individual's response to inappropriate use of the cell,
14 completely inappropriate use of the cell, I think is
15 hardly unsurprising and therefore to see a deterioration
16 or an escalation in his behaviour is hardly
17 unsurprising.

18 Q. I suppose behaviour which they regard as aggressive
19 might also be viewed as distress and increasing
20 distress?

21 A. And frightened and anxious, and all of those other terms
22 that we would actually recognise that children who feel
23 powerless and not heard and done wrong to, I think,
24 would actually respond in those ways. Behaviour is the
25 primary means by which adolescents communicate and that

1 is still true today.

2 Q. And just to finish that off, then, perhaps we can look
3 at another record. It is ABN-000003369. This is
4 a social work record, actually, in relation to
5 a different young person, a girl. We see the entry for
6 8 January 1976. It is slightly earlier that year. We
7 are told that this girl had run off last night with
8 another girl and hadn't returned by 2.00 am:

9 'The police brought them back and Mr GJQ
10 contacted Brimmond directly and had [the girl] admitted
11 to the cell overnight.'

12 The social worker visited Brimmond with this person,
13 GJQ, to see the young person:

14 'Advised that we would perhaps leave her in the cell
15 for a few nights and have the panel on 15 January 1976.'

16 And:

17 'Local school have advised that the young person
18 should not return until after the panel.'

19 In fairness, looking at the next entry for the
20 9 January, it is said:

21 'Mr Butler has asked that the young person be
22 returned to Westburn. Took her home today with strict
23 warnings to behave until panel.'

24 So, in the event, she is actually removed, I think,
25 from the cell and returned home the next day, having

1 been in the cell overnight. But the proposal seems to
2 have been to leave her in the cell for a few nights. If
3 the panel is on 15 January, that would be six/seven
4 nights.

5 A. I can see no justification for that and a complete
6 inappropriate use of detention in the manner that's
7 outlined in this record.

8 Q. Again, in fairness, that seems to have been the idea of
9 the social worker and not necessarily the staff at
10 Brimmond, at least on this occasion.

11 A. I mean, certainly as I read it, the police brought the
12 young person back to the Westburn Centre, where the
13 child was residing, and then, again, it was instigated
14 by Mr GJQ to see if that child could be placed within
15 the cell overnight. And, again, it's punishing, it's
16 not understanding, it's showing no sense of that
17 deprivation of liberty that we are talking around as
18 well.

19 Again, for me, even -- who is authorising that? Who
20 is actually having the oversee that Mr GJQ's request
21 is an appropriate request? There's no checks and
22 balances within that as well. The autonomy given here
23 to the staff with responsibility for the care of this
24 young person was, I believe, lacking oversight and, you
25 know, that worries me as well.

1 Q. Thank you. Moving then to consideration of a different
2 young person at a slightly later period in Brimmond's
3 history. The reference for this is ABN-000003532. And,
4 again, we see this is a set of social work records for
5 a particular young person. If we look at page 2, under
6 the heading 'Summary, January 1986 to March 1986', we
7 are told:
8 'This has been an extremely disruptive and upsetting
9 time for [the young person] ... two members of staff
10 [who are both named, and in one case the officer in
11 charge and the key worker] were both suspended
12 in January 1986 and subsequently dismissed. It seems
13 the disciplinary action stemmed from ... [the key
14 worker] having the young person and another youngster in
15 his home during the festive period and both were given
16 a small quantity of alcohol. He was suspended while the
17 allegations were investigated and immediately launched
18 a counter allegation against the OIC which encompassed
19 a number of issues. One of these involved [the young
20 person] sharing a bunk with the OIC on the boat trip to
21 Loch Ness last August. It seems she was the only girl
22 on the trip and this was the OIC's idea of the least
23 complicated sleeping arrangements. [The key worker] ...
24 had mentioned in August that he wasn't happy about
25 something that he'd heard, but didn't expand on it ...'

1 Given that we know these members of staff were
2 subsequently dismissed, it does seem as if these
3 allegations were found to be well-founded.

4 If we go to page 4, we see that the social worker
5 concerned, talking about a recent telephone
6 conversation, confirmed that she was:

7 '... concerned to learn when I visited Brimmond on
8 20 April that ... [the young person] had spent an hour
9 in the OIC's house the previous evening. I know nothing
10 about the purpose, composition or content of the
11 meeting, which could have been perfectly innocent, but
12 given the circumstances of the current recent
13 disciplinary action, I would question the wisdom of such
14 action. I would also be very angry if my already
15 tenuous relationship with ... [her] is jeopardised in
16 any way by her having such contact with the OIC, who
17 will know full well that I have been asked to give
18 evidence on behalf of the department at his appeal.

19 'I was also taken aback to learn on Sunday that
20 another member of staff had arranged to have [the young
21 person] in his house to do some domestic chores that
22 morning. Again, this was possibly perfectly innocent,
23 but I would question the wisdom of it and wonder if
24 [this individual] is aware of how such an arrangement
25 could place him in a very vulnerable position.

1 'My other concern is the wider issue of the
2 atmosphere in general within Brimmond at present, which
3 is understandably tense.'

4 So can you perhaps unpick a little bit of that for
5 us, Graeme, and unpick some of the difficulties that
6 that perhaps reveals about the situation?

7 A. So as I read this, we have an incident whereby a young
8 person has gone to the home of a male member -- a female
9 child has gone to the home of a male member of staff
10 over the Christmas period and has been given alcohol
11 within that context as well.

12 There's lots of unpicking in there. Again, the
13 whole issue of supplying alcohol is one issue, the lack
14 of oversight as to what was going on and the
15 vulnerability that that placed everybody in is there.
16 In response to that being investigated, here he makes
17 a counterclaim against the OIC in relation to sharing
18 a bed with the same young person on a boat trip. Wholly
19 inappropriate. Should not have been ever there. If
20 there wasn't sufficient sleeping arrangements, then we
21 should have curtailed or managed the trip in a way that
22 actually ensured safe sleeping arrangements. So there
23 was behaviours going on amongst the staff that the staff
24 knew, but actually had not felt at the time able to
25 raise and bring to the attention of others.

1 So not only is there a tit for tat going on across
2 the members of staff: 'You've got me in trouble, I want
3 to get you in trouble' and actually, it speaks to the
4 culture of the caring environment in which we were
5 place -- children were being cared for as well.

6 So, even having had all of that exposed, we then
7 find other staff taking young people back to their home
8 for domestic chores; wholly inappropriate in itself
9 around it and, otherwise, just the sort of lack of
10 appreciation of that as well.

11 There is also a sense within there that the officer
12 in charge, if that's who it was, would appear to have
13 been trying to sort of undermine, I suppose, some of the
14 actions being taken against him -- I am assuming it is
15 a him -- in relation to his disciplinary matters around
16 that as well.

17 So all of this just feels like a mess and really
18 needs to sort of -- it speaks volumes to the lack of
19 professional boundaries that I think staff were actually
20 utilising with children.

21 I'm not saying there isn't a space for staff to have
22 positive relationships with children outwith the working
23 environment, as in outwith Brimmond, but you that has to
24 be done through a pre-planned discussion with the
25 managers and all of that in place, as happens just now.

1 You know, if it's -- if a kid wants to go to watch an
2 Aberdeen football match on a Saturday, but a member of
3 staff is not on and is going; why not, you know, but
4 it's done in a planned -- pre-planned basis around it as
5 well. It seems as if we have blurred really clear
6 boundaries around it.

7 The fact that anybody, particularly a senior
8 officer, thought it was appropriate to share a bed with
9 a girl on a trip is just beyond all credibility.
10 I cannot believe that that was even deemed thoughtful.
11 And again, it speaks so much about how children were
12 viewed and treated at that particular point in time.

13 Q. Well, there's another document which perhaps follows on
14 from what you have just said, rather well. It is
15 ABN-000003336. This is, I think, a memo from a senior
16 social worker, dated 24 April 1986:

17 'I chaired a review today of the case of ... [this
18 young person] at Brimmond. She is currently based at
19 Balnacraig, but uses Brimmond for weekends.'

20 Next paragraph:

21 'I am aware that Gladys Maine has already written to
22 you regarding the recent discovery that ... [this young
23 person] had regularly been doing housework at weekends
24 in ... [a particular member of staff's] flat. I can
25 only underline her memo with the view of review members

1 that this member of staff would appear to be behaving
2 with an almost bizarre degree of stupidity, if the facts
3 are given. The concerns specifically in relation to
4 this particular girl would be about her being handed a
5 degree of power which she might well choose to abuse if
6 it suited her.'

7 What do you think is being got at there?

8 A. There is a suggestion within here that the girl might
9 make an allegation against the individual and there is
10 nobody there to disprove that allegation.

11 For me, it upsettingly speaks about the young person
12 themselves. And, again, it puts the responsibility onto
13 the girl and not onto the member of staff, who should
14 have been much more -- taking cognisance around it.

15 It also speaks to this girl being manipulative. It
16 also speaks to this girl to be potentially making false
17 allegations around it. It fails to recognise where the
18 power sits within the relationship. The power sits with
19 the adult who is responsible for her care, not with the
20 young child for whom we have caring responsibilities
21 for.

22 Q. Thank you. Just to round that off, at the foot of that
23 memo or note -- and I think this is referring back to
24 the apparent meeting that the young person had with the
25 OIC or, by this point, the suspended OIC:

1 'If the incident she describes is true, there must
2 be concerns about [the OIC] using the opportunities
3 provided by his continuing proximity to Brimmond to
4 discuss his case with any child resident there. It was
5 agreed that this further matter should also be drawn to
6 your attention.'

7 There is, again, a further layer of difficulty with
8 the intercommunication here; is that fair to say?

9 A. There is. But I think it also goes back to the very
10 first image that you showed me as well, that actually
11 puts the officer in charge at home within the confines
12 of Brimmond. So, if you are living and suspended, you
13 know, your ability to influence and oversee what is
14 going on, and in some respects to interfere with the
15 running of the home, is continuing.

16 You know, so when you are living on-site, to all
17 intents and purposes, then him being suspended from work
18 is almost, in some respects, meaningless because he is
19 actually living on-site at the same point in time.

20 Q. Next document is ABN-000003345. This is a handwritten
21 note. The author of it is -- it's not very clear, but
22 I think we may be able to see a signature on the second
23 page, at the end of the entry. And I think we know that
24 that is a member of staff at Brimmond.

25 So this is an entry about the young person that we

1 have just been talking about. There is some material
2 about what had happened that night. But there is
3 a passage which, if we scroll down, someone's
4 highlighted it. Again, not clear who has done that, but
5 this is clearly viewed as being a relevant passage.

6 If we look at it, we see:

7 '[The young person] admitted it's because she's
8 worried. Asked if the three suspended staff will get
9 back to work. Says she feels responsible for the three
10 staff having been in trouble. Says it's all her fault.'

11 Just pausing there. What does that say to you about
12 the way that this matter is being or has been handled
13 by -- well, perhaps both Brimmond and the
14 Social Work Department?

15 A. We haven't supported the young person is fundamentally
16 what it tells me; that this young person has had the
17 courage to share with her events which should not have
18 happened and, as a consequence of that, feels she is to
19 blame for the fact that those three individuals have now
20 been suspended.

21 We haven't, you know, protected her. And it also
22 says to me that the wider culture within Brimmond is one
23 which is still perhaps allowing her or enabling her to
24 feel guilty that, actually, she has -- by speaking out,
25 that she has set in place a chain of action. She is not

1 responsible for those individuals being suspended. It
2 is the individual's responsibility, nobody else's.

3 LADY SMITH: Yes.

4 MR SHELTON: If we read on in that highlighted passage, the
5 situation perhaps gets -- well, I think the word might
6 be 'odder', at the very least. It says:

7 'I explained that I didn't know anything about ...
8 [it is difficult to read that] or suspension, so
9 I didn't know. She explained she had been questioned
10 and questioned by different people and she had only told
11 what happened ...'

12 Or 'sidetracked'.

13 LADY SMITH: 'I sidetracked'. I think there is a full stop
14 after 'happened'.

15 MR SHELTON: 'I sidetracked [the young person] by explaining
16 what could have happened to me last year with [another
17 young person] when I was charged by the police with what
18 had happened in Strathclyde Region when staff allowed
19 young people to watch an X-certificate film on video.
20 They were suspended. I told [the young person] this was
21 normal procedure. I, as a member of staff, knew exactly
22 things that are right or wrong, but we just don't know
23 that we are doing any ill, really, until someone says we
24 are wrong to do things we think it's okay to do.
25 I spent half an hour with her. I certainly -- she

1 seemed more cheerful when I left her.'

2 Would you agree with me when I say that's, at the
3 very least, an odd passage in the notes that the member
4 of staff has made?

5 A. I would agree it is a very odd passage. But more than
6 that, the introductory few lines to that part that you
7 have just read speak worryingly about the information
8 being shared with the young person around it as well.

9 The fact that she says that she felt questioned and
10 questioned almost in some respects implies a disbelief:
11 'We are going to ask you again until you tell us
12 a different story, in terms of the story we perhaps we
13 want you to tell us, rather than actually one that's
14 honest'.

15 We know that if you repeatedly interview children
16 time and time again, their stories will shift to
17 almost -- they feel they can fit the narrative that you,
18 as the interviewer, or they perceive that you are
19 looking for.

20 LADY SMITH: Graeme, I read that questioning and questioning
21 as being something that appears to have taken place
22 within the home --

23 A. Yes.

24 LADY SMITH: -- as opposed to outside agencies then
25 questioning. So it's repeated questioning by members of

1 staff about her 'story' as they might call it.

2 A. Almost trying to undermine her.

3 LADY SMITH: Yes.

4 A. You know, actually, if you say a different version, and

5 a different version, well then actually there's

6 an inconsistency. Well, actually, no, she is responding

7 to that very oppressive form of questioning, if that's

8 a term I could use.

9 MR SHELDON: And with the passage as it carries on; does

10 there seem to be a sense in it that: 'Well, we, as the

11 staff, know best; we know what's right and wrong'?

12 A. Well, there is and there isn't. Because within that it

13 almost says, 'We don't know what we are doing wrong

14 until we are told we are doing wrong'. But, actually,

15 there is a common sense approach that actually you don't

16 allow children to watch X-rated films and videos. That

17 is just common sense, I'm sorry. And you shouldn't be

18 applying hindsight to that, that whole concept. You

19 are --

20 Q. It is quite an odd example to use.

21 A. Very odd example. You bring children up as children and

22 young people, not as young adults when they are still

23 children and young people.

24 Q. Thanks. We can leave that now.

25 Actually, just to round this chapter off, if we go

1 to ABN-000003342. We see this is now 2 May 1986. This
2 is a memo from a Mr Macpherson in social work to
3 Gladys Maine, who seems to have been the social worker
4 dealing with this, at least in part. And it says:
5 'Thank you for your memo about [the young person].
6 Now that [the OIC] has had his appeal dismissed, he will
7 be leaving the house at Brimmond. Accordingly, I would
8 hope that there should be no repetition of what you
9 describe.
10 'I have written to ... [the other member of staff]
11 about allowing ... [the young person] to be in his home
12 alone with him. I do not expect that he will repeat
13 this.'
14 LADY SMITH: So that's the two different incidents; the
15 alcohol incident would be the first one, would it?
16 MR SHELTON: The second one that has been talked about I
17 think --
18 LADY SMITH: The second one is the cleaning, yes.
19 MR SHELTON: She is cleaning, yes.
20 LADY SMITH: The one in the first paragraph looks as though
21 that's the --
22 A. I think that's the boat.
23 LADY SMITH: -- appeal against dismissal for giving girls
24 alcohol?
25 A. No, I think that's the boat trip.

1 LADY SMITH: Oh, that was the boat trip one.

2 MR SHELTON: That's the boat trip, my Lady, yes.

3 LADY SMITH: Which came to light because of --

4 A. The alcohol incident.

5 LADY SMITH: -- the steps that were taken against the member

6 of staff who gave the girls alcohol?

7 MR SHELTON: And apologies, I have lost the -- that's it.

8 Yes, he goes on to say:

9 'Overall, I hope we can minimise the damage done to

10 the kids at Brimmond arising from the events of the last

11 four months.'

12 LADY SMITH: Interesting way of putting it. He seems to be

13 accepting that the children will have been damaged by

14 this, perhaps irretrievably, and the best they can do is

15 minimise it.

16 A. Yes.

17 MR SHELTON: So we can draw that particular episode to

18 a close for the moment.

19 Then moving on to the case of another young person,

20 if we can start that issue or account at ABN-000003534,

21 please. The order of some of these documents is

22 sometimes a little confusing. I apologise if I haven't

23 got the order quite right, but I will do my best to make

24 sense of this.

25 ABN-000003534. So this begins at page 1, with

1 a note from Cordyce School, about this particular young
2 person, a boy. We see his date of birth is [REDACTED] 1974.
3 There is some material about the young person and his
4 routine, health and so on.

5 At the foot of the page, under the heading
6 'General', we are told:

7 '[In relation to contact with others], he has had
8 a couple of phone calls from his mum and dad. He also
9 has regular contact by phone and letter with his
10 befriender ... [who is named] although on one occasion
11 the envelope containing a letter from this person caused
12 staff concern as it implied that the contents were of
13 a pornographic nature.'

14 And it is said that there are plans afoot to try to
15 find foster parents for this young person.

16 So that's perhaps the first part of the context.

17 LADY SMITH: Is the other part -- is this about a youngster
18 who spends part of the week at -- is it Cordyce School?
19 And there's a reference to weekends at Brimmond?

20 MR SHELTON: That's correct, my Lady.

21 LADY SMITH: That's where he returns from looking dirty and
22 tired; do I have that right?

23 MR SHELTON: Yes.

24 LADY SMITH: Yes.

25 MR SHELTON: And indeed Brimmond is where he first

1 encountered the befriender, as we will go on to see.

2 LADY SMITH: Yes.

3 MR SHELTON: If we look, then, at page 3, I am taking this,
4 to some extent, in reverse order, but I hope that is the
5 right way to do it.

6 If we look at page 3, this is a review as at
7 14 April 1988, at Brimmond, of the case of this
8 particular young person. There's a lengthy list of
9 people present, including the young person himself and
10 his mother. And I think we note -- sorry, if we go to
11 page 6, please. At the foot of that page, or towards
12 the foot, paragraph 3, we see that the young person's
13 outings with this particular person, the befriender,
14 will now be extended to 4.5 hours fortnightly, in order
15 to widen their scope for activities. So this
16 is April 1988. Contact is being extended with the
17 befriender.

18 If we then go to page 7, there is another case
19 conference at Rossie, 31 August 1987. And, again, there
20 are details about the people present and if we go to --
21 sorry, I think it's page 14. This is a report for
22 a regional review to be held within Rossie, August 1987,
23 and there is some discussion about the young person's
24 admission to Rossie following the breakdown of his
25 placement in Brimmond. And there is material about him

1 towards the foot of that. It is said:

2 'At the time of writing, [his] mother has not
3 contacted Rossie, but has sent cigarettes to him. This
4 individual, the befriender, has sent numerous letters
5 and also a box of "goodies". He also visited
6 on August 20.'

7 Any concerns arising there?

8 A. I am concerned by the extent to which Mr GJU is
9 involved in the planning decisions for this young
10 person. He is noted on the previous review as being in
11 attendance to that. He is a befriender, you know, so he
12 has clearly managed to not only befriend the child, but
13 to actually begin to exert a level of influence on the
14 planning of this young person in there.

15 There is also that sense of Mr GJU sending
16 'goodies', even if that is just sweets and treats of
17 an innocent nature. Nonetheless, it is perpetuating
18 a cycle of trust or cycle of influence on this young
19 person, you know, given his circumstances.

20 LADY SMITH: And he is doing better than the boy's mother
21 is.

22 A. Correct.

23 MR SHELDON: So, if we jump back, next, this is back to the
24 case conference at Rossie, which is considering, of
25 course, the young person's position. Going to page 11,

1 second paragraph down on page 11:

2 'There is some discussion regarding the respective
3 roles of ... [the boy's mother and the befriender], who,
4 since his recent resignation at Brimmond, maintains
5 ongoing links with the young person in a volunteer
6 capacity. Both see this involvement continuing
7 indefinitely. Mrs Schofield [who I think is one of the
8 social workers] took the view that there was a need in
9 the first instance for some work to be done with
10 Mr GJU around the issues raised by the circumstances
11 of his resignation, as [the young person] has
12 inappropriately been made party to some of these issues
13 by the befriender. She did not see herself as at all
14 appropriately taking on that particular task, which
15 needs to be resolved before she can begin work with the
16 befriender and [the young person].'

17 But, moving down that page, we see that the mother
18 and the befriender then joined the meeting and were
19 given a full explanation of the proposals.

20 We see that right at the end, Mr GJU -- this is
21 page 12:

22 'Mr GJU accepted the proposals put to him
23 regarding his contacts with the young person while in
24 Rossie.'

25 So, against this background, there seems to be

1 continuing contact. We have the slightly concerning
2 behaviours. You have described it also as maintaining,
3 perhaps, inappropriate contact with the boy. He is
4 a former member of staff at Brimmond and yet has
5 continued in contact after he's resigned. We don't know
6 why he's resigned, but we will come onto another note
7 partly about that and if we can look --

8 A. But there is an inference in there that the
9 circumstances of the resignation required further
10 consideration prior to just enabling that contact to
11 continue without any check or further inquiry.

12 It also -- just that last sentence for me jumps out
13 because there is almost a sense that Mr GJU is
14 accepting of that position whilst in Rossie. Whilst in
15 Rossie, it almost says: 'When he's out of Rossie, I've
16 got enough influence with the family that I can find my
17 way back in there around it'.

18 That, for me, is what I am reading from that
19 position as well.

20 MR SHELDON: Yes. There are a couple of other documents to
21 look at to round off this story, my Lady.

22 LADY SMITH: I think we should leave those until 2 o'clock.

23 I will stop now for the lunch break, Graeme, and sit
24 again at 2 o'clock.

25 A. Thank you very much.

1 LADY SMITH: Thank you.

2 (1.01 pm)

3 (The luncheon adjournment)

4 (2.00 pm)

5 LADY SMITH: Good afternoon. Graeme, is it all right if we

6 carry on?

7 A. It is indeed.

8 LADY SMITH: Thank you so much.

9 A. Thank you.

10 LADY SMITH: Mr Sheldon.

11 MR SHELDON: Thank you, my Lady.

12 Graeme, before the lunch break we were looking at

13 a set of papers about a particular young person and,

14 just to recap, there's a befriender who we know is still

15 in contact with him and contact is allowed to him as

16 at September 1987 and April 1988. We know that this

17 befriender used to work at Brimmond, but resigned. To

18 pick up the story, then, perhaps from there, if we could

19 look next, please, at ABN-000003367.

20 We see that this is headed 'Volunteer's report'.

21 That's a report by the befriender concerned, dated

22 27 August 1987. He tells us:

23 'The following report is aimed at clarifying what

24 I see my role as being in terms of acting as a volunteer

25 worker to ... [this young person, this young man. Boy,

1 really, at this stage]. Although I would not normally
2 see it as being appropriate to write a report whilst
3 acting in this capacity unless asked to do so, I think
4 that it may enlighten those present at his review [which
5 is just coming up at this point] who have not had
6 previous knowledge of me and perhaps settle some of the
7 unresolved issues/anxieties which resulted from my
8 resignation at Brimmond by my co-workers in terms of how
9 this would affect my role with him in the future.

10 'I shall also outline my contact with him to date
11 and suggest as to how I could work with ... [that's
12 probably his social worker] with how I left Brimmond and
13 the bad example which I may have unwittingly gave him by
14 dealing with a difficult situation by avoidance.'

15 The next paragraph, reading short:

16 'I see my role, in terms of befriending, one which
17 is based on an informal and leisurely pace. It would be
18 inappropriate and unprofessional of me to expect that
19 I could continue to act as a one on one worker.
20 However, I would see it as being appropriate to give
21 every assistance to his key worker at Rossie, should it
22 be seen to be of benefit to enable for the work to
23 continue with him.'

24 Just pausing there, Graeme. What do you think of it
25 so far, as it were?

1 A. He's trying to set his own narrative as to what that
2 actually is. And I think he's -- it's there -- I think
3 the fact that it's there -- you know, it is not the role
4 of a befriender to write a report to a statutory review
5 process. You know, he's not got a definitive role in
6 the care plan around this as well. So I think he is
7 trying to set a context in which his role can continue.
8 I think it's not appropriate in the manner that he's
9 chosen to do so.

10 Q. Yes, he goes on:

11 "As a volunteer I have made a commitment to ...
12 [this boy] in terms of being a part of his life until he
13 decides otherwise. In terms of his past and how
14 significant people in his life have ended their contact
15 with him, it has almost always been done insensitively
16 and I'm therefore aware that my commitment may be for
17 some considerable time or, indeed, until he finds
18 a replacement.'

19 Reading short:

20 'Personally, I see my role just now as being quite
21 an important one for him because it reinforces that
22 someone does care about him and will continue to take
23 an interest in him. It provides him with a regular
24 contact with someone which he would not have otherwise.'

25 He goes on to say -- and this is a couple of

1 paragraphs down, heading 'Suggestion on how I could work
2 with Ann':

3 'I have put some considerable thought into this and
4 would attempt to explain/rectify the matter by saying to
5 him that I left Brimmond in the way that I did because
6 part of me was hurt when I did not get the depute's post
7 and when someone is hurt or angry, they sometimes do
8 something that they would not normally do. I think that
9 this way of putting it would perhaps enable ... [this
10 boy] to link this with some of his previous behaviour
11 and has acted out when he himself has felt hurt or
12 angry. I would also need to add that I was not a very
13 good example to set to him or my co-workers.'

14 Again, what should we make of all of that?

15 A. He's choosing to frame his departure from Brimmond in
16 a very particular way. He's setting the narrative
17 around that. He's trying to provide an explanation
18 which perhaps doesn't fully outline the concerns that
19 were being felt around his practice at that particular
20 point in time.

21 Q. Yes, he very carefully skirts around that.

22 A. He does.

23 Q. And, indeed, I think -- would it be fair to say that
24 that paragraph almost suggests that he is not giving
25 this young person the correct information or position

1 about why he left?

2 A. I think he's being disingenuous, if not dishonest, in
3 terms of actually how he's framing his departure from
4 Brimmond.

5 LADY SMITH: It's almost, also, as though he is looking for
6 the boy to be sympathetic to him.

7 A. Yes, I see that reading.

8 LADY SMITH: Doesn't it? It would be quite inappropriate in
9 his position.

10 A. Absolutely.

11 MR SHELTON: The next document is ABN-000003535. This is
12 more from this young person's file and it is a report to
13 the children's panel from the Social Work Department.

14 LADY SMITH: What is the date of the report, Mr Sheldon?

15 MR SHELTON: It is -- sorry, my Lady. It is 13 August 1987.

16 LADY SMITH: Thank you.

17 MR SHELTON: It begins with various information about the
18 young person and some involvement in substance abuse,
19 and offences and behaviour, which led to admission to
20 Rossie. But we are told at -- it is the second last
21 paragraph from the bottom:

22 'From 9 to 16 July ... [this boy] spent a very
23 enjoyable holiday with GJU [REDACTED], then SNR [REDACTED] of
24 Brimmond.

25 'On the day of his return from London, however ...

1 [he] began what can only be described as a series of
2 self-destructive incidents. While ... [he] perhaps
3 views these events as the normal him, it is clear that
4 previously his tendency was to be a loner and he was now
5 going about these activities in the company of older
6 children.'

7 Does it appear from that, that this holiday with
8 a member of staff at Brimmond was taken or carried out
9 with the knowledge of the Social Work Department?

10 A. Yes, it was.

11 Q. If we move to a slightly different aspect of this, then,
12 at page 4 of this document -- sorry, bear with me.

13 (Pause)

14 Yes, it is a report from a social worker, dated
15 9 January 1987.

16 '[The young person's] time at Brimmond has been
17 marked with periods of calm and other times of
18 disruption.'

19 Reading short:

20 'The Christmas holiday spent with his mother seems
21 to have been a success, according to both mother and
22 son, and they would both wish this contact to be
23 maintained through some form of monthly weekend visits.
24 [REDACTED] is extremely excited about this possibility, but
25 I have urged caution and reminded him that his mother

1 has at times let him down in the past. However,
2 providing ... [she] can show a commitment to such
3 a regular form of contact ... [then reading short]
4 I would hope that regular contact could be arranged in
5 a way that there could be visits in the forthcoming
6 year.'

7 That is 9 January 1987. If we move to the next
8 page, there is some further material perhaps arising
9 from that. This is an entry of 30 April 1987 and,
10 scrolling to the foot, there is a phone call to this
11 person, who at this time was working at Brimmond,
12 resigns, becomes befriender: 'Phone call to [him] to
13 arrange visit and get feedback of [the boy's] last visit
14 to mother.'

15 There was apparently a meeting in Glasgow and the
16 mother apparently made some allegations about the boy's
17 relationship to the befriender, referring to
18 homosexuality.

19 'The mother did not take [boy] to Glasgow on return,
20 but made him do journey from Ayr on his own. [The
21 boy's] been fairly quiet since his return from Ayr and
22 [the befriender] feels that [he] is questioning contact
23 with mother, perhaps realising that what she can offer
24 is limited.'

25 Perhaps starting to put some of this together,

1 Graeme; what would you make of this if you were looking,
2 perhaps, at the picture in the round?

3 A. So, I think, looking at all of those, I think another
4 observation from the previous document I had was the
5 narrative being shaped by Mr GJU in there was he was
6 almost trying to separate the child from his social
7 worker. He here appears to be trying to separate the
8 child from his mother in terms of how she is being
9 portrayed. He is setting the narrative of his
10 relationship with his mother, who I understand, from
11 reading this, would appear to live in Ayr, and the child
12 is obviously having some contact with them.

13 In the previous section you referred to, he spoke
14 about his mum letting him down on several occasions.
15 And whilst that may well have been the case, it's not
16 something that you would have put back to the child. If
17 they've had a successful visit over the Christmas
18 period; why would you not want to try and build upon
19 that rather than dismiss and demean the significance of
20 that in terms of the relationship around this as well?

21 So this man, it would appear from the various
22 documents that you have referred me to, I think he is
23 trying to separate the other adults in this child's life
24 from each other and from him, as a child, as well.

25 Q. Well, if we can start, perhaps, drawing more of the

1 threads together, if we can look, please, at
2 ABN-000003360. This is a handwritten note but it
3 appears to be from a social work file, again. It is
4 an entry for 7 April 1989, so jumping forward a little
5 bit. But perhaps bearing in mind that this boy would
6 still have been 14 at that stage, albeit perhaps nearly
7 15.

8 There is an account of a meeting about staff's
9 recent concerns about this boy's recent behaviour. Just
10 reading short a bit, after the word 'police', it's about
11 six lines down:

12 '...[the boy's] relationship with [this befriender
13 individual] was discussed. It's hoped that this will
14 fizzle out with time. Already ... [the befriender] has
15 expressed some concern to Ann about what [the boy's]
16 been saying about him [presumably the befriender]. It
17 is planned that staff will watch [the befriender's]
18 house to ascertain whether or not [this boy] is visiting
19 when he should not. However, the situation cannot
20 really be changed, if he chooses to see ... [the
21 befriender] there is not much we can do. [I think
22 that's [REDACTED] expressed her concerns about [the
23 befriender's] sexuality and involvement with the
24 occult.'

25 The note goes on to deal with some other material.

1 Perhaps if I can then go on to another document and then
2 I will ask you, again, to comment. It is ABN-000003354.
3 So this is another handwritten note of 20 May. The year
4 doesn't appear, but I think we can take it that it is
5 1989 again.

6 So there's an account, it's a slightly roundabout
7 account, but:

8 '[This individual ... the befriender] told me he had
9 a phone call from the [social worker] who told him that
10 [the boy] had said he'd got poppers from [the
11 befriender].'

12 It's a complicated story and I don't think we need
13 to concern ourselves particularly with the details of
14 it, except to say that the befriender's account was that
15 the boy had got them from a shop in Hutcheon Street.
16 They were sold openly on the counter next to cigarettes
17 and were advertised for sale. He said he went in and
18 checked out the shop and this was correct. The
19 befriender said he had never even heard of poppers
20 before, so had phoned Aberdeen drug line. Perhaps just
21 pausing there, Graeme; do you know what poppers are?

22 A. I do.

23 Q. What are they?

24 A. They are a substance that people would use to get a high
25 from. I would see them as being an illegal substance.

1 Q. Any particular contexts in which that might be of
2 particular interest?

3 A. Clearly, you know, the use of substances has a mind
4 altering effect; that is by their very nature what they
5 are intended to do. Poppers was at that point in time,
6 in the late '80s/early '90s -- was much more a sort of a
7 young person's sort of substance around that. But it's
8 just around his -- you know, his involvement around this
9 as well.

10 As I am reading this, again, a narrative is being
11 set that is trying to apportion responsibility onto the
12 young person and actually discredit the young person at
13 the same time as well. And so, again, quite
14 manipulative and quite, you know, extenuous(sic)
15 attempts to sort of really rewrite or present
16 a narrative that he thinks can protect himself.

17 Q. And just following on from that, if we read over the
18 page, to page 2, there is then an account of the social
19 worker interviewing both this particular boy and his
20 friend to see if there was any truth in what was being
21 said. And -- apologies, I have lost the particular
22 passage. It should begin 'On being interviewed
23 separately ...'

24 LADY SMITH: Probably a bit further down, maybe?

25 MR SHELDON: It is perhaps of some importance, my Lady, so

1 I do want to find it. I apologise.

2 LADY SMITH: Take your time. Take a moment to find it. It

3 could be further on.

4 MR SHELTON: Yes.

5 LADY SMITH: So we have the boy, I think, saying he never

6 said anything like that:

7 'Where did the idea come from?'

8 MR SHELTON: This is, I think, the friend saying that.

9 LADY SMITH: Oh, is it? Right.

10 MR SHELTON: Who I think is being blamed in part for what is

11 being alleged and the friend vehemently denies it, which

12 comes as something of a surprise to the social worker,

13 who, I think, had expected him to admit some

14 responsibility.

15 Oh yes, I am sorry my Lady. It is almost at the

16 foot of page 2. The social worker asks the friend to

17 leave the office and, four lines from the bottom:

18 '... went through whole business with [the boy] re:

19 pubs, poppers, and Oakbank.'

20 And he tells the social worker, quoting almost word

21 for word, what the befriender had said on the phone.

22 I will just ask you then what you make of all of

23 this, Graeme?

24 A. So I think we are back to the previous document and

25 linking this, you have a situation whereby, I think,

1 there is a sense that this boy is making contact with
2 GJU on an unplanned basis. He is doing so, and so
3 therefore there is a sense that we need to actually see
4 whether GJU's telling the truth about who's visiting
5 his house around that as well.

6 So, again, I think what you have got here is, again,
7 I think, that actually this man has been able to
8 manipulate the situation to such an extent that he has
9 in some respects turned it round here. So again, the
10 conversation that GJU has had with the social worker
11 has obviously happened either in front of the young
12 person or actually he has relayed it directly to the
13 young person to sort of almost distort the narratives
14 around this. This is very manipulative and quite
15 controlling behaviours, as I would see this, and really
16 quite exploitative as well.

17 But then again, the last line says that he is scared
18 of this individual, GJU, not only because of the
19 physical pressure, but because they fell out when they
20 were on their way back from Oakbank some time ago. So,
21 again, you've got a real sense here of the full extent
22 to which the befriender has inveigled himself into the
23 life of this young person and his wider network around
24 it, as well. Really, really quite concerning behaviours
25 and really manipulative, as I said.

1 Q. I think the original story that comes out at the start
2 of this entry is that in fact this young person got what
3 were then mood enhancing, I think, illegal drugs from
4 the befriender, from this former member of staff?

5 A. Yes.

6 Q. And when asked about it, gives an account almost word
7 for word the same as the member of staff?

8 A. Yes.

9 Q. So the implication of that?

10 A. He is supplying illegal substances.

11 Q. So, Graeme, just looking at this in the round, we have
12 looked at a number of documents now over a period of
13 two years in this young person's life; what is the
14 picture that emerges for you and, looking at this with
15 contemporary eyes, at what point should there have been
16 some intervention in what was occurring?

17 A. We have allowed an individual to have contact with this
18 boy way beyond the point when it was safe and
19 appropriate to do so. There were concerns, clearly,
20 about this man's departure from Brimmond and, at that
21 point in time, my view would be is that we should have
22 ensured that that relationship either came to an end or
23 came to an end in a manner that was supported and
24 protected to enable that child to move on to
25 different -- a different place.

1 He has consistently and really quite extensively
2 used his knowledge of the system to actually continue to
3 find a space, to have an involvement in this boy's life,
4 which I think has clearly been both exploitative and
5 abusive as well. And we have failed to sufficiently
6 protect the boy from this man.

7 MR SHELTON: Thank you. I am going to move on unless my
8 Lady has any questions about that --

9 LADY SMITH: No, thank you. That's very clear. Thank you,
10 Graeme, for that.

11 MR SHELTON: -- to another topic or another heading.

12 I suppose, broadly, this is a group of documents dealing
13 with use of language and, to an extent, the use of
14 restraint in the treatment of young people at Brimmond.

15 The first document is ABN-000003818. We can see
16 this is a set of entries in a child's file and this is
17 from workers at Brimmond. If we scroll down the page to
18 3 September 1984 -- I should say there is a context to
19 this, which is a suggestion of sexual activity by this
20 young person, consensual sexual activity. But at all
21 events, this is what transpires on 3 September 1984.

22 We are told that this girl was shouting the odds at
23 lunchtime. Very aggressive. An individual, who we
24 think is her boyfriend, wearing her jacket, which was
25 torn at the seam when there was a struggle between the

1 boyfriend and another boy. Girl swearing foully.

2 Reading short:

3 'Gladys told the girl a few home truths re: her
4 relationship (Inaudible) to staff and teacher. I had
5 occasion a few minutes later to go into [her] room to
6 remove [the boyfriend]. Words were exchanged and I was
7 called a "fucking little cow" by the girl. I answered,
8 "Well, I was not the Buxy bike". The girl threw
9 a hairbrush and struck me in the face and laid into me
10 with her fists. I restrained her on the bed.'

11 And eventually the two other boys leave the room
12 quietly.

13 So I suppose there's a degree of provocation there,
14 but what can you say about what's said and done?

15 A. So, firstly, I would agree there is undoubted
16 provocation, you know. For the young person to call
17 a name of a member of staff is fairly routine, you know,
18 and it's about their frustration around that. For the
19 insult then -- for an adult to then insult the child by
20 calling her 'the Buxy bike', then it just inflames the
21 situation. It shows a complete lack of control and,
22 actually, not only that, but it also then really is
23 insulting and quite rejecting of the child.
24 Unsurprising, a teenager, lower impulse, threw
25 a hairbrush and then reacted and then there was

1 a restraint on the bed.

2 So all of that situation could have been prevented
3 by simply just walking away with that name having been
4 hurled in the member of staff's direction. It is
5 completely unnecessary around it. Restraint on a bed is
6 quite interesting as well because, again, it is about
7 how that bed -- your bed is probably the safest place
8 you want it to be for these children and, again, we have
9 now made it unsafe for that child in whatever way it is.

10 If the restraint is face down, again there is a real
11 risk of airways being blocked in a way which is there
12 because your head is more likely to be squashed into the
13 mattress, the covers, whatever else it is around it as
14 well.

15 LADY SMITH: Is it also indicative of either a complete
16 absence or lack of appropriate training of the member of
17 staff to help them not to rise to the bait and, as you
18 say, walk away and leave it?

19 A. You're absolutely right and I found it interesting in
20 subsequent reports that spoke about the level of
21 training needed to be given to staff and really
22 reinforcing that.

23 So I think here we have, you know -- and again
24 a restraint by one adult on another child, there is
25 no -- it is just, again, really poor practice. You

1 wouldn't want that, for your own safety and for the
2 child's safety as well.

3 Q. Just for clarity, Graeme, would 'Buxy', might that refer
4 to Bucksburn?

5 A. Yes.

6 Q. So it's a locative insult?

7 A. Correct.

8 MR SHELTON: My Lady, there are a couple more entries
9 dealing with the point that my Lady has just made and
10 I will come on to those in just a moment.

11 LADY SMITH: Certainly, thank you.

12 MR SHELTON: The next document, ABN-000003480. This is in
13 relation to a different young person, another
14 girl, April 1985. It's an entry by an individual who is
15 a key worker, senior house parent, so this is presumably
16 a member of staff at Brimmond, as well as key worker.
17 There are various notes about this young person. But,
18 second paragraph from the foot, it said:

19 "[She] ... was involved in an incident this month
20 and had a member of staff charged with hitting her.
21 Since that happened ... [she] has been very quiet, in
22 fact is avoiding speaking to staff and kids.'

23 It's quite an interesting way of putting that, isn't
24 it?

25 A. Very interesting. And here we have an incident whereby

1 she's 'had' a member of staff charged. This child must
2 wield an awful lot of power over the police to simply
3 just have a member of staff charged. The member of
4 staff must have done something to merit the police
5 feeling there was a charge to be brought.

6 It also, you know, then speaks about the child being
7 quiet. You know, if this child -- if a member of staff
8 has hurt a child, as I would infer from the statement,
9 this child has got no trust in the staff who are
10 responsible for her care, so why wouldn't she be
11 avoiding -- an avoiding of staff and other young people,
12 you know.

13 Going back to your earlier point, when she was, you
14 know, quiet in her room and her lack of attention to her
15 own self-care, all of that speaks of a child whose
16 self-worth has been devalued and I think the care and
17 the physical environment and the responses from staff
18 just reinforce those feelings of worthlessness that I'm
19 sure she probably felt at that point in time.

20 Q. All right. I should say that there is another entry.
21 I don't think we need to go to it, but just for
22 reference's sake, there's an entry in another document,
23 ABN-000003488, recording an assault on her by a staff
24 member, 23 April 1985 --

25 LADY SMITH: All right. Thank you.

1 MR SHELDON: -- police called. It is not entirely clear
2 that it's the same incident, but it seems likely.

3 Indeed the next document, which I think we will look
4 at, is ABN-000003488. This is a set of entries
5 for April. I beg your pardon, I'm sorry, I have given
6 you the wrong reference. It is ABN-000003482. 3482.
7 This is an entry in 1985. It's not clear exactly when,
8 so it's difficult to relate it to the last entry we
9 looked at.

10 But what we are told is there is an account of two
11 girls, including the one we have just heard about, being
12 under the influence of drink. They return to Brimmond
13 and, about five/six lines down, one of the girls
14 decides, it's said, to run away:

15 'I took off after her then ... [the other girl] ran.
16 I decided I was not going to be messed around, so
17 I called another member of staff who was on call. When
18 we arrived back at the Beacon, the two girls were still
19 there, but now in the company of ... [a third girl] who
20 was under the influence of solvents. As soon as the
21 girls saw Bill and myself, the abuse started. Bill
22 removed ... [two of the girls] and I was left with ...
23 [a third].'

24 Taking matters short, they get back to Brimmond and
25 two of them quietened down, but a third 'had to put on

1 a show for the rest of the group'. Three were given
2 a drink and put to bed.

3 Reading short again:

4 '[This particular girl] was a pain in the neck. She
5 was hysterical and very abusive. At one stage she
6 started to punch out at me. I slapped her face to try
7 to quieten her down.'

8 And I think another member of staff who was there
9 tried to speak with her:

10 '... as did Bill and Bernie, but all three just
11 received abuse. At the end I put her into a room, sat
12 on a chair and held the door for about half an hour.
13 When she realised what I was doing, she soon went to her
14 bed.'

15 So not so much a use of language issue, but, again,
16 perhaps an issue of -- well, I suppose a lack of control
17 and a lack of, again, training?

18 A. Yes. I think you can draw those two conclusions.

19 I think to slap a girl's face when she was dysregulated
20 never really, in my opinion or my experience, has drawn
21 a quietening of the situation and to feel that was all
22 right is there. And, again, I think it just further
23 reinforces the fact that, you know, the use of physical
24 intervention was too freely used within this residential
25 environment.

1 Q. It's quite interesting also what this, the writer of
2 this note says earlier on about:
3 'I was not going to be messed around.'
4 A. Yes.
5 Q. Is there a sense there of, 'I'm going to show these
6 girls who's boss'?
7 A. Yes, absolutely, and I think that came across, comes
8 across in a lot of the accounts that we have seen in
9 relation to Brimmond.
10 Q. All right. Let's go to, I hope, round off then with
11 a final document. It is ABN-000003556.
12 First page, there's an account of an incident on
13 31 January 1985. I think we don't need to trouble
14 ourselves with the details of that but, about halfway
15 down, it is said:
16 '... [this particular girl involved] was quite upset
17 in the car coming back. By the time she got back to
18 Brimmond, apparently she went hysterical in her room.
19 It took three members of staff to try and calm her down
20 and, in the interim, Bill phoned the Accident and
21 Emergency service, who indicated that, due to her past
22 record, that she should be taken down to the hospital.
23 Apparently she had been drinking that night and they
24 wondered if she had been mixing this with tablets. She
25 was very violent towards the ambulance men and the

1 nurses on arrival and was not willing to sign herself in
2 at the hospital. We had a fairly lengthy discussion
3 [I think must be one of the social workers or key
4 workers involved writing this] on the matter and I would
5 have to say in all honesty that I think it was handled
6 wrongly. The situation got out of control and spiralled
7 into a drama and a crisis that need not have arisen in
8 my opinion.'

9 So, first of all, it's really rather an unclear
10 note, would you agree, that it took three members of
11 staff to try and calm her down, but what was really
12 being done then -- what's your take on what was being
13 done at that stage?

14 A. So from there I have no sense of why it was felt
15 necessary to phone Accident and Emergency. This girl
16 was dysregulated in her room. There's no sense of
17 an immediacy of care. Or was it their view that this
18 young person may have taken something on top of the
19 alcohol that is there?

20 And this is now a pattern. Again, it's failing to
21 sort of understand the sense that this young person is
22 feeling completely unsafe within the environment that
23 she is living within. I think they sought to label her
24 behaviour in a particular way through that, their
25 approach to Accident and Emergency, almost to sort of

1 validate the concerns that they may or may not have had
2 about this young person taking substances on top of
3 alcohol.

4 Q. Yes, and if we look onto the next page, page 2, there's
5 a couple of interesting entries. The first is
6 30 January 1985. I think this may be another account of
7 the same incident. But, at all events, we are told,
8 about halfway down:

9 '[The young person] ... seemed to generate her
10 hysteria to the point it was uncontrollable. Doctor
11 consulted. Taken in to hospital. Refused treatment.
12 Had to be restrained by Helen M [I think one of the
13 social workers].'

14 So things have escalated there, if this is the same
15 incident, and it seems to be, to the point that she had
16 to be restrained. But I don't think we really got that
17 account in the previous entry that we saw.

18 A. No, it was certainly missing.

19 My reading of the previous entry was Brimmond
20 phoning the allocated social worker to update them on
21 the incident, so whether there was something in the
22 recording there that was not captured -- but certainly,
23 there, there was no reference to the restraint at the
24 hospital, as is documented in here.

25 Again, my concern would be -- is some of the

1 language. You know, 'turfed out of bed at 1.15 pm'.
2 Again, that language is not one that I would feel is
3 appropriate. And again, it's that sense of: this child
4 has obviously taken something, whether it's alcohol or
5 something else is obviously unknown. But, again, the
6 immediate response is, 'Let's take her to hospital',
7 rather than actually, 'Let's try and actually wrap
8 around her and support her and care for her and actually
9 make her feel better about herself. Let's try and, you
10 know, get a sense of this'. And I'm not saying that's
11 never appropriate but, again, the immediate response
12 here -- hospital is almost the first response, rather
13 than a secondary response.

14 Q. Yes, and if we read down to the end of that page, entry
15 11 February 1985:

16 'Meeting with Alasdair Muir, myself and ... [the
17 young person].'

18 I guess a message with her key workers and/or house
19 parent:

20 "Alasdair expressed concern over the philosophy of
21 Brimmond and how it affected [her, the young person].'

22 So, even some of the staff seem to have had some
23 concerns about the way these things were being handled?

24 A. Yes, I'm not sure who Alasdair is, whether he is
25 a member of staff or whether he's from, you know, the

1 Child Mental Health Service or indeed somebody else.
2 But, certainly again, certainly there is expressing
3 concern that does the philosophy and approach to caring
4 for these young people actually escalate concerns and
5 trigger responses from the young people whereas
6 a different approach would be, you know, a much more
7 calming response, rather than the one that actually
8 seems to just provoke it further.

9 Q. And if we read on again, page 3, this is an entry for
10 25 July 1984, an entry which perhaps underlines that.

11 There is an entry at 6.55 pm, on the 25 July. The
12 young person, we are told, goes upstairs. There is
13 an account of the young person wanting to apologise to
14 another person. Making threats. The member of staff
15 told the young person that he would not let her in until
16 she had calmed down and thought of a better way of
17 saying sorry. Reading short again, about seven lines
18 from the bottom:

19 'I could not stop her coming in. She stood over ...
20 [this other young person's bed] demanding an apology,
21 making threats. I could not allow this to continue.
22 I asked her to leave the room. She refused. Threatened
23 ... [this other young person] again and then hit her
24 over the head with some force. I separated them and
25 grabbed hold of [the young person] and threw her out of

1 the room, unfortunately with too much force. She
2 bounced off the wall in the corridor, hurt her back, in
3 tears for a while. I managed to speak to her about this
4 incident later.'

5 And the member of staff identifies himself. So,
6 again, there's a sense in which this all gets a bit out
7 of control; is that fair to say?

8 A. It is. It's also the use of the word 'unfortunately' is
9 really quite stark in the reading of that. And, again,
10 you know, the staff member is out of control. The young
11 person is out of control. It is not a good mix when you
12 have that and it is for the responsibility of the staff
13 to remain in control of themselves and try and consider
14 what some of the responses might be from situations
15 ahead of those situations actually happening.

16 Q. Yes. As you say, the use of the word 'unfortunately' is
17 a bit disingenuous; is that a word you would use?

18 A. Absolutely, yes.

19 Q. And --

20 A. And almost then the sentence -- if you don't mind me
21 interrupting you there?

22 Q. Not at all.

23 A. Was 'she bounced'.

24 Q. Yes.

25 A. You know, I'm sure she didn't bounce. I am sure that

1 would have been really sore. And, certainly, you know,
2 there is something around that that in itself is quite
3 disingenuous.

4 Q. It does have the feel of really quite a violent
5 incident, doesn't it?

6 A. It does.

7 Q. The final entry here is on page 4. This is a report of
8 an incident on 9 February 1985. Although the immediate
9 incident involves a different girl, the girl that we
10 have really just been principally talking about here in
11 the records is also present, we can see. And we are
12 told that 'girls were in a state of intoxication' and,
13 third paragraph down, 'the girls are shouting and
14 screaming':

15 'Both myself and ... [another member of staff]
16 escorted the girls up from the Beacon to the main road,
17 asking ... [I think a third member of staff] to come
18 down to the Beacon Centre to pick us up. Whilst waiting
19 for him, both Mr Ryan and myself had to physically
20 restrain at different times the three girls, the first
21 two more than the last. I was holding one of the girls,
22 who punched and kicked me on several occasions [he says]
23 leaving marks, bruises on my arms and legs, and I had to
24 slap her once with the flat of my hand across the side
25 of her face, not forcibly, but sufficiently hard to snap

1 her out of an hysterical violent turn towards me. This
2 worked and she quietened down to a manageable state.
3 Unhappy as I was having to do that, I had no other known
4 alternative, as far as I was concerned.'

5 So, leaving it there, this is another slap, another
6 use of violence to restrain, and he uses the words
7 'hysterical girl'.

8 A. It also fails to recognise that actually what would be
9 the legacy of that slap, you know, for that young
10 person? The trust will have gone from the relationship.
11 And even if you take it up to the very first paragraph,
12 they were asked to go down to apprehend the girls at the
13 Beacon Centre.

14 The Beacon Centre, my Lady, is a sports centre at
15 the top of Bucksburn. It would be their nearest sort of
16 meeting point for teenagers around that point in time.
17 But again, it speaks to a culture of really quite --
18 rigidity, quite forceful care that that was being
19 delivered to young people; that sense of three slaps you
20 have now referred to, whereby if people become
21 dysregulated, a slap seems to be the cure all, and we
22 know it's not. It is very much -- it undermines the
23 confidence, the trust, of the young person in those
24 responsible for their care. It doesn't engender
25 their -- it speaks to a lack of training of the staff

1 members and a lack of understanding as to the sort of
2 psychological impact their actions would have had on the
3 young person.

4 LADY SMITH: Going back to the language, I think the sort of
5 language I think you have picked up before, 'I had to do
6 this'.

7 A. Yes.

8 LADY SMITH: 'I had to slap her with the flat of my hand on
9 her face.'

10 No, you didn't. At least you have recorded it,
11 I suppose you could give him credit for that. But there
12 was no outside force or rule requiring you to do that.

13 A. No.

14 MR SHELTON: And it seems, my Lady, to have been, really,
15 the modus operandi, the standard mode of dealing with
16 distressed girls, at least on the part of male staff at
17 Brimmond; does that seem to be what appears from these
18 records at least?

19 A. It does, yes.

20 Q. And following up on Lady Smith's point, if we read down
21 to the end of that entry, there is a paragraph about
22 four from the bottom:

23 'I contacted Ms Moira Christie ...'

24 Do you see that?

25 A. Yes.

1 Q. '... the social work manager to inform her of my taking
2 the girls to the station, explained the problems,
3 omitting at that time to inform her of my slapping ...
4 [this particular girl] but intending to do so at the
5 earliest opportunity.'

6 Why do you think he omitted to tell her about that?

7 A. I think there was probably a conscious understanding
8 that what that action was, was wrong, and, therefore, by
9 admitting it, didn't want to portray their actions in
10 a negative light; that they were seen as being solely
11 trying to help the situation, not actually inflaming it,
12 as their actions would appear to have done.

13 LADY SMITH: Is his comment:

14 'Now is not suitable as it's 1.25 am on Saturday
15 morning.'

16 His explanation for not doing it even then, at
17 presumably the time he was making this record?

18 A. That would be as I read it.

19 LADY SMITH: That won't do either as an explanation --

20 A. No.

21 LADY SMITH: -- will it?

22 A. No.

23 MR SHELDON: Perhaps just to round this off, then -- and it
24 will be the last thing I look at, Graeme -- if we could
25 go back to the A to D, please. It is just a short

1 point, but it follows on from this, I think.

2 A to D, page 41, please. In response to a question
3 about changes in the culture of the organisation, just
4 at the top of page 41.

5 Does my Lady have that?

6 LADY SMITH: I do, thank you very much.

7 MR SHELDON: The paragraph beginning, 'There is some
8 evidence ...'

9 LADY SMITH: Yes, yes.

10 MR SHELDON: There is reference to various developments, the
11 Arm's Length Inspection Unit, the Skinner Report, and so
12 on. But, just at the end of that paragraph, we are
13 told:

14 'The Staffordshire Council "Childcare inquiry report
15 on pindown", 1990, highlighted the misuse of approaches
16 by staff. Aberdeen City Council trained staff in
17 therapeutic crisis intervention approaches which changed
18 to PROACT-SCIPr in the early 1990s. The use of
19 restraint is not now sanctioned in children's homes.'

20 And I think you have told us about that in relation
21 to the Oakbank chapter. But I suppose the first point
22 is all right, staff are now being trained. I suppose
23 that clearly came too late to address incidents like the
24 ones we have just been looking at.

25 Can I ask you, then: what was it that started to

1 prompt local authorities like Aberdeen to give training
2 in restraint techniques or incident handling techniques,
3 if I can put it that way?

4 A. I think what we know is that when staff have used
5 restraint in relation to children, they have at times
6 caused injury to children, which has required hospital
7 treatment and care. We know that just the physical size
8 of adults and the physical size of children, I think in
9 a moment of a crisis -- if I can call it that -- then if
10 you respond with force, then there is a greater risk of
11 that -- injuries occurring.

12 Q. And we saw that, perhaps, in the incident where the girl
13 was thrown across the room?

14 A. Correct. So the whole issue of PROACT-SCIPr was
15 around -- yes, whilst restraint was part of it, it was
16 more about -- the results were -- a large part of is
17 about the deescalation of incidents. It is about trying
18 to think about --

19 Q. I was going to ask you -- if I can cut across you for
20 a moment? I don't think we have come across
21 PROACT-SCIPr before and I just wonder if you could talk
22 us through what that is?

23 A. I will do my best. I am not an expert on PROACT-SCIPr,
24 so I would just qualify that. But, essentially, it is
25 about actually trying to think of incidents, how you use

1 yourself, how you use your body, body language, to try
2 and de-escalate situations, your tone when situations
3 are getting heightened. You actually lower your voice,
4 rather than actually raise your voice to actually try
5 and ... so it is some of those de-escalation techniques
6 that we would try and utilise to prevent situations
7 requiring us to actually hold children in a restraint.

8 But, undoubtedly, you know, at times there is still
9 a sense that actually if those situations couldn't be
10 de-escalated; how do you do so in a manner that doesn't
11 cause injury to a child and, indeed, to those
12 restraining?

13 You know, we can do that in a way that is safe to
14 all. Even that has risks attached to it, and that's why
15 we have made a conscious effort to not train our staff
16 in the use of physical restraint and very much want to
17 practice in a way which does still that de-escalation,
18 but also uses our relationships with the young person to
19 sort of really get ahead -- you know, understand and
20 intervene in a way which actually these incidents don't
21 happen. Does dysregulation happen in our children's
22 homes as I said previously? Yes, it does, but we don't
23 respond in a way that actually results in children being
24 restrained. If we're to have trust in our young people
25 or for the young people to have trust in us as those who

1 are responsible for their care, that's just broken as
2 soon as we look to pull them on the ground in a manner
3 that is quite degrading and actually really distressing
4 and hurtful for the young person, as well.

5 Q. But, just to be clear, the PROACT-SCIPr technique or
6 approach, that did -- we understand you don't use
7 restraint now, but PROACT-SCIPr did ultimately
8 (inaudible) restraint?

9 A. It did, yes.

10 LADY SMITH: What does SCIPr stand for?

11 A. Can I come back to you on that?

12 LADY SMITH: Yes. Acronyms can be a nightmare. If you do
13 remember --

14 A. I will ask colleagues to get back to the Inquiry.

15 LADY SMITH: Thank you.

16 MR SHELTON: And you may not be able to help us with this,
17 Graeme, but I think we have seen therapeutic crisis
18 intervention in use, really, throughout the 1990s. Why
19 did Aberdeen -- if you know this: why did Aberdeen
20 decide to change to this different approach from TCI in
21 the early 1990s?

22 A. I'll qualify that just slightly further. I think
23 Aberdeen's Children's Social Work chose to move away
24 from TCI. I think there was still TCI being used in
25 other settings within the council around that as well,

1 education being one of those settings.

2 But in terms of us, it was again, I think, a further
3 sense that we wanted to try and not use restraint,
4 physical restraint, where we wanted our staff to have
5 an enhanced skill set to not put hands on children in
6 a way that was, I think, risky. But, actually, try to
7 use more de-escalation techniques around that as well.

8 LADY SMITH: I see.

9 MR SHELTON: So, presumably, that implies that PROACT-SCIPr
10 was considered to be a less interventionist form of
11 approaching these incidents than TCI was?

12 A. Correct.

13 Q. All right.

14 A. But as to what triggered that move, I couldn't honestly
15 particularly say whether there was a particular incident
16 or a particular methodology, or practice development.
17 I wouldn't want to say specifically.

18 MR SHELTON: All right.

19 LADY SMITH: Mr Sheldon, it is after 3.00. I would normally
20 take a break at this stage.

21 MR SHELTON: My Lady, I don't have any more questions for
22 Graeme. Unless, Graeme, you want to add anything else,
23 those are all the questions I have. Thank you very
24 much.

25 A. I don't have anything else I want to add. I know I am

1 back on Friday and I will look forward to that.

2 But I think I would also just want to acknowledge,
3 I think, what you have illuminated today is, I think,
4 really a chapter in our care of young people, which is
5 not one that I am particularly proud of and I would want
6 to acknowledge the hurt, and the distress, and the harm
7 that children have experienced in our care.

8 LADY SMITH: Graeme, thank you. Thank you again for being
9 as frank as you have been before with me and as
10 impressively professional in your approach to this.
11 I really appreciate that.

12 We look forward to seeing you at the end of the week
13 as well.

14 A. Thank you.

15 LADY SMITH: I am able now to let you go.

16 Okay, we will take the mid-afternoon break just now,
17 Mr Sheldon, thank you.

18 (3.06 pm)

19 (A short break)

20 (3.21 pm)

21 LADY SMITH: Ms Forbes.

22 MS FORBES: Yes, my Lady, there are some read-ins now.

23 However, I am reminded that there were some names
24 potentially mentioned during Graeme Simpson's evidence
25 that may relate to alleged abusers, and I think also

1 somebody who wasn't on the list, but was referred to as
2 Bill, and perhaps a young person who is referred to by
3 their first name as well.

4 LADY SMITH: Very briefly, that's right. And one of the
5 names was GJU [REDACTED], if I am right about that.

6 MS FORBES: Yes.

7 LADY SMITH: And he is not to be identified outside this
8 room. Any young person who was in care that's named
9 cannot be named outwith here.

10 Who else? Bill?

11 MS FORBES: There was a reference to a first name of Bill,
12 I think, my Lady, which isn't on -- I think he was taken
13 off the list.

14 LADY SMITH: I think I know who it is. Somebody called
15 Bill, who might be the only Bill on our list, is not to
16 be identified outside this room. And was that it?

17 MS FORBES: Yes.

18 LADY SMITH: I think so. Very well.

19 MS FORBES: My Lady.

20 LADY SMITH: Thank you.

21 MS FORBES: My Lady, the first statement to be read-in is
22 that of an applicant who is anonymous and known as
23 'Adrian'.
24
25

1 'Adrian' (read)

2 MS FORBES: The reference to his statement is

3 WIT.001.001.0061.

4 LADY SMITH: Thank you.

5 MS FORBES: 'Adrian' tells us that he was born in 1963 and

6 then talks about his background from paragraph 2

7 onwards. He tells us that his family home was in

8 an area of Aberdeen and there were seven children in the

9 family. And I think he explains that he was the

10 youngest. He explains also that his mother had a mental

11 breakdown after he was born and went into a mental

12 hospital, along with him.

13 'Adrian' describes that when they came out of that

14 hospital, he seemed to be misbehaving at primary school,

15 and they couldn't handle him. He describes himself as

16 a 'bit of a rogue'. He was then sent to a school in

17 a sick children's hospital. He was still only primary 1

18 at that time. And he thinks he was seen by

19 a psychiatrist there. He remembers them saying he was

20 'hyper'. At first, he went daily to the hospital, but

21 then began living there. He then moved from the

22 hospital to a children's home and he says he got moved

23 around a lot when he was young and it's hard to remember

24 much about it and he's not very clear on dates.

25 In the following paragraphs, from 6 onwards, he

1 talks about being in different children's homes and he
2 says he was the only one of the seven children in his
3 family who went into care.

4 We know, my Lady, from his records that he was in
5 a family home from [REDACTED] 1969, run by the
6 local authority and he was moved to a children's home
7 then in [REDACTED] 1969 and then to another home
8 in [REDACTED] 1970, before being admitted to a particular
9 school in [REDACTED] 1970. And he was then sent to another
10 house or home, from [REDACTED] 1972, when he was only aged
11 8. And he talks about that place from paragraphs 11 to
12 29. So he was only 8, from the records that we have,
13 when he went there.

14 Secondary Institutions - to be published later
15 [REDACTED]
16 [REDACTED]

17 He then talks about the fact that he was told he was
18 going to get moved by a new social worker that he
19 received. He was getting moved back to Aberdeen. This
20 is when he was admitted to Brimmond and he talks about
21 Brimmond Assessment Centre from paragraph 33 onwards.

22 We know from his records that he was admitted there
23 on [REDACTED] 1974, when he was aged 11 years, although
24 he says himself that he doesn't remember when it was
25 that he was admitted to Brimmond. He remembers he was

1 taken there by his social worker and he was told that he
2 was moving back to be closer to his parents. He
3 remembers it being dark when he got there and being put
4 straight to bed, and then, after that, he never saw his
5 social worker whilst he was at Brimmond. And he says
6 that Secondary Institutions - to be published later

7 Secondary Institutions. He talks about Brimmond at paragraph 35,
8 saying:

9 'It was an assessment centre for young people who
10 had done something wrong. It was specially built as
11 an assessment centre and had a cell with a bed in it,
12 like you see in a police station.'

13 And he talks thereafter about young people being
14 sent there by children's panels for assessment, usually
15 for about three months, and thereafter they would be
16 sent somewhere else.

17 Paragraph 37, 'Adrian' goes on to say:

18 "I didn't know what kind of place I had been put
19 into. I remember waking up the first morning and
20 thinking to myself that I would get up and go out to
21 play. I thought it was just another children's home.
22 I then found out that we were locked in. There were
23 locks on the doors and windows.

24 'The place was meant to be Mr and
25 Mrs ERL-ERM, but you rarely saw Mr ERM.

1 Mrs ERL [REDACTED] was called 'matron'. She took [I think
2 that should say more to do with the girls] ... although
3 we did see her at times. The place was [REDACTED] a bloke
4 called KEF [REDACTED]. He was the bad one.'

5 He then goes on to talk about routine from
6 paragraph 39 and says there were boys and girls there,
7 and the ages were about 14 to 16, but he was still
8 a primary aged child and was the youngest there. He
9 says they sometimes mixed with the girls, but they were
10 mainly kept in a separate part and they slept in
11 dormitories.

12 At paragraph 40, he goes on to say:

13 'You got up in the morning, made your bed and then
14 swept up the bedroom floor with a dustpan and brush.
15 You didn't get to use a Hoover. We then went down for
16 breakfast in the dining hall. We walked in size order,
17 smallest at the front.

18 'KEF [REDACTED] made you stand at your chair and wait
19 until he told you to sit down. You had to pick up your
20 chair and sit down without making a noise. Once you sat
21 down, he would stand at a radiator while you ate. The
22 first thing he said every morning was, "Who's the one
23 who's going to piss me off today?" Those were his first
24 words every day. That was to put the fear in you. He
25 was always looking for a reason, such as talking, to

1 give you a hiding.

2 'We wore a uniform, which was jeans and a brown
3 jumper with a stripe. When we went out walking, we wore
4 tackety boots which were like army boots and a parka.
5 We used to go walking up Brimmond Hill.

6 'Brimmond had its own gym, but sometimes we went
7 down to the Beacon gym in Bucksburn on a Friday. They
8 would make us all run down there in shorts and trainers.
9 Maybe it was for our own good to keep us fit, but it was
10 embarrassing as everyone knew we were the Brimmond
11 boys.'

12 He also says he doesn't remember seeing any medical
13 staff or psychologists and he doesn't know how people
14 were assessed, but he thinks they must have been getting
15 assessed as they were there for three months, and there
16 must have been something going back to the panel. He
17 thinks that he wasn't assessed and didn't go through the
18 same process as others. But we do have some records, my
19 Lady, that show he was. Reports were being written on
20 him whilst he was there.

21 He does make the point, at paragraph 44, that they
22 kept him there like it was a normal children's home and
23 there was no one else in there like him. The rest of
24 them, he says, were crooks and he shouldn't have been
25 put in there. He hadn't done anything wrong and hadn't

1 been to a children's panel.

2 He goes on to tell us about education from
3 paragraph 46. He says he didn't attend school when he
4 was in Brimmond and there was no teaching at all in the
5 place and they knew he couldn't read or write. And he
6 thinks that the education department must have assumed
7 that he was getting educated there.

8 He then tells us about abuse, and it is headed
9 'Abuse by KEF' from paragraph 47. He says:
10 'KEF battered us about like we were rag
11 dolls. He would kick you, pick you up and throw you
12 about and really lay into you. I think the first time
13 he battered me was only about two or three days after I
14 got there.

15 'He kept himself very fit. He boasted about being
16 ex-SAS. He wasn't that tall, but was well-built. You
17 could see he was fit. He didn't need to use anything
18 other than his hands and feet when he battered you.

19 'The hidings happened to someone every day, except
20 for a Thursday, which we called "mad Thursday" because
21 that was his day off. We thought we could get away with
22 things that day because he wasn't there, but it always
23 turned on us, as the staff would tell him what we had
24 done and one of us would get a hiding the next day. We
25 still used to do it, though. We were like dafties, not

1 thinking it would get back it him.

2 'He got very angry if our football team lost and he
3 would batter the person he blamed for playing badly. He
4 would always be the bowler when we played rounders and
5 he used a proper cricket bat, so that you got hit hard
6 if you didn't manage to bat the ball. He was big
7 bully.'

8 He then says he remembers a boy coming in, who he
9 names, who he says became a friend of his and he glue
10 sniffed with him later on. At paragraph 51, he says:

11 'He was just in the door five minutes when
12 KEF headbutted him and knocked him unconscious.
13 I think he did that because he was about six feet tall
14 and KEF wanted to prove a point to him. He
15 wanted to let him know that he was not to be messed
16 with.'

17 He says:

18 'The boy was left lying in the stairwell with his
19 face all bloody. We had to walk past him to get our cup
20 of tea before we went to bed. Nobody stood by him to
21 watch him. I asked him the next day what it was all
22 about and he said he hadn't done anything.'

23 He goes on to talk about KEF, saying:

24 'He used to creep up and down the hall at night when
25 we were in our beds. If you got caught speaking, he

1 would make you get up and use a toothbrush to clean the
2 white bits between the tiles and the toilet until he
3 decided to come back and tell you to go back to bed.
4 You could be doing it for hours. That happened all the
5 time. It seemed as if there was always someone doing
6 it. I did it loads of times.

7 'You couldn't go to Mrs ERL to report anything.
8 I think she was having a relationship with KEF.
9 His room was in the middle of the hall, where we were,
10 and I used to see her going in at night. I slept quite
11 close to it at one point and I could hear them together.

12 'Mr ERM spent most of his time in his office,
13 which was at the entrance of the place. If he did come
14 into the dining hall for some reason, he used to hit the
15 first person he saw on the head with his keys. They
16 didn't have to be doing anything, it was just a thing he
17 always did. You knew you couldn't go to him and report
18 anything.

19 'There was another staff member called
20 Mr GJO, who I always thought was one of the
21 nicer ones until he gave me a hiding. We were all out
22 one day on one of our walks and made a plan to run away.
23 I was the youngest, so I was told to go first and the
24 others would follow. I ran off and when I looked back,
25 they were all just standing, laughing. Mr GJO

1 caught up with me and took me to the cell, where he gave
2 me an awful hiding. I was shocked. I had to bide in
3 the cell for a couple of weeks for the bruising to go
4 away. I think he was panicking after that, when he
5 realised what he had done. He went well over the top.
6 I think I should have been taken to the hospital. I was
7 made to wear just shorts and sandals for a while when
8 I came out to make sure I didn't run away again.

9 'Mrs ERL used to come into the showers and
10 offer to put shampoo in the boys' hair. That wasn't
11 right. It was okay for me, as I was only young, but the
12 other boys were much older than me. I was told stories
13 that she had slept with some of the 15 and 16-year-olds,
14 but I don't know if it is true. They also talked about
15 having put their tongues in her mouth when giving her
16 a good night kiss. No one tried to touch me
17 inappropriately.'

18 He then talks about the fact his dad got in contact
19 with him a few times when he was in Brimmond and he
20 talks about his dad taking him to a Scotland football
21 game and, because he got back late, he phoned Brimmond
22 to let them know he would stay at the family home for
23 the night and he was told to send him back, even if he
24 had to walk. At paragraph 57, 'Adrian' says:

25 'I started crying and told my family I was scared

1 and I would get a hiding when I got back. Mrs ERL
2 and her son came to collect me in a white van.'

3 He then says that his brother got hold of the son by
4 the throat and told them he would go to the police if
5 there was a mark on him and they denied that he had been
6 getting hidings. He said:

7 'It was easy for them to do that because KEF
8 wasn't with them. When I got back to Brimmond,
9 KEF was sitting at the door and Mrs ERL
10 took him aside to speak to him. I was then sent to my
11 bed. I believe I would have got a hiding ...'

12 He says, if his brother hadn't spoken to them:

13 'My father came up the next day to make sure
14 I hadn't been touched. He didn't follow it up, though,
15 he only spoke to the people at Brimmond. He didn't get
16 in touch with the police or social services; that's what
17 he should have done.

18 'The people at Brimmond always made sure they
19 covered themselves, anyway. They would have made us out
20 to be liars. It was an assessment centre, so they could
21 treat the boys a certain way because they were bad boys.
22 It was like a young offenders' institution.'

23 At paragraph 61, he says he was in Brimmond for one
24 and a half to two years and he says he didn't see his
25 social worker again after she dropped him off. And then

1 he was sent to a children's home and we know from his
2 records that he was sent to the children's home
3 in [REDACTED] 1975, when he was aged 12 years.

4 LADY SMITH: That's a year later, after him going to
5 Brimmond?

6 MS FORBES: Yes. He then tells us about the children's home
7 from paragraph 63. He thinks he was there for one and
8 a half years, [REDACTED] Secondary Institutions - to be published later

9 [REDACTED] Secondary Institutions - to be published later
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 and a decision was then made to send him back to
22 Brimmond.

23 He tells us about Brimmond the second time from
24 paragraph 76. He thinks he was 13 when he went back to
25 Brimmond, but we know from his records he was

1 re-admitted in [REDACTED] 1978. He would have been
2 15 years old at that time and he remained there
3 until [REDACTED] 1979, when he was still 15, at which time he
4 was transferred to a boys' home or hostel.

5 He tells us then, at paragraph 77:

6 'I was put in the cell for the first week when
7 I went back in. No one came to ask me about running
8 away. There was really nobody that I could speak to and
9 explain why I had run away.

10 'Life in Brimmond the second time was the same as
11 the first. I got hidings from KEF [REDACTED] and didn't go
12 to school or get any education.

13 'I remember once being battered by KEF [REDACTED] so
14 badly that I was kept in the cell for two weeks with
15 just a pair of shorts on. I was black and blue.
16 I think it was so bad because I was a bit older at that
17 point and had retaliated.'

18 He then talks about the fact that his social worker
19 had just seemingly disappeared and he had no way of
20 getting in touch with her. He kept asking people at
21 Brimmond to get his social worker to come and see him.

22 He then talks about life after Brimmond. It was
23 in [REDACTED] 1979 when he went to the boys' hostel, or home,
24 in Dyce and he talks about that from paragraph 81
25 onwards. He tells us that the person [REDACTED] of the

1 hostel had worked at Brimmond and [REDACTED] in much the
2 same way, but there was no violence from him there. He
3 thinks he should have gone into a flat rather than
4 a hostel. He turned 16 and was working, and he just
5 needed somewhere to stay rather than being told what to
6 do and given jobs to do in a hostel.

7 'Adrian' says he had to hand most of his wages to
8 the hostel and he was working at a mill at that time.
9 And he was so desperate to get out of the hostel that he
10 kept trying to get the sack, so he wouldn't be able to
11 pay his way. Ultimately, he moved in with a boy from
12 work and his family, who lived in the area his family
13 was from. But that was a rough area, he says, and he
14 got into glue sniffing. He says he was still 16 and
15 under voluntary care, which he says lasted until he was
16 18.

17 'Adrian' tells us he ended up sleeping rough
18 for years and at one point slept in an old car. Again,
19 he was hanging around with other people who were glue
20 sniffing. He phoned his mother one time when he was
21 sleeping in the car to ask if he could stay in her spare
22 room when the snow was really deep and she said no and
23 put the phone down on him.

24 'Adrian' said he used to get arrested when he was
25 glue sniffing and sometimes he says he was assaulted by

1 the police. He tells us about that in paragraphs 87 and
2 88. He talks, at paragraph 89, that there were some
3 decent coppers who used to leave the cell door open for
4 him when he was in custody or take him to a home for
5 a couple of days, because they knew he was still under
6 voluntary care.

7 He talks about having a relationship with a girl and
8 having a daughter when he was young. They lived in
9 a bedsit, but he wasn't ready to settle down and she
10 went back to live with her mother with the child.

11 He talks about taking drugs in the 1980s and
12 spending time in a mental hospital. He was in and out
13 of prison until he was 23 and then he made a decision
14 that he wasn't going back. He got married and had
15 a daughter with his wife. He settled down and got a job
16 offshore. He says he was married for about eight years.

17 'Adrian' then says about impact at paragraph 93.
18 His marriage didn't survive, he says that's because of
19 his upbringing. He told his wife about his experiences,
20 but he doesn't think she understood.

21 He then got into drugs after his marriage ended and
22 he was injecting heroin and says that he has barely any
23 undamaged veins left and had an artificial vein in his
24 leg and had to have a toe amputated. At paragraph 95,
25 'Adrian' says:

1 'I feel that I was let down in my life and maybe
2 wouldn't have turned out to be a junkie if I had been
3 treated better.'

4 He tells us his wife remarried and took his daughter
5 abroad to live for a number of years without telling
6 him. He says he has never been properly educated and
7 can't read.

8 At paragraph 98, 'Adrian' says:

9 'Sometimes I can still smell KEF [REDACTED]'s
10 aftershave and roll up cigarettes. He wore Old Spice
11 and used liquorice rolling papers and the scent of these
12 comes to me -- it's like it's in my head. I was in
13 Brimmond for a good few years and I was living in fear
14 of him every day, so I suppose it could be like
15 a flashback; it's weird. I've also had nightmares about
16 it.'

17 He then tells us about his current life from
18 paragraph 100 onwards. He says that the only things he
19 does now are to take his dog out and go places he has to
20 go, but he stays, otherwise, in his room with his dog
21 and he hibernates. He can't get close to his family and
22 he doesn't have contact now with either of his daughters
23 or his grandchildren.

24 'Adrian' tells us he is getting support for his drug
25 addiction and has done well and hasn't touched drugs

1 since he came back. At the time of this statement, at
2 the end of the year before -- come back to Aberdeen. He
3 goes on to tell us that he has been prescribed
4 anti-psychotic and antidepressant tablets. He talks
5 about having to source Valium from the street because he
6 can't get it prescribed, and he takes that to calm him
7 down. It makes him feel good.

8 He says that he was helped to get a copy of his
9 records from Aberdeen Social Services and, as far as he
10 knows, at Brimmond they didn't assess him, but it was
11 meant to be an assessment centre, so there should have
12 been an assessment. But he doesn't have those records
13 anymore due to a flooding at his house.

14 In relation to final thoughts, 'Adrian' says, at
15 paragraph 113:

16 'I feel that I slipped through the system. I was
17 put into Brimmond and just left there. I don't
18 understand why nobody in social services questioned why
19 I was there for so long or, more to the point, why I was
20 there at all. It's the same as putting someone who
21 didn't commit a crime into prison.'

22 Then he says he would really like a social worker or
23 someone from social services to explain why he was
24 abandoned at Brimmond.

25 At paragraph 115, he says:

1 'I think things have changed a lot in children's
2 homes. I visited someone in the 1990s at Oakbank
3 Children's Home and was very surprised at how well the
4 young people were treated. They weren't allowed to hit
5 them anymore. It looked to me that things had
6 definitely changed for the better. I think a lot of
7 lessons had been learned.'

8 He makes the usual declaration and he signed it,
9 dated 11 September 2016.

10 LADY SMITH: Thank you very much.

11 MS FORBES: My Lady, I can go to another statement?

12 LADY SMITH: Yes, I think if we can fit that in before
13 4 o'clock, that would be a good idea.

14 MS FORBES: My Lady, the next statement is from an applicant
15 who has waived anonymity and her name is Edna Booth.

16 Edna Booth (read)

17 LADY SMITH: Thank you.

18 MS FORBES: The reference for her statement is

19 WIT-1-000000851. Edna tells us she was born in 1964,
20 and she was born in Aberdeen. She lived with a mother
21 who was an alcoholic. Her father was a fisherman and
22 was away all the time. She says that she can't call
23 them parents, because they weren't and she never knew
24 her mother sober.

25 She then goes on to tell us in detail about some of

1 the things she had to experience as a child before going
2 into care. She talks about sexual abuse by her mother.
3 She talks about other people her mother would let abuse
4 her sexually and she says, at paragraph 6, that she
5 never remembered school because she always ran away and
6 skived off. She can't remember primary, but says she
7 was dressed always like a little tramp and was smelly
8 and the house smelled.

9 A child cruelty officer became involved. Thereafter
10 she says that she was begging to be taken away and put
11 into care. She was asking social workers to do that and
12 the child cruelty officer. Again, she was getting to
13 the age of 11/12 and still asking to be taken into care
14 and goes into some detail about those in the community
15 who were abusing her, including family friends and their
16 children.

17 She tells us more about that later in her statement,
18 about how there were subsequent court proceedings when
19 she became an adult in relation to some of these people.
20 She says, though, at paragraph 14, that the social work
21 weren't aware that she was being abused and she says she
22 couldn't tell people. She says:

23 'We were belted, caned, beaten. It didn't matter
24 then, nobody cared. The police didn't care.'

25 And she says she just wanted away. But, eventually,

1 she did get taken into care and then she talks about
2 a children's home and Brimmond thereafter.

3 She says that it was her [REDACTED] who went
4 into this children's home and she was 12 years old at
5 the time, [REDACTED] Secondary Institutions - to be published later

6 [REDACTED] Secondary Institutions - to be published later

7 [REDACTED] Secondary Institutions - to be published later she was put
8 into Brimmond Assessment Centre, and she says she can't
9 recall what age she was and it was a locked up school in
10 Aberdeen. She says you couldn't run away because it was
11 in the middle of nowhere.

12 From the records we have, we know that she was
13 removed to Brimmond after running away and having to be
14 flown back to Aberdeen from Glasgow on 4 March 1977, and
15 that was aged 12.

16 LADY SMITH: Thank you.

17 MS FORBES: She goes on to tell us at Brimmond,
18 paragraph 20:

19 'All the girls had to wear the same thing, shorts
20 and purple t-shirts, and all the boys had to wear the
21 same thing. I had go to school in there. I was back
22 and forwards between Brimmond [and she names the
23 children's home] and I was still being put home at
24 weekends, even though I told the social work what was
25 going on. I still ran away. I was put to Brimmond and

1 there was no place to run. There was so many other
2 things going on in Brimmond at the time.

3 'Mr and Mrs ERL-ERM were SNR of Brimmond.
4 They lived in a flat next to the home. The matron,
5 Mrs ERL, was having an affair with a man who worked
6 there called KEF. The boys in Brimmond were saying
7 they were being abused by KEF. I wasn't. The only
8 time we got to wear our own clothes was on a Sunday, if
9 we went to church, so we did, just to get dressed.'

10 Secondary Institutions - to be published later

11

12

13 Secondary Institutions - to be . And on those home visits, she was
14 still being abused by her mother and another person in
15 the community. At paragraph 23, Edna goes on to say:

16 'My mum came to visit me a couple of times at
17 Brimmond. She was pissed. My dad never came. He hated
18 me for making the allegations about there being incest
19 at home.'

20 And she then goes on, at paragraph 24, to say:

21 'I remember the panel saying it was all in my head
22 and I wasn't believed. I couldn't believe what I was
23 hearing. They decided I was just looking for leniency
24 and I think they put me to Brimmond. I think they put
25 me to a place in Edinburgh, too. I seemed to be going

1 back and forward from the children's home in Brimmond
2 for a long time.

3 'A lot of people were saying they were being beaten
4 or they were being take into rooms and abused by KEF ,
5 but it wasn't happening to me. I was shutting
6 everything off. It was boys. I didn't take a lot of it
7 in. I was closed off. Why tell me? Nobody believes
8 me.

9 'I can't remember KEF 's last name. Mrs ERL
10 was a small woman with grey hair. Her husband was
11 a tall man, at least six foot four or five. I remember
12 KEF starting to work at Brimmond and you could see the
13 shine Mrs ERL was having on him. Mr ERM
14 didn't have anything to do with the home.
15 He stayed in his house. You couldn't miss KEF and
16 Mrs ERL having an affair. Things dramatically
17 changed at Brimmond when KEF arrived. Mr Keith was the
18 headteacher, there were two, Mr and Mrs
19 that worked at the home. KPP was the cleaner.

20 'There have been so many that went up and said they
21 had been abused by KEF , even now. I put my story on
22 Google years ago ...'

23 This is when she said a person in the community was
24 sentenced to a period of imprisonment for sexual abuse.
25 She says that someone got in touch with her as a result

1 of her posting her story and he said he had been abused
2 by KEF in Brimmond. And she says that he asked her if
3 she could say that -- sorry, I will read it, from
4 paragraph 27.

5 LADY SMITH: Thank you.

6 MS FORBES: 'He had been abused by KEF in Brimmond and
7 asked if I could say that he had been abused and that
8 I was there and could prove that. But there's one thing
9 being abused and it happening and you seeing it, but
10 there's another thing about lying about being abused and
11 someone being labelled an abuser and he's innocent and
12 I would never lie for another.'

13 And she says she thought that KEF had been taken to
14 court, as far as she knew.

15 Thereafter, she was admitted to the Good Shepherd
16 and this, I think, is referred to in her records as
17 being Woodfield, which was part of the Good Shepherd
18 Order.

19 LADY SMITH: Yes.

20 MS FORBES: And she says -- the records -- it was
21 2 September 1977, so she was 13 years old at that time
22 and she was there for two years. She tells us about
23 that in paragraphs 28 and 29.

24 She was then placed in a children's home due to
25 absconding and then she was discharged from care shortly

1 before she was 16 years old. That's according to her
2 records.

3 LADY SMITH: Yes.

4 MS FORBES: Edna then tells us about a period that she was
5 in foster care from paragraph 30 to 32, and she says
6 that she ran away while she was there and she was put
7 back into care after that. She remembers getting out of
8 care when she was 15.

9 She then talks about leaving care at paragraph 34.
10 She says she was put out on the street when she was 15,
11 two weeks before her 16th birthday, and she got no
12 support from anyone and she was on the streets, sleeping
13 in bus shelters and bus stations.

14 She recalls, at paragraph 35, going in and asking if
15 she could join the army at the recruiting office and was
16 told that she was too small. After that, she was back
17 on the street. She says she was 18 when she got married
18 and she had never had a house before that.

19 She then tells us about life after being in care
20 from paragraph 36. Again, she talks about being on the
21 streets or on couches before she got married. She never
22 worked through that time and she says she's never
23 worked. She got married when she was young, but
24 couldn't give him kids and she started taking
25 amphetamine. And then she says she got married again

1 after that, and she says that she told him, that
2 husband, what had happened to her when she was younger
3 and he blackmailed her and put her on the streets as
4 a prostitute. He physically assaulted her. She was
5 taking amphetamine still and started drinking. That
6 husband then took his own life.

7 She says she got married again and the same thing
8 happened, and she was back on the streets as
9 a prostitute. She says that she was physically
10 assaulted. She talks about having tattoos on her body
11 because she wanted to feel the pain and that she had
12 also tried to take her life many times. She decided she
13 would have to get away from Aberdeen, and she met her
14 son's dad. She says he was a decent man and she then
15 had her son with him when she was 34. She says that
16 since he was born, she was so protective of him, but the
17 relationship with his father broke down and, ultimately,
18 he went to live with his father, and she would see him
19 at weekends and holidays.

20 She was in another abusive relationship after that.
21 She says that her son was involved with coming to save
22 her and take her away in a car with her nephew, and that
23 her son's dad then gave her his house, and her son
24 stayed with her at that time, and looked after her, from
25 what she's saying.

1 In relation to impact, she tells us about that from
2 paragraph 41. This is really about her whole time in
3 care. She talks about being forced into prostitution as
4 an adult and the impact that her whole time in care has
5 had on her thereafter.

6 She has been diagnosed with PTSD.

7 She then goes on to tell us about reporting abuse
8 from paragraph 49 and she gives us a lot of detail about
9 those who were involved in abusing her in the community
10 and her involvement with the police and the court system
11 in relation to them. We have that there.

12 She then talks about lessons to be learned and says,
13 at paragraph 62:

14 'Social work need to listen to children, to hear
15 them, they need to know and to dig. It's not about
16 protection of a child; it is about a child being heard.
17 I was never taught about being abused, but I was.
18 Because a social worker goes to college or university,
19 they think they understand what a child feels like that
20 goes through abuse, but no one will ever understand
21 unless you have been through it yourself and maybe if
22 social workers had gone through it, they would know
23 better, because nobody can be trained to understand what
24 abuse feels like.'

25 In relation to hopes for the Inquiry, at

1 paragraph 63 she says:

2 'In some sense I hope the law changes a bit. There
3 is too much on the Internet. Kids can say they have
4 been hit by their mum or dad for no reason. I'm not
5 saying to hit children, but it's too easy for them now.
6 However, they are used as bait for everything, whether
7 that's sex or drugs, money, everything. Parents don't
8 have a say anymore, but the children also need to be
9 heard.'

10 And she then tells us, at paragraph 64, that she has
11 had fantastic support throughout the process from Future
12 Pathways, her supporter, and the staff from the Inquiry.
13 She says:

14 'They have listened and believed me and I really
15 appreciate their help and support during this time. It
16 is comforting that everyone has been so approachable.'

17 She has made the usual declaration and she has
18 signed her statement. It is dated 11 November 2021.

19 LADY SMITH: Thank you very much.

20 I think we will stop there for today. I am grateful
21 to you for those read-ins.

22 Four names; Mr and Mrs ERL-ERM, KEF and
23 Mr GJO, these are people whose identity is
24 protected by my General Restriction Order and they are
25 not to be identified as mentioned in our evidence

1 outside of this room. So that's it until tomorrow

2 morning, when we move on.

3 MS FORBES: At 10.00 am we have a live witness, my Lady.

4 LADY SMITH: A live witness. Yes, thank you very much.

5 (3.58 pm)

6 (The Inquiry adjourned until 10.00 am on Wednesday, 30

7 October 2024)

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