

1 Thursday, 7 November 2024

2 (10.00 am)

3 John Trainer (continued)

4 LADY SMITH: Good morning, and welcome back to Chapter 10 of
5 Phase 8 our case study hearings. As I indicated on
6 Tuesday, and, indeed, when we finished yesterday, we are
7 welcoming back this morning, John, who was giving
8 evidence earlier this week in relation to his council,
9 Renfrew. I think we are going to pick that up again
10 very shortly; is that right, Mr Peoples?

11 MR PEOPLES: Yes, I think we can just pick up the story from
12 where we left off, if I may.

13 LADY SMITH: John, thank you.

14 A. Thank you, my Lady.

15 LADY SMITH: Mr Peoples.

16 Questions by Mr Peoples (continued)

17 MR PEOPLES: Good morning, John.

18 A. Good morning.

19 Q. Can I just begin by returning to the report that you
20 prepared or the council prepared for the Inquiry. It is
21 REC-000000027. Maybe we could bring that up for you on
22 screen. Can we just go to page 17, firstly? It is to
23 deal with a matter we perhaps sought some clarification
24 on. I would just like to be sure that we understand
25 what the information there relates to.

1 First of all, this is to do with an attempt through
2 the exercise of looking at records of placements. To
3 remind us: there were 590 or so Renfrew placements
4 between 1996 and 2013?

5 A. That's correct.

6 Q. Records of 232 placements, 39 per cent of that number,
7 were read, along with other records --

8 A. That's correct.

9 Q. -- as well, as part of an exercise to provide
10 information for this report. What is said, at page 17
11 at letter (s), is that 13 cases, of what could
12 reasonably be described as abuse, were identified
13 through this exercise. This was abuse of -- physical
14 abuse, sexual abuse or emotional abuse. Some cases were
15 against staff and some were against other young people;
16 is that correct?

17 A. That's correct, yes.

18 Q. Of the 13 cases, just so I am clear, am I right in
19 thinking that these related to children, young people,
20 who were at Rowanlea, rather than Newfield, as it once
21 was known?

22 A. Yes. Most of our records that we have been able to
23 access were from 1996 onwards. So the children -- most
24 of the records we had was related to the Rowanlea era.

25 There were two of the cases of the 13 --

1 Q. Yes.

2 A. -- that were in fact Newfield --

3 Q. Okay.

4 A. -- in terms of the -- between 1996 and 1999.

5 The cases referred to in section (s), those were

6 identified by staff during our file reading, so those

7 were not young people actually making an allegation of

8 abuse directly that we had logged elsewhere. The staff

9 member read the file. They identified an area of

10 concern. They flagged that to the quality assurance

11 manager and the child protection adviser, who then tried

12 to triangulate. So not all of these cases actually had

13 a young person saying: 'I have been abused'.

14 Q. No.

15 A. But it was our interpretation of the file and we

16 considered those to have been abusive situations.

17 Q. Okay. Because I think you are going to go on to tell us

18 that some of the tables don't really relate to each

19 other?

20 A. Yes.

21 Q. So I understand the 13 cases. Indeed, you have now

22 clarified that in fact two of the 13 related to the

23 period when the establishment was called Newfield --

24 A. That's correct.

25 Q. -- and the remainder, when it changed its name after

1 refurbishment, to Rowanlea?

2 A. That's correct.

3 Q. Now, at letter (t), going on, you list the number of
4 children who have made complaints at any time of what
5 would be considered abuse or ill treatment. It is
6 recorded there that the exercise located -- is it nine
7 children, including one unnamed child who made
8 complaints of abuse during the relevant period? So you
9 have nine children making complaints, that was
10 identified, rather than the 13 cases that you mentioned?

11 A. That's correct, that's correct.

12 Q. And you say that only two of these complaints could be
13 definitively linked with some form of disciplinary
14 procedure investigation, which was noted on a later
15 table, at (w); is that still the position?

16 A. That's still the position. What we looked at is that
17 the way disciplinary records were retained -- they were
18 in human resource files, so we weren't always able to
19 make the link between the individual child's complaint
20 to the outcome for -- against the individual staff
21 member.

22 On occasion, the staff member was not identified in
23 the complaint and that made it difficult, but we did
24 attempt to triangulate. But, in two cases, we were able
25 to say there was a disciplinary hearing directly related

1 to the abuse of the child.

2 Q. So when you say -- because the words 'discipline
3 procedure investigation' connotes to me that it is
4 a process which could, depending on the investigation,
5 lead to a disciplinary hearing; are you saying that two
6 cases did lead to a disciplinary hearing or just simply
7 the procedures were invoked?

8 A. The procedures were invoked. We don't know the absolute
9 outcome, unfortunately.

10 Q. Yes, I follow that.

11 As far as the complaints themselves are concerned;
12 were these -- because there is a definition of
13 a complaint under section (t), on page 17, divided into
14 a formal complaint and something that was seen as
15 an informal type of complaint. And both were looked at?

16 A. That's correct.

17 Q. So were the nine complaints -- were they formal or
18 informal or a mixture?

19 A. They were a mixture.

20 Q. Okay.

21 A. So we picked up some of these from the logbooks.
22 I don't know the exact number that were in the logbooks,
23 but we picked up some of the logbooks. But some were
24 clearly defined complaints in the young person's file
25 and a written record of that complaint from the young

1 person.

2 Q. Okay.

3 Sorry, I should have said: linking them to
4 investigations, even if we don't know what the outcome
5 was or how far the investigation went, it doesn't follow
6 that in the other complaints that there was no action;
7 it is just that you can't find what happened --

8 A. That's correct.

9 Q. -- in most of these complaints. So we just don't know.

10 A. We don't know. That's correct.

11 Q. Which is unfortunate, to say the least.

12 A. I have real serious regret about that. I think that it
13 is important that if a complaint is made for a young
14 person, that they are able to see the outcome of that
15 complaint. And if it is an allegation of inappropriate
16 behaviour or abusive behaviour by a member of staff,
17 they should be able to know there was an outcome.

18 There is then the conflict between the privacy of
19 the individual member of staff and exactly what happens
20 in that process. But the young person should have known
21 a discipline had taken place and some outcome had been
22 effected against the individual member of staff.

23 Q. I can well understand data protection concerns with
24 third parties.

25 A. Yes.

1 Q. But, if the person is a complainer, you would have
2 thought they would have some entitlement to know,
3 because they would know the identity of the person they
4 had complained of and it would be helpful that they
5 found out through records what the outcome was, even if
6 third parties couldn't get it.

7 A. I think, at this particular time, we were probably not
8 as good at that as we are now. The conflict you still
9 have is that the young person does know the identified
10 abuser. We would say disciplinary processes have been
11 taken forward. We don't always share the exact outcome,
12 because there might be training, but we would give some
13 formal feedback to the young person around the outcome.
14 If the member of staff is dismissed, then the young
15 person would obviously know that.

16 Q. Yes. So they would at least know the end result. And
17 insofar as the process involved them, they would at
18 least get the gist of what went on. They wouldn't
19 necessarily find out everyone that was interviewed, for
20 example, third party staff or others; they wouldn't
21 necessarily know if other people who had made complaints
22 were spoken to, but they would certainly know for their
23 interest -- or they should know now what the outcome
24 was.

25 A. Yes. What we would attempt to do is only have the young

1 person make a statement once, so we would not attempt to
2 re-interview. There was one case where we were able to
3 see the young person was -- one of the complaints, the
4 young person was interviewed on four occasions, which
5 was more than the staff member was interviewed. That's
6 inappropriate.

7 Today, the young person would make their statement.
8 We would look for other people who could offer
9 information/advice. We would not bring the young
10 person, for example, to the disciplinary hearing to give
11 evidence against the member of staff, because their
12 statement is accepted and that would be lodged as part
13 of the disciplinary process. But the young person
14 wouldn't have to -- or wouldn't be asked to come and
15 give evidence. That's part of protecting the young
16 person.

17 LADY SMITH: John, what's really important for most young
18 people is to know whether or not the essence of
19 a complaint they have made is believed, is accepted or
20 not.

21 A. Yes.

22 LADY SMITH: Have you found a way of ensuring that young
23 people know that without treading on the toes of the
24 data protection rights of the member of staff?

25 A. Yeah, and that's the bit that we would advise the young

1 person that we believe their statement, my Lady, that
2 the disciplinary processes have been intimated and
3 initiated and taken forward and an outcome formulated.

4 Now, often the young people will know themselves,
5 because one of the things we would attempt do -- if the
6 member of staff continues to work, then we would be
7 looking at some sort of reparation and discussion with
8 the young person and the worker. You would be doing
9 that work to repair that relationship.

10 In cases where we consider the abuse to have been
11 harmful to the child at a level that means the worker is
12 dismissed, the young person would know that as well --

13 LADY SMITH: Of course.

14 A. -- and they would be able to make that link; that we
15 have accepted their evidence and that the worker -- the
16 outcome for the worker is they have been dismissed.

17 LADY SMITH: Yes, thank you.

18 MR PEOPLES: Can I just be clear what happens here? A child
19 makes a complaint.

20 A. That's correct.

21 Q. The current procedure would involve obtaining some sort
22 of written statement --

23 A. That's correct.

24 Q. -- of complaint from the child, using just one occasion
25 only.

1 A. We would attempt only to do one occasion. But there
2 could be an occasion where the police may request
3 a second interview, particularly if we are looking at
4 criminal conviction. But, for the purpose of the
5 disciplinary, we would attempt only to have that one
6 interview, that initial statement.

7 Q. Yes, I will come to the situation where the police may
8 become involved, so I do understand how it works.

9 A. Yes.

10 Q. At the moment, let's just look at it internally.

11 A. Yes.

12 Q. If it is an internal investigation, the child would be,
13 normally speaking, seen once?

14 A. That's correct.

15 Q. Would they be seen in situ or would they go -- I know
16 that you are involved in something called the
17 Bairns' Hoose, which does involve taking evidence in the
18 context of criminal investigations from a child at
19 an early stage and --

20 A. Yes.

21 Q. -- to spare them having to give evidence on multiple
22 occasions and indeed in court, if there is a trial.

23 A. Yes.

24 Q. But where does the child in your scenario --

25 A. So far we have not used the Bairns' Hoose for the

1 purpose of interviewing a child where they have made
2 an allegation against a member of staff in a children's
3 house. It would be a possible outcome. In particular,
4 now, the last occasion we had where a member of staff
5 harmed a child was pre-establishment of the
6 Bairns' Hoose. So the child was interviewed in their
7 safe place, which was their residential children's
8 house. They were supported by their identified
9 keyworker. They made the statement and it was accepted.
10 And some other members of staff were then interviewed.
11 They provided corroboration.

12 Today, we know that if this young person -- if the
13 same situation occurred today, then it is likely that
14 that interview would take place -- for the criminal
15 prosecution or the potential of a criminal prosecution,
16 that interview would take place in the Bairns' Hoose.

17 Q. And if the matter appears to -- the complainant, just on
18 a reading, discloses potential criminal conduct --

19 A. Yes.

20 Q. -- I think you said, on Tuesday, that the matter would
21 be, under current processes, referred to the police
22 immediately?

23 A. It would.

24 Q. And they would take that matter forward, for their
25 interest --

1 A. That's correct.

2 Q. -- and the public interest; would that halt any attempt
3 to take an initial statement internally from the child,
4 either in situ or anywhere else?

5 A. No, it wouldn't, because normally what would happen is
6 that child's statement is the thing that kicks off the
7 initial referral discussion with the police. So the
8 child's made the disclosure, they have said they have
9 been harmed, there is then a discussion with the police
10 in relation to how we want to take forward that
11 investigation.

12 Our child protection procedures have a particular
13 section for dealing with complaints of abuse in relation
14 to residential care staff so it details very clearly
15 that process. The police would then say if they
16 required another interview. And, unfortunately, the
17 last incident did occur in 2021 and, therefore, the
18 police did want an additional statement from the young
19 person.

20 Q. So you are not just judging the reporting to the police
21 on what I would call the complaint document, if there is
22 one, you are also obtaining a statement from the child
23 as part of the process, so that when it gets into the
24 context of a police investigation, there would normally
25 be a statement from the child available to the police to

1 see but they may decide, either on instruction or on
2 their own initiative, to say that they want to have
3 a further statement taken and, currently, that would
4 normally be done at this Bairns' Hoose that has been
5 established?

6 A. That's correct.

7 Q. And it would be done in that way as part of a police
8 investigation?

9 A. That's correct. And we established the partnership for
10 the Bairns' Hoose in North Strathclyde. So six local
11 authorities, two police divisions, the Scottish
12 Children's Reporter, the Crown Office Procurator Fiscal
13 are all involved in that. And two police divisions,
14 I think said.

15 And the idea of the Bairns' Hoose is that a child
16 can give an interview which is recorded. Generally,
17 a police officer and a social worker. They are planned.
18 There is significant guidance given to the police
19 officer and the social worker leading the interview, and
20 that interview is then considered to be appropriate for
21 submission to court, if there is a criminal prosecution,
22 or to the Children's Reporter to effect the
23 establishment of grounds, so that the child does not
24 require to then appear in court or at a children's
25 hearing to -- a proof hearing.

1 Q. And just so we are clear: what happens now, if that
2 process is followed, there are people leading the
3 interview involving both social work and police?
4 A. That's correct.
5 Q. And how are the interests of the accused or suspect
6 protected? Are they present on these occasions and can
7 they participate?
8 A. So the Bairns' Hoose is only for the child victim. It
9 is not for the perpetrator. So the police officer and
10 the social worker have been trained in the Scottish
11 interview model, which is additional specialist training
12 to consider how you gather also good evidence, but do it
13 in a trauma informed way, do it in a manner that
14 supports the child's recovery journey, because we are
15 already starting that process.
16 The information would then be available to the
17 defence solicitor, if there is a charge against the
18 adult. Or the information that the child presents to
19 the Bairns' Hoose interviewing officers would then be
20 used in the interview of the accused by the police.
21 Q. And if the accused, as some accused often do, deny --
22 A. Yes.
23 Q. -- the allegation, and they have been given access to
24 a statement or statements that the child has already
25 given through the process you have described --

1 A. Yes.

2 Q. -- at what point do the accused's legal representatives
3 get a chance to speak to the child, before court?

4 A. So the -- before court? So the full statement wouldn't
5 go, it would be the contents of the statement, so the
6 allegations that have been posed, some of the
7 contrary -- so you were saying to the individual, 'You
8 said this, but the evidence suggests that', in the
9 normal way. It would only be -- the only point that the
10 defence solicitor would get the statement would be at
11 the point where there is a criminal trial.

12 Now, the agreement -- and the Crown Office
13 Procurator Fiscal and defence agencies have actually
14 agreed that there is no need that -- because of the
15 nature of the training, they actually genuinely have
16 accepted, in the main, that the evidence of the child
17 does not require to be cross-examined. If it does, then
18 the sheriff can have a commission hearing and that would
19 be the normal process.

20 Our ambition through the Bairns' Hoose is that
21 children will no longer have to appear in chamber -- in
22 the court, sorry. In the court.

23 Q. The commission would be in the court?

24 A. The sheriff would be in the court, and we have a suite
25 in the Bairns' Hoose which is almost a mock courtroom,

1 so that the child can experience and see -- if they were
2 going to court at some point, they could see the court
3 set up. But they can also give their evidence from
4 there and be spoken to by the sheriff.

5 Now, the practice of the sheriff is generally that
6 they come off their bench, they remove their wig, they
7 sit at their desk. The defence solicitor and the
8 procurator fiscal would be there. And the sheriff
9 actually makes sure that the evidence is presented and
10 the child is protected, and that has been tested in
11 recent cases, not particularly for a Renfrewshire child,
12 but for a child from one of our neighbouring authorities
13 who is a partner.

14 LADY SMITH: John, you are talking about the evidence by
15 commissioner procedure that is now written into the
16 legislation.

17 A. Yes.

18 LADY SMITH: And it could be a High Court judge.

19 A. It could be High Court as well, my Lady, yes.

20 LADY SMITH: And when the evidence by commissioner takes
21 place, if I remember rightly, the accused is able to be
22 in the court building --

23 A. That's correct.

24 LADY SMITH: -- and be connected to hear what the child is
25 saying.

1 A. That's correct, my Lady.

2 LADY SMITH: And his representative, counsel or solicitor,
3 will be able to question the child.

4 A. They could, my Lady, and that permission remains there.
5 The experience to date -- and there have only been a few
6 cases -- is that the defence solicitors have not taken
7 that; they have accepted the child's statement, partly
8 because it is recorded --

9 LADY SMITH: Yes.

10 A. -- and they are able to see the actual interviewing
11 process between the police and the social worker.

12 LADY SMITH: Yes.

13 MR PEOPLES: It is recorded, video recorded?

14 A. It is video recorded.

15 Q. So you can see it --

16 A. That's correct.

17 Q. -- and you can accept it, but, if you don't, there would
18 be some commission process.

19 The child, though, when -- at commission; are they
20 still in the Bairns' Hoose?

21 A. They are indeed.

22 Q. And is that in the court?

23 A. No, the Bairns' Hoose is --

24 Q. (Overspeaking). No.

25 A. There would be a discussion about which part of the

1 Bairns' Hoose is best, but the connection to the court
2 is established in the mock courtroom.

3 Q. And the lawyers and the commissioner are in court?

4 A. They are in court.

5 Q. But they have access and can see what's going on?

6 A. They are using technology to do that.

7 Q. And they are using the technology.

8 A. Yes.

9 Q. And the commissioner; is that always the presiding
10 judge?

11 A. To date, the experience has been it has been the
12 presiding sheriff.

13 Q. Yes.

14 A. Yes.

15 Q. Who is going to -- if there is to be a trial in due
16 course --

17 A. That's correct.

18 Q. -- then that person would, normally speaking, be the
19 person who would act as commissioner?

20 A. That's our experience to date.

21 Q. Okay. Going back to the internal procedure --

22 A. Yes.

23 Q. -- there was another question I just want to ask you.
24 You said -- if we just leave that to one side and say
25 there is an internal process, the idea is to speak to

1 the child once --

2 A. That's correct.

3 Q. -- and obtain a statement? And, as you have said, when

4 it comes to a disciplinary hearing, if one is convened,

5 the child is not called to the disciplinary hearing.

6 Their statement is tendered as part of the evidence to

7 the hearing --

8 A. That's correct.

9 Q. -- to the person who is conducting the hearing.

10 I presume by that stage the alleged abuser -- to

11 take it this way -- if a member of staff -- would have

12 had some opportunity to understand and be informed of

13 the charges and make some response, if they wished to?

14 A. That's correct. So, if a child makes an allegation

15 against a member of staff that indicates the behaviour

16 of that staff member has been inappropriate, the child

17 makes the statement. That's advised to me, as head of

18 service. I then need to consider whether or not that

19 member of staff can continue to work in that place at

20 that particular time. So one of the first questions

21 I have is: is it safe for that worker to continue to

22 work in that establishment? If not, can they safely

23 work somewhere else?

24 If the answer there is no, then a precautionary

25 suspension of that member of staff would be issued.

1 They would be told there had been an allegation made
2 against them. They would be given a general indication
3 at that point. They would be advised that they can seek
4 either legal advice or representation from their trade
5 union.

6 An investigating officer would be appointed to
7 undertake a disciplinary fact finding. That officer
8 would then interview that worker, would take statements,
9 would share the concerns that the child has raised,
10 would give the worker the opportunity to respond. And
11 then that worker would -- the investigating officer
12 would formulate a view on whether or not a disciplinary
13 hearing should proceed. They would pass that
14 recommendation to the disciplinary officer.

15 In cases of abuse, the disciplinary officer is
16 usually either myself, another head of service in the
17 local authority, or my depute, Michelle McCargill, the
18 Deputy Chief Social Work Officer. Because one of the
19 potential outcomes of that disciplinary proceedings is
20 a dismissal, so we have that decision at the highest
21 level within the local authority.

22 Q. So there is an investigation officer who will consider
23 not just a child's statement, but also then gather other
24 evidence --

25 A. That's correct.

1 Q. -- together; will that officer recommend whether there
2 should be disciplinary hearings?

3 A. That's correct.

4 Q. And if there is a hearing, then someone in a very senior
5 position, yourself or others, would chair that hearing?

6 A. We would hear that.

7 Q. And would hear evidence at the hearing?

8 A. That's correct.

9 Q. But not hear from the child?

10 A. Not from the child. So the child's statement is
11 accepted as it has been presented.

12 The process in the hearing is that the management
13 team investigating officer would present their evidence,
14 which would be statements from the child, statements
15 from other officers, who perhaps witnessed an incident
16 or were interviewed during the process. Those officers
17 would be present, and that allows the member of staff
18 the allegation is being made against to ask questions,
19 or their trade union or representative could ask
20 questions. And then, as the chair of the disciplinary
21 hearing, I have the opportunity to ask any questions
22 that I think have not been considered.

23 And then it flips. The individual member of staff
24 the allegation has been made against, or their
25 representative, have the opportunity to present their

1 case. And, again, I then have the opportunity to ask
2 questions, and then we withdraw and I consider all the
3 information that I've got, the disciplinary officer
4 considers all that information, and then makes
5 a decision.

6 Q. What if the staff member wants to call other children?

7 A. We would not allow that.

8 Q. So you don't allow that?

9 A. We don't allow that, no.

10 Q. Would you allow them to tender a statement?

11 A. We would allow the staff member to -- if they had --

12 Q. From a child?

13 A. From a child. If another child makes a statement -- and
14 there will be occasions where a child perhaps has
15 witnessed something, so they might be asked to make
16 a statement. But the child would never be at the
17 hearing and we would not bring a child into
18 a disciplinary hearing.

19 Q. You would hope, I suppose, that the investigating
20 officer, if there were potential witnesses, whether
21 children or otherwise, that they would have done their
22 work --

23 A. Absolutely.

24 Q. -- and taken statements before the hearing?

25 A. That's correct. And before the hearing, if -- in the

1 run up to the hearing we would say to the individual
2 member of staff: do you wish to call any evidence or
3 witnesses? And if they indicated a child, then that
4 would not be approved. The child would not be brought
5 into a disciplinary process in a local authority.

6 Q. So tell me this, then -- I suppose the next question
7 is: you have the evidence from the child.

8 A. That's correct.

9 Q. The child's not appearing. The person who is the
10 subject of the accusation can appear and can give
11 evidence to the disciplinary hearing.

12 A. That's correct.

13 Q. How do you assess -- if there is a conflict between that
14 evidence and the written statement; how do you assess
15 credibility and reliability when you only hear from one
16 party in person?

17 A. Yes.

18 Q. If you are the disciplinary officer.

19 A. So we are not looking at the same standard as proof, for
20 example, in a criminal prosecution; we are looking at
21 behaviours and standards within our local authority. So
22 we are looking at: has the worker followed the council's
23 code of conduct? Have they followed the code of conduct
24 from the SSSC, the Scottish Social Services Council?
25 And it is on the balance of probability that I can

1 accept that. And then you are looking to see: has the
2 worker breached the trust of the local authority and
3 caused harm to the child? The prosecution would be
4 separate.

5 Now, my Lady, Lady Smith, earlier in the week asked
6 about lengthy delays, and there can be lengthy delays as
7 a consequence of that. So we would not have
8 a disciplinary hearing in advance of the criminal
9 prosecution, unfortunately. And I am troubled by that,
10 because it does mean there can be lengthy delays for the
11 young person to hear what's going on.

12 Q. And for the person that's the subject of the allegation.

13 A. And for the member of staff that the allegation has been
14 made against.

15 Q. Just going back, to take the simple situation: you are
16 the disciplinary officer --

17 A. Yes.

18 Q. -- the member of staff is accused of hitting the young
19 person on a particular occasion. It is unwitnessed ...

20 Because this is scenario that has often happened in
21 the past.

22 A. Yes.

23 Q. And it seems to have presented a hurdle, insurmountable
24 in some cases, for young people. And the member of
25 staff comes along and says, 'No, I didn't. That never

1 happened. They are just making it up'. Or they provide
2 some explanation.

3 In that situation, where you are faced with a sharp
4 conflict and only two sources, one saying one thing, one
5 saying another; how can you determine on the balance of
6 probability that the child's telling the truth, having
7 not even seen the child and that the member of staff is
8 not?

9 A. So the investigating officer would have undertaken
10 additional searches for information. But our position
11 is that when a child makes a statement of that nature,
12 that we accept that statement.

13 The member of staff would normally be able to
14 identify that they haven't. So staff members shouldn't
15 be putting themselves in a position where no one else is
16 with them when the child -- in those circumstances. So
17 you are looking at: has the child given a credible
18 statement? What do we know about the child? What do we
19 know about their background? What do the staff team
20 within the establishment tell us? Was there a potential
21 for this to have occurred? And, if the potential was
22 there, then we have to balance that to protect the
23 child.

24 Q. I follow what you are telling me.

25 A. Yes.

1 Q. I am just thinking that the member of staff might feel
2 that if they go to the hearing, it is prejudged, because
3 you have already accepted that evidence before you hear
4 their evidence. They might say that's a flaw in the
5 process.

6 A. Yes, and we often have that. We often have that said in
7 disciplinary hearings, irrespective of the nature of the
8 complaint, that people feel being brought to
9 a disciplinary process means that there has already been
10 a judgment made.

11 The disciplinary hearing does attempt to test out
12 the evidence. Now, you are absolutely right, we are not
13 going to cross-examine a child within that environment,
14 so you are looking at what information we have.

15 Then, as a disciplinary officer, you have to think
16 about the possibility or probability of that occurring.
17 So you are looking at: what do we know about the staff
18 member? What do we know about how they have operated
19 within the care establishment? What's their
20 relationship with children? Is there a possibility that
21 this has occurred?

22 I have to say that we have not, in recent years, had
23 children making statements where there has not been any
24 other witness.

25 Q. So you usually have something to support the

1 complaint --

2 A. We usually have something to corroborate it, yes.

3 Q. -- that allows you to perhaps form a judgment without

4 having that stark position --

5 A. That's correct.

6 Q. -- A says one thing, B says another?

7 A. That's correct. If we had only that situation and

8 I felt, on balance, that the protection of the child was

9 the ultimate, then I have the ability to make that

10 decision and can issue a disciplinary sanction against

11 the member of staff. Those sanctions can range from

12 oral warnings, written warnings, final written warnings

13 or, ultimately, dismissal. But the member of staff

14 always has an appeal process, so they can appeal to the

15 next stage. And if I have been the disciplinary officer

16 and the sanction has been a final written warning or

17 a dismissal, then the appeal would be to elected

18 members.

19 At that point, I would have to present my case to

20 the elected members and convince them why I had made the

21 decision in favour of the child.

22 Q. So the judge is having to go before the appellate body

23 to justify their decision?

24 A. That's correct.

25 Q. And they have to be satisfied that that decision is one

1 that they should uphold?

2 A. Is fair and proportionate, yes.

3 Q. And these are councillors doing this?

4 A. These are elected members.

5 LADY SMITH: And John, when you are at that stage,

6 I suppose, one of the things you would need to be able

7 to explain to the elected members is what your processes

8 were for taking the child's statement in the first

9 place, the care that was exercised in trying to get all

10 the relevant information in a way that tests it without

11 being distressing to the child --

12 A. That's correct.

13 LADY SMITH: -- but knowing that you have a responsibility

14 to do that --

15 A. That's correct, my Lady.

16 LADY SMITH: -- because of the interests of the employee.

17 A. That's correct, my Lady. So the elected members on the

18 appeal board are very clear about what they would expect

19 in terms of the presentation of information. So not

20 only would I have to explain to them how we had got the

21 information from the child, and why I then considered

22 that credible, we would also need to explain why

23 I didn't consider the information from the officer to be

24 as credible and show my thinking of the whole process.

25 So you would be demonstrating that whole process.

1 Again, the individual employee would be represented
2 by either their trade union or another representative.
3 And the appeal hearing follows a similar process; that
4 I would present my case, the appellant, the member of
5 staff, would be able to present their case. You have
6 the opportunity to, at that point, for them to ask
7 questions. So it is a very -- it is a rigorous process.

8 LADY SMITH: Yes.

9 MR PEOPLES: I maybe have this wrong, but I think,
10 historically, if I remember, legal representatives
11 didn't present or didn't appear on behalf of employees
12 facing disciplinary charges; is that still the position?

13 A. It varies. In most cases, the elected -- in front of
14 elected members and also at disciplinary hearings, you
15 would have the trade union or another representative.

16 Q. Yes.

17 A. We have moved. Some members of staff have identified
18 that they would want to be legally represented. I think
19 the challenge for them in the internal disciplinary
20 process is they would have to pay for their own
21 solicitor or the trade union would provide them with
22 a solicitor. If they have not, and the outcome, for
23 example, was a dismissal, the employee, obviously, then
24 has a right to appeal to -- or take a case to
25 an employment tribunal. And often, in those cases, then

1 the trade union who has supported them would provide
2 them with a legal representative.

3 Q. So there is no bar on a lawyer appearing at
4 a disciplinary hearing?

5 A. That's -- there's no bar.

6 Q. No, okay. Now, can I go back to --

7 A. Yes.

8 Q. Sorry, I took a long detour, but I think it was
9 an important one to understand how these things are
10 dealt with today, at least in your authority?

11 A. Yes.

12 Q. I suspect that what you have described is fairly typical
13 of what happens across authorities. What you have
14 described seems to me to be a process that I think
15 people are familiar with.

16 A. Yes, I mean, most local authorities in Scotland would
17 follow very similar processes. There might be small
18 local differences, but they would be small and most
19 local authorities would do the same. There would be
20 precautionary suspension, there would be a fact-finding
21 investigation, there would be a disciplinary hearing.
22 Usually the same format. And that's partly because it
23 has been agreed through the COSLA, the organisation for
24 local authorities, the SOLAR, the Scottish local
25 authority legal representatives. So they generally work

1 together with HR colleagues.

2 So the process -- and I have seen it in three

3 different local authorities -- those three authorities

4 were exactly the same.

5 Q. Okay. Now, going back to just the report, you have told

6 us about the complaints, nine children --

7 A. Yes.

8 Q. -- and how it was difficult to link them to any evidence

9 of other disciplinary processes.

10 A. Yes.

11 Q. In letter (u), on pages 18 to 19, there is a table with

12 nine entries.

13 A. Yes.

14 Q. Eight identify a young person and number four is an

15 unnamed young person making a complaint.

16 A. Yes.

17 Q. Are these the nine complaints you have spoken about

18 earlier in the report?

19 A. That's correct. That's correct.

20 Q. And what that does, that table, is show the identity of

21 the complainers, if they can be identified --

22 A. That's correct.

23 Q. -- who made formal or informal complaints?

24 A. That's correct.

25 Q. It shows the nature of the alleged abuse and whether it

1 was against staff or other children and young persons.

2 A. That's correct.

3 Q. Okay. But it doesn't bear any connection with the

4 13 cases?

5 A. It doesn't.

6 Q. Okay.

7 A. You know, when I reflected on this, and as we gathered

8 the information, I, again, had a concern about the

9 nature of recording. So, for example, the number 1

10 there alleges physical assault by an unnamed member of

11 staff. My expectation would be that we create

12 an environment where that young person would be able to

13 tell us which particular member of staff actually

14 carried out that physical assault. Unfortunately, in

15 1999, the file does not say there was any further

16 probing or support to that young person to get the staff

17 member's name.

18 Q. I suppose at least it is progress that they are making

19 complaints. I mean, they may not be prepared to tell

20 you who the member of staff was, but is that not at

21 least a welcome development; that they are prepared to

22 speak up?

23 A. I think at that time it probably was a welcome

24 development. I think, today, a young person would be

25 supported in a different way to make sure that they

1 actually identified which member of staff.

2 And we would speak -- if the young person was
3 reluctant, we would speak to them about why it is
4 important to disclose the name of the member of staff
5 who has caused harm, because (1) they could cause
6 further harm to that child, but (2) they could cause
7 harm to other children within the establishment. And
8 that in terms of our protection of all children, we
9 would encourage the young person. Now, obviously, we
10 can't coerce the young person to make that disclosure,
11 but I think the environment would be different.

12 And that young person today could find themselves in
13 a position where they would be interviewed in the
14 Bairns' Hoose we mentioned earlier. And that process
15 would, I think, result in the name of the member of
16 staff being identified, because of the nature of the
17 interview.

18 Q. Okay. Just moving on, then, to the letters (v) and (w)
19 on page 19, it is said that from human resources
20 records -- these were other records that were looked
21 at -- there were eight complaints that were investigated
22 in terms of disciplinary procedures, one being the
23 subject of a police investigation.

24 A. Yes.

25 Q. So that's nine complaints. Is that the same nine

1 complaints that we looked at before? Is this something
2 different?

3 LADY SMITH: Eight?

4 MR PEOPLES: No, it is --

5 LADY SMITH: Sorry, it says eight here.

6 MR PEOPLES: Well, there are nine complaints, but one's the
7 subject of police investigation.

8 LADY SMITH: Sorry, yes.

9 MR PEOPLES: Eight are the subject of disciplinary
10 procedures.

11 A. Yes.

12 Q. Are they different to the earlier ones?

13 A. We can't make the direct link. And the reason for that,
14 my Lady, is that the human resource record retention
15 schedule is that if a member of staff leaves the local
16 authority, their personnel file is destroyed after
17 six years.

18 LADY SMITH: I see.

19 A. However, what our human resources staff have is, they
20 have a log of staff members who worked in particular
21 establishments. And they also have a note of whether
22 disciplinary action took place.

23 Unfortunately, what this record doesn't give us is
24 it doesn't say that the case was against John Trainer,
25 who abused a particular child. It just

1 says: John Trainer was investigated. No further action
2 following the disciplinary hearing. So that's something
3 we need to reflect on in terms of how we would record.
4 Today, we also have a -- we do need to consider,
5 I think, the issue of how we retain records of
6 complaints against individual members of staff.
7 LADY SMITH: Mm-hm.
8 A. The data protection legislation, from my understanding,
9 is that we must only hold records for as short a period
10 as they are required. Under the Disclosure Scotland and
11 the Protection of Vulnerable Groups legislation, we do
12 retain information about employees for 25 years.
13 LADY SMITH: Okay.
14 A. But that information still tends only to be name, date
15 of birth, job title, location, dates of employment,
16 an indication of was any disciplinary action undertaken.
17 But we need to look to see if we can improve on that, my
18 Lady.
19 LADY SMITH: Right. Thank you.
20 MR PEOPLES: So have I got this right: I know it says eight,
21 but there are nine matters.
22 A. That's correct.
23 Q. And eight complaints have been identified --
24 A. Yes.
25 Q. We can't link them to the previous nine?

1 A. We can't. And, actually, one of the things that made
2 me, when I looked at this, was: because we can't make
3 that link, we don't know, for example, whether or not,
4 the -- for example, numbers 1, 2 and 3, very similar.
5 No action taken following a disciplinary hearing. Was
6 that the same incident? Was it different incidents? We
7 don't have that quality of information.

8 Q. I mean --

9 LADY SMITH: We also do not know whether the date there is
10 the date the complaint was made as opposed to the date
11 of the incident --

12 A. That's correct, my Lady.

13 LADY SMITH: -- about which the complaint was concerned.

14 A. That's correct. And the information we have is
15 incomplete. It's a very, very -- it was a spreadsheet.
16 It was in an old system called Lotus Notes, which is no
17 longer used or supported, so the quality of the
18 information that we can retrieve from that system is not
19 good enough.

20 LADY SMITH: Thank you.

21 MR PEOPLES: So there is actually no connection between (v)
22 and (w), either?

23 A. That's correct.

24 Q. So this just shows a list of individuals -- or at least
25 11 names of staff who appear to have had, is it, some

1 form of allegation --

2 A. That's correct.

3 Q. -- but you can't really tell us much more than that in

4 some cases you can tell that whatever the allegation,

5 some were the subject of a disciplinary hearing. In

6 other cases, you don't know what the position is?

7 A. That's correct.

8 Q. And that's as far as we can take that?

9 A. That's as far as we can go.

10 Q. So none of these tables link to each other?

11 A. They don't link to each other, unfortunately.

12 Q. Can I suggest -- and I think you have already suggested

13 it -- it does sound to me that your authority and other

14 authorities have to apply their minds seriously to how

15 information is both collected, recorded, and retained?

16 A. Yes.

17 Q. Particularly in matters of this kind, where it may have

18 some importance, not just for trends, but also, in due

19 course, if there is any further processes or whatever.

20 A. Yes.

21 Q. It just strikes me that this is not satisfactory.

22 A. It's not. And, today, this list wouldn't be in this

23 format within Renfrewshire. So, within Renfrewshire

24 today, we would have more detail. We would be making

25 a decision about the retention of a disciplinary file.

1 So whilst the recommendation under data protection is
2 a minimum period of retention, where we have got
3 a disciplinary file in relation to a staff member who
4 has caused abuse or perpetrated abuse against a child in
5 their care, then we would not destroy that, because we
6 have within the data protection an exemption that allows
7 us to hold information for a longer period for other
8 reasons. And that other reason would be the protection
9 of children.

10 I think, on reflection, one of the things that we
11 need to look at -- and many inquiries into the abuse of
12 children, child death, talked about how we build
13 chronologies to review. So we would actually have
14 a chronology of allegations against members of staff in
15 a different way today than we probably had in 1970
16 through to 1990, up to the mid-2000s.

17 Q. I appreciate now that you would be able to tell me, if
18 it was today --

19 A. Yes.

20 Q. -- that there is more than just an allegation.

21 A. Yes.

22 Q. You would be able to tell me the period to which the
23 allegation related and what had followed in terms of
24 process or investigation?

25 A. That's correct.

1 Q. Let's just take an example of say there is
2 an allegation, a process, and the allegation is not
3 upheld; would that be retained, that information?

4 A. It would be retained, because it becomes part of the
5 chronology of understanding why that -- so it might not
6 be upheld in that particular situation. But, if you
7 then had a second or a third, or a fourth, you would
8 then be looking at: has there been a pattern? So we
9 would retain that.

10 LADY SMITH: Yes.

11 MR PEOPLES: So, under data protection, you are satisfied
12 that even if the person appears to have been cleared,
13 and normally one might expect things to be expunged for
14 a certain time, that information can be retained by you.

15 A. There would be a retention that showed the information
16 and we would be able to retrieve that.

17 LADY SMITH: Of course, John, it is important to remember
18 that the fact that a staff member may not be disciplined
19 and, therefore, you might say was cleared --

20 A. Yes.

21 LADY SMITH: -- does not necessarily mean that it is not
22 accepted that the incident as described by the child
23 happened.

24 However, once all the evidence from the staff member
25 is heard, about the circumstances and perhaps the

1 justification for the incident, you are satisfied that
2 there hasn't been a breach of trust, there hasn't been
3 a failure to follow the proper processes. So although
4 the thing, whatever it was, happened, it doesn't require
5 and cannot properly result -- require to result in and
6 can't properly result in a disciplinary outcome for the
7 individual.

8 A. That's correct, my Lady. The agreement with the trade
9 unions is that disciplinary proceedings should only be
10 initiated in cases where it's absolutely clear that they
11 are required.

12 So one of the things the investigating officer might
13 say is: 'Actually, we believe that some additional
14 training for this worker should take place'. So we
15 would record that, so we would know that there had been
16 some action; that it wasn't just ignored.

17 I find it difficult to understand when it says: 'No
18 further action following a disciplinary hearing'. So
19 the action following a disciplinary hearing would either
20 have to be the allegations were found not upheld, and
21 that would be no further action. There was an oral
22 warning, a written warning, a final written warning,
23 perhaps some other disciplinary proceedings, for example
24 a demotion, a withdrawal of an increment on their pay
25 scale or, ultimately, a dismissal.

1 So there should always be some action --

2 LADY SMITH: Yes.

3 A. -- or decision. So that record -- as I say, because we

4 can't interrogate what actually happened, we would not

5 see that anymore. It would say: 'Case was not

6 established following the disciplinary hearing'.

7 But you might then say: 'Worker advised to undertake

8 a period of reflection, additional training'. You know,

9 refresher training on, for example, therapeutic crisis

10 intervention, depending on the nature.

11 So there would be something. It would be unlikely

12 there would be absolutely no further action.

13 LADY SMITH: Yes. And I suppose, depending on timing, it

14 could be by the time of a hearing, the worker had

15 undergone necessary training.

16 A. That's correct.

17 LADY SMITH: There had been work on the relationship with

18 the child and the 'no further action' didn't necessarily

19 mean that there had been no action already.

20 A. That's correct. And I think as we reflected on the term

21 'no further action', it is not satisfactory for anyone,

22 because action has occurred in some way. And quite

23 often, as you indicate, my Lady, the way that the staff

24 member might have already undertaken additional training

25 or reflection, or reading to review what's going on.

1 There might have been a reparation meeting. The debrief
2 might have occurred. So there will be something.

3 'No further action' often is very harsh, and that, I
4 think, suggests to young people that we didn't believe
5 them. And we don't want that to be the thought.

6 LADY SMITH: Thank you.

7 MR PEOPLES: Wouldn't 'outcome' be a better one, with some
8 reasons for outcome?

9 A. I think it would be.

10 Q. And then you could cater for all the possible outcomes
11 that you have described?

12 A. That's correct.

13 Q. Also giving some explanation, so someone understands why
14 a particular outcome was chosen, even if it is just
15 a matter of a bit more training or closer supervision
16 for a period --

17 A. That's correct.

18 Q. -- rather than what might be seen as a traditional
19 disciplinary sanction or a warning?

20 A. That's correct. We would do that. I think that's
21 exactly how we would handle that today.

22 Q. Okay. Can I now move -- one point I want to ask about
23 the report, just a general point, is: if we go back to
24 numbers of children cared for between 1996 and the
25 closure of Rowanlea, I think in 2013 -- it is on

1 page 4 -- and what strikes me is that if you look at the
2 various years and the age profile, there are some quite
3 young people being admitted quite late on in the day.
4 Newfield would be from 1996 through to 1998, and the
5 youngest child in 1996 was aged 10. In 1997, 11?
6 A. Yes.
7 Q. 1998, 11. But then, if we go to 1999 -- and I don't
8 know whether this is Rowanlea or Newfield -- there is
9 a child who was aged 8, there are two who were aged 10,
10 two aged 11. And then 2000, we are definitely in the
11 Rowanlea era --
12 A. Yes.
13 Q. -- there is a child who is aged 10. Or two children,
14 sorry. Then 2001, aged 9 -- one aged 9. 2002, one who
15 is aged 8, another aged 9, and five are aged 10. And
16 again there's children aged 8, 9, and 10, in 2003.
17 There's one as young as 6 in 2004.
18 A. Yes.
19 Q. And a 7-year-old and two 9-year-olds. And then
20 a 7-year-old in 2005 and so forth. That seems to
21 continue until around about 2011. Then there seems to
22 be a change towards 2012/2013, towards the closing years
23 of Rowanlea; it's an older population generally' is that
24 right?
25 A. That's correct. When we did the records search and

1 found that information, I have to admit to being quite
2 shocked, because I, through my career, was not a social
3 worker who was aware of particularly young children
4 being placed in assessment centres. And Rowanlea --
5 Newfield was still an assessment centre up until 1999.

6 The building at Newfield closed and we temporarily
7 relocated the facility to the old Gryffe Children's
8 House, which I know, my Lady, you have previously
9 considered in the Inquiry. That accommodation was used
10 whilst the redevelopment work at Newfield to reduce from
11 the dormitory to the single bedrooms, reduce the
12 capacity from the high 40s/mid-40s down to 16.

13 So my experience was always teenagers and
14 I thought -- when I seen that, I started to ask
15 questions. All of those decisions were made by
16 children's hearings to place children in residential
17 establishments.

18 Q. In assessment centres?

19 A. In assessment centres.

20 Q. So the panel took it upon -- in their wisdom, took it
21 upon them to say: 'Although it is not, in concept,
22 something that's a permanent placement, we think that --
23 in one case it is -- a 6-year-old boy should be placed
24 in an assessment-type environment'?

25 A. In an assessment centre to have his needs assessed,

1 residentially.

2 Now, I think we had a conversation on Tuesday about
3 removing a child from the environment where their
4 challenges and difficulties and distress is displayed to
5 an environment where it is artificial seems not
6 sensible. But, unfortunately, those decisions were
7 made. And I don't think they can be justified. You
8 know, without going through every single case --

9 Q. I don't want the detail, but --

10 A. I think, as a professional, I was shocked and surprised
11 to see the numbers.

12 Q. Yes, in this day and age?

13 A. In this day and age.

14 Q. Yes. I will leave that one. What I am going to do now
15 is, I am conscious that on Tuesday, and to an extent
16 today, we have looked at mainly about Rowanlea and the
17 present time and we have not really spoken much about
18 Newfield from its inception in 1979.

19 What I am going to do now is to take you through
20 a sort of chronology --

21 A. Yes.

22 Q. -- with reference to some documents you have provided.
23 I probably won't take you to the documents, unless you
24 are really interested in seeing them, but you have seen
25 them and you have provided them.

1 A. That's correct.

2 Q. And it is just to see if we can work out how things
3 evolved to the point where we get to Rowanlea and,
4 indeed, what has happened since --

5 A. I am happy with that.

6 Q. -- Newfield was refurbished.

7 I don't know if you were aware, but it opened
8 in October 1979, but it had been an idea that had been
9 formulated before Strathclyde came into being in about
10 the mid seventies --

11 A. Yes.

12 Q. -- that they would create assessment centres, as well
13 as using old remand homes as assessment centres?

14 A. Yes.

15 Q. So Newfield opens in 1979. I think Cardross may have
16 opened around the same time; is that right?

17 A. So I was surprised at both of those. I wasn't a social
18 work professional at that time, but I -- certainly, when
19 I joined as a qualified social worker in 1988,
20 I actually thought that the two assessment centres,
21 Cardross and Newfield, were operational from the mid
22 seventies, probably around about '76/'77, but I think as
23 we searched, we found out it probably was --

24 Q. Later on.

25 A. -- later on.

1 Q. Although, at least in some cases, they probably didn't
2 survive under the name 'assessment centres' because
3 Strathclyde seemed to have an aversion to assessment
4 centres, or at least maybe Fred Edwards did. And we can
5 see that, I think, in some of his communications, not
6 just about -- well, about Newfield, but other places.

7 A. Yes.

8 Q. I don't know if you have been able to follow the
9 evidence this week. We have had evidence from a person
10 who went to Newfield, Johanna Brady?

11 A. Yes.

12 Q. Who stayed for a short time and then resigned because
13 she was unhappy, I think, about various things. And you
14 probably recall the evidence?

15 A. I do.

16 Q. She came with rather high hopes and thought she was
17 going to an assessment centre, pure and simple?

18 A. Yes.

19 Q. She was somewhat disillusioned. She wasn't happy with
20 the leadership or the systems and the way that matters
21 were handled. She wasn't really happy about treatment
22 of children and so forth. So it wasn't a very happy
23 start in reality, certainly for her.

24 A. Yes, and when I read her evidence, it struck me we had
25 a worker who moved into a new post with high ideals.

1 She believed that there was a concept that an assessment
2 centre could benefit children. Her experience was that
3 it did not benefit children. Her experience was that
4 the staff were not sufficiently qualified or robust.

5 It was interesting, when I was doing the review of
6 the tables, my Lady, I looked at some of the staffing
7 designations. So we had, at times, just workers called
8 'residential workers'. So you say: well, what was their
9 role in assessments?

10 We then had assistant assessment officers, we had
11 assessment officers, and we had senior assessment
12 officers. But I was not able to find out what was the
13 distinction, what was the training for those different
14 levels of staff.

15 So I think as a concept it probably -- I am still
16 never sure it was the right thing. But, actually, in
17 terms of delivery, the staffing model probably did not
18 deliver anything that was more beneficial for children
19 than the community assessment. And I also -- I
20 mentioned on Tuesday that the professional with the
21 highest qualification in terms of social work for these
22 children was generally their social worker in the
23 community. But you were then having the child in
24 an environment where someone else was looking at how
25 that child operated, but an artificial environment. So

1 a child who's running away from home, they come into the
2 assessment centre, they continue to run away from home.
3 What does that tell you?

4 It tells you the child is running from something or
5 to something, but it doesn't tell you what. So, as
6 a concept, I think it was a strange one.

7 Q. And you will also bear in mind that she did say, as
8 well, that apart from being a bit disillusioned when she
9 went there, there wasn't a lot of preparation and
10 training. She said that she and KAB, who,
11 I think, was a senior assessment officer by title --

12 A. Yes.

13 Q. -- had to institute their own training for the centre,
14 and also supervision?

15 A. That's correct. And KAB is someone that I know.
16 So she was a qualified social worker, as was Johanna.

17 Q. Yes.

18 A. So I think what happened was we had qualified social
19 workers who came with their professional knowledge and
20 training and they believed that that should formulate
21 the training programme for the staff. But staff had
22 been recruited as general residential staff or as
23 assessment officers, and there wasn't a comprehensive
24 training programme to ensure they had the required
25 skills, knowledge, or ability to discharge that

1 function.

2 Q. And I am not going to deal with it at this stage, but

3 I think obviously you are aware that we have heard

4 evidence from applicants in person about their

5 experiences. I will come to that in due course --

6 A. That's -- yes.

7 Q. -- and just to ask you to comment. So we have that

8 source as well, to get a flavour of how the place was

9 being run in practice.

10 A. Yes.

11 Q. But can I just be clear: we know, I think, from your

12 report -- and you can confirm if I am correct -- and

13 indeed by documents that have been provided by the

14 council -- that Newfield, throughout its existence as

15 Newfield, didn't function simply as an assessment

16 centre, it also had a number of other functions. It

17 held people while they were waiting for a place --

18 A. That's correct.

19 Q. -- in a more permanent placement?

20 A. That's correct.

21 Q. It took emergency admissions, things of that nature. It

22 also did more than assessment, because I think we have

23 learned from applicant evidence -- it has kind of

24 cleared some confusion -- that there were various units

25 and they weren't all assessment units, some were what

1 have been described as a more longer stay for an actual
2 placement for maybe six months in a particular unit that
3 served that purpose, rather than a short assessment-type
4 unit. Are you familiar that we have had that evidence?

5 A. We did. And I think earlier in the week I had said that
6 my experience of the assessment centres was that the
7 theory was that a young person would go for between 21
8 and 28 days' assessment and that they would return home.

9 There were occasions where the return home was not
10 possible, another resource had been identified or was
11 required and requested and the placement wasn't
12 available, so young people would remain.

13 I think that the idea that they formulated that and
14 tried to separate -- and I think at one point they had
15 what they referred to as a short stay unit.

16 Q. Yes.

17 A. The short stay unit could be up to six months. I think
18 that, to me, is a contradiction in terms: short stay is
19 not six months. But that would certainly have occurred.

20 So would you have had young people who had gone
21 through an assessment and they would stay in Newfield to
22 await either a rehabilitation plan back home, because it
23 might be that that was the actual ambition, or the
24 securing of a place in a residential List D school, for
25 example. But you would also have young people who were

1 accommodated on an emergency basis. So a young person
2 who may be in conflict with the law, the court might
3 decide that the young person should be remanded to the
4 local authority for detention, pending a future
5 appearance at court. They could appear and be placed
6 within Newfield.

7 You could have children who the Children's Panel
8 makes a place of safety order at that particular time.
9 They could end up in Newfield. So it was a very mixed
10 place.

11 Q. It was still functioning in some ways as a remand home?

12 A. At times it most definitely was.

13 Q. As well as a place of safety for an emergency admission?

14 A. And I think that remains one of the conflicts.

15 Q. These aren't assessments?

16 A. No.

17 Q. These are different purposes.

18 A. No, no. And, generally, I think, when a young person
19 was placed in that way, there was an attempt to get
20 behind and do a bit of assessment. So if a young person
21 had been remanded by court and we knew that they were
22 going to appear at court at a later date, then there
23 would be a bit of an assessment undertaken, but it was
24 not an assessment that was requested by the hearing or
25 that was, I think, was initially intended by the purpose

1 of the unit.

2 Q. Yes, because I think a number of people, applicants,
3 have said: 'I don't know whether I got any assessment.
4 I don't know who was doing the assessing. They were
5 certainly not making me privy to what was going on.
6 I may have chatted to the odd person. I didn't see
7 a psychologist or a psychiatrist. I'm not really
8 conscious that there was a formal process of assessment
9 going on'.

10 That seems to have been a familiar theme in evidence
11 we have heard and it seems to be borne out, I think, by
12 your report and the fact that it had a multifunction
13 purpose?

14 A. Yes, absolutely. And I think that, when you reflect
15 back, there was a psychologist within the service.
16 There were the assessment staff that were identified as
17 being assessment officers or assistant assessment
18 officers. There were teachers. And I don't think it
19 was ever made clear to children and young people that
20 this was part of the process. So there would be
21 conversations, and those conversations would then be
22 formulated into a written report of the child's assessed
23 needs. But, in the late -- through the seventies, even
24 right through to the eighties, we were not as good at
25 sharing our information with children and young people

1 as we could have been.

2 So, today, a young person would be very clear about
3 why they are being -- what -- the reason that social
4 work is involved, what information they are giving us
5 and how it is being used. But, back then, they probably
6 wouldn't.

7 So I think there was a degree of assessment, but it
8 was not clear to the young person. They would actually
9 have received a copy of their report at the meeting
10 before they would either leave and go back to the
11 children's hearing. But, actually, they wouldn't get
12 a copy to go away with.

13 Q. They would just get to see it?

14 A. They would just get to see it. It would then go to the
15 children's hearing and the child didn't always get to
16 see their paperwork at that time. Their parents would,
17 but the child would not necessarily have seen it.

18 So I can understand why some people who are adults
19 now and, looking back, said: 'I don't understand what
20 happened there because it was never clear'.

21 Q. And that's quite wrong, really. Some of them say,
22 'Well, I was of a certain age'. Some actually said
23 'Maybe I wouldn't have understood', but I think they
24 were being a bit unfair to themselves. A child has a
25 capacity, after a certain age, of understanding what's

1 going on around them and can be given an explanation.

2 A. Absolutely, absolutely. And, today, we even -- we
3 recognise that if a child is over the age of 12, we make
4 an absolute assumption that that child should have
5 access to all of their information and a sensitive
6 approach to how we share information and take them
7 through the process.

8 For children under the age of 12, you have to think
9 a bit differently about their level of maturity, their
10 understanding, but you still try to find ways to share,
11 so the child understands why this strange adult has come
12 into their life, a social worker or a care worker.

13 For babies, it's very difficult. But what you are
14 trying to do is: how do you get the voice of that child?
15 So you are looking at the child's temperament, their
16 behaviour. When they are sitting with their family; are
17 they engaged/are they not engaged? Is there a blank
18 look? Is there a smile? Do they respond to the mum and
19 dad?

20 You are doing all of that and you should now record
21 that. So I think that has been a real change.

22 Every single report -- and even back, again, when
23 I first qualified -- there was a section in all of our
24 reports for the views of a child. It wasn't
25 particularly well utilised.

1 LADY SMITH: John, you said a few moments ago that today
2 a child or a young person would be very clear about the
3 reason for social work being involved --
4 A. Yes.
5 LADY SMITH: -- why you are getting the information you are
6 from them and how you are going to use it. Do you
7 prepare any easy read versions of these explanations for
8 the child? So that before it all happens they have
9 something in writing, with pictures, probably --
10 A. We do, my Lady.
11 LADY SMITH: -- so they can understand.
12 A. So, within our child protection processes, we have
13 documentation for children --
14 LADY SMITH: Mm-hm.
15 A. -- which tries to simplify the process and use plain
16 English and words that are accessible for children.
17 There is a staged element of that for older
18 children. You are much more respectful of their
19 development and understanding. But some older children
20 still require very sensitive -- the Children's Reporter
21 provides very good quality graphic material for children
22 going through the Children's Hearings System. We have
23 had some discussions locally about: are there short
24 animations that we could make for children? We have not
25 yet developed them.

1 We have developed a couple of animations in other
2 areas, one in partnership with the Scottish Government.
3 Renfrewshire's Children produced an animation on the
4 United Nations Charter of the Rights of The Child.

5 LADY SMITH: Yes.

6 A. It is a five minute animation. It is actually quite
7 a nice animation. And that was an attempt to help
8 children understand their general rights under the
9 charter.

10 We had a group of children in the last year, as part
11 of their own work, and what they wanted to do was share
12 a message with social workers about the importance of
13 maintaining relationships. So there was a group of
14 children in foster care, they made a two minute
15 animation which is called 'Maintaining relationships'
16 and it is about the importance of -- even if they have
17 to move, about being able to go back and talk and know
18 who was in their lives.

19 LADY SMITH: Yes.

20 A. So we are using that type of thing and I think one of
21 the things we are looking at is: how do we make better
22 use of that type of facility?

23 We have a young member of staff that we recruited as
24 part of our approach to The Promise and the response to
25 The Promise. She is called The Promise Ambassador. One

1 of the things she has done in Renfrewshire is
2 established over 300 promise keepers, that's 300 members
3 of staff who have said -- not because of their job role
4 or title -- that they will help develop The Promise in
5 Renfrewshire. And she is looking at: how do we
6 communicate better with children?

7 And that will be one of the things we can improve.

8 LADY SMITH: This is, of course, the other side of enabling
9 children to have a voice.

10 A. That's correct, my Lady.

11 LADY SMITH: It is not enough to do that, because, from your
12 side, you have to be explaining to children all the time
13 what's happening to them through your intervention --

14 A. That's correct.

15 LADY SMITH: -- what your intervention is all about and
16 where it's going and why. Just listening to what they
17 say won't get you there --

18 A. That's correct.

19 LADY SMITH: -- you have to communicate effectively with
20 them.

21 A. That's correct. And you need to sometimes probe, you
22 need to ask questions that are sometimes uncomfortable,
23 but it's important, if you are having to do that, that
24 you explain to the child why you are doing that through
25 that whole process.

1 LADY SMITH: Yes. Thank you, John. That's very helpful.

2 MR PEOPLES: Before I go back to Newfield, there is one

3 thing arising out of that. Obviously, you are telling

4 us of the efforts to be able to communicate effectively

5 with children of all ages by a variety of means. There

6 has been a lot of criticism of applicants, in this

7 chapter and other chapters, about their experience of

8 panels and the participation or lack of participation,

9 and the fact that it is a bunch of adults, mostly

10 strangers, talking about them and not really giving them

11 a voice.

12 Now, no doubt you will tell me that things have

13 changed considerably since the days of some of these

14 individuals' experiences. But is there still work to be

15 done in terms of the panel engagement with young people?

16 I don't know whether you are in a position to -- or

17 you feel qualified to say too much on that score but I

18 just ask you while you are here.

19 A. Yes. So, actually, it's interesting, that whole

20 development. So, as a social worker in 1988, when

21 I went to my first children's hearing, I went into the

22 hearing room. There was three panel members, a chair

23 person and two side members. There was a children's

24 reporter at one end of the table, at the other end of

25 the table, me, as a social worker, and there was the

1 family. And they were quite adversarial, I have to say.
2 And I can recall children feeling they were being blamed
3 for certain things. So the idea that Kilbrandon had
4 around them being a conversation to help families
5 recover, change, make improvements, didn't always feel
6 it was there.

7 Today, I think there has been some improvements, but
8 there has also been some regression. Children's hearing
9 rooms can be incredibly busy. So you would have the
10 panel members. The children's reporter. The social
11 worker. The family. You will have an advocate for the
12 child, who perhaps is there. You might have mum's
13 lawyer, mum's advocate. You could have a drugs worker
14 for mum or dad. Actually, they have become much more
15 complex. And, actually, our staff tell us that they are
16 incredibly adversarial, and young people tell us that.

17 So young people are saying to me today they don't
18 find children's hearings as useful as they would want.
19 And I think that we had the Children's Hearing Working
20 Group, again coming out of The Promise, Sheriff Mackie,
21 David Mackie, has made a number of recommendations.
22 Some of them have not been accepted by the Scottish
23 Government, others have. And Sheriff Mackie is still
24 doing redesign work.

25 But there also have been improvements. So, locally,

1 our children's reporter, working with one of our senior
2 managers in children's social work, have
3 a Child's Voice Group. They are looking at the
4 experience of children within the hearings.

5 We developed locally, with our legal representatives
6 for families -- we spoke to them about the conflict that
7 was happening and we agreed a code of conduct and
8 I think that was unique. We managed to get, you know,
9 family defence solicitors, the children's reporter,
10 social work, to agree a code of conduct. It still
11 doesn't always work as well as we want, but at least we
12 have something. If there are concerns, we can use that
13 to bring people's attention to problematic behaviour.

14 Do children still get heard as well? They don't.
15 You have six, eight, ten adults often speaking over the
16 child. For a very young baby, that could be
17 appropriate, but for a younger person who is coming into
18 the system, you want their voice to be much more
19 present. It's not always as present. And I think
20 that's why the role of the independent advocate was
21 brought in.

22 And I remember from the conversation with some staff
23 about the role of advocacy, because they would say to
24 me, 'But John, I'm the child's social worker, so I'm
25 their advocate', and I would say, 'Well, you can

1 advocate to an extent for a child, but the point where
2 you say to the panel member, "I think that [REDACTED] -- or [REDACTED]
3 has told me that he wants to stay with his mum and dad.
4 However, my position is [REDACTED] should be in care", then you
5 are no longer advocating for the child. You have stated
6 their case'. The independent advocate is only there to
7 make that voice heard. So it is still too complex
8 an environment.

9 I think that there is a lot of -- Sheriff Mackie's
10 report I would absolutely endorse and embrace. I think
11 the challenge is to deliver it at a quicker pace than we
12 are currently delivering it.

13 Q. I take it that most panel hearing rooms are not like
14 a Bairns' Hoose?

15 A. They are not. However, they have also changed
16 dramatically.

17 Q. So they are changing?

18 A. They are changing. So if I take you back to 1988, it
19 was a great big table, family on one side. Many hearing
20 rooms across Scotland no longer have tables; they have
21 low chairs. They are more comfortable. They are
22 designed -- light's used differently, colour's used
23 differently. And that is an attempt to make them
24 friendlier, but not every panel room in Scotland has had
25 that opportunity to be updated.

1 Q. No. And the other thing I would just ask you -- and
2 I don't want to go too far down this route, but: is
3 Sheriff Mackie favouring some form of
4 professionalisation of panels?

5 A. Sheriff Mackie has. He recommended, particularly for
6 the chair, that there should be a paid chair. That's
7 one of the areas that the Scottish Government has not
8 endorsed. And, actually, it is interesting, young
9 people I have spoken to say to me that the importance of
10 the chair and the panel members is not about whether
11 they are paid -- although some children have said they
12 don't like the idea of them being paid -- it's about the
13 consistency. It's about their attitude towards
14 children. It's about their respect. It's about the
15 panel members' ability to create a safe space.

16 So, as a profession, Social Work Scotland, our
17 position was that we were neutral on the paid chair. We
18 have not been convinced that it is absolutely the best
19 change. We think there are other changes that could
20 take place before that. But it is not something that we
21 would absolutely oppose either.

22 Q. It is a bit like an employment tribunal --

23 A. It is.

24 Q. -- that model.

25 A. Yes.

1 Q. With someone legally qualified, but two wing members.

2 A. And I think when you look at some of the changes that
3 occurred in the Children's Hearings System, it was as
4 a consequence of challenges under human rights
5 legislation about the right for a fair tribunal. And
6 that's why families had legal representation now.

7 When I was a front line social worker, probably
8 right through until I became an area manager, most
9 families didn't have solicitors, because it wasn't seen
10 as being an appropriate place for a solicitor. It was
11 still seen, at that time, as a place where you could do
12 a discussion to try and get agreement on a consensual
13 basis.

14 There were other safeguards, the appointment of
15 a safeguarder for the child. But, actually, there were
16 some legal challenges and there was then decisions that
17 families particularly could have legal representation.
18 And most families, where there is conflict with the
19 social work recommendation, will have some family
20 solicitor.

21 Q. Professor Norrie, of course, would tell us about the
22 history, and says that okay, there was this great
23 innovation through Kilbrandon of moving away from
24 a juvenile court that made a decision and didn't
25 continue to review the child or have the child come

1 before them again. Whereas the panel would have
2 continuing jurisdiction over the child --

3 A. Yes.

4 Q. -- and make appropriate orders, as they saw fit.

5 One problem might be -- and I don't know if you can
6 help me -- would it be normal for a child going through
7 the panel in a particular area to come before the same
8 panel? Because if you don't, then you are coming before
9 different people. It's a bit like having a social
10 worker who changes every three months?

11 A. Yes.

12 Q. It doesn't sound to me, on the face of it, to give the
13 child necessarily confidence that they have formed some
14 sort of relationship, in saying, 'Oh well, I'm going
15 back to see my old friend so and so' --

16 A. Yes.

17 Q. -- and do you think there is a problem there as well?

18 A. I think there's a couple of things. The first thing
19 I would say is that the nature of the business in
20 children's hearings has changed dramatically over the
21 past 40 years. The vast majority of children who now go
22 to children's hearings are for care and welfare grounds.

23 So, in the past, and even at the point where
24 I qualified, the majority of children were young people
25 in conflict with the law. Young people who had been

1 charged would be referred for the grounds of offending.
2 The number of children referred to the children's
3 reporter and taken to children's hearings for offending
4 is much lower. It is tiny numbers now. So that's one
5 big change.

6 The second change is that if a child appears at the
7 hearing and the hearing makes a decision to place the
8 child on a compulsory order, then you are generally not
9 back for nine, ten or 11 months. So maintaining
10 a relationship, to a degree, is artificial, but young
11 people tell us it is important. So what the Scottish
12 Children's Reporter Administration now try to do is at
13 least have one of the members of the hearing as
14 a continual and they will attempt that to be the chair,
15 but they can't always manage it. But they are making
16 big attempts to make sure that's what happens.

17 Q. So there is a connection with the child?

18 A. That's correct.

19 Q. Someone they will at least be familiar with?

20 A. Somebody they are familiar with. And who can say, 'Last
21 time we met I remember hearing this', and it shows that
22 the panel member has at least got a connection. But
23 they don't -- it's not universal, but it is an attempt
24 by the Scottish Children's Reporter Administration as
25 the schedule to make sure there is at least one panel

1 member who continues.

2 Q. Okay. And you would welcome that?

3 A. I welcome that, yes.

4 Q. Going back to the report on Newfield, we have already

5 established that it functioned in a lot of ways, not

6 just as an assessment centre. It also -- and maybe this

7 is a reflection of that point -- underwent changes of

8 designation, because I see that from documentation

9 provided that around 1981, I think at the instigation of

10 Fred Edwards, the then Director of Social Work,

11 Newfield Assessment Centre was to become Newfield Child

12 Development Unit. I don't know whether that was

13 symbolic or represented a reflection of reality, or

14 a new dawn; can you help us there?

15 A. I can. All I would say is that in 1988, Newfield was

16 still referred to as an assessment centre by the vast

17 majority of practitioners in Strathclyde. So the fact

18 that the designated name had changed, I don't think it

19 brought around a practice change, nor did it get into

20 the vernacular. People still referred to Newfield as

21 an assessment centre, as they did about Cardross.

22 Q. I take it, if it was purpose-built, at least they maybe

23 avoided it being called Newfield Remand Home?

24 A. It was never in my understanding referred to as the

25 remand home.

1 Q. Well, some places -- Larchgrove --

2 A. Larchgrove was.

3 Q. -- may well have still been regarded by many as: it's

4 Larchgrove. It's a remand home.

5 A. It is. And, interestingly, as a young social worker in

6 Glasgow, Larchgrove was coming to its end as I entered

7 the profession. But people still referred to Larchgrove

8 only as Larchgrove, but they would say the 'remand

9 home', if they had to expand. They would not say

10 assessment centre.

11 So I don't think Larchgrove ever achieved the

12 fundamental change in how it was perceived, either by

13 young people who were placed there or by the profession.

14 Q. Yes. And while the 'Child Development Unit' label might

15 not have caught on, one thing that Fred Edwards was

16 saying at that point, in 1981 -- and it is contained in

17 a document, GLA-000002500. I am not going to take you

18 to. It is January 1981.

19 One point he was stressing, then, was that Newfield

20 should only be used for assessment where it was

21 necessary for the young person to be assessed in

22 a residential situation, rather than, for example, in

23 his or her own home.

24 So he was making a clear preference, in 1981, for

25 assessment taking place in a community setting or,

1 perhaps, the current residential placement that the
2 child was in; is that what you take from that?

3 A. Yes. And, again, as I take you into my early days of my
4 career, there were further documentation in the --
5 '86/'87/'88, which very clearly reestablish that as
6 principle. So, obviously, something hadn't changed,
7 because there then became a clear principle that
8 said: children should be seen at home. That's where the
9 assessment should take place. If they can't be assessed
10 in the normal, short intervention with a single social
11 worker, there was what's called community assessment,
12 and that only in exceptional circumstances should
13 a residential assessment in one of the two assessment
14 centres that were still operational at that point be
15 utilised.

16 Q. I think you have in mind 'home and away'?

17 A. That's exactly it, yes.

18 Q. That was the strategy for the 1980s, which very much
19 criticised, based on apparent research, the concept or
20 use of assessment centres for assessment?

21 A. It did. And, actually, you mentioned KAB
22 earlier, and KAB was one of the senior officers who
23 drove that change. And I do sometimes wonder if her
24 experience in Newfield, in her early days, influenced
25 her decision to practice differently and change practice

1 across Strathclyde.

2 Q. Now, later in its life, Newfield was at least designated
3 a resource centre.

4 A. Yes.

5 Q. Now, what are we supposed to take from that? It ceases
6 to be an assessment centre or a child development unit
7 and it is then referred to as a resource centre. What
8 is a resource centre?

9 A. I think it was probably -- the name probably changed to
10 reflect more accurately the multi-functions that
11 Newfield was performing. So it still undertook
12 assessments, but it also recognised that some young
13 people stayed longer than you may wish. It also
14 recognised that some young people were placed on
15 a temporary basis in an emergency and then moved on.

16 So I think it was a genuine attempt to say: it is
17 not only one purpose because that one purpose had never
18 really been established as the single standalone
19 purpose, so it was a more honest approach.

20 Q. Okay. If we move forward to local government
21 reorganisation in 19 --

22 LADY SMITH: 96?

23 A. '96.

24 MR PEOPLES: There was what's called a 'disaggregation of
25 regional resources'.

1 A. Yes.

2 Q. And Newfield was, I think you tell us in the report,
3 allocated to Renfrewshire Council. It was in its area,
4 but --

5 A. It was in it's area, yes.

6 Q. But it was allocated.

7 A. Yes.

8 Q. But agreement was reached in 1995 that it would provide
9 a service to a number of authorities, but not including
10 Glasgow City Council, the new Glasgow City Council, and
11 they would do so under a joint user agreement, and
12 that's what happened in Newfield's case between 1996 and
13 1998; is that the position?

14 A. That's correct.

15 Q. Then the records that you have produced -- and I don't
16 want to go through them in detail -- but they indicate
17 that Newfield, albeit it was a new purpose-built centre
18 in 1979, by the time it got to become part of
19 Renfrewshire Council's resources, was not deemed
20 suitable for the numbers that were being accommodated.
21 It had a capacity -- and I think you have said this
22 before -- of 45 children, and an average occupancy of 41
23 and 12 of the 45 beds were in dormitory accommodation.
24 I think there were adverse comments being made in the
25 early days of Renfrewshire Council about the

1 accommodation, and these would be made by inspectors,
2 local inspectors.

3 A. So --

4 Q. Is that the broad position?

5 A. That's the broad position, yes. And the inspectors at
6 that particular time were an arm's length unit. So they
7 were still local authority employees, but they operated
8 at arm's length from the local authority. And they were
9 saying to the directorate team in social work at that
10 time: 'This centre does not meet the standards that we
11 would want. It doesn't provide good quality, modern
12 accommodation'.

13 And whilst it was purpose-built, it was built in the
14 mid seventies through to the end of the seventies. The
15 accommodation was not what we would want it to be. We
16 certainly didn't want dormitory accommodation at all.
17 So we wanted to change the environment entirely, but we
18 also wanted to change the principle. And the inspection
19 agency were part of the catalyst for that change.

20 Q. Can I just ask you -- I am conscious of the time, it is
21 time for a break -- but one question before we break
22 is: this desire to move wholly to single room
23 accommodation and also reduce the size of Newfield --

24 A. Yes.

25 Q. But the dormitory accommodation point, I am just

1 wondering what the thinking was, because one explanation
2 for this trend or move is -- certainly around the mid
3 nineties -- is children's rights and the rights to
4 privacy and the right not to be in a dormitory with
5 a group of strangers, in many cases.

6 A. Yes.

7 Q. But the other matter -- and I don't know if this
8 featured in the thinking at the time -- is that we hear
9 a lot about bad things happening because children were
10 in a dormitory at night, either things happening because
11 of the behaviour of other young people or -- and/or the
12 behaviour of staff who were on night duty. So that's
13 come out of this Inquiry and the evidence we have seen;
14 so were both of these considerations in play?

15 A. I don't know that particular consideration. I know that
16 through the eighties and nineties, there was a move
17 towards saying: children should not be living in shared
18 accommodation with people they are not related with.

19 So there was always still a drive that would say: if
20 you bring a family of children into care, you may wish
21 for some of those children to be in the same bedroom, so
22 you might need two bedrooms -- two children in
23 a bedroom. But dormitory accommodation was seen as
24 a place where abuse, either by peers -- and I think
25 there was a recognition that it also was an environment

1 where staff members could behave inappropriately and
2 could abuse children, because of the nature of it and
3 that that, therefore, was something we would not want.

4 I don't know if that formulated some of the plans,
5 because we don't have a record of exactly what was going
6 on in Renfrewshire at that particular time in terms of
7 all of the thinking, but we do know that the inspectors
8 were unhappy with dormitory accommodation and wanted us
9 to shift. And that fitted with the view of the then
10 director and head of service, who were both saying: 'We
11 need a more humane, a more friendly, a smaller base for
12 children'.

13 The second bit was that some of the partner
14 authorities were beginning to ask themselves questions
15 about whether or not they wished to use a model of
16 assessment. So we recognised that the large centre with
17 over 40 young people was a thing of the past that had to
18 end and we wanted to remodel the centre to be more
19 appropriate for smaller numbers.

20 MR PEOPLES: Can we take the story up after the break?

21 LADY SMITH: A good point to break.

22 John, we will take the morning break now if that
23 would work for you; all right?

24 A. It does, my Lady.

25 LADY SMITH: And we will get back to the rest of your

1 evidence afterwards, thank you.

2 (11.32 am)

3 (A short break)

4 (11.46 am)

5 LADY SMITH: Welcome back, John. Are you ready for us to

6 carry on?

7 A. Ready to start, my Lady.

8 LADY SMITH: Thank you.

9 Mr Peoples.

10 MR PEOPLES: John, if I could continue my whistle-stop tour

11 of Newfield. We have come to the point where,

12 obviously, Renfrewshire Council is trying to address

13 what might be seen as historic problems or issues about

14 the size of Newfield, dormitory accommodation.

15 A. Yes.

16 Q. And I think just to understand the development of this

17 particular place, when Renfrewshire took over from

18 Strathclyde Regional Council, as -- I think as

19 an interim measure, the new authority simply adopted

20 relevant Strathclyde Regional Council procedures,

21 guidance and standards. But, after 1966, as I think the

22 report shows, these were reviewed and the council

23 produced their own policies and procedures?

24 A. That's correct.

25 Q. And, for a time, Newfield operated under this joint user

1 agreement between 1996 and 1998. There is a document.
2 I will just give the reference. It is REC-000000042,
3 which records that it was seen at that time as
4 a place -- and I will quote:

5 'For children in difficulty or who have special
6 needs aged between 8 and 16.'

7 I am sensing that at least by then there is
8 a feeling that Newfield is a bit different from
9 children's units or other establishments and it is
10 catering for a particular type of child, using the
11 euphemism 'children in difficulty' when that could cover
12 a variety of things.

13 But I think in special needs, they were looking
14 at fairly complex needs of children that were being sent
15 there, is that right?

16 A. Yes, I think at that particular point, I think, it is
17 a euphemism. It's probably a euphemism for children and
18 young people who were either in conflict with the law or
19 whose behaviour was putting themselves at risk within
20 the community.

21 We didn't understand or know the reasons behind
22 their behaviour, but there was an attempt to create,
23 within the Newfield establishment, a slightly better
24 staff environment, higher levels of staff to support
25 children and young people, and to be able to help

1 understand what was going on for that particular group.

2 Q. As you told us just before the break as regards

3 inspection -- and I will just deal with this fairly

4 quickly -- between 1996 and 2001, there was, within

5 Renfrewshire Council, a local registration and

6 inspection unit and that that was all prior to

7 inspection functions being taken over by an independent

8 national inspectorate, the Care Commission?

9 A. That's correct.

10 Q. Which became the Care Inspectorate. So that was what

11 was operating; that was the team that was highlighting

12 some of the deficiencies?

13 A. That's correct. And that was the Arm's Length

14 Inspection Unit, which operated in all local authorities

15 across Scotland.

16 Q. Yes.

17 A. And Renfrewshire's unit did express some concerns and as

18 they were looking at the development of the service over

19 the years, their views were seen as important in helping

20 us reshape what residential children's care would look

21 like in Renfrewshire.

22 Q. And can I just say, I think that they produced, before

23 the Care Commission became operational, I think in 2002,

24 probably --

25 A. Yes.

1 Q. -- they produced five annual reports?

2 A. That's correct.

3 Q. The first being in 1996/1997 and so on.

4 A. That's correct.

5 Q. And your council has provided these annual reports. We

6 don't have, I think, the specific inspection reports for

7 Newfield.

8 A. No.

9 Q. But what we do see, I think -- and Newfield is no doubt

10 part of the things that are highlighted, the problems --

11 we do see that they try to seek to identify themes and

12 issues and, to some extent, the same themes and issues

13 recur year on year?

14 A. Yes, and I think, again, it's disappointing that we

15 couldn't find the individual reports, because I think

16 the authority probably should have had a better records

17 management system --

18 Q. Yes.

19 A. -- that meant that those documents were retained. But

20 unfortunately we couldn't. But we were able to find the

21 summary reports of the inspection processes. And you

22 are absolutely right, common themes each year.

23 Q. Yes. If I can take an example, if we -- I will just

24 give the reference, but I will tell you what the example

25 is. It is REC-000000036; it is the annual report for

1 1997/1998. It was highlighting -- and it wasn't the
2 last report to do this -- it was highlighting what was
3 broadly termed 'staffing issues', not only in relation
4 to Newfield, but across the board, I think, both in
5 establishments run by the council and also children's
6 units and other establishments run by third party
7 providers.

8 A. Yes.

9 Q. The sort of things that were being highlighted then, and
10 became recurring themes was, firstly, the number of
11 staff on temporary contracts, because the inspector's
12 view was that a stable and motivated staff group was
13 required to deliver good quality care services. That's
14 how they put it.

15 A. And I would agree with that.

16 Q. You agree with that?

17 A. Even today, any residential children's unit should have
18 a stable staff unit, because that's important in
19 creating the environment.

20 So, in '97/'98, it wasn't unique to Newfield, as you
21 say, but there appeared to be higher turnovers of staff
22 than people would want and there were significant
23 numbers of people on temporary contracts.

24 Q. Another area that was picked up in relation to staffing
25 issues was training and supervision. The way it was put

1 was: it was seen as problematic in many units.

2 It's perhaps a rather coded word for there are big
3 problems?

4 A. So problematic; our interpretation of that means it
5 wasn't happening.

6 Q. Yes.

7 A. If the report had been brutally honest -- and I think
8 they had to temper some of that. But we know that
9 supervision was not as robust in establishments
10 throughout, probably up until we reopened the unit as
11 Rowanlea. It became much more robust when Renfrewshire
12 reopened Rowanlea. We were very clear about our own
13 procedures for residential care staff to be trained and
14 to undertake professional supervision with their
15 manager. And that the managers within the children's
16 houses, and Rowanlea at that time, we expected
17 a qualification which had not been expected previously.

18 Q. Yes. And the other matter that was mentioned in that
19 report -- and I don't think it was a problem that went
20 away -- was that many staff were reporting to inspectors
21 that they were having difficulty, as it was put,
22 protecting the role of keyworker, because they were not
23 getting sufficient time for one-to-one work due, it was
24 said, to the general unit demands. I think we can work
25 out what that means.

1 A. Yeah, I think probably two things: I think the staffing
2 ratios would not have been at the level that they
3 probably should have. But that the units themselves
4 were challenging environments. You had, in 1997/98, you
5 still had the high numbers of children and young people,
6 you had high turnover. Young people would bring their
7 experience of trauma to the unit. Staff, I don't think,
8 were adequately trained to meet those needs and,
9 therefore, there would have been times when the
10 environment would have been hostile, both for children
11 and for young people, and for the staff members. And
12 they struggled at times to make it a safe environment
13 and an environment where there was time to step back and
14 do that work as a keyworker, to help the child in terms
15 of their journey on.

16 Q. Now, just -- I will give the reference for this. It's
17 a document that's a bit later in time, but it is
18 an interesting document in the sense that it kind of
19 reviews matters. It is what's called a best value
20 review. You are probably familiar with it -- of
21 provided residential care for children and young persons
22 which reported in January 2001. And the reference is
23 REC-000000053.

24 What it says -- and I will just -- in particular at
25 page 17, the review sets out the history up to that

1 stage and says -- it seems to be recognised in the
2 review at that passage that the residential care
3 provision, which was inherited in April 1996 from
4 Strathclyde, was -- to use that word again --
5 'problematic' in a number of important respects.

6 And the examples given are that around 50 per cent
7 of the provision in Renfrewshire Council area was in two
8 large institutions; one being Newfield, with 45 beds,
9 and the other being Gryffe Children's Home, which had 23
10 beds. And another problem was said to be the provision
11 of single room accommodation was low and that the number
12 of children accommodated in dormitory accommodation was
13 high.

14 And the third problem that was inherited was that
15 staff in council residential units for children were
16 largely an unqualified workforce. I think that a view
17 at that point goes on to say that there was obviously
18 progress in addressing these issues. And just dealing
19 with the last one about qualifications, I think it was
20 recorded, at pages 17 to 18 of that document, that as
21 regards staff training, since 1996 the proportion of
22 staff with appropriate formal qualifications had
23 increased from 19 per cent to 47 per cent, and also that
24 staff had received TCI training?

25 A. That's correct.

1 Q. You told us a little bit about that the other day --
2 A. I did, yes.
3 Q. -- the training. So that was the background. That
4 was the inherited problem?
5 A. That was.
6 Q. That had to be addressed.
7 A. And, actually, the best value review, I mean, you are
8 right to question that. So, at that particular point,
9 local authorities were challenged by external auditors
10 to look at best value in financial terms. The
11 directorate at that time, and the head of service, used
12 that as an opportunity to look not just at the monetary
13 value, but actually the outcomes for children and young
14 people and the quality of care. So, in some senses,
15 they hijacked what was a requirement to create better
16 children's houses and units as we moved forward.
17 Q. Yes. Because I will come back to the review. I was
18 just taking it out of turn just to get the position at
19 1996.
20 A. Yes.
21 Q. But was the opportunity, you say, to hijack the best
22 value; was that something that other authorities took
23 advantage of as well? Because it's quite a helpful
24 review if you are trying to say: well, where are we?
25 What have we got? How can we do things better?

1 It might have been thought that this sort of review
2 at that stage, or indeed earlier, after reorganisation,
3 is the sort of thing that all authorities should have
4 done, but do you know if they did?

5 A. I don't know that. I couldn't answer that, I'm afraid,
6 sorry.

7 Q. Maybe we can ask some of them in due course.

8 A. Yes.

9 Q. So, going back, then, if I can go back again in time
10 from 2001, you have told us that one of the issues to be
11 addressed was developing smaller units --

12 A. Yes.

13 Q. -- and single room accommodation. Just so we understand
14 how this unfolded in Renfrewshire as regards Newfield,
15 I think at an early stage the council,
16 Renfrewshire Council, prepared a 'Childcare residential
17 action plan', as it was called?

18 A. That's correct.

19 Q. And this was with the general aim of providing
20 Renfrewshire children in care with the highest standard
21 of care, and that was to be achieved largely by
22 developing a number of smaller units --

23 A. That's correct.

24 Q. -- in the area?

25 As phase 2 of that action plan, the intention was to

1 develop, or -- sorry, to refurbish Newfield Resource
2 Centre, I think it was being called?

3 A. Yes.

4 Q. And the plan was, in due course, to close Gryffe House
5 Children's Home, which was another of the large
6 institutions, and to have a number of small children's
7 units in Renfrew; is that right?

8 A. That's correct.

9 Q. And obviously as regards Newfield, the plan was to move
10 away from dormitory accommodation entirely and create
11 two small units on the site?

12 A. That's correct.

13 Q. Which happened?

14 A. Which happened, yes.

15 Q. Now, just going back to the purpose of Newfield, you
16 have produced a report by the director of social work
17 for a social work meeting on 22 October 1997. The
18 report itself is at REC-000000038, at page 1. It says
19 that -- and I quote:

20 'Newfield Resource Centre was opened in 1979 as
21 an assessment centre having been purpose-built to
22 provide detention accommodation.'

23 And then it goes on:

24 'Since opening, it has provided a range of
25 functions ...'

1 Just taking it short, the functions include
2 emergency accommodation, assessment, short-term
3 provision -- which is different, obviously, from
4 assessment for a few weeks -- holding accommodation
5 while young people await the resource of choice.

6 It is said there that the plan was to continue to
7 have a range of purposes at Newfield, but in
8 an establishment designed to a specification which will
9 meet present day standards.

10 So there are a few points there. One is that it
11 wasn't meeting present day standards, although it was
12 built relatively recently?

13 A. Yes.

14 Q. But, secondly, I am concerned, it is saying it was
15 purpose-built to provide detention accommodation; can
16 you help me with that?

17 A. As I reviewed that report, I think it was
18 an interpretation of the 1996 Act, that they had seen
19 Newfield as being a place where young people who were in
20 conflict with the law, who appeared in sheriff courts,
21 could be detained to the local authority. So that was
22 one function.

23 But I think they also, at that point, when they
24 considered it, they considered the terminology
25 'detention', for children who were placed under

1 supervision for a residential establishment as
2 detention. It was a term that was probably used.

3 I was surprised to see that in this report, because,
4 you know, the idea that detention actually merited
5 reference to the Social Work (Scotland) Act for children
6 who appeared in front of a children's hearing appeared
7 to be contrary to the principles.

8 So that jumped out at me.

9 MR PEOPLES: Because the children's hearing had no power to
10 put any child in detention --

11 A. No.

12 Q. -- in any place.

13 A. Exactly.

14 Q. And they couldn't, for example, as the courts could do,
15 move an unruly child to a prison?

16 A. That's correct.

17 Q. That power was removed. And, indeed, remand centres
18 ceased to exist?

19 A. Yes.

20 Q. So the power to detain as a sentence was taken away?

21 A. Yes.

22 Q. And the era of the remand home disappeared in 1971?

23 A. I think so, and I think that, in addition, that first
24 sentence probably came from the officer's review of what
25 information we held about Newfield at that particular

1 point. So there was probably somewhere in a document
2 that said: Newfield is a detention centre.

3 Q. It might have been in reality?

4 A. It might have been in reality.

5 Q. Because I think we have heard some evidence that at
6 least the outer doors were locked --

7 A. Yes.

8 Q. -- at some times. Well, maybe at all times?

9 A. At all times.

10 Q. To some extent it's difficult to get a consistent
11 picture, but it does appear that certainly at night,
12 bedrooms were locked from the outside and couldn't be
13 accessed, and people couldn't access the toilet without
14 banging on the door and getting someone to come and,
15 indeed, we have an applicant, who you probably know
16 about, who tells us a distressing incident.

17 A. Yes.

18 Q. I will come to that, maybe.

19 A. Yes. I mean, the door remained locked, so if you were
20 a social worker visiting the centre, you pressed the
21 buzzer, you were then brought in. There was a double
22 door entry. Bedrooms were locked at night. And that,
23 I think, is a bit about why we felt at this time the
24 centre did not meet present day standards. And we made
25 very clear in our policies and advice and guidance to

1 staff -- was that staff could not lock children in
2 bedrooms, despite the fact that bedrooms still had
3 locks.

4 Now, those locks were there for the child to use, to
5 ensure their privacy. So the locks had a thumb lock
6 inside. Staff did not have authority or consent to use
7 those locks to detain a child or put a child in a room
8 and then lock that door.

9 Q. Because I think one applicant has said that basically it
10 was like a prison cell, because they couldn't get out?

11 A. Yes.

12 Q. There wasn't very much in it anyway.

13 A. There wasn't much in it.

14 Q. And there are also other rooms that seem to have been
15 used at times to -- well, to use the expression, to calm
16 people down after they have 'kicked off having been
17 carted' there. And there are some people saying that
18 these rooms were locked, not everyone is saying that.

19 So there seems to have been at least a practice of
20 generally locking places and locking children in --

21 A. Yes.

22 Q. -- certain places, including their own sleeping
23 accommodation. Surely that is risky anyway; what if
24 there's a fire?

25 A. Well, I think it is risky in terms of a fire, you are

1 absolutely correct. But it also was not within the
2 standards of agreement. And I think that, you know, we
3 were always clear, or should always have been clear that
4 -- the front door, I can understand, perhaps, being
5 locked to ensure that -- the management of visitors,
6 particularly to a large establishment. So you can
7 understand that.

8 But, within the establishment, there should have
9 been no locked doors for children and young people in
10 terms of the accommodation they lived in, and the only
11 authority for an agency to lock doors would be in
12 a secure centre, in a safe centre.

13 Q. And this was --

14 A. It was not.

15 Q. -- not a secure unit?

16 A. It was not. And I think there was a recognition, and
17 that's why we wanted to update the centre, to change
18 that process. But, yes, I would accept that in the
19 period, probably from '79 through to '99, when we moved
20 out, before we moved back, that there would have been
21 children and young people locked their bedrooms. There
22 were rooms that would have been probably referred to as
23 'quiet rooms' or --

24 Q. Interview rooms?

25 A. Interview rooms.

1 Q. That was one applicant's terminology?

2 A. Or sometimes de-escalation rooms. And I think those

3 rooms would have been locked.

4 Q. Well, these were purpose-built 'assessment centres'.

5 A. Yes.

6 Q. It is not self-evident that if its purpose was

7 assessment, that you needed to design a new building

8 with a locked punishment or detention or quiet, or

9 whatever room you call it.

10 A. I don't --

11 Q. Do you get -- I think there is a suggestion that these

12 rooms, to some extent, were already like that, so it was

13 envisaged that someone might be locked in them?

14 A. Yes, yes. I don't think they were ever designed as

15 cells or holding cells. I think they would have been

16 identified as being a place where some work would be

17 undertaken, so there would be interview rooms or sitting

18 rooms, but there is a lock on the door, which does

19 seem --

20 Q. Would you need a lock to have an interview or a meeting?

21 A. Yes. But, at that time, some of the staff would tell

22 you they had to make sure that the environment was only

23 being used -- and you couldn't have children all over

24 the place. So the accommodation that was often locked

25 would have been staff accommodation or some of the

1 ground floor accommodation which might be for family
2 visiting, and they tried to regulate it. But it was
3 then probably -- and I would absolutely accept -- then
4 misused to hold children and young people in some degree
5 of isolation.

6 Q. Because approved schools and List D schools were open --
7 A. Yes.

8 Q. -- establishments in concept?
9 A. Yes.

10 Q. And should have been in practice. And, well, many of
11 them were. The remand homes were locked units?
12 A. That's correct.

13 Q. But they held people who were detained or people who
14 were on remand pending trial?
15 A. Yes.

16 Q. So one can maybe understand the difference between the
17 two types?
18 A. Yes.

19 Q. This was an assessment centre --
20 A. Yes.

21 Q. -- so it didn't fall into a category that would require
22 the sort of locked doors that we have heard about?
23 A. That's correct. The only -- as I have said, the only
24 justification I can think for the front door being
25 locked is to manage visitors.

1 Q. Yes.

2 A. And that's about safe entry to the house, but, other
3 than that, there should not have been.

4 And the locked door should have still allowed
5 children and young people easy egress from the house.
6 They should not have been restricted. They shouldn't
7 have had to seek consent to leave. But I know that
8 practice was that children and young people were
9 expected to seek consent.

10 Q. But if the matter was in any doubt, in the early days of
11 assessment centres, by 1993 there were Secure
12 Accommodation Regulations?

13 A. That's correct.

14 Q. For a particular type of accommodation, which no doubt
15 permitted secure conditions --

16 A. That's correct.

17 Q. -- to apply.

18 A. That's correct.

19 Q. But, after that, Newfield wasn't a secure unit in terms
20 of the regulations?

21 A. That's correct. And I think that probably is why the
22 new directorate in Renfrewshire, as they began to look
23 at how they modernise, was uncomfortable and unhappy
24 with the way the service was operating. The language is
25 coded, but 'designed to a specification which meets

1 present day standards' would also be around some of the
2 practices within the centre.

3 Q. And I think in the document, the report that I mentioned
4 from 1997 that we have been looking at --

5 A. Yes.

6 Q. -- I will just quote something that was said at page 2,
7 at paragraph 4.1 of REC-000000036. No, sorry, that's
8 the wrong one, I think.

9 LADY SMITH: That was 4.1.

10 MR PEOPLES: Yes, I am hoping I have the right reference.

11 LADY SMITH: Can we maybe have the reference you thought was
12 the right one again?

13 MR PEOPLES: It is REC -- no, I think it is REC-000000038 at
14 page 2, if there is a 4.1.

15 LADY SMITH: Yes. There we are, 'Reprovision of Newfield'.

16 MR PEOPLES: Yes.

17 LADY SMITH: Is that it?

18 MR PEOPLES: I am wondering if that has the quote that I am
19 looking for. Perhaps we can try another one.

20 REC-000000036, which is around the same time. See if it
21 has a 4.1 at page 2. Sorry about the confusion. If we
22 go to page 2; is there a 4.1 in that document?

23 LADY SMITH: I think that is page 2, but you don't get to
24 4.1. 4.1 was further down, Mr Peoples.

25 A. Yes, just to be helpful, I know that the 053, the one

1 that ends 053 is the one that had the initial plan for
2 the review.

3 MR PEOPLES: Well, what I will read is a quote, and I will
4 no doubt try and find the actual reference.

5 LADY SMITH: Yes. We can look at 53 while you are doing
6 that.

7 MR PEOPLES: Yes, the quote I have is:

8 'The accommodation currently available at Newfield
9 is unsuited to the purpose of providing a modern
10 childcare service and inspection reports have
11 continually highlighted these inadequacies and the
12 effects this has on practice, the most recent
13 being May 1997.'

14 So it's around that time.

15 A. Yes, that's 038.

16 Q. Oh, sorry.

17 A. It is 038.

18 Q. So we have found it. Thank you very much.

19 A. Yes.

20 Q. So you see the quote?

21 A. Yes.

22 Q. And that's quite a stark --

23 A. It's damning.

24 Q. It is.

25 A. It is a recognition that the desire to change was to

1 improve the -- and I don't have all the detail because,
2 as I say, the individual reports are not available.

3 However, it tells us very clearly that the
4 expectations of what the service wanted for children
5 couldn't be met in the accommodation that was in
6 Newfield. But it wasn't just the accommodation, it was
7 the other inadequacies on practice, and that therefore
8 means inadequacies to protect and safeguard children.

9 Q. Yes. And if I just take you to -- I will give you
10 another reference, but I am not going to take you to it,
11 other than to give the reference. We can bring it up.
12 It is REC-000000051.

13 This is really outlining -- I think it is a report
14 in 1998, by the director of social work to the Social
15 Work Committee --

16 A. Yes.

17 Q. -- who were meeting on 9 September 1998. Of course,
18 this is against a background that there is a plan to
19 reduce the number of places to 16 at Newfield?

20 A. Yes.

21 Q. And it is also, I think, as it says, to produce or put
22 in place a new, flatter management structure.

23 A. Yes.

24 Q. I don't know whether that's a coded word for fewer
25 managers' is it? Or is it not?

1 A. It is. It is also recognising the space between
2 managers.
3 Q. Yes.
4 A. A review about: what do you require?
5 So the larger units would have had officers in
6 charge, depute officers in charge, and senior
7 residential workers, and residential workers, or
8 assessment officers and assistant assessment officers.
9 So it was an attempt to create a much flatter system
10 that was more care orientated, that looked at: how many
11 managers do you require?
12 What was most important was how many people are
13 working directly to support children and young people.
14 Q. Yes. So fewer managers, but more front line workers?
15 A. That, I think, was the ambition.
16 Q. Yes. It does say -- and I think we get an idea of the
17 direction of travel in that document -- that, just
18 generally speaking, across Renfrewshire, the idea was
19 that the majority of children requiring residential care
20 would be accommodated in five small children's units.
21 We are not talking about Newfield here?
22 A. We are not.
23 Q. Because the director said in that document:
24 'It's recognised [and I quote] however, that ... '
25 LADY SMITH: Sorry, Mr Peoples, to interrupt you. Do you

1 have paragraph number for that, for the records? If you
2 don't, don't worry, we will find it.

3 MR PEOPLES: I don't. We will find it in that document,
4 hopefully.

5 LADY SMITH: Okay.

6 MR PEOPLES: If I just read what she says. I think it is
7 she; Sheena Duncan?

8 A. It was Sheena Duncan at that time.

9 Q. It says:

10 'It is recognised, however, that there will be
11 a continuing need for a different type of residential
12 provision for an average of approximately 12 to 13
13 youngsters whose specific needs or difficulties cannot
14 be addressed safely within the children's unit.'

15 So this is Newfield being recognised to be somewhere
16 that's going to be different from the general type of --

17 A. The general children's house. That's correct.

18 Q. Because it is deemed a more complex kind of situation?

19 A. Yes, that's correct.

20 Q. And as you have told us, to allow refurbishment,
21 children were decanted to the former Gryffe Children's
22 Unit, which had closed by that stage?

23 A. That's correct.

24 Q. And just moving on to the issue of future educational
25 provision -- because, again, I think, it was recognised

1 that the provision wasn't really adequate?

2 A. That's correct.

3 Q. But if I can take to you a document -- I might be able
4 to give the page this time. It is REC-000000055, if we
5 can put that up. This is to do with educational
6 provision.

7 A. Yes.

8 Q. And the proposal in 2000 -- because that's the date of
9 the document --

10 A. Yes.

11 Q. -- or late 2000 -- was for education on-site, together
12 with some access to what's described as specialist
13 facilities -- this is at pages 1 to 2 -- at The Kibble
14 School or in the community as appropriate to the
15 individual pupil's needs. It is said in this report
16 that:

17 'It is anticipated that education on-site would be
18 required for a maximum of ten youngsters or pupils. The
19 aim was to give residents access to a broad and balanced
20 curriculum which was appropriate to their individual
21 needs.'

22 At page 3, I think it is 4.1, it is also said,
23 I think, that -- I think there is a recognition here
24 that historically educational provision delivered by
25 a small staff group on-site could not offer young

1 people -- and I quote:

2 'The width of curricular opportunity to meet their
3 needs.'

4 So that was, again, a recognition that they weren't
5 really offering a proper education?

6 A. That's correct. And the link to Kibble was interesting,
7 because that was about a day placement at Kibble that
8 allowed young people to experience the full school
9 curriculum. So you had some young people who would go
10 to Kibble, get the full school curriculum experience.
11 You did have some young people who attended their local
12 secondary school, because they were still within
13 Renfrewshire, and it is a relatively small geographical
14 area, so travel to school, it's about 20 minutes, no
15 matter where you are, maximum journey.

16 So some young people went to their own school and
17 could access the full curriculum. But they wanted to
18 change, for those who couldn't do that, to have a better
19 experience in Newfield at that point. Or in the new
20 Rowanlea.

21 Previously, the assessment centres tended to be very
22 limited. They had some people who would have been
23 teaching staff who would be deemed to be competent in
24 teaching maths and English and that was it. And even
25 then, and even then, they weren't as competent as you

1 would want.

2 Q. I think we heard evidence from some applicants, some of

3 whom perhaps were a lot brighter --

4 A. Than the staff.

5 Q. -- than the education on offer -- would describe it as

6 very basic --

7 A. It was.

8 Q. -- and elementary?

9 A. Yes.

10 Q. Almost like primary school?

11 A. That's correct.

12 Q. That might have been appropriate for certain people

13 there, possibly --

14 A. Yes.

15 Q. -- but, in this case, she felt it was well below what

16 she expected.

17 A. It should also though have been deemed to be relevant

18 for the individual young person. So you could have

19 a situation where a young person did have significant

20 delay in their education because of their life

21 experience and, therefore, you would want to help them

22 on a journey to improvement. But you also had some

23 young people who actually were bright and active; they

24 had other challenges. And they should have had the same

25 access to a formal education as other children.

1 Now, we know -- and we still know -- that children
2 who are looked after by local authorities still don't
3 perform to the standard that the general population
4 does, and we have undertaken lots of work. There was
5 Learning With Care, a review in the early 2000s, that
6 tried to improve that. The Centre of Excellence for
7 Looked After Children in Scotland, CELCIS, constantly
8 challenged local authorities to look at the educational
9 outcomes for looked after children. But they have
10 a much broader access to the curriculum today than they
11 would have had then.

12 Q. There is still work to be done?

13 A. There is still work to be done.

14 Q. And I think that document that we have referred to, at
15 055, the plan going forward was for young people to
16 follow, as it was put, individualised programmes of work
17 based on, presumably, a proper assessment of their
18 needs?

19 A. That's correct.

20 Q. So it wasn't just a one size fits all approach?

21 A. It wasn't, no.

22 Q. And following refurbishment, Newfield was renamed
23 Rowanlea House, and we have mentioned the Best Value
24 Review in January 2001 and that's REC-000000053. And it
25 sets out the progress made by Renfrewshire between 1996

1 and 2001. And specific measures are referred to in that
2 document, for example the creation of an independent
3 advocacy service for children looked after away from
4 home; improving support and education for accommodated
5 children and improving contact between accommodated
6 children and family. So these were the things that they
7 were saying had improved --

8 A. That's correct.

9 Q. -- from the Strathclyde Regional Council time?

10 A. That's correct, yes.

11 Q. But one thing that was said -- I think this is possibly
12 page 11, actually, of the report. And I just wanted to
13 ask you about this: it is something that says 'to date',
14 page 11, I think, of our document. It is saying:

15 'To date, no specific measures have been put in
16 place [this is in 2001] to deal with the emotional and
17 psychological needs of accommodated children, many of
18 whom have suffered abuse and other traumas and this has
19 been identified as a priority for action.'

20 Now, by the date of the review, I think Rowanlea was
21 certainly seen as catering for children with significant
22 emotional and behavioural problems which required
23 assessment and sometimes short term care. So I am just
24 wondering: that's quite late in the day to say 'Well, we
25 might be doing things, but we aren't really addressing

1 sufficiently, by sufficient measures, addressing
2 emotional and psychological needs'.

3 Can you help me there? What did they have in mind
4 as lacking?

5 A. Yeah. So local authorities are in an interesting
6 position, in that they tend to only employ educational
7 psychologists. So educational psychologists will
8 undertake assessments in relation to children's learning
9 and development, but some young people, the service
10 believe, required additional specialist psychological
11 services from, for example, clinical psychologists, but
12 the authority did not employ them. And, actually,
13 attempts to do that have not been particularly
14 successful, even to date.

15 Q. Is that a gap?

16 A. It is a gap. And it is a gap I mentioned on Tuesday,
17 I think, about some of the young people that we had
18 accommodated, particularly during the Covid period.

19 What was very clear was those young people were very
20 distressed in terms of their mental health and
21 well-being. They were not deemed to have severe and
22 enduring mental illness, but required some really
23 specialist care. And the clinical service for those
24 young people is not there, and in particular clinical
25 psychology. And that remains a gap today.

1 Q. If I am asking you if that is a situation today: what's
2 the difficulty, finance?

3 A. No, the difficulty's actually finding practitioners.

4 Q. Okay.

5 A. So, in Renfrewshire, today, we actually have attempted
6 to address that to some extent by seconding to work full
7 time with the social work service, our depute principal
8 educational psychologist, but she is still
9 an educational psychologist with a specialist in that
10 area. But she has undertaken some additional
11 development work to allow her to do appropriate support
12 and counselling to children who have social distress.

13 But the psychological world -- and I suppose if you
14 reflected, the health service would tell us that they
15 struggle to recruit psychologists and CAMHS. They
16 struggle to recruit psychiatrists with specialist
17 children knowledge. So there is a general workforce
18 issue and we suffer from that.

19 Q. And are these specialists in dealing with children? Is
20 there a problem there that there are not enough people
21 in that area of expertise --

22 A. That's correct.

23 Q. -- to go round and to provide the services --

24 A. That's correct.

25 Q. -- that you think are required?

1 A. Absolutely, yes.

2 Q. So is it a case of training more people to go into that
3 field?

4 A. It is. But I don't think there's a clear pathway for
5 health professional psychologists to do that, and that's
6 something that we need to look at: is what is the
7 pathway?

8 But across Scotland currently there are vacancies
9 for child and adolescent psychology, psychiatrists,
10 nurses who specialise in adolescent work, rather than
11 adult work. So I think we do have a deficiency across
12 multiple agencies there.

13 Q. Okay. There are just a couple more things and then I am
14 going to move to a particular individual about whom you
15 have provided documentation.

16 A. Okay, yes.

17 Q. Two things. At page 11, I just wanted to understand
18 what was being said. It says, at page 11, this is 2001:

19 'The council does not provide residential care with
20 education or secure care, and for children requiring
21 this resource, placements are purchased from residential
22 schools operated by the independent sector providers or
23 another local authority.'

24 Can you just help me about what you are saying there
25 or what's being said there?

1 A. Yes. So, at that point, whilst there was a small
2 educational provision within Newfield and that was
3 partly being developed, the other children's houses did
4 not have education units attached to them.

5 So if a child in one of our educational units
6 couldn't attend their mainstream school on a day
7 placement, but required a setting where education was in
8 the same place, then we are required to use the
9 independent sector.

10 Q. In Renfrew or elsewhere?

11 A. So, initially, most of them would be in Renfrew,
12 Renfrewshire, so Kibble, Good Shepherd were two of the
13 providers. Then the unit has some specialist schools,
14 Seamab and Harmeny. You had a school beginning with M,
15 Moore House --

16 Q. Moore House?

17 A. -- School. So some of these schools would be used for
18 particular young people where their care and education
19 couldn't be delivered within Renfrewshire.

20 Q. So they would have to move?

21 A. They would have to move local authority.

22 Q. And stay in a residential setting?

23 A. That's correct.

24 Q. Which, again, probably goes against the tide generally,
25 because I think historically that was quite a common

1 situation, where placements would be a distance from
2 community?

3 A. Yes, I think one of the challenges is, in an area like
4 Renfrewshire, the number of children who require that
5 type of resource is also very small and, therefore, to
6 establish a unit that can provide education and care is
7 difficult. So you are, at some point, determined by
8 what's available within the country. But our ambition
9 is that children in Renfrew stay within Renfrewshire and
10 that we can meet their needs. But we do recognise there
11 are still occasions where children and young people
12 require to attend residential schools outwith our area.

13 Q. And can I take the other type of provision that you
14 don't have resources for, in 2001 and probably now, is
15 secure care?

16 A. Absolutely.

17 Q. And Renfrew doesn't have any secure care service?

18 A. No, no. We don't provide a secure service.
19 Interestingly, only -- the only local authority in
20 Scotland, as far as I am aware, that provided any type
21 of secure care was Edinburgh.

22 Q. Which doesn't do it anymore.

23 A. Which doesn't do it anymore. And all of the secure care
24 places are provided in the independent sector by the
25 relevant charities.

1 Q. Places like Rossie?

2 A. Rossie, Kibble, Good Shepherd, and St Mary's. That's

3 four.

4 Q. There are four places now that provide care.

5 A. That's correct.

6 Q. And they presumably -- I don't know how much you know

7 about this, but I suppose that young people under 18

8 will no longer go to young offenders; they will have to

9 go to some secure care service?

10 A. That's correct. And as a profession, we certainly

11 welcomed that, but it does throw challenges, because the

12 secure base or estate still takes children who have

13 other distressed behaviours from the community, and it

14 is how you balance those needs, how you make sure there

15 are adequate numbers.

16 There was a period where -- and it is probably lower

17 now than it has been for a few years, where the number

18 of children from outwith Scotland who were placed in the

19 secure centres, where the numbers were quite high --

20 there was some research about two or three years ago

21 that actually looked at the number of children -- and it

22 points -- it was 40 odd per cent, which meant that the

23 available estate for Scotland's children was not readily

24 available.

25 Q. And I think you will probably know Eddie Frizzell?

1 A. Yes.

2 Q. Who is now involved in Rossie?

3 A. That's correct.

4 Q. I think he told us, in fact, to make ends meet, there

5 was a time when it was necessary to fill places by

6 offering them to authorities down south and that there

7 was a significant proportion of children who were not

8 from Scotland who were in secure care at places like

9 Rossie?

10 A. That's correct. And within the Renfrewshire boundary of

11 the local authority, there are two secure centres, both

12 run by independent charities; Kibble and Good Shepherd.

13 And I am aware that young people, not just from England

14 and Wales, but from Ireland, the Republic of Ireland,

15 have been placed in those establishments in the past

16 five years. But the numbers are now very small.

17 I think that the secure providers in Scotland have

18 been much clearer about the wish to make sure that the

19 service is available for Scotland's children. The

20 Scottish Government actually retained a number of beds

21 across the secure estate to make sure there would be

22 availability on a daily basis, but if the demand then

23 took those beds, then the units were full and you would

24 have an unmet need.

25 Whilst I welcome the decision to not remand young

1 people to Polmont -- I genuinely do, I think it was the
2 absolute right thing to do -- it has added a pressure to
3 the secure estate.

4 Q. Yes. Now, can I move to an individual called
5 Brian Faulds?

6 A. Yes.

7 Q. And can I ask you to have before you documents you
8 provided to the Inquiry, the council provided recently,
9 REC-000000131. So I think this is effectively a file
10 that was located recently which tells us a bit about
11 this individual, who was employed, I think, from the
12 outset at Newfield, 1979 through to December 1996?

13 A. That's correct.

14 Q. And Mr Faulds resigned in December 1996. He had been
15 a residential care worker?

16 A. That's correct.

17 Q. Largely working a night shift?

18 A. That's correct.

19 Q. He may have worked for a short time -- it is quite hard
20 to tell -- on a day shift?

21 A. Yes.

22 Q. Certainly that was the plan.

23 A. Yes.

24 Q. Although I think he resisted it. And we can maybe
25 just --

1 A. Yes, could I perhaps explain the finding of that
2 document? Because --

3 Q. Yes.

4 A. -- obviously we were asked to provide information in
5 relation to Mr Faulds. We carried out really extensive
6 searches. We couldn't find documentation.

7 I explained the retention of our HR records. But
8 the HR team had -- they found a folder which had
9 miscellaneous documents in it and one of these
10 miscellaneous documents was Brian Faulds. I recognised
11 this document as it contains a number of workings, so
12 there are multiple versions of a report. There are some
13 handwritten notes. I can identify the individual who
14 has handwritten those notes, because I know who it was.
15 It was the Head of Operations at the time.

16 Q. David Crawford?

17 A. It was David Crawford. So David, obviously, at the
18 point when Brian Faulds' behaviour was drawn to our
19 attention, actually undertook some work to find out what
20 we knew about him and what his employment history had
21 been and looked at some areas of risk. So that's where
22 that came from.

23 So you will also see in it some of David's workings
24 around some other issues that are not related.

25 Q. Yes.

1 A. But they are --

2 Q. It was kept intact, but I don't plan to go to the not
3 relevant workings. I didn't want to disturb the file --

4 A. No.

5 Q. -- because I wasn't sure whether any of it, towards the
6 back end, had any significance, but I take your point,
7 and I understand it.

8 A. Yes.

9 Q. And I am not planning to ask you to look at it.

10 A. Thank you.

11 Q. What we know is that in July of 1997, having resigned
12 in December 1996, Brian Faulds was convicted of sexual
13 offences, including sodomy, against a boy in the period
14 from July 1993 to August 1996 and the boy was aged 10
15 when the abuse started. He pled guilty and was
16 sentenced to six years' imprisonment for these offences.

17 A. That's correct.

18 Q. And just to be clear, the boy in question was not a boy
19 in care at Newfield?

20 A. That's correct.

21 Q. The boy was a boy in the community. We can maybe see
22 that from some of the documentation. But he lived in
23 the community?

24 A. He did.

25 Q. With his parents?

1 A. He did.

2 Q. And his sister?

3 A. Yes. I think what's interesting, as I read the
4 documentation, there was a period where it appeared that
5 Brian Faulds actually lived in what was known as staff
6 accommodation within Newfield. It then refers to him as
7 being a single man and he obviously moved out.

8 Now, I think that there was a decision made at some
9 point that staff should not be living within the
10 facilities, so he moved. And it is described as one --
11 the victim was a boy who lived in the house that he
12 lodged in. So he obviously rented a room somewhere and
13 abused the child in that family.

14 Q. So, if I can take you to some of the documents, then.

15 A. Yes.

16 Q. Just against that background, there are newspaper
17 cuttings which are within the file, which relate to the
18 coverage of the conviction --

19 A. Yes.

20 Q. -- in July 1997. If we start at page 4, you will see
21 that one is obviously of interest to the press was
22 whether there was any investigation of Mr Faulds'
23 background before he was given the job as a care worker
24 at Newfield. And there is a response from the Head of
25 Operations, who said, I think, in response, among other

1 things:

2 'All staff are subject to criminal record checks,
3 rigorous selection procedures and regular supervision.'

4 I don't think it is clear from the documentation
5 just what exactly happened in Mr Faulds' case. We don't
6 have --

7 A. So we don't have his records. However, what I would say
8 is that the recruitment process for Strathclyde resulted
9 in staff having to provide information which then was
10 sent for a records check for criminal convictions, but
11 it only told you if there were criminal convictions. It
12 gave no other information.

13 Q. If he had no prior convictions, the check would not show
14 anything up?

15 A. It would not show anything up. So rigorous selection
16 procedures, so an application form, references --

17 Q. Interview?

18 A. -- interview and then appointment. So that process
19 would be -- and it would be fairly rigorous. However,
20 it's also only as good as the information you have. So
21 what I think here, you see that Brian Faulds was
22 an individual who was able to manipulate certain
23 circumstances. So he would probably have performed
24 reasonably well at interview. He came from -- some of
25 the information we see later in the reports -- had

1 a background in prison service, police, so that would
2 give some degree of confidence when people were
3 recruiting him. He would have provided a number of
4 references. We always ask for two referees. They would
5 probably have given some information that said he's
6 a decent person, he's a good guy to work with, and the
7 criminal records check would have said no convictions
8 and that's all it would have said at that point. Or it
9 would have said there was a conviction, if there had
10 been one.

11 Q. So, on the face of it, it might seem that, at least
12 based on the information available, under the processes
13 described that were current in 1979, there would be
14 nothing in that information that would alert them to
15 concern?

16 A. I think that's correct. And if you recall back to
17 Tuesday, one of the questions you asked me was about the
18 change from remand centres to assessment centres. And
19 given his background as a prison officer in particular,
20 you could see that people might feel that was
21 an appropriate resource to bring in to work with
22 children. Now --

23 Q. You could see that.

24 A. I can understand it. I don't think it is, but I can
25 understand at that time, as that change was happening,

1 that they would say: here's a man who is experienced
2 with working as a police officer, as a prison officer,
3 he's going to work in a centre which is about
4 assessment, that could be a good fit.

5 Q. Well, what we do know, I think, from the information in
6 the file is that he was a former policeman in the Met,
7 Metropolitan Police, for maybe a couple of years.

8 A. Yes.

9 Q. And he also was, for a period of time -- we don't know
10 exactly -- a prison officer in a Scottish prison?

11 A. That's correct.

12 Q. I suppose that in one or both of these roles, he may
13 well have got training in how to restrain adults in the
14 course of his work?

15 A. That's correct.

16 Q. Including using techniques that might involve pressure
17 points and wrist locks and the like.

18 A. That's correct.

19 Q. Maybe not the sort of thing that you would say is
20 appropriate training to handle youngsters, even if they
21 are challenging?

22 A. I would absolutely agree. But what I was reflecting on
23 is that at that time I can understand why someone might
24 have said, 'This is someone who could be of value'.
25 I don't agree he should have been.

1 I would share your concerns about the techniques
2 that a prison officer would have, that a police officer
3 would have, but I can understand why someone might
4 say: here's somebody who could be of benefit in our
5 centre.

6 Q. Well, we do know that not just in assessment centres,
7 but in establishments generally, there seem to be at
8 least people with an ex-military background and,
9 perhaps, background in the police or the prison service
10 were no doubt seen as appropriate or possibly suitable
11 candidates. This is a generality.

12 A. Oh, no, and I would agree. And, actually, if you look
13 at recruitment processes across Scotland, in the late
14 sixties/early seventies, there were a number of folk
15 recruited to teaching who had similar backgrounds,
16 because there was a teaching shortage.

17 Q. Yes.

18 A. So people from those types of backgrounds were recruited
19 to the teaching profession. They would also have been
20 brought into childcare establishments, whether it be
21 List D schools, assessment centres, or, in fact, some
22 children's houses.

23 Q. Yes.

24 A. Because I think there would have been an issue that they
25 were seen to be people who could instill discipline.

1 Q. They could control.

2 A. They could control. And often children in children's
3 houses, back in the seventies and early eighties, were
4 seen at problematic children.

5 Q. That's a generality.

6 A. We didn't recognise -- that's a generality. We didn't
7 recognise their distress and trauma and, therefore, you
8 can understand why people who had skills that were
9 identified as containment could be selected.

10 Q. You might ask yourself in the case of Newfield: what on
11 earth do these skills have to do with assessment?

12 A. You could, yes.

13 Q. Leave aside other establishments. But just look at
14 Newfield, the place of assessment; what sort of
15 qualification is that background for that type of job?

16 A. So if we remember that in this particular period of
17 recruitment there was no qualification for staff.

18 Q. No.

19 A. What he would bring -- he would say -- I don't have
20 an interview sheet. But I can perceive him saying: 'As
21 a police officer, I've got a good understanding of
22 investigation. I've a good understanding of talking to
23 individuals, of getting information from them'.

24 As part of the assessment we would wish to secure
25 from children and young people their story. So you

1 could see him using that technique and saying: that
2 skill can transfer to work with children.

3 I don't think it does.

4 Q. No.

5 A. But I can see that as --

6 Q. You can see how he might present a plausible case?

7 A. I can.

8 Q. Okay. Taking one of the other cuttings -- I don't want
9 to go through them all. But, page 5, we get some
10 information about the offence itself. Just about
11 halfway down, just under the general heading
12 'Friendship' in this extract from the Paisley Daily
13 Express of July 10, 1997, it is said:

14 'Faulds was a single man and stayed in the
15 Kirkintilloch area at the time when he struck up
16 a friendship with a youngster [this is the boy]. As
17 a result of his job there was no suspicion that anything
18 was wrong and the boy's family allowed Faulds to take
19 the boy and his young sister swimming and go-karting.'

20 Then it goes on, how things developed from there.
21 He took them to various places and then Mr Faulds
22 started to touch him. The boy thought it was accidental
23 at first, but matters gradually developed and,
24 eventually, the accused started to have sex with the
25 boy, who went on to suffer nightmares. And the offences

1 came to light when Mr Faulds made a remark to the
2 victim's sister, who told a friend, and the police were
3 called in. Initially, Mr Faulds, at interview, denied
4 anything improper taking place, but it is reported that
5 he later decided to plead guilty.

6 So that's what we know about the situation. So he
7 is actually using his position, either overtly or, to
8 some extent, by implication, to say, 'I am a care
9 worker, trust me. I will take your children out and
10 they will be well looked after'.

11 A. Yes. And what we know about people who abuse children
12 is they will find ways to ingratiate themselves to
13 families or place themselves in situations where they
14 have access to children.

15 I think, again, if you look at the timing of this
16 offence, probably the parents would be much more
17 trusting of state agencies. They would not feel that --
18 they would perceive that someone who was employed as
19 a residential care worker was safe, therefore you let
20 them into your house, you let them have access to your
21 children. They would not understand fully that this man
22 could be dangerous.

23 I also wonder: did he share the fact that he had
24 been a police officer? So, again, that indication of
25 the state being something that could protect you. So

1 you can actually see why the family were deceived by
2 this man. But he did use his role as a way to get
3 contact. I think the comment that they were not
4 connected with his post was because the child wasn't in
5 Newfield.

6 Q. Yes.

7 A. But, actually, there is a connection; he was
8 a residential care worker who abused his position to
9 build trust with a family, to get access to their son,
10 to commit sexual offences against their son.

11 Q. And if I can just deal with the conviction at this
12 stage. I am not going to take you to the documents we
13 have, but we have an extract, conviction and the
14 indictment in that case. And I will just give the
15 references JUS-000000, and the conviction is at 247 and
16 the indictment is at 248 of the documents we have.

17 I have already said what the period covered by the
18 offences to which he pled were concerned. The boy was
19 born in 1982 and so he was aged 10, I think, at the
20 start of the period covered by the libel.

21 Charge 1 was to do with, on various occasions, lewd,
22 indecent and libidinous practices and behaviour against
23 the boy.

24 A. Yes.

25 Q. Charge 2 was a charge of sodomy, unlawful carnal

1 connection, on various occasions between the dates
2 liable. He pled guilty to those charges. There was
3 a small deletion in charge 1 of a reference to
4 pornographic photographs, books and magazines. But
5 there was still included a reference to exhibiting
6 pornographic videos.

7 And he was also charged separately, charge 3, for
8 lewd and indecent and libidinous practice and behaviour
9 against a girl who was, on one occasion between July,
10 1 July 1996 and 6 August 1996, and his plea of not
11 guilty to that was accepted. And he received a sentence
12 of six years. That's what we know there.

13 A. Mm-hm.

14 Q. But, obviously, by the stage that this happened, he had
15 resigned?

16 A. Yes.

17 Q. And, indeed, he had been charged and a trial was to take
18 place. And I think that generated, as this file that
19 you have produced shows, some internal consideration of
20 the whole matter, partly in anticipation of the
21 possibility that he would be convicted --

22 A. Yes.

23 Q. -- and how the council would respond to that. And that
24 unearthed quite a lot of information and I think that's
25 taken you by surprise, hasn't it, having seen the file?

1 A. Yes, it took me by surprise. I suppose the indictment
2 you just read is horrific in terms of the impact on the
3 individual child, but it shows that he had access over
4 a period of time. That access happened whilst he was
5 working with the local authority. At the point, we
6 didn't know that, but, when you reflect, there could
7 have been indicators that were missed and I think that's
8 something that we would want to reflect on.

9 Q. Can I take you to page 28 of the document? And we will
10 just see what was collated there by the council were
11 what's described as 'incidents investigated and
12 recorded'. Now, there are 18 recorded.

13 A. Yes.

14 Q. They are not all to do with children, but a lot of them
15 are. And they date from April 1980 through
16 to March 1996, which was shortly before he went off
17 sick. Can I just take you to one or two, so we can
18 bring out the sort of things that were recorded --

19 A. Yes.

20 Q. -- at the time of this document?

21 The first one is in April 1980. He left a group of
22 children and staff at a youth hostel without transport
23 following an altercation with warden. And he appears to
24 have had an oral warning for that.

25 A. That's interesting. We found a reference, as we were

1 doing some of our reviews, to this incident. So a group
2 of children and staff from Newfield had gone to a youth
3 hostel as part their experience within the centre. He
4 was the man with the minibus. He had the authority to
5 drive. He had a dispute with the warden in the youth
6 hostel. Alcohol was part of it. And he left with the
7 van, the minibus, and he returned to the centre, meaning
8 that the remaining staff members and children were
9 isolated. They had no way back. Had there been
10 an accident, they had no way of getting a young person
11 to hospital, for example. So that, to me, is
12 a significant and serious incident.

13 When I then looked at the action taken, which said
14 an oral warning, I can assure you, today, that would not
15 be an oral warning. It also was a period where he had
16 only been employed for a very short period of time, so
17 I would have thought, and would have expected,
18 a significant investigation into that behaviour. It is
19 absolutely inappropriate. It left young people at risk,
20 left his colleagues at risk. And he drove back to
21 Johnstone from the youth hostel.

22 Q. And if that caused you problems when you read it, I am
23 sure that the next one also caused you equal problems
24 and perhaps more, because, in April 1980, it is said
25 that:

1 'He took a photograph of a sleeping resident
2 (female) who was face down and her nightdress was around
3 her middle.'

4 And according to the researches, at that time no
5 action was taken, but it was reported to the divisional
6 director of social work and divisional director of
7 manpower services. Now, are you not astonished by that?

8 A. I was absolutely astonished. The first thing for me is
9 that this is a man who accessed the sleeping
10 accommodation of a young woman. He identified that she
11 was lying on her stomach and face down. And her
12 dress -- it says her nightdress was around her middle;
13 how did it get around her middle? Had she been moving
14 and it had risen up itself or had someone moved it?

15 He then took a photograph and had a photograph of
16 a child. It is clear abuse. It is -- in my view,
17 whilst there does not appear from that single statement
18 to be any touch, it is a sexual assault and, therefore,
19 for me, when I found this document, opened that
20 particular page, saw that statement, I was stunned. The
21 fact that no action was taken is inexplicable.

22 Q. It is not a situation where the matter remained
23 in-house, because it is reported to an external
24 management?

25 A. Yes. So the centre manager or management of the centre,

1 which at that point would have been the officer in
2 charge, contacted the divisional director of social
3 works. So, in Strathclyde, whilst Strathclyde was
4 a very large authority, it operated divisions, about 12
5 I think, actually. So you had Glasgow as a division.
6 You had the Lanarkshires, you had Inverclyde and
7 Renfrewshire. So there would have been a very senior
8 manager. But also the divisional director of manpower
9 services. So, again, the human resources, manpower
10 services is your HR teams, they would have been based
11 within the divisional headquarters. I can't explain
12 why, if the divisional director of social work and the
13 divisional director of manpower services were advised of
14 this situation, that no other action was taken.

15 Q. I am not going to go through every one. But the next
16 one was a few months later, October 1980, and it is
17 an allegation by four boys of physical mistreatment and
18 threatening behaviour. At least on this occasion, it
19 appears, it says on three counts. I don't know whether
20 that's three of the boys were accepted.

21 A. Yes.

22 Q. But it says he got a written warning for that one?

23 A. Yes. And, again, when I was reflecting on this, this
24 particular page, the question I have is: this is man who
25 works the night shift. We know that the staffing levels

1 at night would be different, there would be less
2 supervision. So you are already seeing in the first
3 10/15 months of his career in Newfield three significant
4 and concerning aspects of behaviour: (1) leaving young
5 people at risk; (2) actually assaulting a young woman
6 and; (3) physical maltreatment.

7 We don't understand what that is in terms of detail.
8 But, for me, you have three very serious offences in
9 a very short period of time and --

10 Q. And he has one written warning for it.

11 A. He's got one written warning.

12 Q. Okay. Just moving on, and again I will just pause at
13 the next one that catches the eye. August 1983,
14 a former female resident is alleging that Mr Faulds
15 supplied her with drink and cigarettes, invited her to
16 his house and offered her lifts while she was at
17 Newfield and the action taken is recorded from
18 researches as allegations not substantiated, unofficial
19 reprimand. It is a bit of a contradiction in terms?

20 LADY SMITH: Strange.

21 A. It is quite clearly a contradiction in terms. And,
22 again, you have a young woman telling you that, while
23 she was no longer living there -- and perhaps she felt
24 safer, no longer being in that establishment -- to talk
25 about her concerns, she says he brought them alcohol, he

1 gave them cigarettes and that he invited her to his
2 house. So the allegation not substantiated, it goes
3 back to: do you believe the child or do you not believe
4 the child?

5 But then to give an unofficial reprimand suggests
6 that there was something there and that someone
7 understood there was a degree of harm and risk, but
8 didn't take it the full process. And I couldn't quite
9 understand that.

10 MR PEOPLES: And I am going to divert from that document to
11 just -- and I am not going to take you to the document,
12 but you have seen a document that was part of a Scottish
13 Government file, SGV-001032022, and it concerns -- I am
14 not going to name the person. It concerns a woman who
15 was a former resident at Newfield. I think she gives
16 the dates as around 1996 to 1997, and she says that
17 Mr Faulds was a night care officer. And I think it is
18 correct to say that was his position for most of the
19 period.

20 A. That's correct.

21 Q. And it is correspondence that went to the council.

22 I think you have said you can't find any trace of it?

23 A. Yes.

24 Q. But you accept that it appears to be correspondence that
25 was sent to the council --

1 A. Yes, we would accept that.

2 Q. -- in 1999, I think. It was initially a solicitors'
3 letter?

4 A. Yes.

5 Q. I will summarise what the gist of that was. It was said
6 that Mr Faulds, when this resident was there, was
7 physically intimidating on numerous occasions and often
8 threatened this young woman -- I will call her
9 a child -- the child and other young persons with
10 violence. He befriended her and gave her gifts,
11 including a see-through top, tank top. He told her to
12 go to her room to try it on. When she came out wearing
13 the top over her shirt, she says he became angry and
14 physically guided her back to the room and told her to
15 remove her shirt. He then instructed her to parade up
16 and down the lounge when she came out.

17 She says on an another occasion during the day, when
18 he was off duty, he took the young woman to a car wash
19 in Glasgow. During the trip he repeatedly said he was
20 going to 'make a woman of her'. She says his body
21 language was extremely sexually suggestive and he
22 indicated to her that she should touch his groin. She
23 also said that he often suggested to her that she should
24 visit him at the staff house he says he lived in, in the
25 grounds. I am not sure that's entirely consistent with

1 the other information. But he did invite her to her
2 house to wash his car, and she also says on at least two
3 occasions she woke up to find Mr Faulds standing by her
4 bed.

5 And she also records -- and I think this is borne
6 out with the file you found -- that Mr Faulds was moved
7 from night care to day care because of major concerns
8 about his behaviour towards children?

9 A. Yes. So first of all, we couldn't find the
10 correspondence in our legal archives. And I suppose
11 as -- I worked with my colleagues in legal services.
12 When a claim or an indication of a claim comes in
13 against the council, a file would be opened and,
14 depending on the action as a consequence of that, it
15 could be closed. We, unfortunately, can't find
16 a particular reference for this claim, but we accept the
17 nature of it. We have seen the letter, so we accept
18 that claim was lodged.

19 What I know today -- and I will just compare and
20 contrast -- today, if an indication of a claim comes
21 into the local authority, it goes to the council's risk
22 manager, it goes to the Head of Litigation and it comes
23 to myself as the Chief Social Work Officer. We would
24 have a discussion about the particular claim and we
25 would consider it; the risk manager, about the impact on

1 the council; the litigation manager, about whether or
2 not we defend or not defend; and, from me, as the senior
3 social work practitioner: does this indicate that this
4 individual perhaps had contact elsewhere? And is there
5 a safeguarding issue that we need to look at?

6 And we would at that point -- if we considered the
7 individual had access elsewhere, we would look to see if
8 there are other victims. It is quite -- it is not
9 clear, because we don't have that record, but I would
10 have expected something similar to have happened. But,
11 unfortunately, it's not recorded.

12 Q. Now, if we can go back, then, to the document we were
13 looking at, incidents investigated, this REC-000000131,
14 on page 28. Again, I am not taking every one, but there
15 is an allegation in February 1987 of inappropriate
16 physical restraint made by a female resident. It says
17 that the allegations were subsequently denied by the
18 child. It kind of leaves a lot of questions unanswered
19 about just exactly why she -- it appears she either
20 denied or withdrew the allegations.

21 A. I think the terminology's really interesting in terms of
22 'denied by the child'.

23 So the child made an allegation that she had been
24 inappropriately physically restrained. So she told
25 someone that. She then either -- she would have

1 withdrawn -- and that's a possibility, because the
2 environment did not provide her with a safe place to
3 allow her to continue that. But to then deny -- and
4 I think that shows a little bit about the culture within
5 the centre; that perhaps when you consider an oral
6 warning, no action. A written warning, allegation then
7 denied by the child. It suggests that the robustness of
8 investigation was not what it should have been.

9 Q. I mean, if anyone had troubled to look at his previous
10 history, they would have seen that he actually did get
11 a written warning for physical mistreatment and
12 threatening behaviour, so it might have prompted someone
13 to think: 'Well, you know, whatever's being said by the
14 child now, I think we ought to have a closer look at
15 this'.

16 A. I would absolutely agree on that one.

17 Q. And then, just moving on, there is a very curious one
18 here, January 1988. It is recorded as an incident
19 involving female resident in bedroom rehearsing 'court
20 appearance of girl who had previously been sexually
21 abused'. Suspended written warning this time. He is
22 leading a charmed life here?

23 A. He certainly is. And, you know, for me, there is the
24 bit about a member of staff who has been identified to
25 support a young woman who has been a victim of crime

1 through the court would be approved to undertake that
2 work. This suggests that he, in some senses, identified
3 himself to do this. And when it says 'rehearsing court
4 appearance' --

5 Q. What does that mean?

6 A. -- what does it mean? I think actually what he was
7 doing was speaking through a young woman's experience
8 for his own gratification.

9 And then to have a suspended written warning, when
10 you consider his previous disciplinary behaviours,
11 again, not only surprised me; it shocked me. And it
12 suggests that the approach to managing this man's
13 employment was inadequate.

14 Q. It could be that if someone's rehearsing something
15 that's going to be then later spoken about in court, it
16 might not be just what she would say about the event,
17 but sometimes in court someone is asked to describe
18 things that happened.

19 A. Yes.

20 Q. And perhaps he might have taken advantage of such
21 a description. We don't know.

22 A. We don't know. But what I do know is that a young
23 person in those circumstances, someone would be
24 identified to support them through the court process.
25 We were also -- and I think we need to reflect back. In

1 1988, we would have been very conscious about preparing
2 and coaching a young person for evidence.

3 Q. Yes.

4 A. And, you know, our guidance would have said: you cannot
5 coach the young person. You hear their story and then
6 you need to support them emotionally and in person at
7 the court. But you would never rehearse --

8 Q. No.

9 A. -- evidence in that way.

10 Q. No. I mean, it is difficult without more information.

11 A. It is.

12 Q. But even just the description we get --

13 A. Yes.

14 Q. -- it sounds alarm bells immediately.

15 A. It certainly does.

16 Q. Then we get to a situation, in March 1990, where
17 a previous or former resident disclosed sexual -- being
18 sexually abused while at Newfield in 1981. We are told
19 it was investigated by the police and, indeed, the
20 department. Mr Faulds denied the allegations. There
21 being no corroboration, there was no further action, it
22 would appear, by either the department or the police --

23 A. Yes.

24 Q. -- or the authorities, is that --

25 A. That's correct. And actually, when I seen this, we

1 tried to see: did we have a link anywhere else that we
2 could corroborate?

3 We couldn't find that. What we did find is we were
4 able to identify the police officer who was involved in
5 the investigation. So we do know that there was
6 a complaint to the police. There was an investigation.

7 Again, I think no corroboration therefore means no
8 action. It's that bit about all of his previous
9 behaviours. Now, the Moorov criteria might not have
10 been applied.

11 Q. Well, I will come to that. Don't jump ahead.

12 A. Yes.

13 Q. There is something that happened in 1997 which might
14 give you a clue to this, and it is in the file. I will
15 come to that, but I am conscious of the time.

16 LADY SMITH: We had better take the lunch break. How much
17 longer will you be?

18 MR PEOPLES: I was wondering, because we have another
19 witness, to start a little early.

20 A. I am comfortable with that, my Lady.

21 LADY SMITH: Start a little earlier, would that be okay, if
22 we started at 1.45?

23 MR PEOPLES: Yes, that was my thinking.

24 A. Happy with that, my Lady.

25 LADY SMITH: Let's do that.

1 (1.05 pm)

2 (The luncheon adjournment)

3 (1.45 pm)

4 LADY SMITH: John, welcome back. Are you ready for us to
5 carry on?

6 A. I am indeed, my Lady.

7 LADY SMITH: Thank you.

8 Mr Peoples.

9 MR PEOPLES: My Lady.

10 Good afternoon, John. We were looking at

11 REC-000000131, which is the file of documents. We were
12 looking at page 28 --

13 A. Yes.

14 Q. -- and going through some of the incidents that were
15 relating to Mr Faulds. We just dealt with, before
16 lunch, the disclosure of abuse by him at the centre, in
17 1981, by a former resident. We established that,
18 according to the information in this file, there was
19 an investigation. There was a denial by Mr Faulds of
20 the allegations and no action followed because of a lack
21 of corroboration.

22 A. Yes.

23 Q. If we move on -- and I, again, don't want to take
24 everything here. He is clearly getting hauled up quite
25 often for various things. But if we take another one,

1 which relates specifically to physical abuse, we see,
2 in October 1991 -- this is number 15 in the list:

3 'Resident claims he had been manhandled by
4 Brian Faulds who also threatened to show him body of boy
5 who had hanged himself. Mock suicide attempt by other
6 resident.'

7 And the action taken, what's recorded:

8 'Following investigation, decision taken to proceed
9 with ...'

10 I think that's disciplinary hearing.

11 A. Yes.

12 Q. '... meantime, Mr Faulds off sick with depression for
13 four months and on return, the assistant district
14 manager decided not to proceed.'

15 So, just pausing there, there is an allegation which
16 is not dissimilar to a couple of allegations we have
17 seen already previously, about manhandling, and physical
18 mistreatment. And it clearly was considered, after
19 investigation, that it merited a disciplinary hearing.
20 But -- and this is not maybe an uncommon thing -- the
21 person, Mr Faulds in this case, was off sick for
22 an extended period.

23 But what's perhaps troubling is that an assistant
24 district manager, who would be someone -- an external
25 manager takes a decision not to proceed because of the

1 sickness absence.

2 Now, can you understand why that was done?

3 A. I can't understand why that was done. I can understand
4 the disciplinary hearing being deferred until he
5 returned from work, but I would have expected the
6 disciplinary hearing then to proceed on the basis that
7 there had been an investigation. The claim to show
8 a young boy the picture of a body of someone who had
9 hanged themselves is horrific in terms of that imagery.
10 It's abusive. And, therefore, in my view I would have
11 expected a disciplinary hearing to proceed. I cannot
12 explain why someone would decide not to.

13 Q. And your interpretation of the -- what he was
14 threatening to show might well have been a photograph of
15 a boy who appeared to have hanged himself, but there
16 seems to be some suggestion that this may simply have
17 been a mock suicide, resulting in some sort of picture,
18 but it is difficult to tell.

19 A. It is difficult to tell from that. But irrespective --

20 Q. I am not trying to --

21 A. Irrespective -- it's contradictory, because it says it
22 is showing a body of a boy who has hanged himself; that
23 suggests there was a victim. And then there's a mock
24 suicide by another resident. So it could have been one
25 incident or two incidents. Irrespective, it is entirely

1 inappropriate to treat a child in that way.

2 LADY SMITH: I thought what was going on here was: the

3 resident -- that's referred to in the first line -- has

4 proceeded with what is referred to here as a 'mock

5 suicide'. It could be an attempted suicide.

6 A. It could.

7 LADY SMITH: And Faulds' way of responding to that is to

8 show him or threaten to show him, 'I'm going to show you

9 what it does look like if you do hang yourself, because

10 I've got a photograph'.

11 A. I don't know, my Lady. It is very difficult to tell,

12 but that is one interpretation. I think we will never

13 understand that.

14 The thing we do understand: it was inappropriate and

15 the decision not to proceed --

16 MR PEOPLES: Was inappropriate.

17 A. -- it can't be justified.

18 Q. Because they obviously thought it merited a disciplinary

19 hearing after investigation --

20 A. Yes.

21 Q. -- whatever the circumstances?

22 A. That's correct. And you would also look back and see

23 that he had other behaviours which already had gone, in

24 some senses, warnings and written warnings, so there is

25 a pattern of behaviour. And on that basis, I would

1 certainly have expected the disciplinary hearing to
2 proceed.

3 LADY SMITH: Yes.

4 MR PEOPLES: Now, moving on to 1994. In May, there is
5 another incident that was discovered:

6 'Resident claimed [Mr] Faulds had made lewd,
7 sexually inappropriate comments while watching video in
8 unit.'

9 The action taken is said to have been:

10 'Written warning for [Mr] Faulds and subsequently
11 transferred to day shift July 1994.'

12 So he is on night shift. There is this claim. It
13 would appear that from the fact that there is a written
14 warning that the claim was considered to be --

15 A. Substantiated.

16 Q. -- substantiated --

17 A. Yes.

18 Q. -- by whatever investigation followed. He got
19 a written warning. Not only that, he was transferred to
20 day shift. Or at least the decision was taken --
21 because I think it is apparent from other records that
22 Mr Faulds appealed, by some form of process, grievance
23 or whatever, against that decision, and that perhaps
24 postponed any transfer to the day shift?

25 A. Yes.

1 Q. Sorry, yes, to the day shift.

2 A. The day shift. Yes, I think the decision to transfer
3 him to day shift would be to increase supervision --

4 Q. Yes.

5 A. -- and accountability in relation to his behaviours. So
6 I could understand that if the officer decided the
7 written warning was correct, there is an opportunity to
8 have some additional sanctions at times. I mentioned
9 earlier withdrawal of grade, the withdrawal of
10 an increment of your pay. So transfer to day shift,
11 I think, could have been appropriate. But I think later
12 you have indicated he appealed and he therefore remained
13 on night shift.

14 Q. For a time.

15 A. For a time, yes.

16 Q. I mean, it is not entirely clear whether at this date
17 that he ceased working, he was still a night shift
18 worker or whether he had, at least by then -- he
19 probably had because --

20 A. I think he had.

21 Q. -- it is quite a long period of time.

22 A. It is. When you look at the report, it suggests that
23 after -- I think it suggests after the 1996 act, where
24 he made sexual harassment towards one of his colleagues,
25 he was transferred to day shift there. But then he very

1 quickly went sick.

2 Q. Then if we go on -- and this isn't relevant directly,
3 but it shows that in March of 1996, a female colleague
4 alleged sexual harassment by Mr Faulds. This appears to
5 have been investigated and it appears that it was
6 considered appropriate to have a disciplinary hearing
7 again. And, yet again, Mr Faulds, I think shortly
8 afterwards, goes off sick. I think it is in April some
9 time. And I think he remained off sick I think from
10 then. I don't think he went back to work.

11 A. He didn't.

12 Q. And that ultimately, he resigned in December 1996 --

13 A. That's correct.

14 Q. -- having faced charges?

15 A. Having faced charges. But also with an outstanding
16 disciplinary hearing. The most serious were the
17 charges, but the disciplinary hearing never went ahead
18 because he resigned.

19 I have to say, if he resigned today, he required to
20 give you notice. I would have scheduled a hearing and
21 said to him: 'If you don't come, we'll hear it in
22 absentia', and, as a consequence, we would have had
23 a disciplinary outcome, because that provides
24 a safeguard.

25 Q. But if he manages -- if any employee manages to get to

1 the resignation stage where it takes effect --

2 A. Yes.

3 Q. -- does that effectively halt the process?

4 A. But you are still employed to the day you leave.

5 Q. No, I get that.

6 A. So I would have said --

7 Q. If he managed to get to that date successfully --

8 A. Yes.

9 Q. -- you can't continue the process?

10 A. You can't continue, no.

11 Q. So the idea is to try and preempt that by --

12 A. By resigning.

13 Q. -- by resigning. The response to that should be: 'Let's

14 try and deal with this as quickly as we can'.

15 A. That's correct. I think today, because our residential

16 staff, social work staff, are required to register with

17 the SSSC, there is an additional safeguard, because we

18 would make a report. We would indicate that the

19 employee had resigned, that they had in some senses

20 attempted to circumvent the disciplinary process, and we

21 would indicate the next stages of the process and

22 present the evidence and indicate the potential of

23 an outcome.

24 Q. And that could lead to loss of registration?

25 A. Absolutely.

1 Q. And indeed, it might lead to other consequences --
2 A. It could as well.
3 Q. -- like being put on lists and so forth --
4 A. Yes, yes.
5 Q. -- of people unsuitable to work with children?
6 A. With children or adults, yes.
7 Q. And the like.
8 Now, we know that subsequent to him going off sick,
9 the council became aware that there was a police
10 investigation in relation to Mr Faulds, which was in
11 connection with the matters he was ultimately convicted
12 of.
13 A. That's correct.
14 Q. Which didn't involve boys at Newfield or, indeed, boys
15 in care?
16 A. Yes.
17 Q. And he was remanded for a short period in August of that
18 year. Then he was bailed to appear for trial?
19 A. That's correct.
20 Q. And we know now that the trial took place the following
21 year and he pled guilty before it went to a full trial.
22 A. That's correct.
23 Q. Now, there is also a document here, which is at pages 30
24 to 31. As we have said, there are various versions of
25 this in this file, 'Strictly private and confidential

1 briefing', it is headed. It, I think, attempts to give
2 a general summary of the situation relating to
3 Mr Faulds, including his period of employment.

4 Forgive me if I put it this way: but, to some
5 extent, there is an impression from this file that what
6 Renfrewshire Council is seeking to do, in anticipation
7 of a guilty verdict, is to focus on Renfrewshire and the
8 limited period of involvement with Mr Faulds.

9 It just reads that way. I mean, maybe I am being
10 unfair, but it may be damage limitation, reputational
11 damage, and you get a strategy and you say, 'Well, let's
12 carefully consider how we will reply if he is convicted
13 and there's publicity and hard questions are asked'.

14 Am I off the mark there?

15 A. I think it's a useful interpretation. It was one I had
16 similarly, but I also balance that by thinking to some
17 extent it was very early days. He did not appear to
18 work particularly long for Renfrewshire Council and the
19 author was probably laying out that fact; that most of
20 his employment was prior to local government
21 reorganisation. He did transfer to the
22 Renfrewshire Council. He went sick quite quickly and he
23 didn't actually work in the centre. He remained
24 an employee --

25 Q. Yes.

1 A. -- but he didn't actually work. And I think that was
2 an indication that they were attempting to mitigate any
3 risk and danger to children at that particular point.
4 But I think it is also a little bit of damage
5 limitation.

6 Q. Yes. Well, I won't -- I mean, we can all read it for
7 ourselves and make up our mind.

8 A. Yes.

9 Q. But, as you say, his employment transferred because of
10 reorganisation on the 1 April 1996.

11 A. Yes.

12 Q. And as you say, as the briefing confirms, he actually
13 worked a total of eight days before he went off sick on
14 18 April 1996.

15 A. Yes.

16 Q. So, as a Renfrewshire Council employee, he only had
17 eight days at work?

18 A. That's correct.

19 Q. And he resigned in December of same year. It did tell
20 us some of the things we have already covered about
21 subsequent matters, including being charged and
22 remanded, and bailed and so forth. And this appears to
23 have been prepared prior to the trial and the outcome of
24 the trial. It was to give some background information,
25 including the fact that at the date of this briefing, he

1 was 45 years of age and single.

2 A. That's correct.

3 Q. And it says that prior to his employment he was -- he

4 had -- it says:

5 'He appears to have had residential experience in

6 England.'

7 It is not clear from anything else in the file what

8 that experience amounted to.

9 A. It is not. And I presumed, when I read that, that there

10 would have been reference to his application for

11 employment and that he must have listed --

12 Q. Something.

13 A. -- something or made reference in his employment.

14 Q. So there must have been some basis for that statement

15 and it maybe suggests that there was some form of

16 experience he's had down south?

17 A. That's correct.

18 Q. But we do know that he has had two years in the

19 Metropolitan Police?

20 A. Yes.

21 Q. And he was a prison officer, they say in a particular

22 location in Scotland?

23 A. Yes.

24 Q. I think there may be suggestions it might have been

25 somewhere else?

1 A. Yes, that's correct.

2 Q. It doesn't really matter. He was a prison officer?

3 A. He was a prison officer.

4 Q. And what's interesting in that briefing, and maybe this

5 is a lesson: throughout his employment, little was known

6 of his personal circumstances and he moved accommodation

7 on a number of occasions. He was initially given

8 accommodation within staff accommodation in the grounds.

9 His tenancy resulting in a number of disputes with the

10 department.

11 Then they do know and record that during his

12 employment he was for several years a NUPE steward,

13 a trade union steward, and a member of a political party

14 for a long time, being active in that party.

15 So that much we know about him?

16 A. That's correct.

17 Q. Well, do you have any observations on that information

18 or not?

19 A. I suppose there are a few things. The first bit about

20 how little is known about his personal circumstances

21 suggests a very closed individual. Most people who work

22 together, particularly in teams, share a bit about their

23 lives. So you know whether your colleagues have got

24 a partner, a wife, husband, children. You know a little

25 bit about their interests. So it seems strange that

1 this man didn't share that with his colleagues or it
2 wasn't available.

3 The moving accommodation, I think's interesting. It
4 suggests somebody who is transient, but remains stable
5 in his employment in the house, at Newfield Centre.

6 The staff accommodation; I wasn't aware of that, but
7 -- there was accommodation there. But I know that some
8 of the Strathclyde houses did have staff flats attached
9 to them.

10 Q. I think Johanna Brady actually told us that when she
11 worked there originally, not all staff were on a site,
12 but she did live in some sort of staff accommodation.

13 A. Yes, so, again it seems to be consistent with that.

14 LADY SMITH: Mr Peoples, if you look at the document on
15 page 32 and 33, it has manuscript amendments to it. One
16 of them, for example, is that it was accommodation
17 within the grounds of Newfield.

18 A. Yes.

19 LADY SMITH: Yes.

20 MR PEOPLES: Well, sorry --

21 LADY SMITH: I rather thought that must have superseded the
22 first draft.

23 A. Yes, I think so. I think what I was saying, my Lady,
24 was I wasn't aware Newfield had that, but I can
25 understand, and, certainly from the earlier evidence,

1 I would agree and there was accommodation in a number of
2 houses that were built around the same time that had
3 staff flats attached to them.

4 And I think the reference that we found in relation
5 to the incident in 1980, when he abandoned the young
6 people at the youth hostel, referenced him returning to
7 his flat in Newfield.

8 LADY SMITH: Yes.

9 MR PEOPLES: We can take the one at 32.

10 A. Yes.

11 Q. What is clear from this document is -- there are
12 a number of versions of this. What became the
13 definitive version is no matter really because it is the
14 information that's there that's important for my
15 purposes.

16 A. That's correct.

17 Q. But as you say, at page 32, it does confirm it is at
18 Newfield.

19 A. That's correct.

20 Q. And it does confirm he was a night shift residential
21 worker, at least in the beginning. And it gives some
22 information about -- as we have already looked at, it
23 adds the words 'residential care work experience in
24 England', in the second paragraph.

25 A. Yes.

1 Q. It corrects some typos and so forth.

2 A. Yes.

3 Q. But the gist of it's the same, I think, in both

4 documents?

5 A. I would agree, yes.

6 Q. And if we see that -- there's reference to the incidents

7 we have mentioned. I am not going to go over them

8 again.

9 A. Yes.

10 Q. And there is an attempt to identify the most significant

11 incidents?

12 A. Yes.

13 Q. And I think we have been through most of these.

14 A. Yes.

15 Q. And certainly the writer of this thought the most

16 serious one was the allegation in 1990 by an ex-male

17 resident who had been sexually abused by Mr Faulds.

18 This was the allegation in 1981. He says this:

19 'Couldn't be corroborated after police

20 investigation. Was denied by Mr Faulds.'

21 It does mention the incident early in his employment

22 at Newfield of taking a photograph of a female resident

23 in her bed, in her night attire. No action resulted

24 from either.

25 There is some information about the photograph,

1 saying in the case of the latter the photograph was not
2 confiscated, but destroyed by Mr Faulds' senior, who was
3 afraid of him. It is not entirely clear -- maybe you
4 can shed light?

5 A. I think it was interesting, because the final sentence
6 in the earlier paragraph talked about him being a trade
7 union official. I think that's indicative of his
8 ability to navigate the disciplinary process and,
9 perhaps, at times, thwart it; that he used that position
10 as a trade union official to play the system. So he
11 would understand it, he would probably find ways to
12 navigate it more than a worker who wasn't able do that.

13 It then talked about the photograph being
14 confiscated, but -- was not confiscated, but destroyed.
15 That, to me, you know, suggests that someone felt it was
16 inappropriate. But, actually, if you go back to that
17 period, the photograph would have a negative somewhere,
18 so I would want to know: where is the negative? What
19 happened to that? And more action should have been
20 taken.

21 It does refer -- that his senior was frightened of
22 him. If you have a colleague who is frightened, that
23 then raises questions for me about how children
24 experienced Mr Faulds when he was their carer. And
25 there are all those incidents listed that indicate that

1 children were frightened of this man and that he did
2 abuse children.

3 Q. So Mr Faulds' senior is a reference to a senior who is
4 his manager?

5 A. That's a reference to his line manager.

6 LADY SMITH: Not his dad.

7 A. Not his dad.

8 MR PEOPLES: No, that's the way you read it, and that's the
9 way we should read it.

10 A. Absolutely, yes.

11 LADY SMITH: There is an apostrophe missing.

12 A. I think so, I think so.

13 MR PEOPLES: No, that's fine. Obviously I am not going to
14 go through all of that paragraph, but what maybe shows
15 the point or illustrates the point you made is that
16 obviously there's a lot of disciplinary action, but,
17 ultimately, he is never removed from his post. There
18 are some disciplinary sanctions.

19 A. Yes.

20 Q. It appears to have been summarised that, ultimately,
21 there was no significant improvement in his general
22 behaviour, that:

23 'Initial attempts to move him to day shift were
24 unsuccessful and thwarted, partly by his propensity to
25 use the department's grievance procedures and by

1 maximising his position as a trade union official.'

2 It says, in addition:

3 'Proposed action was delayed and thwarted by
4 Mr Faulds going absent through sickness.'

5 I think we can read between the lines of what is
6 being said there.

7 As regards the decision to place him on day shift to
8 allow more supervision -- which is how it was put -- was
9 taken in July 1994. It was a matter which he appealed
10 to stage 3 of the council's grievance procedure and it
11 says that that was then rejected by the personnel
12 subcommittee in December 1995.

13 That would be a committee of councillors, would it?
14 A. It would. My reading of that would be that the decision
15 was made to -- as a consequence of one of those
16 incidents -- transfer him to day service. He appealed
17 and said, 'I am not happy', so he raises a grievance, so
18 the decision would be therefore postponed whilst that
19 grievance was under heard.

20 It was then eventually heard by -- and he would go
21 through a number of processes. He would lodge a first
22 grievance, stage 1. His manager rejected it. He would
23 go to stage 2; the grievance heard by a more senior
24 manager, and rejected, saying: 'No, you need to move to
25 day shift'. Ultimately, he appealed that and the

1 Personnel Appeal Committee, which is elected members,
2 heard his case in December 1995. So it is a lengthy
3 period. So that shows you some of his manipulation.
4 And they rejected his appeal and made the decision to
5 move him to day service.

6 Q. But meantime he would still be a night shift worker and
7 on duty?

8 A. He would still be a night shift worker. He would be on
9 duty.

10 Q. And what is said there, towards the end of that briefing
11 on page 33, is that since the transfer to day duties,
12 which was to involve further closer supervision --

13 A. Yes.

14 Q. -- there have been no further complaints from residents,
15 although there was subsequently a complaint by a member
16 of staff?

17 A. That's correct.

18 Q. We know that that was when he was on day shift?

19 A. That was when he was on day shift. That, for me, is
20 a three/four month period. It is the end of
21 the December, through December, January, February
22 and March of 1996.

23 Q. I will just leave that there, because -- to introduce
24 another name. Because around this time, if I could go
25 back to page 29, attached to the briefing, or as part of

1 this whole briefing, there was a note of additional
2 concerns. Against a background, I think, that there had
3 already been some press interest in Newfield and I think
4 the assumption was that that interest will continue and
5 might escalate or become more significant. And indeed
6 it might generate further allegations from former
7 residents.

8 What it then tells us about is that during the
9 period -- it says from 1981 to 1991, I think it is
10 correct to say that the probable period was 1983 to
11 1981 -- that another person called LRE also
12 worked in Newfield. It is said that he was convicted of
13 sexual offences against children in Inverclyde, not
14 connected with his employment.

15 Now, I think that means not connected with his
16 employment at Newfield?

17 A. I think that's correct.

18 Q. And it says:

19 'Both Faulds and LRE worked in the same unit,
20 Faulds on night shift and LRE on day shift. While
21 there is no evidence they acted in ...'

22 I think it means 'in concert'.

23 A. I think so.

24 Q. '... the allegation may well arise.'

25 So they were obviously covering -- touching all

1 bases and thinking: 'Oh gosh, we know of another person
2 who was convicted, not of an offence against a Newfield
3 boy, but against another boy'.

4 It says 'children', but I think from other
5 information I can tell you it appears to have been
6 likely to be one person, probably male.

7 A. Yes.

8 Q. And it may well have been a boy who was in care, but not
9 at Newfield.

10 A. Yes.

11 Q. So this is where one has to be careful when reading
12 this.

13 A. Yes.

14 Q. Because I think at first sight, you might think, 'Oh,
15 it's got nothing do with boys in care --

16 A. Mm-hm.

17 Q. Because it did generate enquiries about LRE .

18 A. Yes.

19 Q. And connection between LRE employment and any abuse
20 that he may have committed.

21 A. (Nods).

22 Q. We do know, I think from other information, he was
23 convicted, in 1991, of lewd and indecent and libidinous
24 practices and behaviour. It would appear that was in
25 about June 1991. And that after, I think, a period for

1 reports, it appears he was put on probation for
2 three years.

3 I am just telling you that --

4 A. Yes.

5 Q. -- I won't go into to the detail. But that's as we
6 understand it. And it may well have involved a boy in
7 care. I say that because we have actually got evidence
8 from an applicant who recalls reading about this
9 conviction.

10 A. Yes.

11 Q. And I am not going to dwell on it, but we heard from the
12 evidence of 'Donald', who said that he remembered
13 Mr LRE at Newfield and he felt he was a bit creepy.
14 He says as an adult he remembered reading about
15 an offence, a conviction, and he says:

16 'I read that he was taking a boy to a panel and
17 pulled into factories at Port Glasgow. He was accused
18 of tampering with the boy.'

19 Which would be consistent with the charge.

20 A. Yes.

21 Q. And then he says he 'always knew he was a wrong one':

22 'When he was in Newfield [he said] he didn't do
23 anything to me. But he was in another unit and I was
24 told to look out for him by a couple of the older boys.
25 They told me that he got too close to people.'

1 Then he says, interestingly, when he was an adult,
2 he was in the jail when LRE came in. He had
3 been:

4 'I was remanded at Gateside ...'

5 Which I think is Greenock Prison, the old Greenock
6 Prison:

7 '... in the young offenders. He said I was placed
8 on protection promptly, but I saw him a few times.'

9 It doesn't look, from the information we have, that
10 it was because his sentence was probation. I suppose
11 the only possibility at the moment to try to reconcile
12 was perhaps he was on remand at one stage?

13 A. I would assume that. This report was the first time we
14 found the name of LRE. We did additional searches to
15 see if there was anything else. We couldn't find
16 anything. It is clear at the time that this note was
17 provided for the director, that they had identified
18 LRE had worked in the council.

19 I think it also reads -- paragraph 4 suggests that
20 the police -- he was currently under investigation for
21 the alleged abuse of children in care. So I think it
22 might not necessarily be children in Newfield, but it
23 could have been children elsewhere. And, again, the
24 proposition that LRE was remanded for a period in
25 Gateside would be appropriate. He could have been

1 remanded for reports or he could have been remanded
2 immediately pending the case getting to trial and then
3 released for trial and then, ultimately, a community
4 sentence.

5 Q. Can I say this: at paragraph 4, because I think -- just
6 to be absolutely clear, I think while we will see that
7 there was investigation of LRE and of Faulds around
8 1996/97 --

9 A. Yes.

10 Q. -- by the police, I think it seems to be clear that
11 these were separate investigations, but they clearly
12 related to two people who had a connection with
13 Newfield?

14 A. That's correct.

15 Q. And to some extent, therefore, there was discussion of
16 both?

17 A. That's correct.

18 Q. Both by the council and indeed by the police at the
19 time?

20 A. That's correct. And I think it indicates -- we don't
21 have evidence, but it indicates to me that the Head of
22 Service and director were considering: was there a link?
23 Was there something we needed to investigate?

24 Q. Yes.

25 A. Do we need to identify whether there were other young

1 people within the house at Newfield that we would want
2 to seek out and see whether or not they wished to make
3 a complaint or a concern? So I think it shows that.
4 But they were at different times and different points,
5 but I think it shows the linkage, the possible linkage
6 between them.

7 Q. Yes. They were giving consideration to the possibility
8 that, because they had worked together, not only at
9 Newfield, but in the same unit, albeit in different
10 shifts --

11 A. Yes.

12 Q. -- they just wanted to at least consider the possibility
13 that there could be some --

14 A. Absolutely.

15 Q. -- linkage of that nature. But, at the end of the day,
16 there was nothing that was found at that point to
17 indicate that they were --

18 A. That's correct.

19 Q. -- acting together --

20 A. Not as far as we can see.

21 Q. -- in an organised way?

22 A. Yes.

23 Q. And if I can take you forward, briefly, to some
24 handwritten notes, which I think you will have --
25 I think you know the writer of these notes?

1 A. That's correct.

2 Q. Is that David Crawford?

3 A. That's David Crawford.

4 Q. They start at page 78. I am not going to go through
5 them in too much depth. We can read them ourselves.
6 But we know whose entries they are.

7 It does obviously, at page 78, show that these were
8 notes made in 1997, before Mr Faulds was convicted?

9 A. That's correct.

10 Q. And there's a series of actions being contemplated or
11 being taken in light of what was going on at the time
12 with Mr Faulds' charges and impending trial. And it is
13 clear from page 79 -- and I won't go through the detail
14 of it -- that there was communication between, probably,
15 Mr Crawford and the police?

16 A. That's correct.

17 Q. In relation to -- largely in the notes, in relation to
18 LRE [REDACTED]?

19 A. That's correct.

20 Q. So they were interested in him, but they weren't making
21 substantial progress at that stage, according to the
22 note on page 79. But what the police were seeking do at
23 that stage was to identify vulnerable children in the
24 records of various care settings where Mr LRE [REDACTED] had
25 worked. Because it was thought to be that these would

1 be children that might be vulnerable to befriending by
2 Mr LRE . Indeed, they were interested in whether
3 there was any record of him taking them on outings.
4 They mention either sailing or in caravans, away from
5 the units from where Mr LRE and the child or children
6 worked.

7 A. That's correct.

8 Q. And Mr LRE had a boat, we know that.

9 A. We know that. And I think that one of the things, if
10 you are presented with this type of information, you are
11 beginning to say: where does that man work? Who did he
12 work with? What do we know? Are there children?

13 So I think the page also indicates a number of units
14 within Renfrewshire children's units that -- Urquhart
15 House, Gryffe, Newfield, Carsewood were all children's
16 facilities. And they were saying: has this man
17 identified children within those units, groomed them and
18 followed up when they are no longer there?

19 Q. Now -- so that was what was going on then.

20 A. Yes.

21 Q. And then, on page 84, we see that it was known that
22 Mr LRE had a conviction in 1991. This is probably
23 reflecting what was in the confidential briefing. As
24 I say, I am not sure that the precise way it is put is
25 accurate --

1 A. Yes.

2 Q. -- based on what we know from other sources.

3 But what it looks like the police are trying do at
4 that stage is to try and identify the whereabouts of
5 people who may have had a connection with Mr LRE --

6 A. That's correct.

7 Q. -- and may have been befriended by him and maybe
8 something had happened. And there are various names,
9 and I don't want to mention them or anything --

10 A. Yes.

11 Q. -- but if we go on to page 86, we pick up the fact that
12 it is noted that in 1990 -- and I am not going to give
13 the name -- but a male ex-Newfield resident -- this is
14 the one in that note we saw earlier --

15 A. That's correct.

16 Q. -- had made a complaint that he had been sexually abused
17 by Mr Faulds. It says these incidents are alleged to
18 have taken place in Newfield and reported to the police.
19 At the time no action was taken because the complaints
20 could not be corroborated.

21 Then, on page 87, if I can just sort of finish off,
22 it says that as at 1997, the police didn't intend to
23 take action in respect of that complaint against
24 Mr Faulds and, although he was currently charged with
25 offences involving a young boy in the community, the

1 police had indicated to the council that the
2 circumstances were sufficiently different that the
3 Moorov doctrine doesn't apply and they are unable to
4 take any action in respect of that complaint.

5 So we know why that matter did not progress then.
6 I am not going to get into the developments of Moorov
7 since then. But certainly, at that time, it wasn't
8 thought they could simply add that to the charges that
9 he was convicted of?

10 A. That's correct.

11 Q. So that's where we were.

12 I am just going to mention this. I don't want to go
13 into the detail. At page 92, we do see that there was
14 an attempt to put together a chronology of Mr LRE
15 previous employment in other places before he went to
16 Newfield. There are a number of institutions. I don't
17 want to go through those.

18 A. Yes.

19 Q. We can see those for ourselves.

20 Now, just taking the story forward, we have spoken
21 about the conviction of Mr Faulds. Mr LRE was not
22 prosecuted in 1997 or thereabouts and we know that he
23 died on [REDACTED] 2017, with just one conviction to
24 his name, as far as we are aware.

25 But, had he not died, it appears that -- or we are

1 given to understand that he would probably have been
2 prosecuted for a number of alleged offences against boys
3 who were in care and residential care settings in places
4 where he worked. I am not sure that these would have
5 included Newfield. But, one way or another, there seems
6 to be the real possibility that he would have been
7 facing proceedings. But he died and that really put
8 an end to that possibility.

9 A. Yes.

10 Q. So we have got all of that.

11 So we have the picture now of these two, and that's
12 what I, obviously, wanted to ask you about.

13 There is one final matter. I am conscious of the
14 time. I would like you just to maybe, if you want to --
15 we heard a number of witnesses give live evidence about
16 Newfield. We called one 'Raymond', who was there in the
17 early nineties; 'Jane' who was there in 1980/89, and
18 'Kenny' who was there in the mid eighties.

19 And there is a certain similarity in terms of the
20 treatment that they got, and it was a violent
21 environment, staff were quite physical. There were
22 things, restraints, which they really consider more in
23 the nature of assault. There was bullying, humiliation,
24 and a variety of things of that nature. And I am not
25 going to go through them all.

1 A. Yes.

2 Q. I think you are aware of what they all said.

3 A. I am, yes.

4 Q. And it obviously spans quite a considerable part of the
5 pre-Rowanlea period at Newfield. I just wondered,
6 finally, if you wanted to make any comment on that
7 evidence?

8 A. Yes. So there's a couple of things. First of all,
9 I read all of the witness statements that were available
10 to prepare for this hearing, but also to understand the
11 impact and the experience that young people had in
12 Newfield.

13 This week, some of my senior officers have joined
14 the hearing to also hear the live testimony and hear
15 some of the other statements as they have been read in.
16 I think what we would say is that (1) we respect the
17 bravery of victims to come forward and make these
18 statements.

19 Secondly, they are clearly statements that indicate
20 that Newfield was not a safe place. It's a place where
21 children were abused. It's a place where staff did not
22 offer their protection.

23 I think, for me, I have a sadness that there were
24 opportunities -- and I think you see that in the
25 chronology -- for actions to have been taken at

1 an earlier stage. I think it tells us that in the
2 period up to the late nineties that children's voices
3 were not heard adequately; that children who experienced
4 abuse believed they were responsible for their own
5 abuse, and that's inappropriate. I think that we need
6 to accept that as an agency and as a service that we
7 failed those particular children. Therefore, we
8 recognise that their abuse has occurred and we apologise
9 for that.

10 Q. There is just one other matter. I probably should have
11 asked you this earlier. The 2001 review; one thing that
12 caught my eye was that it had a consultation exercise
13 that included speaking to children, to give them
14 a voice. Perhaps a matter of concern that you may have
15 picked up was that quite a high percentage of children
16 said that they didn't always feel safe in their setting
17 at that stage.

18 A. Yes.

19 Q. And do you think the picture's better now than it was
20 then?

21 A. I think it fluctuates. So the Care Inspectorate are
22 currently undertaking inspections of children's houses
23 and residential services across Scotland. They will
24 always seek the views of children. Children will
25 sometimes say they still don't feel safe. Most children

1 tell you they feel safe most of the time. But group
2 living, I think, does still bring challenges.

3 I think what's happened for our modern service is
4 that we are much more alert to the potential of abuse
5 for children, both by their peers, but by staff.
6 I think we have more robust processes for recording and
7 investigating.

8 All allegations, I think, now would be investigated
9 in a much more thorough way than we have seen here. We
10 would have the records to record that.

11 So I think if they are telling us they are unsafe,
12 there would be a reason and we would be able to respond
13 to that. In general, I would think that children are
14 safer, but you can never, I think, guarantee
15 100 per cent safety. But we work incredibly hard to
16 make sure that children are protected within any
17 residential care establishment.

18 Q. But the message is: no complacency and you have to be
19 continuously vigilant?

20 A. Absolutely. We started by talking about the review of
21 our children's houses. We have had further reviews. We
22 didn't mention the -- when Rowanlea closed, we replaced
23 it with a six-bedded children's house that -- we closed
24 Chapel House, which was a house that didn't meet our
25 standards. We replaced that with a six-bedded house.

1 Our most recent house, we built in 2018/2019, was
2 a four-bedded house. We have recognised we want to (1)
3 improve the environment, (2) improve the staff training
4 and qualification for all our staff, and (3) make sure
5 those independent visitors actually take serious their
6 role, so that is the Care Inspectorate, but also the
7 child's social worker, their school and their family.
8 We've made the environments much more open to scrutiny.
9 I think that does contribute to a safer environment
10 today.

11 MR PEOPLES: Well, John, these are all the questions I have
12 for you today. I have obviously -- you have had two
13 long sessions and I can just only thank you very much
14 for coming to help us and assist us in a variety of
15 ways. So thank you very much.

16 A. Thank you.

17 LADY SMITH: John, can I add my thanks? I want to say this:
18 I am very conscious of the extent to which we have
19 questioned you, not just in relation to this type of
20 care of children in residential circumstances, but
21 earlier in foster care. Then thinking about your
22 responsibilities overall in the role that one man
23 performs.

24 A. Yes.

25 LADY SMITH: The complexities of your duties and burdens are

1 not lost on me. I am very grateful to you for engaging
2 with the commitment and professionalism that you have.
3 I wish you well following up on all these strands of
4 your responsibilities.

5 A. Thank you, my Lady. I appreciate that.

6 LADY SMITH: It can't be easy. Thank you.

7 A. Thank you.

8 LADY SMITH: I will rise briefly, Mr Peoples.

9 MR PEOPLES: Yes, that would be helpful, we are going to
10 have a short break to try and set up the next witness.

11 LADY SMITH: Very well.

12 (2.28 pm)

13 (A short break)

14 (2.33 pm)

15 LADY SMITH: Ms Forbes, would you like to introduce the next
16 witness for me?

17 MS FORBES: Thank you, my Lady.

18 The next witness is an applicant who is anonymous
19 and known as 'Agnes'.

20 LADY SMITH: Thank you. 'Agnes', good afternoon. Can you
21 see me and hear me all right?

22 A. Yes, I can.

23 LADY SMITH: Let me introduce myself. I am Lady Smith,
24 I chair the Scottish Child Abuse Inquiry here in
25 Edinburgh. Thank you for agreeing to engage with us

1 over the video link this afternoon. It is looking great
2 at the moment. It is very clear here at this end and
3 I can hear you beautifully as well.

4 'Agnes' (sworn)

5 LADY SMITH: 'Agnes', thank you. Just before we move on to
6 the body of your evidence, could I just say at the
7 beginning that I do understand that asking somebody to
8 go back in their memory many years to talk about details
9 in their own life, particularly when they were children,
10 isn't easy. I am really grateful to you for being
11 prepared to do that. But sometimes emotions catch us
12 unawares, however prepared we think we are, and that's
13 perfectly okay. If you need a break or a pause, or if
14 there is anything else I can do to assist, just let me
15 know. Don't hesitate; all right?

16 A. Yeah, I will do.

17 LADY SMITH: If you have any questions at any time, do speak
18 up. It is not a problem.

19 A. Okay.

20 LADY SMITH: If you are ready, I will hand over to Ms Forbes
21 and she will take it from there. Thank you.

22 Ms Forbes.

23 MS FORBES: Thank you, my Lady.

24

25

1 Questions by Ms Forbes

2 MS FORBES: Good afternoon, 'Agnes'.

3 A. Good afternoon.

4 Q. I think you have already given a statement to the
5 Inquiry; is that correct?

6 A. Yes, it is. I gave my statement by video link in 2021.

7 Q. And I think you have a copy of that statement with you;
8 is that right?

9 A. Yes, I do.

10 Q. Okay. I don't know if you have it handy or not. If you
11 don't, it doesn't matter.

12 A. Yeah, I've got it right there. Just give me two ticks.

13 (Pause)

14 Yeah, I've got it.

15 LADY SMITH: 'Agnes', thank you for locating your statement
16 and having it available. Do feel free to use it if you
17 want to at any time.

18 A. Yeah.

19 LADY SMITH: Can I just say: I have already been able to
20 study that. It is already evidence before the Inquiry
21 and that's really helpful. You don't need to worry
22 about the prospect of us going through it line by line;
23 that's not what's going to happen. We are going to
24 focus on some particular aspects of it that we would
25 like to explore, okay?

1 A. Okay.

2 LADY SMITH: Thank you. Ms Forbes.

3 MS FORBES: Thank you, my Lady.

4 Thanks, 'Agnes', for getting that. I think if we
5 could just turn to the last page of your statement, this
6 is page 40, we can see you have made a declaration there
7 at the last paragraph --

8 A. Yeah.

9 Q. -- which is 204, just saying you have no objection to
10 your witness statement being published as part of your
11 evidence to the Inquiry and that you believe the facts
12 stated in the witness statement are true. And you have
13 signed that on 25 March 2021; is that right?

14 A. That's -- that's correct.

15 Q. And is that still the position, 'Agnes'?

16 A. Yeah. The only thing I would change in this whole
17 statement is I said that I left Cathkin House when I was
18 15. I was actually 14.

19 Q. Okay.

20 A. And that was given to me when I enquired to Action for
21 Children for the evidence that I had actually been in
22 that care home and they provided the dates. So that is
23 the only thing that's different. Obviously, I'm 58, you
24 know, that was a long time ago.

25 Q. Don't worry too much about dates, 'Agnes'. But thank

1 you very much for giving us that updated information.

2 It's helpful to understand your journey.

3 Now, 'Agnes', the statement that you gave us, we
4 have given it a reference number. It's not something
5 that you need to be concerned about, but I am just going
6 to read it out, because then it goes into the
7 transcript. It is WIT-1-000000644.

8 Now, 'Agnes', we're just going to start from the
9 sort of beginning of your statement and, as Lady Smith
10 says, we are not going to go through it all; we are just
11 going to focus on some parts. I think you first of all
12 tell us about your time before you went into care. You
13 tell us, first of all, you were born in 1966; is that
14 right?

15 A. That's correct.

16 Q. Yes. And you talk about your early life, between
17 paragraphs 2 and 5 of your statement. I think you tell
18 us that a lot of what you know about your early life
19 you've heard from your godmother and you have found out
20 later on; is that right?

21 A. That is correct, yes.

22 Q. And I think what you have learned -- what you have found
23 out, is that in your very early life you lived with your
24 mother and she had mental health problems; is that
25 right?

1 A. She did. She was bipolar and she was an alcoholic, and
2 unable to care for herself, let alone anyone else.

3 Q. And this was in Glasgow?

4 A. It was.

5 Q. And I think you tell us that what you know is that she
6 had been in care herself when she was --

7 A. She had. She was in -- yeah, she was in care with her
8 two brothers in Edinburgh and had a pretty tough life.

9 Q. And you heard about an incident, I think, whereby she
10 might have thrown you into a swimming pool with your
11 clothes on and, I think, soon after that you understand
12 that you were put into care?

13 A. Yeah, that's right.

14 Q. And what you tell us about your father is you understand
15 that he had a difficulty because of your mother's mental
16 health problems and behaviours, and he really just
17 disappeared?

18 A. Yeah. I know nothing about him, other than his name.

19 Q. Okay.

20 A. And a few snippets that my godmother gave me.

21 Q. And you didn't have any brothers or sisters? It was
22 just you?

23 A. No. No siblings.

24 Q. And you say that because of your mother's difficulties
25 and what you have learned happened, you had social work

1 involvement from a very young age?

2 A. Yeah, I did.

3 Q. And indeed you go on tell us, 'Agnes', that you were put

4 into a babies' home when you were just six months old?

5 A. Yeah.

6 Q. But that's something that you have no memory of. You

7 were obviously a baby at the time.

8 A. None.

9 Q. But then I think you progressed from there to

10 a children's home in Glasgow. I think you tell us about

11 that from paragraphs 7 to 9 of your statement. I think

12 you were aged 2 when you first went there, from

13 information that you have learned; is that right?

14 A. Yeah.

15 Q. And you were there until you were nearly 7 years old?

16 A. That's correct.

17 Q. Yes. Now, I think that part of your statement that we

18 have, on the screens here, that part is redacted,

19 because it is not part of what we are looking at in this

20 case study. I think you know that quite a lot of the

21 places that you were in, that you tell us about,

22 'Agnes', are not part of the case study that we are

23 dealing with just now. That's why part of your

24 statement relating to those places is redacted.

25 But I am not going to ignore them completely.

1 I think to understand your journey we will just
2 highlight a few things that you tell us about your life,
3 because you did spend most of your childhood in other
4 places that weren't Beechwood or Langlands Park; is that
5 right?

6 A. That's correct.

7 Q. Yes. But I think you tell us about that first
8 children's home, Secondary Institutions - to be published later
9 Secondary Institutions - to be published later there came a time when
10 the social work decided that you would go back and stay
11 with your mum and that was when you were nearly 7?

12 A. Yes.

13 Q. At paragraph 8 of your statement, 'Agnes', you tell us
14 that being back with your mum didn't last very long. It
15 was about six or seven months; is that right?

16 A. Yeah, that's right. It was six or seven months. But my
17 memory is that, even though six or seven months, had
18 a lot of social work involvement, and they knew it
19 wasn't working out. I think they were just trying to
20 give her, and me, a chance to, like, develop this life
21 together that in reality was never going to happen.

22 Q. Yes. And after those six or seven months you recall
23 going to stay at what was a sort of holiday home in
24 Dunoon. That was run by a couple; is that right?

25 A. Yeah, yes.

1 Q. And you tell us about that between paragraphs 11 and 13
2 of your statement. Secondary Institutions - to be published later

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8 Q. Okay. And I think, whilst you were there, it was
9 decided that you would be going to another children's
10 home. You were only really at that holiday home place
11 for about three weeks before you then went to this
12 children's home?

13 LADY SMITH: 'Agnes', I'm really sorry to interrupt, but
14 there's a very small technical fix we need to do. It
15 will only take a few minutes, so we will just come out,
16 stop the evidence, and deal with that. Then get back to
17 you.

18 A. No problem.

19 (2.44 pm)

20 (A short break)

21 (2.45 pm)

22 LADY SMITH: 'Agnes', I'm so sorry about that, but we have
23 sorted the problem and are ready to resume.

24 A. No problem.

25 LADY SMITH: Ms Forbes.

1 MS FORBES: Thank you, my Lady.

2 Hi, 'Agnes', I think we had just got to the point
3 where you had been in the holiday home in Dunoon and you
4 were there for about three weeks and it was decided you
5 would go to another children's home and this was in
6 Rutherglen, Glasgow; is that right?

7 A. That's correct, yeah.

8 Q. Now, you tell us a lot about your time there, between
9 paragraphs 14 and 108 of your statement. Again, our
10 copy of that, that's shown here, is redacted, because
11 that's not part of this case study. But I think it's
12 important to highlight some things that you tell us
13 about your time there, because you were there from about
14 7 years old, in [REDACTED] 1973, until you were 15 years
15 old -- sorry, 14 years old.

16 A. 14, yes.

17 Q. That's the correction.

18 A. Yeah.

19 Q. So you did spend quite a significant part of your
20 childhood at that one particular place; is that right?

21 A. I did, yeah. I regarded that as my home and I still do.
22 That's where I spent most of my childhood.

23 Secondary Institutions - to be published later
24 [REDACTED]
25 [REDACTED]

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24 Q. 'Agnes', you tell us that there was a children's review

25 meeting then when you would have been about 14, and you

1 were told, Secondary Institutions - to be published later
2 Secondary Institutions - to be published later
3 Secondary Institutions - to be published later it was time for you to move on?
4 A. Yeah. Secondary Institutions - to be published later
5 Secondary Institutions - to be published later
6 Secondary Institutions - to be published later
7 MS FORBES: My Lady, are you happy for us to continue?
8 LADY SMITH: I think we can probably carry on at the moment,
9 thank you.
10 MS FORBES: Okay.
11 Secondary Institutions - to be published later
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7 Q. And the next place, then, that you are taken is
8 an assessment centre. And this you tell us about
9 between paragraphs 109 and 115 of your statement.
10 I think you were there just for a few months; is that
11 right?

12 A. Yeah.

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2 Q. Okay. But, after those few months there, it was decided
3 that you were going to a house run by the Salvation Army
4 and you tell us about that between paragraphs 116 and
5 118. Were you 15 at that time or were you still 14?

6 A. I'm still 14, yeah.

7 Q. Okay. But I think you only lasted there about a month.

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20 Q. And I think you tell us they tried to get you back into
21 the assessment centre that you had been in before, Secondary
22 Secondary Institutions - to be p but it was full, so Beechwood was chosen
23 as the place that you were going to go to?

24 A. That's correct.

25 Q. And then, 'Agnes', we come to where you tell us about

1 Beechwood. This is at paragraph 119 of your statement.

2 'Agnes', I think you tell us you were really only at

3 Beechwood for a few months. By this time had you turned

4 15, do you think? Or were you still just 14?

5 A. Er, I was there until I was 15, so I was there over

6 Christmas. [REDACTED]

7 I would say I was there probably until I was 15, yeah.

8 Q. Okay. What you tell us about Beechwood, 'Agnes', is

9 quite positive. I think you say the staff were

10 brilliant with you at Beechwood?

11 A. I had a really positive experience. And, again, like,

12 I felt valued. The night staff were absolutely

13 brilliant. They understood that I was alone. I didn't

14 really have anybody, apart from my mum, who spent most

15 of her time in institutions. And they nurtured me, they

16 absolutely did. That didn't alter the fact that when

17 I ran away, I was put into my pyjamas and not allowed

18 out of them for a few days.

19 Q. Yes. 'Agnes', we will come to where you tell us about

20 that. But I think what you say is in general, they

21 treated you like a human being when you were there and

22 your views were considered?

23 A. Yep.

24 Q. Is that how you saw it? And --

25 A. Yes.

1 Q. -- decisions were being made about you, but you were
2 involved in those decisions?

3 A. Absolutely. When they discussed about me going back
4 into mainstream education, because the education they
5 were offering, Secondary Institutions - to be published later
6 Secondary Institutions - to be published later just wasn't enough for me. I was
7 learning nothing. My educational standard was way above
8 anything that they could offer and they felt that the
9 right thing for me was to go back to the school in
10 Rutherglen. But that was a long journey for a young
11 person to be making every day. It was never going to
12 work out.

13 Q. And I think, ultimately, that's what led you to leaving
14 Beechwood; the fact that there was such a long journey
15 to go to secondary school' is that right?

16 A. Yeah, yep.

17 Q. But whilst you were there, 'Agnes', you tell us that
18 your mum would still try to come and visit you and the
19 staff, though, would ask you if you wanted to see her?

20 A. Yeah, Secondary Institutions - to be published later
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5 At that point, I was a young adult, or adolescent,
6 and my views were taken into consideration and they
7 valued my views and opinions.

8 Q. And I think part of the example you give us, 'Agnes',
9 about how they treated you were things like -- this is
10 at paragraph 122 of your statement -- the staff knew
11 that you liked Indian food, so if they got a takeaway,
12 occasionally they would wake you up quietly and take you
13 into the staffroom to let you try it?

14 A. Yeah, yeah.

15 Q. You point out that that was the kind of thing you would
16 do as a treat for your own kids?

17 A. Yeah. I mean, my life and my children's lives are
18 a million miles -- my childhood and my children's
19 childhoods are a million miles apart. My children had
20 a normal upbringing, er, unlike me. But I wanted to be
21 able to give them the little snippets of things that
22 I knew were normal. I only got them because I ended up
23 in the likes of Beechwood. I didn't know that that's
24 the sort of things that you could do with your children,
25 because it never happened to me before I went in there.

1 Q. Yes. You also say, 'Agnes', that the staff would speak
2 to you about the consequences of your actions in a way
3 that you had never experienced before?

4 A. No, [Secondary Institutions - to be published later]
5 [Secondary Institutions - to be published later]
6 [Secondary Institutions - to be published later]
7 [Secondary Institutions - to be published later]

8 I don't remember ever having been spoken to in
9 derogatory manner by staff members or children. [Secondary Institutions - to be published later]
10 [Secondary Institutions - to be published later]
11 [Secondary Institutions - to be published later]

12 I do remember running away. But even
13 when I come back -- came back, I was told I had to get
14 put into my pyjamas and my clothes taken away from me,
15 but I don't remember being ill treated other than that.

16 I know that being made to sit in your pyjamas for
17 two or three days is, in some ways, you know, it's not
18 really the humane way to deal with things. [Secondary Institutions - to be published later]
19 [Secondary Institutions - to be published later]
20 [Secondary Institutions - to be published later]

21 So, for me, that
22 was: yeah, I can deal with that. I can deal with
23 getting put into my pyjamas for a couple of days.

24 Yep.

25 Q. 'Agnes', you tell us about running away and you say you
just ran away from Beechwood once. This is at

1 paragraph 124. Do you know why you ran away on that
2 occasion?

3 A. No. I suspect it was probably a bit of peer pressure.
4 I know I didn't run away on my own. It wasn't just me,
5 there was a few of us, and we were right next to
6 Tollcross Park. The building was literally right next
7 to the gate of Tollcross Park, so it wasn't exactly the
8 safest place, er, to be running away either, so maybe
9 that's why the decision was about putting you into your
10 pyjamas. It didn't stop some of the girls from running
11 away, let me put it that way. They'd just run away in
12 their pyjamas. Er, but it stopped me. It was enough to
13 stop me. But I am a bit of a rule follower in some
14 ways, so that was probably enough for me to say: no, I'm
15 not running away again.

16 Q. And when you got back -- how long were you away for,
17 'Agnes'?

18 A. Oh, I was caught that day.

19 Q. Okay.

20 A. The police were sent out and I was caught that day. Er,
21 and I don't think I got very far, but I was put into my
22 pyjamas and had my clothes taken from me that day.

23 Q. Okay. So you were given pyjamas -- it's pyjamas that
24 are yours; is that right? Your usual pyjamas?

25 A. Yeah, yeah. My pyjamas and dressing gown and slippers,

1 and that's it, and you're in them for a couple of days.
2 Er, I think it's about three days, or something.
3 Obviously, you change your pyjamas. Your pyjamas were
4 there, but you changed -- and your underwear, but all
5 your other clothes were taken away.

6 Q. And when you were in your pyjamas and your dressing gown
7 and slippers; did you have to stay in a particular room
8 at Beechwood or were you allowed to just go about the
9 assessment centre as normal?

10 A. No, I think we were allowed to just go about as normal,
11 into the -- I don't ever remember being kept in my
12 bedroom, or -- well, shared rooms. But I don't ever
13 remember being kept in the room. Still went to classes.
14 'Cause at that point I was still being educated in the
15 actual unit. Erm, and I was still allowed in the living
16 room. So, no, I don't remember -- the only thing for me
17 that was out of the ordinary was that I was told that
18 I had to get into my pyjamas and all my clothes were
19 taken away from me. Nothing else was unusual.

20 Q. Were you told how long you were going to be in your
21 pyjamas and dressing gown for?

22 A. Yeah, I think it was about two or three days.

23 Q. And was there any way that you could have that
24 punishment taken away earlier or was that just the
25 number of days it was going to be and that was it?

1 A. No. I think that was just the number of days that it
2 was going to be. I don't remember that you could do
3 something to get that reduced. Not that I recall,
4 anyway, and I've got a pretty good memory.

5 Q. And you tell us, 'Agnes', that you knew that was
6 a consequence of running away, because you had seen it
7 happen to other people as well?

8 A. Yep.

9 Q. You mentioned a shared bedroom, 'Agnes'; how many girls
10 did you share a bedroom with?

11 A. I think it was maybe about three or four of us.

12 Q. Okay.

13 A. I didn't get a room to myself. Secondary Institutions - to be published la
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19 Q. You have disappeared from the screen. You are back now,
20 'Agnes'?

21 LADY SMITH: You are coming and going.

22 MS FORBES: So, 'Agnes', you go on to tell us that you were
23 going to this high school, still, while you were at
24 Beechwood in Rutherglen, and you were having to travel
25 for about three hours a day. This was something that

1 really wasn't going to work out; is that right?

2 A. Yeah. That was never going to work. Er, I mean, I was
3 out the door at, I don't know, at stupid o'clock in the
4 morning. I wasn't getting home until stupid o'clock at
5 night. It was just too -- I'd been out of education for
6 quite a while, so the combination of moving back into
7 mainstream education and having that journey was never
8 going to work and I knew it. I knew it.

9 Q. You say, 'Agnes', there was a meeting at Beechwood and
10 they said that the next move was then for you to go to
11 Langlands Park. There was talk about the fact that you
12 had to be educated until you were 16 and the only way to
13 do that was to go to a residential school. You say you
14 were involved in that decision and you agreed?

15 A. Yes.

16 Q. And that's what led to the move from Beechwood to
17 Langlands Park?

18 A. Yeah. That's correct.

19 Q. Before we leave Beechwood, then, 'Agnes', looking back
20 at your time there, even though it was only a few
21 months, it seems like this was quite a positive
22 experience for you?

23 A. It was. When I look back on it, I look back on -- as
24 much as I was traumatised at having to leave my home,
25 the only home I really knew, at such short notice, er,

1 ultimately, when I looked back on it as an adult, it was
2 probably the best thing that happened to me, erm,
3 because it's probably shaped in some way the person that
4 I am today.

5 Q. Moving on, then, 'Agnes', to Langlands Park. You tell
6 us that you would have been 15 at the time you went
7 there. Again, you were only there for a few months, but
8 you tell us, again, that the staff there were brilliant,
9 is the way you put it.

10 A. Yeah. Er, I actually thought -- I think I alluded to it
11 before -- that I was this really damaged kid, erm, who
12 had all these problems. And when I went into
13 Langlands Park, I really got my eyes opened to what
14 damage there is in young people. Because I was nothing
15 like the vast majority of people that were in that
16 assessment -- you know, that List D school. Erm, and in
17 a lot of ways, at the time, I thought: I actually don't
18 belong here. I don't belong here. I am not this
19 person.

20 But they were seriously the best thing that ever
21 happened to me. They really were.

22 Q. You mentioned, 'Agnes', in particular a teacher there
23 whose dad was the head of Langlands Park and she was
24 somebody that said to him that you were miles ahead of
25 everyone else educationally and they would need to find

1 you something for you to do that was fitting of that?

2 A. Yep.

3 Q. And I think they arranged for you to do a catering

4 course at college; is that right?

5 A. Yeah, I did a short -- it was about three months --

6 catering course. They knew I was interested in cooking,

7 and they nurtured that interest and got me to do this.

8 The short industrial course, I think it was called, at

9 James Watt in Greenock, and I loved it, absolutely loved

10 it.

11 Q. And during your short time there, you quickly went from

12 the main building to accommodation in a house in the

13 grounds?

14 A. Yeah, that was to the bungalow at the back. So, in the

15 main building, we were all in, like, little cubicles,

16 where it was just a bed and a wardrobe and a wee bedside

17 table thing. It was like your own room, but it just had

18 a curtain, it wasn't a door. And I don't think the

19 walls went up to the ceiling. I think there was maybe

20 a gap.

21 From there -- they knew I didn't need to be there,

22 so I was moved to the bungalow, which was behind the

23 main house, because I didn't need the level of

24 supervision that some of the others needed. And I was

25 told that that was a huge privilege, to be moved there.

1 Q. And you tell us, 'Agnes', that the staff really told you
2 that you weren't this bad person that you had been made
3 out to be, but you just hadn't been given the
4 opportunities that you should have had?

5 A. Yep.

6 Q. And you comment you had always been told before that you
7 were damaged and that you were challenging, but this was
8 a different perspective that you were getting?

9 A. Yeah. And I think they saw, actually, what I saw when
10 I went into Langlands Park: was that I wasn't like these
11 other kids, I really wasn't. I wasn't even close to
12 these other kids.

13 I'm not saying that they deserved to be abused or
14 anything, because clearly they don't. Er, but they had
15 their issues and it far outweighed anything I was
16 dealing with by a country mile. I was probably normal
17 to them, to the staff, compared to some of the kids. Or
18 what you would say is a child with very few issues, they
19 felt.

20 I wouldn't necessarily agree with that, because, at
21 nearly 59 years old, I'm still dealing with issues from
22 my childhood. Er, but they just didn't see -- to them,
23 the issues I had were probably a bit more to do with my
24 mum and my life in care, rather than behavioural.

25 Q. Yes. You tell us, 'Agnes' -- this is paragraph 131 --

1 that the people who were in Langlands Park were people
2 who actually were damaged and challenging on a scale you
3 had never seen?

4 A. Yep. I would agree with that.

5 Q. So --

6 A. They were on a whole new level to anything I had ever
7 seen, yeah.

8 Q. And you tell us, 'Agnes', that because you didn't have
9 anywhere to go at the weekends, you couldn't go home,
10 you were going to a children's home at the weekends.
11 This was a different children's home from where you had
12 been before. I think you say that when you turned 16
13 and you had finished your catering course, you then went
14 to that children's home full time?

15 A. Yep, that's correct. That was the Strathclyde Region
16 home.

17 Q. And the staff at Langlands Park said to you that you
18 shouldn't have been in Langlands Park in the first place
19 and you tell us that you started to believe in yourself
20 for the first time ever?

21 A. Yep, yep.

22 Q. You then go on to tell us, 'Agnes', about this
23 children's home. You say that, including the period
24 where you went for weekends when you were at
25 Langlands Park, and then going to live there permanently

1 for about six or seven months, you were there in total
2 for about a year; does that seem right?

3 A. Yep, yep.

4 Q. Now you tell us about this children's home between
5 paragraphs 134 and 157 of your statement. Again, the
6 copy that we have here on the screen is redacted
7 because, as before, that's not part of this case study.

8 But I just want to talk about a couple of things
9 that you tell us that happened whilst you were there,
10 because I think this is important to understand what
11 happened at the end of your journey in care.

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Secondary Institutions - to be published later

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| 1 | Secondary Institutions - to be published later |
| 2 | |
| 3 | |
| 4 | |
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| 6 | |
| 7 | |
| 8 | |
| 9 | |
| 10 | |
| 11 | |
| 12 | |
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Secondary Institutions - to be published later

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Secondary Institutions - to be published later

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1 Secondary Institutions - to be published later

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So I ended up in that hostel

18 for a few weeks. But I -- initially -- during all of

19 this, I was actually transitioning to an independent

20 living unit, and it hadn't happened yet, er, and they

21 couldn't make that move at, you know, at 12 o'clock,

22 maybe 1 o'clock Secondary Institutions - to be published later, so

23 I was moved to this hostel in Glasgow.

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Secondary Institutions - to be published later

- 1
- 2
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4 Q. 'Agnes', you tell us you were in this hostel for about
5 two weeks and you explain that you were halfway through
6 the process before you had gone there about going out to
7 supported accommodation. I think after those few weeks
8 you were put into supported accommodation in Greenock.
9 You tell us you were in a flat first and then a house.
10 However, when you turned 18, you got a letter from the
11 social work telling you that you were no longer their
12 responsibility and you were effectively then homeless?

13 A. Yep, that's right.

14 Q. So up until that point, you'd had a place to stay, and
15 some sort of security, would that be fair?

16 A. Yeah, but I was no longer their responsibility, in their
17 eyes. Er, do you know, like a parent's not going to
18 open the door and put their child out when they turn 18,
19 but that's exactly what happened to me, and I know I'm
20 not alone, I know that was just the norm back then.
21 However sad that may seem, that's just how it was. So
22 I was homeless and ended up in a hostel in Glasgow and
23 from there, into another hostel. Well, actually I went
24 to stay with a friend who got a flat. She was also in
25 care, but her social worker had arranged for her to get

1 a flat and I went to live with her for a while, it was
2 just a one-bedroomed flat, erm, but then she got
3 pregnant and started a life with her partner, so
4 I effectively made myself homeless, and ended up in
5 another hostel, er, a Salvation Army hostel, for adults.

6 Q. 'Agnese', I think you tell us about your life after care
7 from paragraph 162, and I think what you have described
8 is really, after you were outwith that supported
9 accommodation, you kind of had to go from place to place
10 for a while, until you found this Salvation Army hostel
11 that took you in, and I think that's a place then that
12 you stayed until you were about 19 and a half, is that
13 right?

14 A. Yep, until I got a offer of a flat from the council.

15 Q. And you got on well with the people there, I think, and
16 you say they gave you a job?

17 A. Yep, and I worked there for four years.

18 Q. You then --

19 A. Over four years.

20 Q. I think that was -- they offered you, I think,
21 a permanent job, is that right, and then you worked as
22 one of the cooks?

23 A. Yep.

24 Q. You tell us, 'Agnese', you met your husband, as well,
25 when you were 19 and you moved into a flat with him and

1 you went on, with your husband, to have two boys, is
2 that right?

3 A. Yep, that's right.

4 Q. And you go on, this is at paragraph 164, I think you say
5 that when your eldest son was born, you took some time
6 out of work and did you some catering courses and
7 ultimately got an HNC?

8 A. Yep.

9 Q. And you were doing a management course, but you were
10 unwell when you were pregnant, you tell us, so you had
11 to give that course up?

12 A. Yep, I was in and out of hospital a fair bit during my
13 second pregnancy, yeah.

14 Q. And you also tell us about some other jobs you have done
15 in customer service, retail and with your husband in
16 distribution?

17 A. Yep.

18 Q. At paragraph 165, 'Agnes', you talk about getting
19 involved with your son's football club as a volunteer,
20 and that you did that for a while, but had to give it up
21 due to some health issues, but later the club asked you
22 back and said they would pay you, and you agreed to just
23 commit for a year, but that was something that at the
24 time of giving this statement you were still doing?

25 A. I still do it.

1 Q. So it lasted a bit longer than a year?

2 A. Yeah, erm, and I love it. And it's more of a vocation
3 than a job, er, and people who know me will say it is no
4 surprise that my job is in compliance, ensuring that
5 volunteers are safe people to be working with children
6 and vulnerable young adults. That doesn't come as
7 a surprise to them, that that's my job.

8 Q. Yes. And thinking about that, then, 'Agnes', you talk
9 about impact from paragraph 166 of your statement, and
10 what you do say is that you wouldn't say that your care
11 experiences consume every part of your life, but it's
12 there, and it's never going to go away. But you are not
13 someone who has a chip on their shoulder?

14 A. No, I don't. I really firmly believe that in order to
15 try and make a good life for yourself, and a life for
16 your children, if you have them, you need to try and --
17 however difficult it is, and believe me it's difficult,
18 but you need to try and get on, just get on with your
19 life and try not to feel sorry for yourself. It
20 happened, and I really, really wish it hadn't happened,
21 I wish I had had a normal upbringing, whatever normal
22 happens to be, but I didn't, I didn't, I had, like, the
23 polar opposite of normal, er, between all of the care
24 establishments I was in and the issues with my mum, er,
25 it couldn't have been any further away from normal. But

1 I'm not the type of person that goes through life
2 feeling sorry for myself. Er, I want to be able to
3 effect change and make things better for future
4 generations, and by walking about with a chip on my
5 shoulder and feeling sorry for myself is not the way to
6 do that.

7 Q. And you point out, 'Agnes', this is at paragraph 167,
8 that the children that you grew up with were the
9 innocent people in all of this, and you feel that really
10 their childhoods have been stolen?

11 A. Yep, and I still believe that. We didn't have a normal
12 life. We just didn't. We should have had. Our life
13 shouldn't have been any different from anyone else's,
14 other than the fact that we were in a children's home.

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17 people were employed to care for the most vulnerable
18 people in society, and nothing could have been further
19 from the truth.

20 Q. And the way you put it, 'Agnes', is:

21 'We should have been allowed to be children instead
22 of worrying all the time about what was going to happen
23 to us.'

24 A. Yep.

25 Q. You talk, 'Agnes', at paragraph 169, about the difficult

1 relationship you had with your mother, because of her
2 problems, and you have mentioned the fact that both her
3 and her brothers grew up in care. You tell us, 'Agnes',
4 that you thought it was important for you to break the
5 cycle?

6 A. Yeah. I know deep down in my heart that if I had
7 thought for one solitary minute that my children would
8 end up in care, I would never have had them. I just --
9 I wouldn't. And I would have known that -- if that was
10 the route I was going down. Fortunately, er, I am
11 pretty level-headed, hard working, I don't have alcohol
12 issues, I don't have drug issues, fortunately, erm, but
13 I so easily could have had, erm, given my upbringing.
14 I am in a really fortunate position that I don't have
15 addiction issues. So it gave me a good grounding to be
16 able to give my children a normal upbringing, yeah, and
17 break that cycle.

18 Secondary Institutions - to be published later
19
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Secondary Institutions - to be published later

1
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25 Q. And we have spoken, 'Agnes', about your positive

1 experience at Langlands Park and at Beechwood. Was it
2 Beechwood that started to sow that seed, or was it
3 really until you got to Langlands Park that that
4 happened?

5 A. No, that was Beechwood, that was Beechwood. Erm, it was
6 being treated like a normal human being.

7 Q. And you tell us, 'Agnes', that I think up until you
8 started to believe in yourself, you felt like you were
9 living a life that wasn't yours?

10 A. Yeah, but we had no choices. Normally, you would even
11 say to your kids: 'What do you want to wear today, do
12 you want to wear this or this? Do you want to go
13 swimming or go to the cinema?' And give them choices.
14 It might only be limited choices, but they still get
15 choices, and we didn't have that.

16 Q. You mention education, again, 'Agnes', at paragraph 178.
17 I think you say that if you had been nurtured at school,
18 then you think you would have got more out of education,
19 and you could have left with O-Levels and Highers. But
20 instead you left with nothing, and you had to go back to
21 college to be able to get an education?

22 A. Yep. Yeah. As I touched on earlier, I'm not by any
23 stretch of the imagination uneducated, I'm quite
24 a clever person, I just wasn't given that opportunity.

25 Q. 'Agnes', you tell us about your experience as a foster

1 carer, and I won't go through all of what you tell us
2 about that, not that it's not important; we have it
3 there. But I think just to summarise, really, I think
4 you say that you started fostering when your youngest
5 son was three years old, and then you and your husband
6 fostered children short term for seven years until 2004,
7 is that right?

8 A. Yeah, that's correct.

9 Q. And the main factor in you and your husband deciding to
10 foster was that you had been brought up in care and you
11 both thought that you had something to offer these
12 children?

13 A. Yeah. And I still believe that, yep.

14 Q. And you did give it up, but you say you didn't do that
15 because of the fact that the children were challenging,
16 it was because of bureaucracy and we have what you have
17 said about that, and it's very interesting to read --

18 A. Yes.

19 Q. -- and take note of.

20 But I think one of the things you point out,
21 'Agnes', is that the purpose of fostering is to look
22 after the child until the parents prove they're capable
23 of looking after them. But your experience was that
24 kids were yo-yoing back and forth between foster family
25 and their natural parents, and that did damage to

1 children, as far as you saw it.

2 A. Yeah. Yeah. I mean if -- our very first foster child
3 went back to his mum. He was only just coming up for 3
4 when he went back to her. The last I'd heard he was 17
5 and still with her. That was a really positive
6 experience, despite the fact that it was challenging at
7 times. But she had been told that if she didn't
8 effectively pull herself together, she had six months,
9 because he was self-harming, er, they were going to put
10 him up for adoption, and it was that that was enough to
11 tell her, 'I need to make changes to my lifestyle to get
12 custody of my child again, because I don't want him in
13 care'.

14 Other children were back and forth, sometimes like
15 only a couple of weeks to their parents and they would
16 be back into care, and then the process would start all
17 over again and they might manage maybe a few months, and
18 then they're back into care again. That is what I mean
19 by this yo-yoing back and forth.

20 I know that the best place for a child to be is with
21 their family, their natural parents, but only if that's
22 the right place for them and if they are getting
23 a nurturing environment. If the environment that they
24 are in isn't nurturing, then it's not the right place
25 for them, and bouncing them back and forth between

1 different foster carers and their own parents is not
2 healthy for anyone, let alone young people.

3 Q. And 'Agnes', you go on to say, paragraph 199, that you
4 think children in care should be consulted, they should
5 be asked where they want to live and what school they
6 want to go to, they should be asked how they feel, how
7 they are enjoying life, and where they are staying, how
8 they are getting on with people they live with. So
9 essentially listening, asking the questions and
10 listening to what they say?

11 A. Yeah.

12 Q. And you point out, 'Agnes', like what happened to you,
13 this is at paragraph 200, that children in care
14 shouldn't be abandoned when they reach 18, you shouldn't
15 be made homeless, that's something that shouldn't be
16 allowed to happen?

17 A. No. As I said to you before, you don't open the door to
18 your child when they turn 18 and tell them to go and
19 make their own way in life, that's not normal. We were
20 -- I was institutionalised, I was in care from -- I was
21 6 months old until I was 18. I didn't know what normal
22 life was, I really didn't, apart from that very short
23 stint in an independent living unit. But even at that,
24 it was still an institution. You can bum it up in
25 whatever way you like, it was still an institution.

1 Q. And you have made the point about education already,
2 'Agnes', but you say at paragraph 201 that the
3 statistics show that children who have been in care are
4 the worst educated?

5 A. Yeah, absolutely, they are absolutely almost forgotten
6 about. You know, there are some fantastic schools in
7 Scotland, in every single city up and down the country,
8 and it's not a difficult thing, because we had one child
9 living with us who ended up going to Greenock, because
10 that was his choice, and we made arrangements with the
11 unit, because the training (Inaudible) that he was on
12 took him back to this school that had a great
13 reputation, and we said surely you've got to allow him
14 to continue to go to this school, it's where all his
15 peers are, it's with the people he has made friends with
16 over the last few years, and it's a great school, and
17 it's the best opportunity for him to get a good
18 education, and they agreed. And that's what we should
19 be offering to every single child that's in care. They
20 shouldn't be going just to the school that's round the
21 corner from them, because it's convenient. You should
22 be giving these children the best educational
23 opportunities that we possibly can, and if that means
24 taxi-ing them, or asking their carer, or asking their
25 children's home to transport them to and from, if

1 there's no direct public transport, then that's what you
2 should be doing to give them the best chance at life.
3 Everything starts with education, it absolutely does.

4 Q. 'Agnes', one of the final things you say in your
5 statement, this is at paragraph 203, you say this:
6 'You can't change the past but you can use my
7 experiences and the experiences of everybody like me to
8 improve what happens in the future so that children in
9 care have a positive experience.'

10 A. Yeah, and I mean, that --

11 Q. And is that -- sorry, 'Agnes'.

12 A. I was just going to say my views and final thoughts on
13 this whole thing is that this Child Abuse Inquiry is
14 completely pointless unless we learn lessons from what's
15 happened in the past, and we know that abuse will
16 continue to happen, we know that. We can put the
17 safeguards in place to try and prevent it, but we know
18 that people will still get themselves into a position
19 where they are caring for the most vulnerable in
20 society. What's important is that we listen to young
21 people when they tell us that something's wrong, we
22 listen to whistleblowers, instead of threatening them
23 with losing their job, and we put safeguards in place
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4 You know, if there are people who are abusing
5 the most vulnerable in society in one care
6 establishment, regardless of where that is in the
7 country, they shouldn't be able to go to another care
8 establishment. They should be banned forever.

9 Now, I know the PVG scheme et cetera, puts all of
10 that into place, and the Care Commission, and they would
11 be prevented from being on that list, but people change
12 their names, people find ways of being able to abuse,
13 getting themselves into situations. We need do
14 everything we can to support the young people and the
15 whistleblowers through that process, until we get to the
16 end degree where young people are believed when they
17 say, 'This person abused me, what are you going to do
18 about it?'

19 MS FORBES: Well, 'Agnes', thank you very much for making
20 those remarks. Really, that's all the questions I have
21 to ask you today, so thank you very much for taking the
22 time to answer them, and for giving evidence. Is there
23 anything you want to tell us, or say, that you haven't
24 had a chance to say?

25 A. No, just thanks for hearing my evidence. Er, I've given
my evidence a number of times over the years to various

1 establishments, including in court. I'll never stop
2 fighting for the most vulnerable in society. I could
3 easily just walk away and say I've done my bit, there's
4 nothing else I can do. But that's not me.

5 As I said before, I know we will continue to have
6 young people and vulnerable young adults being abused,
7 and we just need to keep working and improving the
8 system to try and mitigate that as much as possible.

9 LADY SMITH: 'Agnes', could I add my thanks to you for
10 sharing all the information about your own past, and
11 your thoughts about where we have got to in our society
12 in our systems for the care of children, particularly in
13 residential care and where we need to go. Another
14 witness, an applicant, in your position once said to me
15 'We need to rewrite the future', and I think that --

16 A. Yeah.

17 LADY SMITH: -- you very much sign up to that and I can
18 hear that in every one of your suggestions on the
19 lessons to be learned and I'm really grateful to you for
20 that, that's what we are hoping to do here, but we
21 couldn't do it without the help of people like you, and
22 I am really pleased to have been able to listen to you
23 today, thank you.

24 A. Thanks for listening to me.

25 LADY SMITH: Not at all. We are able to switch off the link

| | | |
|----|---|------|
| 1 | INDEX | |
| 2 | | PAGE |
| 3 | John Trainer (continued) | 1 |
| 4 | Questions by Mr Peoples (continued) | 1 |
| 5 | 'Agnes' (sworn) | 173 |
| 6 | | |
| 7 | Questions by Ms Forbes | 174 |
| 8 | | |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |

