

Thursday, 3 October 2024

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(10.00 am)

LADY SMITH: Good morning.

We turn to another school today, I think,  
Mr Peoples, is that not right?

MR PEOPLES: Yes, my Lady.

We're going to move on in this particular chapter to  
hear some evidence today about Balnacraig School. The  
first witness we have this morning is David Law.

LADY SMITH: Thank you.

David Law (sworn)

LADY SMITH: David, thank you for coming along this morning  
to help us with evidence about Balnacraig School, which  
we're now moving on to. I'm very grateful to you for  
doing that and also for us having in advance a very  
detailed and thorough response to the many questions we  
sent you. I'm grateful for that.

As we go through your evidence, you have the hard  
copy there in front of you. We'll bring the parts of it  
up on screen that we want to look at and some other  
documents that we may want to discuss with you.

If at any time you have any questions or you want  
a break, please just say. Anything that I can do to  
make the process of getting through the hard work of  
giving this evidence to us, just say.



1 MR PEOPLES: Good morning, David.

2 Can I say that you have a copy of the report that  
3 you prepared in 2019 for this Inquiry. It was done,  
4 I think, on behalf of the then chief executive and the  
5 directors of Balnacraig School; is that correct?

6 A. Yeah.

7 Q. What I propose to do this morning is just to focus on  
8 some parts of the report and it's in no way to minimise  
9 the importance of other things you tell us and you can  
10 take it that we've looked at the whole report and it's  
11 all very valuable material for our purposes. Like the  
12 Chair, I would like to say that it is a very  
13 comprehensive report, based on the researches of the  
14 records which you have conducted.

15 Can I begin, David, by just getting a bit of  
16 background about you and we know that you were, I think,  
17 commissioned effectively to prepare this report, but  
18 you've had other connections with the school in more  
19 recent times, is that correct?

20 A. Both before and since.

21 Q. Before and since. Just before I ask you about that,  
22 I think you can confirm that the school itself did close  
23 in 2021?

24 A. Yes.

25 Q. Which is obviously subsequent to the report that you

1 provided, so we're aware of that.

2 A. Yeah.

3 Q. Before it closed, what was your connection with the  
4 school?

5 A. About halfway through writing the report, the then  
6 Chair -- who had been trying to get out of being Chair,  
7 he'd been Chair for a long time -- asked me if I would  
8 join the board with a view to becoming Chair and  
9 I somewhat reluctantly agreed, but agreed. So basically  
10 I then, the latter part of writing the report, I was  
11 also operating as Chair and stayed as Chair through to  
12 its closure.

13 The other relevant bit, which I mention in my  
14 response, is that I worked in Central Region and then  
15 Falkirk for a number years as child protection  
16 co-ordinator.

17 Q. I was going to ask you a little -- I was going to  
18 perhaps pick out some, and if I miss out anything  
19 significant you can tell me --

20 A. Okay, yeah.

21 Q. -- because I was going to come to that. I just wanted  
22 initially to find out, because obviously you started off  
23 doing a report?

24 A. Yeah.

25 Q. Perhaps because of the experience you had before, you

1           were chosen for that, but then you did become ... would  
2           it be one of the directors and then the Chair of the  
3           board?

4   A.   Yes, yes.

5   Q.   As far as your background is concerned, you are now  
6           retired, I think, is that right?

7   A.   Yes.

8   Q.   But you have had quite a wide experience, if I could put  
9           it that way, in the area of children, child law, child  
10          welfare, child protection and so forth?

11  A.   Yes.

12  Q.   You have, I think you tell us, and it's not necessarily  
13          an updated CV, but there is in the report you prepared,  
14          appendix 1, a biography, and it starts on page 211 and I  
15          think it will include some of the things I'm just going  
16          to pick out.

17                You tell us that you have a Bachelor of Laws  
18                (Honours) degree in Scots law from the University of  
19                Dundee, which you obtained in 2016?

20  A.   Yes.

21  Q.   One of the things you have done was to prepare this  
22          report in a consulting capacity?

23  A.   Mm-hmm.

24  Q.   You tell us that between 2020 and 2022, you were  
25          a project worker with Perth and Kinross Council,

1 assisting the council in its response to our Inquiry in  
2 relation to foster care, is that correct?

3 A. Yes, that's right.

4 Q. Between 2016 and 2019, you were a lecturer and teacher  
5 at the University of Stirling in the faculty of social  
6 sciences and you were lecturing in social work, law and  
7 policy and was that in the BA Honours class?

8 A. And master's.

9 Q. And master's.

10 A. The teaching was at Dundee as well. I overlapped  
11 between the two, so from 2016 onwards I had some time  
12 with Dundee and then some time at Stirling and some  
13 overlapping.

14 Q. I was going to say that in the same period, you were  
15 a lecturer at the University of Dundee  
16 School of Education and Social Work --

17 A. Yes.

18 Q. -- and you were lecturing in social work, law and policy  
19 and, I think, law, legal ethics and risks for, would  
20 that be a Master of Science degree?

21 A. Yeah.

22 Q. Going further back in time, between 1991 and 2002, you  
23 were a child protection co-ordinator for Falkirk Council  
24 in their Social Work Services department and that,  
25 I think, would also have previously been

1 Central Regional Council --

2 A. 1994 to 1996 was Central, 1996 onwards --

3 Q. That that would, in broad terms, as you tell us, that

4 that would have had responsibility for child protection

5 matters, including investigations, chairing case

6 conferences, looked-after reviews and so forth, is that

7 correct?

8 A. Yeah.

9 Q. You had lead officer responsibility for implementation

10 of the Children (Scotland) Act 1995?

11 A. Yeah.

12 Q. Including training of all social work staff, council

13 staff, health professionals and, indeed, the police, is

14 that right?

15 A. Yeah.

16 Q. Between 1994 and 2001, you were an associate lecturer at

17 the University of Dundee and you were dealing with child

18 and family law at that time, including a postgraduate

19 course leading to a postgraduate certificate in child

20 protection?

21 A. That's right. I had co-written the materials with

22 Kathleen Marshall --

23 Q. Yes, she is someone we are familiar.

24 A. I would presume so. We co-wrote the materials and then

25 split the teaching across Scotland.

1 Q. Then for a period between January 1990 and July 1991,  
2 you were a staff development and training officer within  
3 the Children and Families Services with  
4 Fife Regional Council, is that correct?

5 A. That's correct.

6 Q. To some extent, that work involved development of local  
7 child protection committees, which, I think, is again  
8 something that in more modern times came out of more  
9 recent legislation?

10 A. Yes.

11 Q. Going further back -- I'm not going to pick it all out,  
12 but I'll pick some of it out -- between 1985 and 1987,  
13 you were a probation officer down south in Berkshire, is  
14 that right?

15 A. That's right.

16 Q. You were specialising in juvenile justice and family  
17 court work?

18 A. Yes.

19 Q. Between 1984 and 1985, you were a senior residential  
20 social worker employed by Surrey County Council and you  
21 were, I think, working at a community home with  
22 education in Surrey?

23 A. Yes, that's right.

24 Can I just say, one of the significant things about  
25 that in the context of the Inquiry, is I've subsequently

1 given evidence to the English inquiry into that  
2 particular school and several of my ex-colleagues were  
3 prosecuted and sent to prison, including the head of the  
4 establishment, so that was my first experience of  
5 an inquiry into abusive practices.

6 Q. Can I take from you this very short, I don't want  
7 obviously to trespass on what IICSA did, but you have  
8 told us that several people, including the head of the  
9 establishment, were prosecuted --

10 A. Yes.

11 Q. -- and convicted?

12 A. Yes.

13 Q. You worked with them?

14 A. Mm-hmm.

15 Q. At the time you worked with them, had you any concerns  
16 or inkling that they might have done the things they  
17 were subsequently convicted of?

18 A. A proportion of it, no, certainly not the sexual abuse.  
19 One of my reasons for leaving residential care is that  
20 there was a particular incident with a child, who was  
21 causing trouble in the unit, the headmaster asked to see  
22 him, I took him over and basically the headmaster  
23 assaulted him. I tried reporting it subsequently to  
24 Surrey and to the police and nobody was interested and  
25 I thought, you know, I'm in a position where I can't

1       actually do much to change this, but I'm not prepared to  
2       be part of the culture. So I left.

3   Q. The reason I'm asking that question is that we have  
4       heard in this Inquiry, indeed we have heard during this  
5       particular chapter, people saying, 'I was working in  
6       an environment and if there's evidence that abuse was  
7       going on, I wasn't aware. I didn't have concerns about  
8       staff who are the subject of allegations'. It sounds as  
9       if that's not, in fact, dissimilar to the situation you  
10      may have found yourself in at the school you've just  
11      mentioned, or the home you've mentioned?

12   A. The comparison I would make is, I mean, obviously I have  
13      dealt with a lot of child protection (Inaudible)  
14      conferences, and the common echo from family, relatives  
15      is, 'We didn't know it was going on'.

16             In a way, you know, a lot of what I saw, you know,  
17      or subsequently know about what was happening in  
18      residential care, is the same. People either don't  
19      understand what's going on, they don't want to see it.  
20      In my case, I would -- when I saw it happening,  
21      I reacted to it, but a lot of people I worked beside,  
22      who were really good workers, who would never condone  
23      it, particularly when it comes to ... the nature of  
24      sexual abuse is that it's hidden and just like in  
25      families, where people don't know what's going on,

1 establishments are much the same.

2 Q. I mean, we have had evidence of people who --

3 LADY SMITH: Mr Peoples, I'm sorry the technology is needing  
4 a break. I'll rise for five minutes.

5 I'm sorry about this David, there is a problem.

6 (10.15 am)

7 (A short break)

8 (10.22 am)

9 LADY SMITH: David, I'm so sorry about that.

10 A. That's okay.

11 LADY SMITH: I understand it was to do with the external  
12 link. You'll appreciate some people are following the  
13 evidence remotely and we received a message they could  
14 neither see nor hear you and they really want to do  
15 that. We're now sorted.

16 Mr Peoples.

17 MR PEOPLES: My Lady.

18 David, before I go back to what I was asking you  
19 about, you have told us today that, subsequent to being  
20 asked to do this report, you became a member of the  
21 board and then Chair of the board of directors of  
22 Balnacraig.

23 A. Yes.

24 Q. I think you would like, at this stage perhaps, to say  
25 something in your capacity as a former Chair of the

1 board and director?

2 A. Yes. Basically obviously I'm here as the author of the  
3 report and the consultancy that I was asked to take on  
4 by Balnacraig. I finished my job and my own involvement  
5 with Balnacraig as chair of the board and really I just  
6 want to apologise on behalf of the board for any young  
7 person or any adult that's been involved in abusive  
8 practices or poor practice as part of their time in  
9 Balnacraig. Hopefully what comes across in my CV is  
10 I've always been committed to quality care, so it's  
11 quite disappointing when you see poor quality care. And  
12 I say, on behalf of the board and on behalf of  
13 Balnacraig, I would like to apologise to anybody that's  
14 been affected by that.

15 LADY SMITH: Thank you, David.

16 MR PEOPLES: Before I take you to the report, we were  
17 discussing, I think, the circumstances in which you left  
18 the home in Surrey that was the subject of evidence at  
19 the English inquiry and the fact that some people that  
20 work in places are not themselves the subject of  
21 allegations, but they frequently appear to have been  
22 there when things have happened and have not always  
23 spoken up.

24 A. Mm-hmm.

25 Q. Would you accept -- in your case you did try to speak up

1 and you didn't feel you were listened to and you moved  
2 away from that particular place.

3 Do you recognise that people who work in  
4 institutions and see things that they perhaps know are  
5 wrong, don't always feel able to speak out, because  
6 whistleblowing about colleagues, as I think we know  
7 generally, is a difficult situation to be in and some  
8 people feel that by doing so, however well intentioned  
9 and however important it is, that they are the people  
10 that ultimately suffer from doing so?

11 A. I totally agree. I think there are two aspects to that.

12 One is they will witness stuff. As I say, sexual  
13 abuse is slightly different in the sense they don't  
14 necessarily know it's going on. With physical abuse and  
15 restraint, I think it's a slightly different ball game.  
16 Quite often they will see stuff and they're told the  
17 practice is acceptable and one of the problems with  
18 residential care, particularly when we look back at the  
19 sort of periods we're looking at, is there are a lot of  
20 inexperienced people who have no real background, no  
21 real training, to be able to make judgments about what  
22 is good practice and what is not good practice.

23 There are a proportion of people who will see  
24 something as being wrong, but, because of fear of losing  
25 their job, because of fear of speaking up, they don't

1       feel able to. So, you know, there's those two elements  
2       to it. It's about recognising what's bad practice in  
3       the first place and, particularly when we're talking  
4       about physical abuse and restraint, we'll come on to  
5       things like the tawse, when the sort of comparing it to  
6       what is common in society, they wouldn't necessarily be  
7       able to distinguish between what's excessive and what's  
8       normal, if that makes sense.

9       Q. We come across quite frequently -- certainly in this  
10       Inquiry -- that people who have eventually raised  
11       concerns have done so after they've left the employment?

12      A. Yes.

13      Q. That's not an uncommon situation?

14      A. Mm-hmm.

15      Q. Perhaps to avoid the consequences that might happen if  
16       they said something while they were still employed?

17      A. The other aspect; I mean, I know with students  
18       I've worked with, memories of places they've worked and  
19       things they've seen are triggered by what's been part of  
20       the training and they reflect on it and realise that  
21       what they experienced wasn't good and then have reported  
22       it. So, you know, it's that balance, I suppose.

23      Q. The other aspect to speaking up and speaking out is that  
24       -- and we know this from other evidence -- that many  
25       young people who say that they've had bad experiences,

1 and tell of them sometimes as adults, don't feel able to  
2 speak out at the time for a variety of reasons. There's  
3 not a single reason always, but that's quite a common  
4 scenario?

5 A. Definitely.

6 Q. Those that do speak out, I think we have heard,  
7 certainly historically, often were met with the response  
8 of not believing and not being taken seriously and not  
9 being listened to?

10 A. And being punished for it, less time with their parents.

11 Q. And being punished.

12 Another matter you touched on there, I don't know to  
13 what extent you felt that this is reflected in  
14 Balnacraig's history, is that many of the care staff in  
15 these approved schools, List D schools, and subsequently  
16 residential schools in Scotland, were, as you say,  
17 coming from backgrounds that didn't have any experience  
18 of looking after children in care or vulnerable children  
19 in care. They were unqualified, they didn't have  
20 appropriate qualifications to equip them to handle the  
21 experiences that they might face. That is something,  
22 I take it, that you've come across?

23 A. I've come across. I'd have to say I have slightly mixed  
24 views on it, in the sense that today I probably wouldn't  
25 have been able to start in residential work in the way

1       that I did, because I came in without qualifications.  
2       I had failed miserably at school. I had time in  
3       a religious order, as you can see from my CV, and worked  
4       with children on a voluntary basis through that, but in  
5       terms of the formal qualifications and knowledge and  
6       experience, residential work historically took people  
7       without that background.

8               However, a lot of the people -- I would like to  
9       include myself in that -- came in with the right  
10      motivation, the right belief system and worked well.  
11      But I totally accept there are others that didn't come  
12      in with that.

13             But the reason why I highlight that is, you probably  
14      see implicit to my commentary about what happened when  
15      Balnacraig changed to a List D school, a concern almost  
16      that we were going in the opposite direction from what,  
17      on the face of it, I know we'll come to this, was  
18      an inexperienced but nurturing, sort of caring,  
19      environment, into a very professionalisation and all of  
20      the problems that brought with it, in terms of trying to  
21      regiment and set a set of principles, which actually  
22      lost some of the care quality.

23    Q. I take what you're saying, although I suppose you would  
24      accept, as a general proposition, that with education  
25      comes understanding --

1 A. Yes.

2 Q. -- and many of these people that were placed in a very  
3 demanding role didn't have the understanding to deal  
4 with situations, which the young people they cared for  
5 would present with?

6 A. Yes, yes.

7 Q. Although some would deal with situations in a way that  
8 it didn't matter what educational understanding, they  
9 would sometimes do the wrong thing, because there's  
10 a mixture, I think, in an environment where people lack  
11 qualifications. Indeed, where they do have  
12 qualifications, there are instances of people who do  
13 abuse children, so qualifications aren't necessarily the  
14 answer --

15 A. It's also to do with the principles under that  
16 education, which I suppose I struggle with. You picked  
17 up from the report some critical thinking -- for want of  
18 a better way of putting it -- about the whole children's  
19 hearing system in Kilbrandon and the focus on the child  
20 as a problem.

21 England was as bad. England, in my view, moved  
22 ahead earlier in terms of, as the 1995 Act does,  
23 focusing on the child, the children's needs, but without  
24 blaming the child. I think Kilbrandon focused on the  
25 child being to blame and I think when you then have

1 professionals with the training that's saying, 'This is  
2 what our way of thinking is, this is our approach, it's  
3 an approach to juvenile delinquency'. That can often  
4 reinforce the negative rather than the positive.

5 Q. We may come back to that in due course.

6 Can I take you to the report that you provided and  
7 I'll just, for our purposes, give the reference, it's  
8 BLC.001.001.0116.

9 You don't need to concern yourself with that.

10 I think, when it comes on screen, I might be wrong in  
11 this, your numbering is probably slightly different in  
12 the report to our numbering. You'll see on the screen,  
13 I think if you go to page --

14 LADY SMITH: It's just one digit out.

15 MR PEOPLES: It's just one page.

16 A. Okay.

17 Q. If I refer to a page number during the course of your  
18 evidence today, I'll try to refer to the page for our  
19 purposes, recognising that your page number is one less.

20 A. Can I just clarify, the page number on the screen is the  
21 same in the document.

22 Q. I think if you go to page --

23 LADY SMITH: If you go to the table of contents page, you  
24 will see this style with, I think, your number, number  
25 1, being there and if you go down to the number that is

1           against our BLC reference in a smaller font, we have 2.

2           The lower one is our number, the higher one is yours.

3   A.   Okay, no problem.

4   MR PEOPLES:   The bottom right-hand corner is our number in,  
5           as her Ladyship says, the smaller font.

6   A.   No problem.

7   Q.   Just in case there's any confusion here.

8   A.   Yes.

9   Q.   Just taking that page, if we go to our page 2, there,  
10          and on subsequent pages, you have a table of contents?

11  A.   Yes.

12  Q.   I think it does then show the various matters you were  
13          asked to deal with in the report.  You have helpfully  
14          set them out in some detail, including, essentially, the  
15          questions that lie behind the matters that we're seeking  
16          information on.

17                I'm not going to take you through the contents and,  
18                indeed, what I propose to do is probably to move fairly  
19                quickly to certain parts of your report today, but we  
20                have the whole report and we can look at particular  
21                parts to deal with particular issues in due course.

22                Another matter I can just deal with before we go on,  
23                I don't want to labour this at this stage, this is  
24                a records-based report essentially?

25  A.   Yes.

1 Q. On our page 34, you have a heading, 'Information  
2 sources', and I think you seek to tell us the sources  
3 that were drawn upon to prepare the report. I'll not  
4 list them all, but these, I assume, were records which  
5 were still available that were held by the school?

6 A. Yes.

7 Q. And --

8 A. The bit I would add to that, which I think I have  
9 touched upon, these sort of paper records, which  
10 I've listed, going back to 1930/1925/1926 sort of time,  
11 there were also significant records of a similar nature  
12 going back to 1843.

13 Q. You do tell us the historical position, and it is  
14 relevant, but, perhaps fortunately, we have a pretty  
15 long timeframe to look at anyway, but we have tended to  
16 focus on, because of living memories, part of our remit,  
17 we tended to look at the period beyond 1930?

18 A. The only reason I highlight that is what I picked up in  
19 looking at pre-1930 is setting the context of how  
20 Balnacraig, Wellshill, the trust started.

21 Q. Don't apologise. It's something that, indeed,  
22 Professor Norrie when he assisted us felt necessary to  
23 do as well, to put matters in context. It's very  
24 helpful, it's just that I probably won't deal with it in  
25 any detail.

1 A. I mean, the only thing I would add to that in terms of  
2 context is from the material I prepared a booklet for  
3 more wider distribution and one of the things I say in  
4 the opening of that is that the history of Balnacraig in  
5 many ways is the history of children and childcare in  
6 Scotland, because when we started, it was that shift  
7 from children and families coming in from farms into the  
8 industrial revolution. In that sense, I think it's  
9 quite telling about how, not just in terms of  
10 Balnacraig, but in terms of how children and children's  
11 services and the early stages of legislation have  
12 developed.

13 Q. Can I begin, not by focusing on particular parts of the  
14 report, and I'll come back to some matters. I want to  
15 get a general overview before we get to matters of  
16 detail and correct me if I say anything that you  
17 disagree with about the school in general.

18 First of all, the period of operation was from 1843  
19 through to 2021, albeit that it wasn't the Balnacraig  
20 that we know now?

21 A. It was 1843 that the trust was started, to begin with  
22 that was operating in a few flats. It wasn't even  
23 really a children's home. Within probably ten years, it  
24 was probably more formalised to something we would  
25 recognise today.

1 Q. If we move on, there was an industrial school that began  
2 in the 19th century, called Wellshill Industrial School.  
3 What you tell us in the report is that  
4 Wellshill Industrial School, as did many others, became  
5 an approved school in about 1933?

6 A. Yes.

7 Q. It was renamed Balnacraig in 1950; is that correct?

8 A. Yeah.

9 Q. At this point, Wellshill School, before 1950, was on  
10 a different site?

11 A. Yes.

12 Q. In Perth?

13 A. Yes.

14 Q. Around 1950, it moved to the site it stayed -- at?

15 A. My understanding is the site it was on was no longer  
16 suitable and Perth wanted to redevelop site and we  
17 acquired this property at Balnacraig, and because  
18 'Balnacraig' is written big across the gates and perhaps  
19 an idea of moving on, it was renamed to Balnacraig.

20 Q. So from 1950 it was known as Balnacraig?

21 A. Yes.

22 Q. It was operating from a different site?

23 A. Mm-hmm. Just to clarify, before 1930, although  
24 Wellshill at that point was the only remaining  
25 establishment, that was an amalgamation of other

1 establishments, including working with boys.

2 Q. You tell us about that in your report. We can take note  
3 of that.

4 Also what did happen, when the school moved, if you  
5 like, and was renamed, was that the pupils there and  
6 staff generally moved over to the new school?

7 A. Yes.

8 Q. Indeed, SNR [REDACTED], Miss GXJ [REDACTED], who had  
9 been at Wellshill [REDACTED] 1950, moved over to Balnacraig  
10 and stayed for [REDACTED]?

11 A. Yes. She was there for at least [REDACTED], if not more.

12 Q. Around about [REDACTED] 1960s/1970 or thereabouts?

13 A. I think she left shortly before it became a List D  
14 school.

15 Q. That's what I was going to come on to, we know that the  
16 Social Work (Scotland) Act was passed in 1968 and we  
17 know that the children's hearing system was set up and  
18 operational in 1971, and at that point what had  
19 previously been known as approved schools became List D  
20 schools?

21 A. Mm-hmm.

22 Just to clarify, my understanding and you may know  
23 better on this than I do, although the Act was passed in  
24 1968, the implementation, or parts of it, didn't  
25 actually happen until about 1974.

1 Q. There were parts that had to be left over while various  
2 measures were put in place. The hearing system itself  
3 was one of these things that didn't come into force  
4 immediately, the Act, but there was also a broad  
5 intention to have a transitional period where what  
6 became List D schools would eventually become part of  
7 the general local authority provision for children in  
8 their area?

9 A. Okay.

10 Q. I think that is the broad picture?

11 A. Can I just clarify about the transition from Wellshill  
12 to Balnacraig, I'm not sure whether it was highlighted  
13 in the book, but there was about three years when that  
14 transition was known about and my understanding is that  
15 all of the staff and young people will have known about  
16 that. It was delayed because it was an Admiralty  
17 building post war, we had to wait for the Admiralty to  
18 move out.

19 Q. Of the new premises?

20 A. Yeah. I mean, it's a baronial mansion which had been  
21 taken over from the family by the Admiralty during the  
22 war.

23 Q. Until 1971, again just to get the broad picture, with  
24 a very limited exception, the staff were all female?

25 A. Yes.

1 Q. I think there was perhaps a period of temporary cover by  
2 a male teacher in the early 1960s, Mr Kerr?

3 A. Mr Kerr, who came from Oakbank to cover while  
4 Miss GXJ was --

5 Q. Miss GXJ was sick --

6 A. -- sick.

7 Q. -- and we'll come to this, but there were a few problems  
8 at that time but he came in on a temporary basis?

9 A. Other than that, the only male member of staff was the  
10 gardener.

11 Q. Was the gardener, yes.

12 When central government direct funding was withdrawn  
13 in April 1986, from that point onwards, Balnacraig, like  
14 other places, including Oakbank, became residential  
15 schools and were subject to new regulations applying to  
16 residential establishments and that, in the case of  
17 Balnacraig, it continued to operate as an independent  
18 school?

19 A. Mm-hmm.

20 Q. I think from 1971, the majority of children placed at  
21 Balnacraig would have been sent there via the children's  
22 hearing system, whereas previous to that, a significant  
23 number would be sent there or committed by a juvenile  
24 court?

25 A. I think -- I mean on the face of it, it seems as if

1 compulsory attendance or compulsory residence at  
2 Balnacraig started with the hearing system. In actual  
3 fact, and you've probably read it already, there is  
4 a point when the Scottish Office actually made the  
5 decision that schools like Balnacraig would no longer  
6 take voluntary children. Within a relatively short  
7 period of time, this is several years, sort of  
8 mid-1960s, I think, when we stopped having voluntary  
9 placements.

10 Q. We know in the 1950s there was a mixture of people and  
11 some came as young offenders, if you like, and some came  
12 on care and protection grounds, some came just through  
13 the mechanism of the Children Act 1948, via  
14 local authority or an agency such as the RSSPCC and so  
15 forth, so there was a mixture --

16 A. Yes.

17 Q. -- but that tailed off and in the 1960s, largely  
18 speaking, children went to schools like Balnacraig  
19 because of some form of court order, either as  
20 an offender, who was convicted, or as a child in need of  
21 care and protection?

22 A. Yes. I mean, the other thing, just to clarify, I'd need  
23 to look back at the records, which you have, to be sure  
24 about this, although I've spoken about children being on  
25 compulsory measures from the introduction of the

1 hearing, what I'm less sure about is whether or not any  
2 young people remained on or were admitted on section 15,  
3 what was then termed voluntary care.

4 Q. I think the answer to that may well be that they would  
5 be, because certainly in the case of other schools and  
6 other records we have seen, that when you look at the  
7 register of admissions, they will show the basis of  
8 admission and section 15 does, from time to time,  
9 feature as the basis of admission as well as through  
10 section 44 of the Social Work (Scotland) Act, which is  
11 perhaps the most common one.

12 A. Yes.

13 Q. 44.1(b), I believe?

14 A. Yes.

15 Q. Now, once List D status was removed from schools,  
16 Balnacraig, like some other schools -- I think Oakbank  
17 is an example -- became co-educational. I think you  
18 tell us that boys were admitted from around 1989?

19 A. Yes. I mean, that transition wasn't linked to the  
20 independence or the stopping of the List D status. That  
21 was more because within a few years we were struggling  
22 in terms of finance. Peter Bates and Tayside Council  
23 recommended that if we took boys, they would give us  
24 more young people. So that was the basis of that  
25 decision, rather than it being linked.

1 Q. No, I follow that. Obviously independent schools have  
2 to try and balance the books and if you have a wider  
3 group that you can cater for, then that may increase  
4 your chances of doing so?

5 A. Yes.

6 Q. Also, is it fair to say, that by 1987 and following, the  
7 then regional councils, their general preference was for  
8 residential schools to be co-educational rather than  
9 single sex?

10 A. Yes, yes.

11 Q. That was the sort of thinking --

12 A. The direction at the time, yes.

13 Q. They were also looking for places to become more  
14 specialised, smaller, smaller numbers?

15 A. Mm-hmm.

16 Q. More qualified staff and so forth?

17 A. I think the other significant bit, this is relevant  
18 particularly to Tayside and Fife, Peter Bates's  
19 background and Alan Bowman's background, they'd come up  
20 from England where the Lancaster University thinking was  
21 very much about residential care, and particularly  
22 residential schools, shouldn't be used unless absolutely  
23 necessary. That sort of thinking was beginning to  
24 pervade where the referrals came from.

25 Q. Yes, I think we know that there were certain regional

1 councils that in fact had a real problem with  
2 residential care for children. Strathclyde was  
3 a notable one with Fred Edwards, who was the director of  
4 social work and the big institutions were --

5 A. Yes, I mean, I was particularly conscious of Fife  
6 because I worked for Fife at the time and I was involved  
7 in giving evidence for the Fife Inquiry, but also I had  
8 come up from England and, unlike many of my colleagues  
9 working up here, I was totally in favour of the ethos of  
10 keeping kids out of care.

11 Q. I think Angus Skinner in 1992 in 'Another Kind of Home'  
12 kind of burst that bubble by saying: look, residential  
13 care, at least for some children, it may be necessary  
14 and what you shouldn't do, and what was perhaps  
15 perceived to be happening, or the perception was that it  
16 was of a lesser status or a lesser option than other  
17 options. He corrected that, did he not --

18 A. Yes.

19 Q. -- by saying that you have to recognise its importance  
20 in the system as a whole, albeit you have to make sure  
21 that you only use it when appropriate?

22 A. Yes.

23 Q. He kind of reversed that trend?

24 A. Yes.

25 Q. I think Fife in particular, and you have mentioned the

1 Fife Inquiry, was almost anti-residential care --

2 A. Yes --

3 Q. -- in terms of policy?

4 A. -- and social workers were getting into trouble if they

5 recommended care. So, you know, it's totally the wrong

6 approach.

7 Q. I see. Again, we'll go to this maybe in due course, but

8 you tell us that once the List D status had fallen away,

9 I think that the school, and those running the school,

10 strived to move away from the sort of List D School

11 ethos and sought to develop a more therapeutic approach

12 to the caring for young people in residential settings,

13 is that fair, just to put it broadly?

14 A. Yes. Can I just -- you have mentioned a few times about

15 the school. Off the top of my head, I can't remember

16 the specific dates, but I think in the current context

17 where we try to keep kids in local communities and local

18 schools, what was significant about Balnacraig is that

19 for most of its existence, the children didn't actually

20 go to school in Balnacraig. They had an initial period,

21 but for the most part they went to local schools and

22 then a decision was made to provide education on the

23 premises. That, I think, significantly changed the

24 ethos, in respect of the List D status and everything

25 else.

1 Q. Was that when it changed to List D or before that?

2 A. No, it was --

3 Q. When still an approved school?

4 A. Still an approved school.

5 Q. It began to introduce education facilities on site, like

6 classes on site?

7 A. Yeah.

8 Q. But certainly in its earlier period, this would probably

9 include the 1950s/1960s --

10 A. My recollection, and again without checking in the

11 records, my recollection is that it wasn't until the

12 late 1970s, early 1980s, it shifted. So even in the

13 first several years as a List D school, the children

14 were being educated in a local school, which again, in

15 my view, was the right thing.

16 Q. It's quite late on --

17 A. Yes.

18 Q. -- when that happened?

19 A. Yes.

20 Q. In effect it would be more of a children's home than

21 a school?

22 A. Yes, and --

23 Q. The schooling was provided outwith the school?

24 A. Yes.

25 Q. I think we know from Quarriers, for example, that

1 Quarriers sent some of their young people to local  
2 schools, but they also had a teaching facility in-house  
3 and certainly in the 1960s they did, if my memory serves  
4 me well.

5 LADY SMITH: Yes, it did.

6 MR PEOPLES: It wasn't a school from the beginning of its  
7 existence.

8 A. The interesting thing, sorry, just jumping ahead a bit,  
9 before we closed when we were looking about the way  
10 forward before we had to make the decision to close, we  
11 had actually made the decision we were going to stop  
12 providing education. We were going to go back to the  
13 model of children being educated in the community,  
14 principally on good practice grounds in terms of child  
15 development and children having the same experience as  
16 other children, rather than being educated in  
17 a residential establishment.

18 Now, if they were there for care and control issues  
19 that didn't mean to say they couldn't cope -- for some  
20 of them at least -- in mainstream school.

21 Q. For quite a long period of its existence, the school was  
22 operated under a sort of perhaps larger entity called  
23 the Perth Homes Trust?

24 A. Yes.

25 Q. But in 1992, the managing trust became the

1 Balnacraig School Trust. Then in 2010, a limited  
2 company was formed to manage the school and it was  
3 known, I think, as Balnacraig Private Limited Company?  
4 A. Yes.  
5 Q. That was the situation up until the closure, was it?  
6 A. Yes. I think, you know, just to put that into context,  
7 I think my predecessor had been Chair, I think, from  
8 1990. He came from a legal background in Perth and that  
9 process, in terms of changing the legal status of the  
10 school, was very much led by him and, I think, wanting  
11 to reflect and the board wanting to reflect what was  
12 thought to be maybe an antiquated way of the  
13 Perth Homes Trust, because, since 1950, that had  
14 disappeared from the day-to-day stuff, so to an extent,  
15 it was trying to update the image of the school.  
16 Q. I suppose it would also give, to those who are lawyers,  
17 it would give a legal personality of a different kind to  
18 a board of managers, which would be some sort of  
19 unincorporated body of individuals?  
20 A. That's one of the reasons why I highlight the fact that  
21 my predecessor was also a lawyer.  
22 Q. Yes, I think there can be problems if you have to then  
23 take action against a managing board?  
24 A. Yes.  
25 Q. I think you tell us in the report that prior to 1960 --

1 A. Can I just add a little snippet to that in terms of  
2 being registered as a charity in one form or another  
3 alongside what eventually became a private limited  
4 company. My understanding is, under whatever  
5 legislation, we had been classed as a charity right from  
6 the very beginning.

7 Q. Oh yes, it had charitable status, but separately it  
8 would have to comply with Companies Act legislation when  
9 it became a private limited company?

10 A. Yes.

11 Q. But it continued to be separately registered as  
12 a charity?

13 A. Yes.

14 Q. Prior to 1960, I think you tell us in the report that  
15 the use of the tawse was common?

16 A. I wouldn't say common.

17 Q. Was in use?

18 A. It was used, and I looked at the graph again, because  
19 I picked up from the framework document the phrasing  
20 I was uncomfortable with, shall we say. When I looked  
21 at the actual numbers, when you think about the number  
22 of young people went through, and when you look at the  
23 actual details of what the tawse was used for, it was  
24 very infrequent and particularly when you compare that  
25 to other establishments. There was much more emphasis

1 on --

2 Q. I'll perhaps try and summarise what I think you're  
3 saying. Before I do that, does it appear to be the case  
4 that Balnacraig was ahead of its time because it stopped  
5 using the tawse around 1960?

6 A. Yes.

7 Q. When it was still obviously a permissible form of  
8 punishment. I think it was permissible for girls as  
9 well as boys, going forward, even under the new rules  
10 that came in in 1961?

11 A. Yes.

12 Q. Albeit, it was to be used sparingly?

13 A. Yes.

14 Q. You say that it was in use before 1960, as at least one  
15 form of punishment that was available to the staff.  
16 I'm not going to deal with this in any detail, but you  
17 did provide for us, I think, punishment books for the  
18 period 1919, just after the end of the First World War,  
19 through to 1976, and I had a look at these and I think  
20 you had a look at them too, I'm sure?

21 A. Yes.

22 Q. I just picked up that, if you take the 1950s, the sort  
23 of offences that were being recorded would include being  
24 late from school, late back from school, the local  
25 school, disobedience. I found one saying 'kicking

1 another girl', so there was a certain amount of, what  
2 might be termed in common parlance 'peer abuse', going  
3 on?

4 A. Yes.

5 Q. 'Stealing fruit from the garden' was another apparent  
6 offence that merited an entry in the punishment book.

7 'Repeated talking after lights out' was another.

8 'Destructive in garden' another.

9 Something that was loosely described in the book as  
10 'bad behaviour', without specification of the nature of  
11 the behaviour, rudeness, stealing from lockers. There  
12 was one actually, 'Playing in tradesman's van after  
13 warning', insolence, and there are certainly entries for  
14 that decade that there was a punishment in some cases  
15 that involved several strokes of the belt on the hand?

16 A. Mm-hmm.

17 Q. I think that was in line with the regulations?

18 A. Yes.

19 Q. If we go through to the 1960s --

20 A. Can I just clarify, one of the bits which doesn't come  
21 out in my comments but is my recollection of the  
22 discussion in the board and whatever, is that whilst  
23 some of these incidents might seem trivial reasons,  
24 I mean, I'm personally for the view that it should never  
25 have been used at all, but I think that the context must

1 be seen in the fact that, for some of these young people  
2 who are getting it, what's recorded is a particular  
3 incident, but it's a build-up of incidents beforehand,  
4 which aren't necessarily reflected in the punishment  
5 records.

6 Q. If I move to the 1960s. I'm only saying examples here  
7 and I don't obviously want to labour it, but we can see  
8 things such as truancy from schools. It looks as if  
9 some of the young people went to school but didn't stay  
10 there. Absconding from the institution itself, the  
11 school. I will call it Balnacraig, but you know what  
12 I'm talking about?

13 A. Yes.

14 Q. There is one for 'loss of shoes'. One was for  
15 'continued difficult behaviour', which maybe echoes the  
16 point you're making that it got to the point where some  
17 form of punishment was imposed --

18 A. Mm-hmm.

19 Q. -- because of continuing difficult behaviour?

20 A. The sense I have, and I know you're going to come on to  
21 this, because you highlighted it to me. The sense  
22 I had, which perhaps is reflected in the report, is  
23 although there had been four women largely running the  
24 establishment, the only constant with that was  
25 Miss **GXJ**, as new members of staff came in they would

1 sometimes be either less able or less willing to put up  
2 with certain behaviours. I also have the sense that  
3 Miss GXJ's ability [REDACTED], as she  
4 probably would have described it, was probably slipping,  
5 and that maybe is reflected, and then what happened in  
6 the 1960s in terms of her having a breakdown. So I'm in  
7 no way condoning any of the incidents because, as I say,  
8 my own belief is it should never have been used in the  
9 first place.

10 But in the context of what was happening and perhaps  
11 Miss GXJ's increasing inability, because I think, you  
12 know, when you look at the numbers that she started off  
13 caring for, however we may look back and say, 'It was so  
14 institutionalised', or whatever, when you've only got  
15 four women looking after that number of young people --

16 Q. Well, you --

17 A. -- you will have taken the attitude it has to be a tight  
18 ship.

19 Q. You are probably right to point this out, because  
20 I think, certainly, those in the Scottish Office in the  
21 1960s certainly, were exercised by what to do with what  
22 they described as 'difficult girls'?

23 A. Yeah.

24 Q. So they recognised that there were girls who went to  
25 some of these establishments who were perceived to be

1       difficult and it was how one managed them and where they  
2       managed them and whether, if they were put in certain  
3       places, they disrupted the whole institution and maybe  
4       had to be removed for the benefit of the whole  
5       population of the school?

6   A.   Yes.

7           I guess -- sorry to interrupt again -- I think one  
8       of the bits that I think I touch on when I'm writing,  
9       but certainly is reflected in my own thinking and my own  
10      social work practice, is I mentioned to you before about  
11      I think if some of the principles of the 1995 Act had  
12      have been applied in the periods, we are talking about,  
13      is that no order should be made unless it's better  
14      than -- I'm not sure what the expression is, but  
15      basically we shouldn't be removing children unless it is  
16      absolutely necessary --

17   LADY SMITH: Unless making an order is better than making no  
18      order at all.

19   A.   Exactly, yes. I think, you know, and you probably  
20      picked this up from all of the other establishments you  
21      have looked at, there was a sort of default position  
22      that removing children was better than leaving them at  
23      home, irrespective of what home was like. And I think  
24      you only have to look at some of the applicants'  
25      statements. I think if resources had been able to be

1 provided locally, it would have been far better for some  
2 of these young people.

3 Q. There's no doubt that when the children's hearing system  
4 was instituted, I think there was a degree of surprise  
5 at the extent of use of residential supervision  
6 requirements rather than supervision of children at  
7 home, and that is something, I think, that was evident  
8 in that period.

9 A. Yes.

10 Q. But one of the problems for the Children's Hearing, so  
11 they said at the time, was, 'You're not giving us very  
12 many options, because the range of resources is totally  
13 inadequate'. Kilbrandon pointed that out and, indeed,  
14 the local authorities didn't really address the need for  
15 specialist provision, whether it was day provision or  
16 specialist residential provision.

17 A. I understand that and I recognise where you're coming  
18 from. The bit I struggle about with that is that  
19 I moved up to Scotland, having worked in England for --  
20 having started my career, then a period of working down  
21 south, and then moved back up again. One of the things  
22 that really struck me when I moved back up is that  
23 probably, I would go as far as saying 50 per cent of the  
24 young people who were admitted to residential care or  
25 care in Scotland would never have even come near the

1 system in England when I worked down there.

2 There wasn't that big a difference in the sort of  
3 resources, my view, and my understanding at the time,  
4 was it was about the mentality about care automatically  
5 being better rather ... and I'm not blaming the  
6 establishments or the hearing system, to an extent  
7 I think the blame was in the local authority. England  
8 I think was -- England and Wales were slightly ahead in  
9 developing alternative resources.

10 The best example of that is the project I ran, which  
11 was an alternative to care custody. Over a year we went  
12 from one of the highest rates of care in custody to  
13 having a zero custody rate, and a significant reduced.

14 Q. I think a lot of the children were sent, both before  
15 1971 and afterwards, it was often said that they were  
16 beyond parental control or in moral danger if they  
17 stayed where they were. They were truanting school,  
18 they were getting into trouble locally, and that the way  
19 to perhaps change their ways was to take them out of  
20 that environment, put them in a structured environment  
21 and hopefully they would improve and send them back.

22 One of the problems, I think, we've heard is that,  
23 firstly, when they got home leave they went back to the  
24 environment they were removed from, and when they  
25 finished in a school they went back to their community

1           and their problems in the community hadn't been  
2           addressed, is that --

3    A. I think that's entirely fair. I guess my critique of  
4           that position is -- and I found this when I started  
5           doing a lot of the case conferences, it's all very well  
6           to say -- and this is where my worry comes about  
7           historically the child being labelled as the problem --  
8           if the child's the problem, you remove the child, you  
9           try and do work -- it doesn't matter how brilliant the  
10          work you do with the child is, if you send them back to  
11          the environment they came from, they would probably go  
12          back to the same ways, they're not getting the support.

13                 I think today -- and I know this from working with  
14          local authorities and teaching social work -- there is  
15          much more emphasis on, you know, yes, you provide the  
16          child some respite by care, and sometimes it's  
17          necessary, the parents just can't care for the child.  
18          But there's no point doing that unless you're trying to  
19          work with a family at home.

20    Q. I think it's probably now coined 'early intervention'  
21          and also intervention with the family as a whole?

22    A. Yes, yes.

23    Q. That started certainly before recent times, but maybe  
24          it's much more developed and more successful. There  
25          maybe is greater support services and more people to

1 provide them?

2 A. Yes.

3 Q. That's the direction of travel?

4 A. Yes.

5 Q. If you do need residential care, it's in small, very  
6 specialised units, which are catering for very specific  
7 needs and can address them with qualified staff. That  
8 is the modern --

9 A. It is --

10 Q. -- idea.

11 A. Again, maybe I'm jumping ahead, but one of the key bits  
12 with Balnacraig, one of the reasons we wanted to sell  
13 the old building (a) it was very institutionalised,  
14 I don't know if you have ever seen it, but beautiful  
15 building, baronial mansion, but no good for children.  
16 The model -- one of the reasons we were trying to sell  
17 it is to try and raise the funds to be able to -- we had  
18 started to open up individual houses and the model of  
19 care we wanted to develop was small, intense care for  
20 some of the most difficult children in Scotland, but  
21 just two or three children with a high staff ratio. We  
22 couldn't do that without selling the property.

23 LADY SMITH: Of course.

24 MR PEOPLES: We have actually photographs but I'm not going  
25 to take you to them now, because I'm conscious that we

1           have a lot to cover, but you can be assured there are  
2           some very nice photographs of this grand mansion.

3   A. Beautiful building.

4   Q. But not necessarily the best facility for children with  
5           particular needs?

6   A. Yes.

7   Q. Generally they tend to be Victorian buildings or  
8           certainly early 20th century buildings?

9   A. Yes.

10   Q. Going back to the punishment books, if you go to the  
11           1960s, I mention some of the things that were entered  
12           there in the book, but it does appear, from  
13           an examination of that period, that the use of the belt  
14           appears to have stopped completely?

15   A. Yes.

16   Q. There is no indication of it being administered?

17   A. I mean, obviously, you know, it's specific, you can see  
18           from the punishment books that it stopped, but even in  
19           terms of the reports and, you know, what was being  
20           discussed, it was conscious that they were needing to  
21           develop new ways of setting limits/controls on children.

22   Q. While I am still on the books, if I move on to the  
23           1970s, and I appreciate things started to change, but  
24           just sticking with the book at the moment, the sort of  
25           entries I picked up, just as examples, is, 'Repeated

1 victimisation of another girl', was an entry I found,  
2 'Deliberately broke bedroom window', 'Failure to return  
3 from home leave', 'Absconding', 'Misbehaving in class',  
4 'Threw a chair at staff member', 'Will not rise in the  
5 morning', 'Swearing', 'Unauthorised smoking',  
6 'Bullying', there are entries, 'Assaulting member of  
7 staff', 'Fighting', 'Spitting food at tea time',  
8 'Smoking and bringing in cigarettes'. These are just  
9 a flavour of the sort of things that are in the book.

10 If one looks to the range of punishments in that  
11 decade, they included, and this is the 1970s we're  
12 talking about, 'Locked in detention room overnight', 'No  
13 cereal for one week', 'No supper', 'Meal after other  
14 girls', 'Letters only from parents', 'No telephone  
15 calls', 'Loss of leave', 'Fined or loss of pocket  
16 money', 'Confined to room', 'Early bed', 'Excluded from  
17 activities', 'Wearing only school clothes or overalls'.

18 What was the thinking behind wearing only school  
19 clothes or overalls? Was this to separate them out from  
20 those who wore the normal uniform?

21 A. My glib reaction is your guess is as good as mine.

22 I think there was a degree to which the child is the  
23 problem, you isolate the child, you don't spread the  
24 problem, you give a message to other children about the  
25 consequences, particularly for truancy, for absconding,

1           for example.

2   Q.   You make them different?

3   A.   You make them different.

4   Q.   From their peers?

5   A.   Yes.

6           What I would add to that as a context, I know from  
7   a piece of work I did when I was still in Falkirk and we  
8   were looking at what was the secure unit when I was  
9   working there, and looking at the history of that, is  
10   that those practices were quite common and I think they  
11   were fairly common through a lot of establishments.

12           I would qualify that by saying not all. As you'll  
13   see from my CV, I worked in John Bosco's, and I know  
14   it's come up in the Inquiry after I left, but that set  
15   a standard for care and control where none of those  
16   things would have been tolerated. So it would be wrong  
17   to say that was the thinking at the time. It was a  
18   thinking --

19   Q.   What I've just read out for Balnacraig, it wasn't  
20   an uncommon thing at that time but not universally so?

21   A.   Not universally is my point. Some establishments were  
22   way ahead and I think for me, I worked at John Bosco's,  
23   as it was then, as a member of the religious order, and  
24   I'm not saying it was perfect, but the ethos of the  
25   religious order was kindness.

1 Q. What sanctions were they giving other than the ones we  
2 have listed?

3 A. They had a behavioural modification system. Behavioural  
4 modification system. In retrospect, when I look back at  
5 that, some of that meant loss of home leave which wasn't  
6 the right -- for different reasons it wasn't right. But  
7 it was linked. They would stop them doing certain  
8 activities, but it wasn't necessarily punitive. So  
9 quite often we would take the kids swimming or to the  
10 cinema at Bosco's, those privileges were removed, just  
11 as a parent would.

12 Q. Well, yes, but I think we heard evidence about another  
13 place, Oakbank, which had a behavioural management  
14 system and a reward system, which involved so-called  
15 privileges being either given or removed, including home  
16 leave. That seemed to have been at least a system that  
17 historically was used in certain places and I think  
18 Balnacraig to some extent adopted that type of system at  
19 some point in its existence.

20 When we heard evidence from a current director of  
21 social work last week, he was pretty critical of that  
22 type of system when we look at it from modern eyes.

23 A. I agree. As I say, I worked within the behaviour  
24 modification system and there is good psychological  
25 groundings, but the principle, which I think Bosco's

1 used, was about reinforcing positive behaviour rather  
2 than reinforcing negative behaviour. Behaviour  
3 modification in its purest sense is about positive  
4 reinforcement, rather than focusing on the negatives.  
5 I think a lot of people, a lot of establishments, saw  
6 that as an excuse to be more punitive. I can only --  
7 I didn't work at the other establishments.

8 Q. Are you suggesting that some of these weren't seen as  
9 ways to promote positive behaviour but simply as  
10 punishments or sanctions against the child --

11 A. Yes.

12 Q. -- and the child would then perceive it, not as trying  
13 to help them but trying to punish them because they were  
14 at fault?

15 A. Yes.

16 Q. That's the problem with how it was perceived, the  
17 system, and how it was operated in practice by certain  
18 staff?

19 A. I suppose what I'm saying is I don't have major problems  
20 with the theory of behaviour modification and positive  
21 reinforcement, certainly not positive reinforcement,  
22 I would be quite critical about a number of  
23 establishments and the way they've implemented that.

24 Q. The other aspect to that is -- I think this was  
25 something Angus Skinner told us a long time ago -- when

1       you read records, they tend to be terribly negative  
2       about children. They tend to record their faults and  
3       they don't talk up the positives?

4    A. I totally agree, and that goes back to what I said  
5       a little while ago, is I think part of the problem with  
6       the hearing system, with Kilbrandon, was it focused on  
7       the child as being a problem child and therefore that's  
8       the reason. Whereas today we are much better at saying  
9       a child has problems because of the circumstances. We  
10      look at the circumstances. We look at the support  
11      systems and that's the ethos I've always tried to work  
12      to in practice and in my teaching.

13            I think, you know, if a young person goes to  
14      Balnacraig in the 1970s or 1980s as a problem child,  
15      then the people working with that child are going to  
16      say: this child has got a problem and every experience  
17      then becomes reinforcing the child as a problem.

18    Q. You are telling us this, and what's of concern is that  
19      Professor Norrie, when he gave evidence to us and  
20      prepared his report, pointed out that the children's  
21      hearing system wasn't innovative in the broad sense,  
22      because they started with the juvenile courts and the  
23      idea also was that when they merged reformatory  
24      industrial schools, that it was to remove the  
25      distinction between offenders on the one hand and people

1 in need of care and protection on the other, because it  
2 was said that both categories came from the same general  
3 circumstances and it was that that perhaps was at the  
4 root of the problem and therefore they were placed  
5 together.

6 Not everyone would necessarily think that was a good  
7 thing, but that was the thinking?

8 A. I've had discussions with Professor Norrie, because  
9 I've had a lot of contact with him when I was teaching  
10 and before when I was working, when I was doing the  
11 child protection stuff and he's entirely right. I think  
12 my issue is that that's not what translated into  
13 practice.

14 Q. If I go back to my general -- I'll move on from  
15 punishments and sanctions, if I may. Just again to get  
16 the picture, because to some extent what you tell us  
17 about the post-1971 period is very much confined to  
18 certain individuals, who became notorious, including [REDACTED]  
19 [REDACTED] SNR [REDACTED]. We'll come to that --

20 A. Yes.

21 Q. -- but just to take the broad picture; the pre-1971  
22 period wasn't without its problems, because you tell us  
23 that there was an outbreak of disorder and absconding --

24 A. Can I just interrupt for a second? Sorry. Again, just  
25 to put an element of context, I think -- it strikes me

1 with Balnacraig, right up until past 2000, is this idea  
2 that, you know, that if children are absconding, if  
3 children are assaulting, if children are breaking  
4 windows, you respond to that. What strikes me, and I  
5 say it's true of Balnacraig and it's true of other  
6 establishments, is people's inability to step back and  
7 say: well, why is that behaviour happening? I think  
8 we've got much better at that now, hopefully because the  
9 teaching has improved for social workers and  
10 practitioners and the thinking has changed.

11 But I think, you know, if you label a child as  
12 a problem and you're not trying to unpick why that child  
13 is behaving in a particular way, then instinctively it  
14 becomes a punitive response and I think practice has  
15 developed and one of the good bits about practice  
16 developing is that we're much better at trying to  
17 understand behaviour and put in support, so, you know,  
18 if a child breaks a window in Balnacraig you say: okay,  
19 let's try and understand. You might still have to put  
20 sanctions or controls in place, but you try to  
21 understand why that child is behaving like that.

22 Q. That goes back to the point we spoke about earlier, that  
23 education brings understanding?

24 A. Yes.

25 Q. If you simply look at the presenting behaviour and

1       respond to that as if it's something that requires  
2       a particular form of response that was often seen by the  
3       person giving it as a punishment, then you have the  
4       problem that you've identified?

5     A.   Yes.

6     Q.   Whereas perhaps you would be better concentrating on:  
7       well, this child is doing this for a reason --

8     A.   Yes.

9     Q.   -- and I wonder what that reason is and how we try to  
10       address it, the problem?

11    A.   Yes.

12    Q.   The pre-1971 period was not without its problems. There  
13       was an outbreak of disorder and absconding in March 1961  
14       and, indeed, the inspector at that time, the HMI,  
15       I think, took the view that some of the problems at  
16       least were caused by SNR ██████████ on sickness  
17       grounds and the way in which SNR ██████████ dealt  
18       with the children ██████████.

19       I think it was put in terms that the  
20       SNR ██████████ addressed the girls with a punitive  
21       type of attitude and that that had created problems and  
22       that the girls had reacted and in fact they were running  
23       riot at times and absconding frequently?

24    A.   Yes.

25    Q.   That seemed to be the issue?

1 A. I think that reflects the fact, which you've touched on  
2 before, that, you know, when you've got [REDACTED]  
3 [REDACTED] a very tight ship, the benefit of that is that  
4 children know exactly where they stand, but if all of  
5 that control [REDACTED] and that [REDACTED]  
6 [REDACTED] is not there any more, as happened, both the  
7 lead-up to Miss GXJ going [REDACTED],  
8 the control falls apart because that control has never  
9 been [REDACTED], if that makes sense.

10 Q. I think the inspector of the day thought that  
11 Miss GXJ was very much [REDACTED]  
12 [REDACTED] and that the staff were  
13 very much [REDACTED] --

14 A. I'm acknowledging that and accepting that. The price  
15 then is that when [REDACTED] disappears, you are more  
16 likely to get chaos, for a period at least.

17 Q. I'm not going to take you to the file that tells us  
18 about this, but I'll give the reference just for the  
19 benefit of the transcript, it's SGV-001031941. It's  
20 a Scottish Education Department file about Balnacraig,  
21 which, I think, is to do generally with discipline.  
22 It's from the 1960s. I think you've had an opportunity  
23 to look at it. I'm not go through it all, but it does  
24 tell us a bit about the 1961 situation and, indeed, it  
25 tells us that one thing that had to happen was

1 a transfer of three girls from Balnacraig to Balgay in  
2 Dundee. Presumably it was seen that that was a more  
3 secure or more -- I'm trying to get the right  
4 expression --

5 A. Contained, more limits.

6 Q. It would set more limits than perhaps the regime at  
7 Balnacraig at the time, and that there was some  
8 criticism by HMI, Mr McPherson, who was the dedicated  
9 HMI, or one of them, about Miss Pearson and how she was  
10 handling the situation [REDACTED] Miss GXJ [REDACTED].

11 Indeed, Mr McPherson expressed the view she was  
12 unsuitable for the post and should be removed. He was  
13 the one, I think, who suggested Mr Kerr could step in.  
14 He was at Oakbank and he could come in [REDACTED] Miss GXJ [REDACTED]  
15 [REDACTED] and deal with matters.

16 Unlike the reports of modern times, we get quite  
17 a good deal of information about personalities and  
18 individuals and the extent to which they are the  
19 problem. SNR [REDACTED] Miss Pearson, I think there is  
20 a report about her by another HMI, I think it's  
21 Mr Petrie that says this, and I'll just quote from what  
22 he says at that time:

23 'She's unfit to be in command and has antagonised  
24 the girls. She is punitive in attitude and ineffective  
25 in execution, a dangerous combination of attitudes.'

1           So he was expressing -- because the difference  
2           between this report and the modern reports is this went  
3           to the Scottish Education Department and wasn't  
4           disclosed even to the school itself, so he could be  
5           fairly free with his comments --

6   A.   Yeah.

7   Q.   -- but these comments would never see the light of day,  
8           or certainly the public would be unaware, and perhaps  
9           the school and Miss Pearson would be unaware of what was  
10          being said?

11  A.   Yes.

12  Q.   It does give you --

13  A.   A flavour.

14  Q.   -- a flavour.

15  A.   I think one of the highlights for me is that I found it  
16          quite revealing reading that extract. I didn't know,  
17          for example, from what I had read in the records why  
18          Miss GXJ was [REDACTED]. It's evident that  
19          she basically had some form of a breakdown and I think,  
20          you know, the events in terms of [REDACTED] probably  
21          for several months leading up to that, suggested she  
22          wasn't actually [REDACTED] in the way that she had been  
23          or should have been, but it also -- some of the  
24          descriptions about day-to-day life, you know, very early  
25          on in my report I say, you know, make the point of

1 history being written by the victors and one of the  
2 things that is very true about Balnacraig records, and  
3 we'll come on to it in the second half, post-1971, is  
4 that a lot of the reports are written by the people who  
5 want to present to the governors in a particular way.  
6 And my criticism of the governors is they should have  
7 been examining that a bit more closely, but that's  
8 a separate issue.

9 Q. Just on Miss GXJ, she managed to recover from this  
10 breakdown --

11 A. Yes.

12 Q. -- and continued, as you've told us, [REDACTED]  
13 [REDACTED] after that --

14 A. Yes.

15 Q. -- in [REDACTED] Balnacraig. I think in some time around  
16 the mid-1960s, HMI, Mr Murphy, who was one of the  
17 approved school inspectors from central government, said  
18 this of her:

19 'She is [REDACTED] and other staff, including  
20 SNR [REDACTED], seem to be treated as servants or  
21 ancillaries, their calibre is limited.'

22 He did say in fairness:

23 '... in the main she does a good job but has  
24 [REDACTED] old-fashioned ways.'

25 A. It will come up when we start talking about the

1 applicant evidence, but I included in my report  
2 an extract from [REDACTED].

3 Q. You mention a person who had been at Oakbank in the  
4 1950s?

5 A. Who had been at Balnacraig.

6 Q. Sorry, Balnacraig --

7 A. What was interesting is that her description of living  
8 [REDACTED] Miss GXJ [REDACTED], which she did in the 1950s, and  
9 a number of the letters and correspondence, which sadly  
10 have now been destroyed, from people who lived at  
11 Balnacraig at the time, they recognised that it was  
12 harsh but they basically felt cared for.

13 What's interesting, if we compare that to what the  
14 inspectors are saying, is that what the inspectors are  
15 suggesting is that there wasn't a high level of care.  
16 That wasn't the experience of [REDACTED] or a number of  
17 other young people, based on the letters we've got.

18 Q. To some extent these are matters that may turn on  
19 individual circumstances --

20 A. Yes.

21 Q. -- in that people may have what in their view is a good  
22 experience when they compare it with the experiences  
23 before and after. Other people may, for different  
24 reasons, say that it was a bad experience?

25 A. Yeah, which I think is an element that ran right the way

1 through and to an extent you might say is inevitable,  
2 some degree of favouritism. I suspect [REDACTED] --  
3 was that her surname? I can't remember.

4 Q. It's okay, we have it in the report. We know who you  
5 mean.

6 A. I think she probably was given favourable treatment  
7 because her relatives in America donated for the first  
8 TV so the children could watch the coronation, whatever  
9 it was.

10 Q. 1953 was the coronation, I suppose.

11 A. So that's where the money --

12 Q. You can see perhaps the reason why she might get  
13 favourable treatment?

14 A. Yes.

15 Q. Whereas others -- because you have read an applicant's  
16 statement and I'll come to that and the person we call  
17 'Jane', who was there in the 1950s, and her experience  
18 was a bit different?

19 A. Yes.

20 Q. Just on this matter, if I can just deal with this,  
21 a couple of things before I leave the 1960s and  
22 Miss GXJ [REDACTED] for the moment, is that in the same visit in  
23 the 1960s, Mr Murphy said:

24 'The combination of much menial work and relatively  
25 low status is probably discouraging to the recruitment

1 of good-quality staff.'

2 He clearly saw there were problems getting what  
3 would be appropriate staff to work in these places?

4 A. I would agree with you. The bit which I think came  
5 through for me from reading the materials relating to  
6 that period of time, and I can reflect it from some of  
7 my own experience, is that whereas today people would be  
8 taken on a job and work certain hours, they might be on,  
9 you know, weird shifts and all the rest in residential  
10 work, but they would have a home base. I think one of  
11 the key characteristics is that part of the remuneration  
12 was basically living in, you know, a very tight family  
13 circle and as we all know, families living together as  
14 adults don't always get on with each other.

15 I think the bit for me is that yes, a lot of it was  
16 menial, a lot of it was inappropriate, but I think in  
17 terms of attracting new people in, increasingly over  
18 time people would be less willing and I say it reflects  
19 because my time, when I worked at Aberdour,  
20 St John Bosco's, I was part of the Order, my bedroom was  
21 attached to the dormitory of the boys, so it was 24-hour  
22 living in. I had to make a point on the days I had off  
23 of getting out of the building, otherwise I would be  
24 drawn into stuff. I think that's the problem  
25 historically with live-in staff.

1 Q. Your life was the school and you were there 24 hours  
2 a day, seven days a week essentially?

3 A. Yes, yes.

4 Q. Just finally before we break, there is one document  
5 I will take you to just to capture the thinking of the  
6 inspectors about the management of Balnacraig School  
7 it's SGV-001032015. This is a report by HMI Murphy,  
8 dated 26 August 1965, headed 'Management of Balnacraig',  
9 sorry page 6 of the report is headed 'Management'.

10 If we could just go to that page, he gives us quite  
11 a lot of detail about the managers or the board at that  
12 time on that page. He says this in his report at the  
13 foot of that page:

14 'This must be a museum-piece board which would have  
15 done credit to any Dickensian institution. It could not  
16 be divulged publicly without much scandal.'

17 LADY SMITH: Where are you, Mr Peoples?

18 MR PEOPLES: Page 6, there is paragraph 3 that says --

19 LADY SMITH: It's quite blurry to read, isn't it?

20 MR PEOPLES: It's not a great copy. So he's obviously  
21 concerned about the composition of the board.

22 LADY SMITH: What year was this report?

23 MR PEOPLES: 1965.

24 If we move on to page 7, at the top, just reading on  
25 in the report, it says:

1           'Understanding of the problems of contemporary youth  
2           is not easy for these whose own youth was passed in the  
3           halcyon days before 1920. To complicate the issue  
4           further, the concepts of child care retained by the  
5           ladies of this vintage and social standing is often that  
6           of the boarding schools of 50 or 60 years ago.'

7           He's obviously concerned about the composition of  
8           the board and I think that there is another passage  
9           I was perhaps trying to pick up, that says of the ladies  
10          on the board, if you bear with me, I think it's on the  
11          same page --

12   LADY SMITH: 4 deals with gender on board --

13   MR PEOPLES: Yes, that's what I'm trying to find. It's  
14          under 'Individuals', the second paragraph, on  
15          paragraph 6:

16          'Most of them [this is the lady managers] have led  
17          sheltered, upper middle class lives and their  
18          understanding of the behavioural problems and  
19          experiences of approved school girls, or the lives of  
20          the subculture from which they come, is limited, to say  
21          the least.'

22          He ends with a conclusion:

23          'This management is too old, too feminine and too  
24          socially remote to be effective. The constitution may  
25          limit the possibility of radical reform.'

1           It's clear what he was thinking, I mean privately.

2   A.   The bit I would context is there was nothing in the  
3       records which indicated age for me to be able to draw  
4       the same conclusions, but I probably would have drawn  
5       the same conclusions.

6           I think the other bit which is highlighted, and you  
7       skipped over it, about the role of the board. I think  
8       the -- when you look back to the very beginning of  
9       Wellshill, the charity, the Perth Homes Trust. You're  
10      talking about half a dozen women who decided to do  
11      something for young people, in a very admirable way, but  
12      I think that sort of culture of 'do good' permeated  
13      right the way through.

14          I think the other bit, which I think was a problem  
15      for the board even when I took over, is that the people  
16      you tend to attract tend to be retired. When I joined  
17      the board, there were some of them who were retired from  
18      social work and education, but still a lot of their  
19      thinking -- we'll come on to this in term of the reasons  
20      Balnacraig closed -- a lot of their thinking was stuck  
21      somewhere way in the past.

22          And I think when you look through the thinking, and  
23      even the refusal to actually get more proactively  
24      involved, other than overseeing whether or not the right  
25      clothes were bought or whatever, reflects that view of



1 I just want to raise with you one matter that --  
2 your report was obviously based on records, and you have  
3 mentioned an individual who had a happy experience, but  
4 you have had access, I believe, to a statement provided  
5 to this Inquiry by a person who we're going to call  
6 'Jane'. I think you have seen that statement?

7 A. I have.

8 Q. I'm not going into it in great detail, but there are one  
9 or two points I want to pick up just because of what is  
10 said in Part B, that you didn't find evidence of any  
11 abuse in the record and that is part of the Part B  
12 thing. So just before we go to that.

13 'Jane' was someone who, I think, started off in what  
14 was known as Wellshill and then, when there was  
15 a transfer from the site of Wellshill to the new site,  
16 to Balnacraig, when it became Balnacraig, 'Jane' was at  
17 Balnacraig, it seems, from about 1950, for about seven  
18 years, until she was 15 years of age. Miss GXJ was  
19 SNR, I think a Miss Gerrard was SNR,  
20 she says.

21 'Jane' says that her experience was there was no  
22 love or nurturing at the place. I'll just recount in  
23 broad terms and ask you to comment if I may.

24 There was no love or nurturing. She recalls, but  
25 this is in Wellshill, being smacked by SNR on the

1 bottom once when she was quite young. And she recalls,  
2 before the move to Balnacraig, SNR being attacked  
3 by two older girls, she tells us, and having to, I  
4 think, get some sort of hospital treatment.

5 Then she says she moved to Balnacraig in 1950 when  
6 she was seven years of age and went to the local school,  
7 which I think is consistent with what the records show.  
8 There was something in the order of seven or eight  
9 dormitories, 'Jane' tells us, and there were six girls  
10 in her dorm.

11 One of the things she says is that she was never  
12 made to feel special in Balnacraig. Indeed, she speaks  
13 of an occasion when staff removed a cloth bunny from her  
14 locker, but she kept asking for it back. Now, she tries  
15 to put an explanation that's perhaps a benign one, that  
16 maybe they were doing it because it was old, but clearly  
17 for her it was special.

18 Then she says there was no bullying, at least she  
19 can't recall bullying among the girls themselves, but as  
20 far as birthdays were concerned, there wasn't much of  
21 a fuss made of birthdays. She says for much of her  
22 time, she was kept apart from her immediate family,  
23 although she did, I think, see some relatives of her  
24 mother. She said she wasn't punished for running away,  
25 but perhaps her biggest problem is to do with being

1 a young woman, approaching puberty, and, indeed, once  
2 she started to have periods, she says there was no  
3 preparation for puberty and there was no explanation  
4 about periods. I think she had to go with a friend to  
5 get some sort of booklet to give her, to put it  
6 colloquially, 'the facts of life'.

7 A. Yes.

8 Q. She says that she remains angry, looking back, that the  
9 girls were not, as she puts it, well supplied with  
10 sanitary products.

11 She continues on the theme there wasn't really any  
12 love or nurturing. She said there was nobody she felt  
13 she could talk to if you had concerns. She felt that  
14 staff didn't encourage them, even to do well at school.  
15 She mentions, in terms of affection, that after running  
16 away she recalls SNR saw 'Jane', 'Jane' gave her  
17 a hug and said she was sorry, she thinks SNR gave  
18 her a hug maybe once or twice in the whole time 'Jane'  
19 was there, and, as she puts it shortly, 'she didn't hug  
20 me'.

21 She doesn't remember official visitors and she says  
22 certainly nobody came near to her and asked her how she  
23 was getting on. On one occasion, after misbehaving,  
24 'Jane' says she had to scrub a stone floor as  
25 a punishment and she also recalls having to sit on the

1 bottom stair as a punishment of the place.

2 As far as abuse is concerned, she has a section  
3 about that. What she says is that on one occasion SNR  
4 SNR took 'Jane' to a room, told her to strip and go  
5 upstairs and get a cold bath. This was about the time  
6 that her periods were starting. She says SNR got  
7 two or three other girls to help restrain 'Jane' and  
8 they carried her upstairs naked. 'Jane' remembers  
9 struggling and screaming all the way up the stairs and  
10 says:

11 'It was so humiliating.'

12 Then she recalls another time in the recreation room  
13 when she was having a period, when SNR told some  
14 girls to restrain 'Jane'. She says she was hysterical  
15 at the time but she said:

16 'They were holding me down on the floor with their  
17 hands and knees, trying to quieten me down.'

18 She said she kept screaming and shouting at them  
19 until they let her go.

20 Then she recounts another occasion when she had been  
21 out on a walk with a friend and they had boyfriends at  
22 that time and she was late coming back to Balnacraig and  
23 she tells us that she kissed a boy but there was nothing  
24 more than that and she wouldn't have even known what  
25 else could be done. She was fairly ignorant of the

1 facts of life, as she puts it, at that time.

2 But when she got back, she says Miss GXJ said she  
3 knew what the girls had been up to and she took them to  
4 her room, she made the girls strip, she told them to go  
5 upstairs and have a bath with Dettol. 'Jane' says she  
6 wouldn't listen when the girls told her that nothing had  
7 happened and she just says:

8 'It was dreadful. It's still very upsetting for me  
9 when I think about it now. I was a young girl in  
10 puberty and I was made to strip and walk upstairs with  
11 no clothes on. It was so humiliating.'

12 Then, just towards the end of her statement, she  
13 says this:

14 'I never reported what happened, back then I didn't  
15 think of doing so.'

16 She says:

17 'We didn't know we had any rights. As far as I was  
18 concerned, SNR was and we just had to  
19 live by whatever she said.'

20 Now, you didn't see anything of that nature in the  
21 records, but that's an account of someone in the 1950s  
22 and while there may have been practical care, and SNR  
23 SNR may have provided for young people, clearly  
24 'Jane's' experience was a traumatic one for her,  
25 particularly with the onset of puberty and the lack of

1 education and how issues were dealt with in that  
2 context.

3 Do you have a response for that?

4 A. There are a couple of things about that.

5 One is, as I referred to before, history was written  
6 by the victors. What Miss GXJ [REDACTED] wasn't necessarily  
7 going to say that it was an institutionalised lack of  
8 caring, or whatever, [REDACTED] the report and  
9 the other bit which we touched on before, about the  
10 board should have been querying that; were people from  
11 the board going in? Were the trustees going in? They  
12 should have been asking those sort of questions in my  
13 view.

14 There are some aspects of that which I wonder, and  
15 it's pure speculation, whether or not, if they'd have  
16 had married women with children [REDACTED]  
17 establishment, the response would have been different.  
18 My recollection is that at the period, Miss GXJ [REDACTED]  
19 herself and others were effectively spinsters and maybe  
20 had a lack of understanding in their own lives and also  
21 the context of that period those sort of things were to  
22 be hidden and, you know, sexuality generally would be  
23 hidden.

24 I say that, I would not want to take away at all  
25 from her experience. It was totally inappropriate even

1 for the time.

2 Q. She remembers it now --

3 A. She remembers it, yes --

4 Q. -- it's obviously stuck in her memory and it's not  
5 something she can't not think about.

6 A. Yes. I fully accept that. Again, which we have touched  
7 on before, it's this bit about, you know, children  
8 coming away from home because of a lack of care should  
9 expect a higher standard and it's particularly  
10 disappointing when they're not getting the higher  
11 standard.

12 I would like to think that that has changed somewhat  
13 now -- although I have some views on that as well -- but  
14 certainly just the idea that you remove them because  
15 care is better, we touched on what we have said before,  
16 but a culmination of ignorance and probably punitive  
17 approach.

18 The other bit which strikes me about that, which is  
19 consistent with what [REDACTED] said when she came, is  
20 that, you know, we spoke about only four women running  
21 the establishment. In actual fact, the older girls, in  
22 effect like big sisters in big families, took on  
23 a proportion of the care and control and maybe they  
24 would be even less caring in their approach.

25 The decision to send her upstairs naked clearly

1 comes from Miss GXJ --

2 Q. You would accept that she's right to see that as abuse?

3 A. Oh, no doubt at all. I mean, I kept saying right the  
4 way through writing the report, based on available  
5 records I can only say based -- but it doesn't surprise  
6 me in the least. Just as I make more explicit, as we'll  
7 come on to with SGQ, I believe all of the  
8 witness and everything that is [REDACTED] and I know --  
9 I've met the guy, because I chaired conferences in his  
10 time. So I'm quite prepared to believe that the picture  
11 that's painted in the records isn't a full picture.

12 Q. It is instructive, is it not, though, because you, in  
13 a way, prove how instructive it is, that all you had  
14 access to were records kept by the school and the things  
15 I've told you about don't appear and don't become  
16 apparent from the records and the records tell a certain  
17 story, that if that's all you had, if you were  
18 a historian, you would get a potentially misleading  
19 picture of life in the 1950s in Balnacraig?

20 A. Yeah. I totally agree. I mentioned to you just before  
21 we started about access to records. One of the bits  
22 that I find extremely disappointing is that decisions  
23 were made, and my understanding is they were made by the  
24 Scottish Government at the time, to destroy any records  
25 more than 12 years old.

1           In theory, that should be okay, because there should  
2           be copies of key information in local authority records,  
3           but I know, because when I worked in Falkirk we were  
4           asked to do an exercise to go back through records for  
5           Robert Black, when they were looking to prosecute.  
6           Robert Black grew up in Falkirk and I went with  
7           a detective sergeant from the Child Protection Unit to  
8           Stirling's records from -- because it would have been  
9           Stirlingshire at the time, and they were hidden in  
10          a basement of a warehouse gathering dust, most of them  
11          rotting. So even though those records were supposed to  
12          be kept for longer, they're meaningless because nobody  
13          knew what was there. We spent three days searching  
14          through and it was pure by chance that we found his  
15          record. And I think that's part of the problem, you  
16          know, I find it very disappointing that records were  
17          destroyed.

18          So, you know, any of the young people coming back  
19          prior to 1990, we didn't have the records. Now, had  
20          I had access to those records as I had later, my report  
21          probably would have been very different, because those  
22          individuals recordings would have given a much broader  
23          picture.

24    Q. It's not a criticism of your report. You can only work  
25          with what you have, but I'm trying to make the general

1 point, because we have also heard evidence in relation  
2 to another school that even where there are records  
3 about individual children, and not necessarily in the  
4 1960s, but later on when records were perhaps -- there  
5 were more systems and more requirements to write  
6 records, that the records in one case was described as  
7 poor or non-existent, because they didn't contain the  
8 information that they should contain about the child or  
9 about incidents involving the child and that was  
10 a serious failing that inspectors were picking up. This  
11 was in the 1990s, I think, in the one I'm thinking of.

12 A. I think the other element of that, and it's maybe  
13 evidenced in some of the comments I've made in respect  
14 of the post-1971 period, is there are several levels of  
15 records, there is what the local authority contain,  
16 there is what Balnacraig, in this case, would have had  
17 at the time.

18 The records probably, for the most part, would have  
19 been case conference reports, hearing reports,  
20 decisions, letters, correspondence. What was really  
21 telling, when it came to Balnacraig, wasn't any of those  
22 formal records, it was being able to go back into the  
23 logbooks and the junior staff, post-1971, were a lot  
24 less careful, shall we say, about what they wrote and  
25 I've highlighted one particular incident. Some of the

1 people who are applicants I have had dealings with,  
2 because they came back and said, can we have access to  
3 our records and I said in some cases we just don't have  
4 them, but in those where we did, I was able to look at  
5 more formal records but also give instances which, not  
6 necessarily supported what they were saying, but  
7 pinpointed a day or a time.

8 Obviously they were still written. I think about  
9 one of the young people breaking an arm or whatever, it  
10 pinpoints a point in time and I can say, 'Yes, we know  
11 you definitely went to the hospital', but what it  
12 doesn't say is that the break was deliberate.

13 Q. They may actually have some sort of record, but it's not  
14 necessarily comprehensive in terms of giving you the  
15 sort of information, 'Oh, I wish I could find the answer  
16 to the next question', just the detailed circumstance?

17 A. Yes.

18 LADY SMITH: David, something else that struck me about that  
19 extract from 'Jane's' statement, is we're talking about  
20 the 1950s. I think you rightly observe that the norm  
21 would be that SNR would be single. You are also  
22 talking about an era that was largely pre-contraception,  
23 certainly it was pre-Pill.

24 A. Yes.

25 LADY SMITH: A woman [REDACTED], as she would see

1           it, trying to see to it that these girls don't get  
2           pregnant.

3    A.   Yes.

4    LADY SMITH:   And perhaps going about it completely the wrong  
5           way.

6    A.   Yes.

7    LADY SMITH:   Partly because she had never had any experience  
8           of handling that with her own daughter.

9    A.   Yes, definitely.

10   MR PEOPLES:   If she was seeking do that though, it might  
11           have benefited her to consider some form of sex  
12           education, even if there weren't contraception  
13           available, that if you leave a child in a state of  
14           ignorance then surely that is a fault.

15   A.   Can I ask a glib question in response to that?  How many  
16           parents, how many establishments were capable of  
17           giving --

18   LADY SMITH:   In the 1950s.

19   A.   Again it's about context.

20   LADY SMITH:   Even thinking back to sex education for girls  
21           in, shall we say the 1960s, the approach, and I think  
22           the curriculum approach, was to make it very technical  
23           in a biology lesson and nothing else.  Nothing about  
24           relationships at all.

25   A.   Yes.

1 MR PEOPLES: Let's strip that back then just from sex  
2 education, but surely 'Jane's' problem is she didn't  
3 even get told that she would have periods. So when they  
4 started or began, she was ignorant, and that's surely --  
5 whatever else you tell someone, if it's a young girl,  
6 and you're a woman, and would know at least something  
7 that these are things that are happening and she  
8 shouldn't get alarmed and that this is a natural part of  
9 development. Then surely a person in Miss GXJ's  
10 position, whether she was a spinster or not, would have  
11 had the capacity and the knowledge to be able to say  
12 something?

13 A. I totally agree, I'm not justifying the position.

14 Q. No, no, no, I'm just trying -- it may well be that --  
15 I think we can all remember sex education in schools,  
16 certainly in the 1960s, wasn't necessarily very well  
17 developed, but taking it back to that even, that she  
18 certainly has to deal with a natural point in time of  
19 a young woman's development?

20 A. And there are elements of that which brings in the  
21 issues about what subjects were talked about and not  
22 talked about and even in that sort of situation where  
23 you think this is a woman caring for young girls and  
24 a lot of young girls. What she didn't get from  
25 Miss GXJ, surely she should have got from other

1 girls. Now, that's not the way to get it, but even  
2 today a lot of young people get more sex education from  
3 talking to their peers, but nonetheless that really  
4 highlights the inappropriateness of the response.

5 The other bit which links in, not necessarily with  
6 her, but with other young people sexually abused, is  
7 that one of the things that really struck me, because  
8 I did a piece of work when I worked for Central Region,  
9 doing a statistical report on child protection  
10 registrations, and up until the mid-1980s, there was  
11 nobody on the child protection register in Central  
12 Region for sexual abuse. Obviously by the time I left  
13 social work, there were significant numbers and it had  
14 the highest proportion, but people just didn't recognise  
15 it was going on. Part of that is that people just  
16 didn't talk about it and in many cases, people just  
17 didn't believe it was happening.

18 Q. Yes, they weren't talking about even abuse of children  
19 in care. There was a presumption that children were in  
20 a place of safety and these things didn't happen and if  
21 a child said they did, they were making it up?

22 A. Yes.

23 Q. Going on to --

24 A. We touched on records, and can I just highlight the bit  
25 I was saying beforehand? I noticed from some of the

1 applicants' statements, people saying about difficulty  
2 about accessing records. I'm not sure now how they  
3 would make use of it, but one of the things when  
4 Balnacraig closed is we made a list, which you have, of  
5 where all the records went.

6 One of the things I did with some of the applicants  
7 was when they wrote to me, I gave them what detail we  
8 could, but this idea that the local authorities don't  
9 have records, I know for a fact isn't true, because they  
10 have the records we gave them from at least a few years  
11 ago. So if the occasion arises, it's maybe worth -- and  
12 people are still saying they haven't had access to some  
13 of these records and bemoan the fact that they can't  
14 come back to us any more, is redirecting them to  
15 local authorities to say they do have these.

16 Q. I'm sure that's helpful. If someone has received that  
17 response, because they do get responses sometimes,  
18 'They're missing, we can't find them, they were  
19 destroyed in a fire', or whatever, but you say at least,  
20 such records as you were able, had been retained you  
21 passed on?

22 A. And several people who came back, including from  
23 pre-1971, I wasn't able to produce the information from  
24 individual records, but I was able to go through the  
25 records we had from minutes and say, 'Well, your name

1           came up', like I did with [REDACTED], 'Your name came  
2           up on such and such a date', and this happened and  
3           whatever and that at least provides them with some  
4           information about their life in care.

5   Q.   Thank you.

6           If I can move to Part B, it's our page 105. We have  
7           already discussed, I am not going to discuss the  
8           pre-1971 era again. I think we know why you have said  
9           what you said about you can't say, on the basis of  
10          records, that children cared for at Balnacraig, and  
11          before that, Wellshill, were abused.

12          Can I just ask you two points though on that point.  
13          The first is, when you say you can't accept there's any  
14          evidential basis. You mean abused by staff, because  
15          clearly we've seen entries where children were assaulted  
16          by other children?

17   A.   Yes.

18   Q.   So that is a form of abuse, 'peer abuse' sometimes it is  
19          colloquially called, but that is abuse and there is  
20          evidence of that in the records, because the punishments  
21          were given for someone assaulting --

22   A.   I suppose what I was looking for in my thinking in that  
23          is about what forms of abuse were -- I was about to say  
24          'outside the norm', but I think you know where  
25          I'm coming from. It's a difference between -- I grew up

1 in a family of five, yes, there was bullying. My dad  
2 comes from a family of 15, there were fights, sometimes  
3 fairly serious fights, but not in a way that I would  
4 describe as abusive.

5 Now, I'm in no doubt that some of the -- and I have  
6 worked with young people enough to know -- some of the  
7 behaviour of other children towards children can be  
8 really abusive and damaging.

9 I suppose it brings me back to the bit in law about  
10 intent. Quite often these were fights between the kids,  
11 not necessarily an intent from the person assaulting.

12 Q. Well, you have mentioned your family's situation, and I  
13 have no doubt we can all think about things, if we have  
14 siblings, in previous decades, that we didn't always  
15 live harmoniously, but these were children that weren't  
16 necessarily related, in an environment that wasn't their  
17 own home, and therefore, in some cases if a child was  
18 assaulted, and we have some records that that was  
19 happening, that could be quite a traumatic experience  
20 for them. They might take it from their brother or  
21 sister as part of the knockabouts of family life, but  
22 you can see that this is a different situation?

23 A. Yes.

24 Q. The other thing, just before we move on, do you accept  
25 that, if one accepts what 'Jane' has said in her

1 statement, that there is certainly evidence of the use  
2 of restraint as opposed to physical corporal punishment,  
3 restraint being used prior to 1971? She is restrained,  
4 taken upstairs and so forth, by other girls in the  
5 manner she's described, so that is evidence that that at  
6 least happened before 1971?

7 A. Yes. And --

8 Q. On the orders of SNR [REDACTED], Miss GXJ [REDACTED]?

9 A. You know, it's the difference between the information  
10 I had access to, but looking at it in the light of that,  
11 you know, there are a number of things which --  
12 I'm still not sure I would say there was systemic abuse,  
13 but I certainly would now say there was abuse going on,  
14 which should have been addressed.

15 LADY SMITH: To use the word 'system', there could have been  
16 abuse that was due to the absence of or failure of  
17 systems?

18 A. Yes.

19 MR PEOPLES: Clearly, Miss GXJ [REDACTED], if she took a dim view of  
20 the behaviour of the young girls outwith the school, was  
21 prepared, on that occasion, or, at least, on several  
22 occasions, to take that particular child and deal with  
23 them in a certain way, which is humiliating?

24 A. Yes.

25 Q. So it wasn't just a one-off?

1 A. No, I'm not defending it from that perspective.

2 Q. One might infer from that that, if other children did  
3 anything likewise, and I'm sure young girls, when they  
4 did get a bit of freedom outwith, might well have gone  
5 to see boys and they might have had a sign of affection  
6 and if Miss GXJ got to know of it, presumably her  
7 system meant: I have a way of dealing with this and this  
8 is the way I deal with it.

9 In that sense, it is a systemic matter?

10 A. I would accept that. I suppose where I was coming from  
11 was more the difference between, which we'll come on to,  
12 the likes of SGQ, where, built into the  
13 structure, built into the way of working, was creating  
14 opportunities to abuse children. David Cowling was the  
15 same.

16 I don't think that was -- I don't know for certain,  
17 as I say, it was quite enlightening to read that. It  
18 certainly gives a different complexion to what I read  
19 from the records. That's more explicit in the later  
20 records. There was actually -- and again it's to do  
21 with the sort of mens rea, the intent. Later on there  
22 is very clearly an intent to abuse and create  
23 opportunities to abuse rather than what you could argue  
24 is poor practice, but it is poor practice that has  
25 serious consequences for some young people.

1 Q. We have already touched this morning on examples of  
2 punishments and sanctions taken from the punishment book  
3 for the 1970s. We're now in what I would start to say  
4 is [REDACTED] GXJ [REDACTED].

5 I'm not going back to them. I read out some  
6 examples. I just want to pick up a couple of points on  
7 examples of a more punitive controlling environment, not  
8 just examples we looked at this morning, but you mention  
9 in your report that in this period, particularly the  
10 period between 1971 and 1986, when it was still a List D  
11 school, that there was evidence that young people were  
12 placed on the 'sanitary squad', which I think in essence  
13 was cleaning toilets and bathrooms as a punishment.  
14 That was a feature of life in that era?

15 A. Yes.

16 Q. We had moved to [REDACTED], largely speaking, male  
17 SNR [REDACTED] --

18 A. Mm-hmm.

19 Q. -- from then on. Miss GXJ [REDACTED], SNR [REDACTED], [REDACTED] and  
20 for the most part, I think, it was men [REDACTED]?

21 A. I need to look back at the list, but I think  
22 David Cowling came in.

23 Q. David Cowling came in --

24 A. There quite a period after that when it was female  
25 SNR [REDACTED]. But there were more male people (Inaudible) at

1 the establishment --

2 Q. Well, I think it was only one. It's page 96 on our  
3 page. We can bring it up now so we just get the  
4 sequence, I think you deal with this at page 96.

5 There is a list there. We always have Miss Gordon,  
6 who is long-standing, and she was there for a very long  
7 time, until about 1971.

8 We have the temporary acting heads in the 1960s,  
9 1961. David Cowling comes in from May 1971 to  
10 September 1973. Then there is a period when a man  
11 called Ian Cameron was the acting head for a short  
12 period before the next appointment, who was a woman, it  
13 was Patricia Whaling, she stayed for three years?

14 A. Three years, yeah.

15 Q. Then Mr Kedslie became the acting head for a short time.

16 Then Mr Bryan Gorman came on the scene --

17 A. Yes.

18 Q. -- and was headmaster from February 1976 through to  
19 September 1992. He was succeeded in 1992 by  
20 Ewan Matthew, who stayed until around March 2008.

21 Then you give three individuals who thereafter were  
22 effectively head or chief executive of the school?

23 A. Yeah. I take back what I said.

24 Q. There was one woman after Miss Gordon?

25 A. Yes, mm-hmm.

1 Q. If we go back to Part B, I was asking you about sanitary  
2 squads, but another point that was made, was that there  
3 was a notable increase in the use of restraint,  
4 particularly in the period 1971 to 1986. That is  
5 something you picked up from the records in comparison  
6 to what had gone on before?

7 A. Yes, yes.

8 Q. Of course, you tell us that, so far as restraint or  
9 physical intervention is concerned, the school only  
10 began to use a particular approach called CALM from  
11 around 2010?

12 LADY SMITH: Where are we now? Have you gone to a different  
13 part? Oh, I see, right, I thought, because we started  
14 at page 104 and then we went back, we're not going to  
15 any particular page at the moment?

16 MR PEOPLES: I'm trying to --

17 A. Can I maybe put that in some context, based on my  
18 experience working down south, where, in the 1980s,  
19 I was working for the residential school I referred to  
20 before, and it was an accepted part and we were taught  
21 what became prone restraint, and that's referred to in  
22 the information about prone restraint, in particular  
23 pinning down somebody face down or whatever -- we were  
24 encouraged to use it.

25 Q. In the 1980s?

1 A. In the 1980s. But that had been around for a while  
2 before that --

3 Q. Before the 1980s?

4 A. -- although it wasn't necessarily called prone  
5 restraint. But in terms of the teaching about how you  
6 work with children, that form of restraint was being  
7 advocated, so it's not as if people are choosing to do  
8 it simply because they want to be cruel. It was part of  
9 the social work teaching.

10 Q. I take your point, but we've also heard evidence from  
11 another school that some of the staff received their  
12 first restraint training -- I think this was probably in  
13 the 1980s or 1990s -- from people who were prison  
14 officers and were told how to use pressure holds to  
15 inflict at least pain on a temporary basis to bring or  
16 to calm a person down and how to put them down on the  
17 ground and so forth?

18 A. Yes.

19 Q. That's not news to you, is it?

20 A. No, no. The person who, I think, taught me prone  
21 restraint was ex-army. I never approved or never agreed  
22 with it. But the point I'm making is that it wasn't  
23 just individuals deciding to restrain children. It was  
24 what was seen to be in the best interest of the young  
25 people, is to restrain them from hurting themselves or

1           hurting other people.

2   Q.   This was seen as an acceptable method --

3   A.   Yes.

4   Q.   -- that was given a sort of approval, official approval,  
5           that it could be used on young people although you would  
6           say you didn't like it at the time --

7   A.   No.  And part of the reason I didn't like it is because  
8           the people, some of whom were subsequently prosecuted in  
9           Surrey, just saw that as an opportunity to exercise  
10          physical control and would put in the extra punch and  
11          the extra kick or whatever, or a few kicks before the  
12          restraint.

13  Q.   Assault under the guise of legitimate restraint?

14  A.   Yes.  I have to point out that there are dangers of not  
15          using some form of restraint, because I came home from  
16          work one time, my wife was horrified, this was when  
17          I worked in Surrey, my shirt was ripped, my glasses were  
18          broken, I had a hole in my shoe and my foot, where  
19          a girl, wearing high heels, was about to attack another  
20          girl with a knife.  I grabbed hold of her, in the safest  
21          way possible, she fought and I ended up coming off  
22          worse.

23                 But it should have only ever been used as  
24                 a prevention for her injury to other people, not the way  
25                 it was used in practice, which was if somebody didn't

1           like --

2   Q.   There is also the situation that, leaving aside that  
3       method and the fact it had some degree of legitimacy,  
4       and, indeed, people were trained to use it, there was  
5       a time in many schools, and I think Balnacraig would be  
6       no exception, where unqualified staff received no  
7       restraint training --

8   A.   Yes.

9   Q.   -- at all, and they did, they used such methods as no  
10      doubt they thought would best deal with the situation  
11      confronting them?

12  A.   Yes.

13  Q.   If I go back to Part B at this stage on page 105, just  
14      to be clear, what you say is that based on the records,  
15      including a conviction of David Cowling in 2015 and  
16      various incidents that we'll come on to shortly, that  
17      Balnacraig accepts that some children cared for at the  
18      establishment were abused in the period post-1971?

19  A.   Yes.

20  Q.   We'll cover the particular examples that are at least  
21      the most notable perhaps today.  So that was  
22      an acceptance there?

23  A.   Totally.

24  Q.   Although I think, based on what I'm telling you now this  
25      morning, about things you may not have seen before,

1 I take it you are not standing on the acknowledgement  
2 position in 3.1 about pre-1971?

3 A. Entirely, in the sense that, as I have said, I wrote it  
4 based on available records, as more information has come  
5 up, I'm more than happy to accept that the level of care  
6 fell far beyond what was acceptable, even for the time.

7 Q. Just going on then, and I think at page 106 and  
8 following, you do deal in some detail with some of the  
9 people that have caused you to give the acknowledgement  
10 about the post-1971 period. I'll deal with that now, if  
11 I may.

12 Can we take firstly David Cowling. He was the  
13 headmaster, as we have seen, from May 1971 to  
14 September 1973?

15 A. Yes.

16 Q. He was convicted in 2015 of offences committed during  
17 the time he was headmaster?

18 A. Yes.

19 Q. I think the convictions related to two girls and  
20 involved lewd and libidinous practices and behaviour?

21 A. Yes.

22 Q. There was a separate assault charge, but I think we've  
23 seen that that charge was either withdrawn or he was  
24 acquitted of?

25 A. Mm-hmm.

1 Q. It was sexual offences, involving two girls?

2 A. Yes.

3 Q. Essentially the situation in David Cowling's case, as  
4 I understand it, correct me if I'm wrong, is the  
5 background was that at the time he was headmaster, there  
6 were concerns among staff about his behaviour,  
7 particularly that he was taking a special interest and  
8 appeared to have a close and special relationship with  
9 a particular girl, one of the complainers in the  
10 ultimate trial of David Cowling?

11 A. Yes.

12 Q. The upshot of that --

13 A. Can I say something which always struck me. At the time  
14 she denied anything was happening. She saw him as  
15 a boyfriend and I think, you know, it says something  
16 about, you know, people's memories and realisation that  
17 what they experienced at the time, their understanding  
18 at the time is that it wasn't abusive, but retrospect  
19 a lot of people do see it as abusive.

20 Q. She didn't see it at the time there was anything wrong  
21 with it?

22 A. No, she saw him as a boyfriend.

23 Q. But there was a significant age gap between Mr Cowling,  
24 presumably, and the girl in question?

25 A. Which is why he had the responsibility and she didn't.

1 LADY SMITH: It's not unusual for a young person in her  
2 position to feel that way, if they've been effectively  
3 groomed.

4 A. Yes, exactly.

5 MR PEOPLES: She might actually feel special and therefore  
6 she actually liked the attention that, say, other girls  
7 weren't receiving?

8 A. Exactly.

9 Q. And that can cause problems with other girls as well, if  
10 they see that?

11 A. Yes, which it did, because some of the subsequent  
12 problems were because other young people and staff had  
13 seen what was happening. She wasn't responsible for  
14 that, but it had a knock-on effect.

15 Q. Yes, the behaviour in question wasn't behind closed  
16 doors, it was quite open, and it was observed by staff  
17 and pupils and reported by them at the time?

18 A. Yes, which you may be coming on to. My horror in  
19 reading back is that the board knew about it and didn't  
20 act on it and if, anything, they endorsed his moving on  
21 with flying colours.

22 Q. Yes, I'm going to come to that, but just to get the  
23 broad picture that he was, following these concerns  
24 being brought to the board's attention, ultimately asked  
25 to resign and I think you tell us in short, in the

1 report, that so far as you can tell, there was no  
2 further action taken and the matter wasn't even reported  
3 to the police at the time?

4 A. Mm-hmm.

5 Q. Is that the position?

6 A. Yeah, and agreement to give him a good reference.

7 Q. Well, I was going to say, the other thing that, I think,  
8 causes you to be highly critical of the response of the  
9 board of governors was that the handling of the  
10 allegations against Mr Cowling, including, firstly, the  
11 failure to inform the police at the time, but also, can  
12 I put it this way, agreeing, or at least acquiescing, to  
13 a stipulation by Mr Cowling's solicitor at the time of  
14 his resignation that his resignation would not be used  
15 to hinder any future employment with children, is that  
16 a fair way of putting it?

17 A. Yes.

18 Q. It wasn't reported to the police. It wasn't a matter of  
19 publicity. He left quietly, with, effectively, the  
20 equivalent of what might today be called  
21 a non-disclosure agreement, is that what it comes to?

22 A. The only saving grace that I can tell is that he never  
23 worked with children again.

24 LADY SMITH: But he might have done.

25 A. He might have done, and he worked for

1 Perth Citizens Advice, so he would have had access.

2 MR PEOPLES: Can I move on to the next person you tell us  
3 about in the report. You have written all this in the  
4 report and I'm conscious that we have so much time just  
5 to deal with the essentials.

6 I'll move on to SGQ [REDACTED], who was SNR [REDACTED]  
7 from 19 [REDACTED] to 19 [REDACTED], [REDACTED]. In  
8 short, as you tell us in the report in greater detail,  
9 he was at various times, [REDACTED] SNR [REDACTED] the  
10 subject of allegations. There were a variety, in terms  
11 of some were allegations were of physical abuse, but  
12 mainly, is it, inappropriate relationships?

13 A. There was the inappropriate relationship --

14 Q. Or inappropriate conduct.

15 A. -- my recollection is that the majority of the  
16 complaints were about physical abuse, levels of control  
17 which were abusive, but it was also issues about  
18 relationships he had.

19 Q. Also, I think, there is certainly some evidence, you'll  
20 have seen this, and we'll hear about, evidence of how he  
21 conducted himself with young girls in his study, in  
22 terms of sitting on his knee and being, I think one  
23 described, as touchy-feely?

24 A. Yes, and that's reflected in my report because, you  
25 know, obviously he wasn't writing about that, but at the

1 time I was writing it, I was very aware of the  
2 Balnacraig [REDACTED]. If it's of interest, although  
3 it couldn't be publically disclosed because it's got  
4 names in it, but a number of girls actually saying this  
5 is the way he behaved. So when I read the statements  
6 from the applicants, I wasn't at all surprised. I try  
7 and reflect that, you know, whilst nothing was ever  
8 proven at the time, I'm quite prepared to believe that  
9 his behaviour was inappropriate and maybe went a lot  
10 further than --

11 Q. What was being reported at the time, and the  
12 allegations, bore a similarity to what was appearing [REDACTED]  
13 [REDACTED] --

14 A. At the time, [REDACTED] didn't exist, this is the more  
15 recent --

16 Q. No, no. What I'm saying is that what was being said [REDACTED]  
17 [REDACTED], and what you've seen from applicants'  
18 statements, bears a close similarity to the nature of  
19 the allegations coming out when he was SNR [REDACTED]?

20 A. Yes, and the applicants' statements go into a bit more  
21 detail, like sitting on his knee and him touching  
22 private parts and whatever, and having favourites, and  
23 all the rest of it. So, you know, when you put that  
24 into context with what's written [REDACTED], the  
25 whole process, almost by corroboration, becomes totally

1           believable.

2           We did actually write -- we didn't want to put  
3           something directly from us [REDACTED], but Alison wrote  
4           to the person [REDACTED] and invited people  
5           to come forward or to give evidence to the Inquiry, and  
6           I actually think some people contacted the Inquiry as  
7           a result.

8   Q.   The school wanted people to come forward to speak about  
9        things and what was happening at that time?

10  A.   Yes.  Alison and my position, right the way through from  
11       the start of writing the report, was that we weren't  
12       going to hide anything, we weren't going to hide behind  
13       that it was a different time, different people.  If  
14       there was an indication that something was wrong, we  
15       would be open about it, we would offer support to the  
16       individuals if they wanted it from us and we would be as  
17       honest as we could be.

18  LADY SMITH:  When you say 'Alison', am I to take it you mean  
19        Alison Morley, the chief executive of Balnacraig?

20  A.   Yes.

21  MR PEOPLES:  What is a feature of this -- which is not  
22        always a feature of these cases -- is that there were  
23        allegations at the time.

24  A.   Mm-hmm.

25  Q.   It's not a case of someone saying, 'Well, no one ever

1 told us, the board or the person that was appropriate to  
2 approach'. These were all situations which the board  
3 became aware of and had to address and handle and  
4 I think your report is critical of the handling, not  
5 just of Cowling, but of SGQ, of SHH and other  
6 complaints?

7 A. Yes.

8 Q. Because we see in SGQ's case that the allegations  
9 surfaced over the whole period SNR?

10 A. Yes.

11 Q. It wasn't just on one occasion?

12 A. Mm-hmm.

13 Q. It kept coming back that there were allegations about  
14 him?

15 A. Yes.

16 Q. What I think you tell us, taking it short, is that most  
17 of the allegations that came to light, or were being  
18 raised, were the subject of, can I put it this way  
19 rather loosely, some form of investigation. I think  
20 you're not very happy, from the records, as to the  
21 quality of the investigation, but they did seem to be,  
22 to put it loosely, investigated?

23 A. Yes.

24 Q. Sometimes even by the police?

25 A. Yes.

1 Q. Sometimes by the local social work department, but it  
2 appears that in all cases, no further action was taken  
3 following such investigations as were carried out, is  
4 that putting it --

5 A. I totally agree.

6 Q. -- in a nutshell?

7 A. Yes, and, you know, within that, I would raise serious  
8 questions about the quality of the investigations that  
9 were carried out, in terms of the conclusions that were  
10 drawn. When we're talking about the 1990s, certainly  
11 I started systems in regards to child protection and  
12 chairing case conferences in 1990, and within the area  
13 I covered, geographically and the young people  
14 I covered, we would have been applying child protection  
15 procedures by then. Stirling already had the joint  
16 unit. There would have been a dedicated unit  
17 investigating and I think if people with the right  
18 experience and qualifications had been doing it, the  
19 outcome would have been very different.

20 Q. I'm not going to take you to the detail at pages 107 and  
21 108, but we see, for example, that specific allegations  
22 about SNR, there was one in 1983, two in 1986,  
23 there was another one in 19 -- can I just ask --  
24 I should -- at page 108, you mention one that's in  
25 February 1997, the third paragraph down. It's not in

1 sequence here. Did you mean 1987, because he was [REDACTED]

2 [REDACTED] SNR in 1997?

3 A. I must have meant 1987.

4 Q. So the entry on page 108 of our numbering in the third  
5 paragraph should read 'February 1987'?

6 A. I would presume so, yes.

7 Q. I think you were trying to set out all the allegations  
8 that were surfacing when he was [REDACTED] SNR ?

9 A. Yes, and I tried to do it in chronological order so that  
10 would make sense. It's a typing error.

11 Q. It's fine. It's just so we're not left wondering what  
12 year it was.

13 Then we see that there was another allegation  
14 [REDACTED] in 1992. You have set out what  
15 -- I mean the common feature is whatever investigation,  
16 no action was taken against him. You tell us that  
17 another common element, this was on page 108, in  
18 Mr SGQ [REDACTED]'s response to all of the allegations appears  
19 to have been to blame the girls.

20 When you say to blame the girls, what do you mean by  
21 that? What was he saying, when something like this came  
22 up?

23 A. He was making comments like, 'You would expect them to  
24 say this. It's quite common where men are working with  
25 young people in care, for them to make allegations, that

1           this was just a reflection of their backgrounds, of poor  
2           behaviour or whatever, to lash out at whoever is  
3           closest'. Rather than accept, which obviously he wasn't  
4           going to at the time, that maybe his behaviour had been  
5           inappropriate.

6           I would say he does make the comment about this  
7           being normal in care. I had worked in care at that time  
8           and it wasn't normal.

9   Q. To have young people --

10 A. Making allegations.

11 Q. -- continuously make allegations against one person  
12       wasn't that common?

13 A. Yes, exactly.

14 Q. But that was how he sought to --

15 A. Yes, to justify it.

16 Q. -- justify or explain why it wasn't true, but there were  
17       reasons ... in this environment, that's what happens,  
18       that's what young people do?

19 A. Mm-hmm.

20 Q. Did he ever try to say why, in particular, young people  
21       that were raising them might want to do that? Was he  
22       saying they had some sort of grudge or problem with him  
23       or they were trying to get revenge or something, or did  
24       it ever get as far as that?

25 A. My recollection is that he blamed their backgrounds, he

1       blamed their poor behaviour. That, you know, making  
2       allegations against him was a good way to divert  
3       attention from their behaviour.

4   Q. He's now deceased, is he not?

5   A. Actually him, and, I think, David Cowling is also now  
6       deceased.

7   Q. No, I don't think he is.

8   A. Oh right.

9   Q. In fact I can tell you that. But I think we know that  
10       SGQ ██████████'s deceased.

11   A. We do because, I think in actual fact in relation to one  
12       of the applicants, I worked with the police and we did  
13       some inquiries, and I actually found the reference,  
14       because I think he died down in the Midlands or  
15       Yorkshire or somewhere like that, and I actually found  
16       the reference. The police checked that and confirmed he  
17       was deceased.

18   Q. I suppose if we're trying to -- a hypothetical here --  
19       that if he was still alive today and he was confronted  
20       by these young people as adults saying the same thing,  
21       he presumably would be coming up with the same answer --

22   A. Probably, but I think --

23   Q. -- or response?

24   A. -- I can't remember the person in the police I worked  
25       with, but it is one of the applicants I remember dealing

1 with it, with her, when we told her that he was deceased  
2 and that the police view was that now that he's  
3 deceased, they wouldn't be able to prosecute, we did  
4 encourage her to come forward to the Inquiry and to seek  
5 criminal injuries compensation, but I think certainly  
6 the police view from that was that there was sufficient  
7 evidence that, had he been alive, they would have  
8 prosecuted him.

9 Q. I should have said, when I was looking at page 108, that  
10 if we go to that, halfway down, I think you give some  
11 sort of example of the sort of response he came up with:

12 'This girl has a history of hysterical outbursts and  
13 unprovoked assaults on staff.'

14 As if that was a complete answer to what he was  
15 saying was an unfounded allegation?

16 A. Yes.

17 Q. Can I move on to a third person that you tell us about  
18 called SHH. Again, I'll take this short and  
19 tell me if I miss anything important. We have the whole  
20 detail and I won't go to it all.

21 He was not a headmaster, [REDACTED]  
22 [REDACTED], he was a group leader, but he  
23 was still in a more senior position?

24 A. Yes.

25 Q. It appears that in his case the background was that

1           there was an allegation by other staff that he was in  
2           some form of relationship with a female pupil, which may  
3           have started when she was about 15?

4   A.   Mm-hmm.

5   Q.   I take it he was a bit older than that, do we know what  
6           age he was?

7   A.   I have a recollection that he was in his 20s, but  
8           I can't remember where I got that --

9   Q.   There was a significant age difference?

10  A.   Yes.

11  Q.   It appears that there was police involvement in this  
12           case when the pupil went missing and she was found at  
13           SHH ██████████'s home?

14  A.   Yes.

15  Q.   Is that the essentials? But I think the way you've  
16           described it is that, while the police were involved in  
17           finding her, and found her at a member of staff's flat,  
18           the matter was not apparently investigated by the police  
19           to see if a possible criminal offence had been  
20           committed. We know about the offence of harbouring  
21           children.

22  A.   I think the other bit, which again, when I was reading  
23           through this in preparation for today, struck me, which  
24           I never thought about at the time, is I'm -- I have  
25           a feeling she was only a month off her 16th birthday

1           when she came to Balnacraig. So to some extent I can  
2           understand the police taking the attitude, she's over  
3           16, she's an adult, there's no offence being committed.

4           In those days we didn't have the --

5   Q.   The position of trust offence?

6   A.   Having said that, it still -- it doesn't in my ... like  
7           justify, it maybe explains why the police didn't take  
8           action.

9   Q.   It's still inappropriate?

10  A.   Entirely inappropriate.

11  Q.   Leaving the question of investigation by the police to  
12           one side, I think you tell us in the report, and  
13           I'll take this again short, that Mr SHH left  
14           Balnacraig and went on to work at a school run by  
15           Mr SGQ ?

16  A.   Yes.

17  Q.   Also you tell us that records from May 1992, I think it  
18           is, indicate that Mr SGQ gave evidence to a nursing  
19           association of some sort following some complaint about  
20           Mr SHH and that the complaint, as you understand,  
21           was found not proven?

22  A.   Mm-hmm, based on his evidence, Mr SGQ's evidence.

23  Q.   Moving on to deal with another complaint that you tell  
24           us about. This one is a complaint in 1991. I think you  
25           deal with this at page 109, but I'll just take it short

1           again, if I may.

2           This is a complaint brought by a parent who was  
3           alleging inappropriate behaviour by an unnamed member of  
4           staff. You weren't able to identify who was being  
5           complained of?

6   A. No, or the name of the young person.

7   Q. Or the name of the young person, from the records, that  
8           that information is not apparent?

9   A. Mm-hmm.

10   Q. The staff member in question was suspended?

11   A. Mm-hmm.

12   Q. There was an investigation by  
13           Tayside Social Work Department, so there was a form of  
14           external investigation in this case by the social work  
15           department --

16   A. Yes.

17   Q. -- it wasn't just in-house?

18   A. Yes.

19   Q. The complaint, I think you have put it, that it was  
20           found that the complaint had not been proved, but  
21           couldn't be said to be false. It was a slightly curious  
22           formulation.

23   A. That wasn't my formulation.

24   Q. No, no, you are taking it from the records?

25   A. Yes.

1 Q. Indeed, you tell us that the staff member in question  
2 was allowed to return to work, I think, with their work  
3 and performance being monitored or closely monitored,  
4 whatever?

5 A. Yes.

6 Q. That was the extent of the action taken?

7 A. Yes. I mean, being careful about how I phrase this, but  
8 I do wonder in retrospect when I reread this, the degree  
9 to which some of the collusion, with SHH and  
10 with this individual, was that SGQ was prepared  
11 to allow it, because if he brought it to the fore, he  
12 might highlight his inappropriate behaviour. That's  
13 pure speculation.

14 Q. Well, one can try and draw inferences as well, whether  
15 they're permissible or not, that's for those to judge  
16 who have to deal with that.

17 This again, I think, one concern you have is this is  
18 another clear example of the governors of the day  
19 handling the SHH allegations poorly and that,  
20 in particular, perhaps failing to make appropriate  
21 investigations at the time and knowingly allowing him to  
22 continue to work with children at a school run by SNR  
23 SNR. Would that put it in a nutshell  
24 again?

25 A. Yes, just not to confuse the two, the first one,

1       SHH           , was the one that moved, not this incident  
2       in June 1991.

3   Q.   Yes.  Sorry, I thought I had moved on to SHH           .  
4       Sorry, I should have asked you about SHH            before  
5       I moved on to the unnamed member of staff.  You are  
6       absolutely right though.  What I've just said applies to  
7       the SHH            situation.

8           The final one that you tell us about is a member of  
9       staff.  This is more recent and by then, I think,  
10      Mr SGQ       was           SNR            the school.  This  
11      was in 2003/2004, is that right?

12   A.   Yes.

13   Q.   Was this                       ?

14   A.   I think so.

15   Q.   This member of staff; you established that he was  
16       prosecuted in 2004 for lewd and libidinous practices and  
17       behaviour which were alleged to have taken place at  
18       Balnacraig between June 2002 and March 2003, involving  
19       two girls?

20   A.   Yes.

21   Q.   There does appear to be further allegations that were  
22       surfacing by a third girl, is that broadly speaking?

23   A.   Yes.

24   Q.   What appears to have happened, you thought from the  
25       information available, was that the trial itself

1 collapsed at that time, apparently because one of the  
2 complainers refused to give evidence?

3 A. Yes.

4 Q. Therefore, the thing fell?

5 A. Yes. I'm still not entirely sure why, given there were  
6 two young people who were prepared to give evidence, why  
7 that would have resulted in it not being able to  
8 proceed.

9 Q. A general point you make, arising out of all these cases  
10 that you've identified, is that there's nothing in the  
11 records to show that the school or the governors took  
12 any action to ensure that information about people like  
13 **SGQ**, Cowling or Mr **SHH** was passed on to future  
14 employers. Indeed, in Mr **SHH**'s case, he seems to  
15 have been supported by **SNR**, because he  
16 obtained a job at **SNR** school --

17 A. Yes.

18 Q. -- and continued to work with young people?

19 A. Yes. There is an element -- I mean, I would like to  
20 think a key part of my work as child protection  
21 co-ordinator was that if somebody came up who we were  
22 concerned about and they moved to a different area,  
23 I would routinely notify my opposite numbers in that  
24 area.

25 That doesn't seem to have been the -- I don't know

1           whether it was a practice elsewhere, but certainly in  
2           terms of the responsibility of Balnacraig, it didn't  
3           seem to be a practice. I have to say, it wasn't common  
4           practice even when I was doing it.

5   Q. Can I mention one other matter before I just round off  
6           and I think you want to tell us about the position  
7           before closure of the school.

8   A. Yes.

9   Q. Before I do that, and I can't remember if this is in the  
10          report but I'll ask you about it and you'll tell me if  
11          it is. I think there is some record of concerns on the  
12          part of a staff member called Isobel Nicholson in  
13          March 1975 about methods of discipline and restraint,  
14          what was being done to young people at that time.

15                 Isobel Nicholson, I think, at least named, I think,  
16          two individuals possibly in connection with this.

17   A. Without looking back, am I right in thinking she was  
18          a student?

19   Q. I'm not sure now --

20   LADY SMITH: Isobel Nicholson, wasn't she a teacher?

21   MR PEOPLES: I thought she might have been a teacher.

22   LADY SMITH: Page 110, our numbering, if we go forward.

23                 Under the heading, 'Appropriate methods of control', is  
24          this what we're talking about?

25                 'A letter of concern was written to the governors by

1 Isobel Nicholson, a teacher, in March 1975 ...'

2 Is that it or not?

3 MR PEOPLES: Yes. Sorry. Yes, it is. I'm grateful,  
4 my Lady.

5 All I'm trying to bring out is there is a record  
6 that a member of staff had concerns about restraint and  
7 discipline --

8 A. Yes.

9 Q. -- at that time and, indeed, one person being named in  
10 that connection was SNR [REDACTED] of the day,  
11 GHG [REDACTED], is that right?

12 A. Yes.

13 Q. Is it in any way clear what the upshot of that was, do  
14 you tell us?

15 A. I can't remember, if I'm being honest.

16 Q. You tell us at 111 of our numbering that there is no  
17 indication on the records as to whether the restraint  
18 that was being referred to was necessary in the  
19 particular situation, but the teacher is suggesting that  
20 it was excessive and maybe reflected the culture of  
21 control at that time?

22 A. Yes.

23 Q. Is the concern that people who were in senior positions,  
24 I think it's SNR [REDACTED] and SNR [REDACTED] of the  
25 time, seem to be criticising the teacher for

1 an unwillingness to control girls physically in  
2 a certain way, such as by, is it, pinning down arms and  
3 legs, if they were flailing, and sitting on the  
4 offending girl, is that what the problem for them was?

5 A. Yeah.

6 Q. That she wasn't doing this?

7 A. She wasn't being abusive in that sense and she was  
8 objecting to it.

9 As I say, Mr GHG and Ms Whaling were probably  
10 coming up from the point of view that this is accepted  
11 practice. I don't think it was accepted practice,  
12 I don't think it was necessarily appropriate practice,  
13 and I think her complaint was legitimate.

14 My subsequent complaint is that if that had have  
15 happened when I was Chair of the board, I would have  
16 wanted a fuller investigation and that may have been the  
17 trigger to say whether or not this form of restraint was  
18 appropriate or this form of control was appropriate.  
19 The board never did anything like that.

20 Q. Just before I move on to the last period, I'm conscious  
21 of the time; at that stage was there any indication that  
22 the board were being kept informed about individual  
23 incidents involving restraint being reported to them on  
24 a monthly basis, for example, and getting statistics and  
25 figures? Was that happening though?

1 A. My recollection -- I think I have referred to this -- is  
2 that they were fairly consistent post-1971 and before  
3 1971, there were headmaster's reports to the board and  
4 they were meeting once a month.

5 Q. How much information was he or she giving them?

6 A. The very fact that I've been able to record it, because  
7 that will have come from a headmaster's report --

8 Q. Yes, not from an incident form or anything --

9 A. Not from an incident, because we don't have the records  
10 that would have recorded what she was saying at the  
11 time, but what would have been presented to the board  
12 was that there had been this disagreement, this  
13 complaint, and I can't remember how they resolved it,  
14 but the board would have known.

15 Q. So it's knowledge, and it's knowledge, not just of the  
16 deputy head and the head, it's knowledge that was also  
17 passed on to the board and it appears there's nothing in  
18 the records to indicate the board took any exception to  
19 the criticism?

20 A. Yes. The other bit, just picking up on (Inaudible) is  
21 that that seemed to come out of issues about supplying  
22 children with alcohol and whatnot. So there was  
23 an extra dimension to what was appropriate in terms of  
24 the care that was being debated.

25 Q. Lastly, I think you wanted to say something about just

1 the final years of Balnacraig and concerns and I'll let  
2 you do that, because it's not in the report and I'm not  
3 entirely sure exactly what you would like to tell us.

4 A. I think the thing is, and I've touched on it already,  
5 there is a constant theme running right the way through  
6 the report, and you've highlighted a number of times,  
7 it's bad enough that some of these incidents are  
8 happening, but there's been a systemic failure of the  
9 board right the way through to address issues, to take  
10 appropriate action, and it has raised for me issues  
11 about how effective boards of trusts can be.

12 That was brought to light in Balnacraig's closure.  
13 Obviously I took over in 2018/2019, whatever it was, and  
14 it was clearly evident, both in terms of the  
15 unsuitability of the building as being a suitable  
16 childcare establishment, and the sort of care we wanted  
17 to provide and how we wanted to move on, which was to  
18 small-group living.

19 The board blocked us all the way and they had  
20 blocked my predecessor all the way. They were risk  
21 averse, they didn't want to take chances, they didn't  
22 want to have the risk of not getting referrals and the  
23 transition and all the rest. And the trouble was,  
24 because they failed to make decisions, when  
25 eventually -- I basically gave them no choice.

1 I did a long paper pointing out the risks of  
2 continuing in the big house, compared with not doing it  
3 and the financial position, and the fact that, if we  
4 didn't sell it, we would go bust, our financial position  
5 was that precarious.

6 And eventually -- Alison said I bullied them into  
7 it, but I don't apologise if I did. A decision was made  
8 to sell. We put the property on the market and then,  
9 partly because of COVID, we had to stop taking  
10 referrals, or chose to stop taking referrals, and  
11 I think that was entirely the right decision. By the  
12 time COVID was over and we were ready to pick up again,  
13 the opportunity has passed. We had opportunities for  
14 sale which fell through at the last minute and basically  
15 we went bankrupt. We had to call in liquidators.

16 I'm in no doubt that had the board made the right  
17 decisions when they had the opportunity in 2017/2018,  
18 and had they understand why we wanted to make the shift  
19 from group living to small-group living, we would never  
20 have closed, but again it reinforces the bit that runs  
21 right the way through, about having boards that don't  
22 really understand the issues, even if some of these were  
23 teachers and social workers, they didn't really  
24 understand the business side as well as the care side  
25 and the result was that we closed.



1 LADY SMITH: We have a witness in person who I think should  
2 be ready to give evidence at about 1.45 pm if I sit  
3 then.

4 MR PEOPLES: Yes, I think we're happy to do that.

5 LADY SMITH: We should try and do that.

6 MR PEOPLES: Absolutely. That's perfectly acceptable.

7 LADY SMITH: Thank you.

8 (1.00 pm)

9 (The luncheon adjournment)

10 (1.45 pm)

11 (Proceedings delayed)

12 (2.00 pm)

13 LADY SMITH: Ms Forbes, a slight change of plan, I think.

14 MS FORBES: Yes, my Lady. There are now read-ins for this  
15 afternoon.

16 LADY SMITH: Thank you very much.

17 Ian Watson (read)

18 MS FORBES: My Lady, the first read-in is from, I think, the  
19 last applicant that we have to read in from Oakbank.

20 It's Ian Watson, he has waived his right to anonymity.

21 The reference for his statement is WIT-1-000001075.

22 Ian tells us he was born in 1959 in Edinburgh. He  
23 talks about his life before going into care from

24 paragraphs 2 to 8. [REDACTED]

25 [REDACTED]

1           He tells us that his dad had been a prisoner of war  
2           in Japan and then came back to Edinburgh and was  
3           a soldier based at the castle. Then he met his mum and  
4           left the army and they moved to an area of the city.

5           Then his dad moved to work in that area on a farm  
6           and that's where he [REDACTED] born. He grew  
7           up right next door to the farm and [REDACTED] worked on  
8           the farm when [REDACTED] growing up.

9           Ian says life at home was okay, they never had much  
10          but the family did okay. He went to primary school and  
11          then in 1969, when he was nine, his dad had a heart  
12          attack in front of him and died and he was the only one  
13          in the house when it happened.

14          When he went back to school afterwards, he couldn't  
15          concentrate and was having problems reading and writing  
16          at school and was getting bullied. He started skipping  
17          school. The social work became involved and I think at  
18          that time, [REDACTED] had pretty much taken over  
19          looking after them, as his mum was struggling.

20          He ended up in front of a children's panel and he  
21          went to a few panels. It was decided he should go to  
22          a particular school, which he says was for disabled  
23          people, and that didn't work so they sent him to another  
24          one, which he would have to get his own way there on the  
25          bus, which he didn't do half the time.

1           He was then back in front of a children's panel and  
2           was sent to an assessment centre. He tells us that he  
3           was asked at the time why he was skipping school and he  
4           couldn't tell them at the time.

5           He says he didn't do anything criminal when he was  
6           skipping school, but he was taken to  
7           Howdenhall Assessment Centre. This was when he was aged  
8           12, it was about 1971 or 1972.

9           Ian talks about Howdenhall between paragraphs 9 and  
10          51. That part of his evidence hasn't been read in  
11          before, it's for a later chapter, but he does tell us  
12          a little bit about some abuse that he suffered there.  
13          He was physically assaulted and ridiculed for bed  
14          wetting. There was never enough food. Part of the  
15          punishment there was to be hungry. There were physical  
16          assaults from staff and emotional abuse and this relates  
17          to something that happens later when he was at Oakbank;  
18          he lost two front teeth after an assault from staff at  
19          Howdenhall. He talks about corporal punishment on the  
20          bare buttocks with a belt, a prison-like cell room for  
21          a punishment after running away, being put in there  
22          naked with a mattress and only a blanket.

23          He would have to strip in front of other boys. They  
24          were given boxing gloves and made to fight. A PT  
25          teacher there tried to sexually assault him and he knew

1 that that individual did it to other boys, as they  
2 talked about it. Also, that staff member would come  
3 into the bedroom at night and try to touch him and  
4 others and he saw boys doing sexual things to each other  
5 in the showers.

6 He was in Howdenhall for two or three months and  
7 then he was moved to Oakbank and he was told that  
8 morning that he was moving. He talks about Oakbank from  
9 paragraph 57 onwards. Oakbank was a secure school, he  
10 tells us, and he talks about the layout and the  
11 dormitories in the following paragraph.

12 At paragraph 60, Ian says that he was in Scott House  
13 at the start and much later on moved into a unit at the  
14 back of the school. His housemaster was called  
15 Mr Campbell and he says at paragraph 61 at the end:

16 'Life in Oakbank was scary and that was because of  
17 the behaviour of the other boys and the staff as well.'

18 He then talks about the routine at Oakbank between  
19 paragraphs 62 and 66 and he talks about the communal  
20 showers, that could take between 15 and 20 people. This  
21 is at paragraph 62. He was given clothes and told to  
22 strip to go into the shower. At paragraph 63 he says:

23 'When I was in the shower the member of staff I was  
24 with went away. Then some boys who were residents came  
25 into the showers. There was four or five of them. They

1 asked me where I came from and I told them it was  
2 Edinburgh. They all started spitting on me. It was  
3 like the gangs of Howdenhall and this time it was gangs  
4 from the different cities. The boys from Dundee stuck  
5 together and the Aberdeen boys stuck together.'

6 He then talks about his first morning, paragraph 65,  
7 and says that he got up and went downstairs and didn't  
8 know what to do. He says:

9 'We sat in the area for our house. I sat down at  
10 a table because there was a space. A boy sitting at the  
11 table kicked me on the shins. I hit him over the head  
12 with an empty plastic tray. It was just temper at the  
13 time. I got put on a table by myself and that's the way  
14 it stayed for the time I was there. I was at a table on  
15 my own and I was in a room on my own.

16 'I'd already been through the bullying in the  
17 assessment centre and I wasn't going to take it any  
18 more. I wasn't punished for this. I was taken away by  
19 my housemaster and told not to let that happen again.  
20 I found out later that the boy I'd hit was the biggest  
21 abuser and bully of kids in the school. I worked that  
22 out as time went on and I could see what he was doing.'

23 He goes on to more about routine and says that they  
24 had to stand on parade in the different houses, stand at  
25 attention and at ease. The clothes were inspected and

1 they had to be clean and shoes polished and that they  
2 would march from the play ward to the dining room.

3 At paragraph 68, he says:

4 'The first night I was in, one of the boys jumped  
5 over the wall and landed on me and starting fighting me.  
6 A member of staff came up and I was the one who was  
7 standing up out of bed so I got the blame for it. They  
8 put me in a single room that was in the middle, and I  
9 stayed in that room all the time I was there. It kept  
10 me away from everybody else. I didn't have a door to  
11 the room. It was just a curtain.'

12 He then talks about the routine at night and says at  
13 bedtime they went upstairs about 9 o'clock, with showers  
14 being at 8.00 pm and you had to say your number and you  
15 got a change of clothes made up for you in a wee pack  
16 and then you handed your dirty clothes back in.

17 He says, at paragraph 70, that he continued to have  
18 problems with bed wetting whilst he was there.

19 At paragraph 73, Ian says that he thinks clothes  
20 were changed every second day, certainly the underwear  
21 was every second day.

22 At paragraph 74, he talks about the schooling and  
23 says:

24 'There were five or six classrooms. After breakfast  
25 you went to the classrooms. They found out my

1 capabilities and I got moved to another classroom.  
2 There was a teacher to help with problems with reading  
3 and writing. It didn't do me any good as I came out  
4 with the same issues I went in with. The school  
5 recognised I had issues and told me there was a special  
6 teacher who would help me, but it didn't work. The  
7 teacher had his hands full and there were too many other  
8 people in the class causing trouble.'

9 In relation to work or chores from paragraph 76, Ian  
10 says:

11 'We had to go to work in the afternoons in the paint  
12 shop, the gardens, the joiners or the engineers. They  
13 called it going to your work party. I had no choice in  
14 what I did. They told you what you were doing. I was  
15 always in the gardens or greenhouses.'

16 He talks about an old gardener who had been there  
17 for years who was all right, he says:

18 'It was teaching us a trade. I enjoyed it and it  
19 meant I got away from the classrooms.'

20 He then talks about after work and he says that  
21 later, everyone would be in the play ward until about  
22 4 o'clock and then everyone would be shouted on parade  
23 to be counted before going along to the dining room for  
24 tea. They were told they had to keep their own space  
25 clean.

1           In relation to trips and holidays, at paragraph 79  
2 he says:

3           'There were day trips now and again.'

4           He says [REDACTED] was at Aberdeen University at the  
5 time and sometimes she used to come up and take him out  
6 to the pictures and he says the school had a house where  
7 they stayed sometimes in the summer holidays and he only  
8 ever stayed there at weekends. They used to help in the  
9 forest with the fallen trees and help to pile them all  
10 up to be taken away. That was part of their payment for  
11 the weekend and it was hard work.

12           In relation to leisure time, he says at paragraph 81  
13 that after tea time they'd leave the dining room and go  
14 back along to the play ward, or there was a bit outside  
15 where they could go and he says:

16           'If you smoked, you got a cigarette. I didn't  
17 smoke, but I started to at Oakbank. You had your own  
18 tin that was kept in a box with everybody's tins. You  
19 got five fags a day. Everybody in the school smoked, so  
20 I started when I was 13 to fit in.'

21           He then says that later you were taken back to the  
22 play ward and there was a games room, TV room and  
23 snooker room and that the older boys ran the snooker  
24 room.

25           Ian says that when they moved from one area to

1 another, that they were always escorted by a member of  
2 staff. He talks about boys being able to play football,  
3 but they needed two members of staff to take them to the  
4 football pitch. If there wasn't enough staff, you  
5 couldn't go outside.

6 He says at paragraph 85:

7 'They used to take us away to the Balmoral estate to  
8 do grouse beating. We were dragged out of bed early in  
9 the morning and given special clothes. Only 16 of us  
10 did it. This was after I turned 15. The school got  
11 paid for this work. We didn't get anything.'

12 He says that at the weekends, if you weren't going  
13 home, you were locked in the school. You could be in  
14 the play ward, there were boardgames to play and you  
15 could use the snooker tables, as there wasn't so many  
16 boys at the weekend.

17 He says that there wasn't always a member of staff  
18 in the play ward and as soon as it was empty, that's  
19 when a boy could get hold of another boy if they wanted  
20 to.

21 He talks about there being a tuck shop where you  
22 could spend your allowance. He says that birthdays  
23 weren't celebrated, but they did celebrate Christmas and  
24 that he got to go home once at Christmas in 1974, but he  
25 wasn't allowed to go home at other Christmases because

1 of his behaviour.

2 After a certain amount of time at Oakbank, you were  
3 allowed to go home at the weekends. He talks about that  
4 from paragraph 89. He says that his mum came up once  
5 and he was able to speak to her and he got a chance to  
6 speak to her on his own without a staff member being  
7 present.

8 His social worker never came to see him at Oakbank  
9 after he dropped him off there and he doesn't remember  
10 anyone from outside coming to look at the place.

11 At paragraph 93, Ian talks about having to go to see  
12 the dentist when he was at Oakbank because he lost both  
13 front teeth. He had reported the problems with his  
14 teeth as soon as he got to Oakbank as they were sore.  
15 He eventually got to see the dentist and it was  
16 an outside dentist who came in and he pulled his teeth  
17 and left him with a gap.

18 In relation to running away, Ian says at  
19 paragraph 95 that he ran away the first weekend he was  
20 there. He was gone two days. He was sleeping rough and  
21 he was hungry and he had been away with four other boys.  
22 He got punished when he went back and he was told he  
23 wasn't going to get home and he would have to wait  
24 longer.

25 At paragraph 96 he says:

1           'I got a few slaps and that was from the teacher who  
2           picked me up, I phoned the school and told them where  
3           I was and they came to pick me up. When I was getting  
4           in the van, he hit me on the back of the head and said,  
5           "Do you know the money you've cost this school? The  
6           police are looking for you as well".'

7           He goes on:

8           'When we got back to the school, one of the other  
9           staff kicked my legs when I got out of the van and told  
10          me I wouldn't be doing that again. He was the teacher  
11          who was with us in the park when we ran away. He pulled  
12          me into the school and stuck me outside the headmaster's  
13          office. When I saw the head, he told me it would be  
14          longer before I got to go home. I wasn't physically  
15          punished at that time. That was the only time I ran  
16          away.'

17          Ian says you could be punished by not being allowed  
18          to go to certain places and not getting to do certain  
19          things that were going on that day, not being allowed to  
20          play games or watch TV for maybe three days or three  
21          nights.

22          At paragraph 98:

23          'There was physical punishment as well. That came  
24          later on and some of it was brutal.'

25          He says at 99:

1           'Discipline normally consisted of withdrawal of  
2           privileges by the school, such as visits home at the  
3           weekend.'

4           He comments that they didn't use the belt like they  
5           did at the assessment centre.

6           At paragraph 100, Ian says:

7           'I felt Howdenhall was worse than being at Oakbank.  
8           Oakbank felt like a break away from it until the  
9           problems started there as well. It was mostly other  
10          residents that were the problem and some of the staff.  
11          It wasn't all of the staff and some of them you could  
12          talk to and they'd do something about the problem you  
13          had. Some of them you talked to and then something bad  
14          would happen to you as a result.'

15          Ian then talks about abuse at Oakbank from  
16          paragraph 101:

17          'There were a couple of incidences in the shower  
18          room. Two older boys took me in the shower room and  
19          told me to undress and they pulled my clothes off me.  
20          They wanted me to do sexual things for them, which  
21          I wasn't going to do. They ended up punching and  
22          kicking me and a teacher was standing watching at the  
23          door laughing and did nothing about what they were doing  
24          to me.

25          'I went to tell my housemaster, Mr Campbell, and it

1 was looked into within the school and nothing ever came  
2 of it. They asked the PE teacher if he'd seen anything  
3 and he said he hadn't, but really he had because he was  
4 standing right at the door. The police weren't  
5 involved. The staff called me a liar. After that,  
6 I wished I'd never said anything because it wasn't  
7 pleasant after that, the way I was treated by the staff  
8 and the other boys. When this happened, I'd only been  
9 at Oakbank for four or five weeks.'

10 Going to paragraph 104 Ian says:

11 'The night staff used to wake me up to change the  
12 bedclothes in the nighttime. It was the same member of  
13 staff, the one who stood at the shower room door and  
14 laughed. He did night shift. It wasn't just me he did  
15 it with. As I was in the middle bedroom, if I moved my  
16 curtain, I could see right down the corridor and I used  
17 to see him moving about the different rooms at night.  
18 He was in those rooms for a while and he wasn't just  
19 going in to check on them. Some of the boys knew what  
20 he was doing.

21 'I reported him to my housemaster and I thought  
22 I was doing the right thing. I found out afterwards it  
23 wasn't the right thing to do. He turned round and said  
24 the reason why he had his hand under my cover was to  
25 feel if the bed was wet. He wasn't feeling the bed, he

1 was feeling me. I reported him and got called a liar.  
2 Back then, he was probably in his 30s, quite tall. He  
3 was Aberdonian. He had dark hair and a moustache and  
4 the residents used to slag him about it because it was  
5 wispy. He was always loud. He used to take us  
6 sometimes for gym and he was the one who took us to the  
7 big area at the back of the school that was asphalt and  
8 we played football there. He used to shout at us. If  
9 you took the ball off him, you got kicked or punched, so  
10 you didn't tackle him.

11 'The night after I reported it to the housemaster,  
12 the night staff member came into the room and told me  
13 I was a troublemaker and I should keep my mouth shut or  
14 he'd get me taken care of. I ended up getting another  
15 hiding the next morning in the play ward from [he names  
16 a particular boy] and another few boys. The staff used  
17 to run them like that, like they were their guard dogs  
18 and told them what to do and stand back and watch it.'

19 He says that the man used to continue to go into  
20 boys' bedrooms at night after I'd reported it to  
21 Mr Campbell. I think Mr Campbell also spoke to other  
22 boys because he'd questioned the boys who were in the  
23 shower room that time when I got battered. They just  
24 denied it.

25 I got taken to the hospital once after I got

1 a severe kicking from the boys in the TV room. They  
2 bust my shoulder and my arm. A couple of days later,  
3 the older woman in the medical room, called Ma, saw me  
4 and took me to the doctor. The doctor then sent me to  
5 the hospital and I got an x-ray. I ended up with my arm  
6 in a sling for a while. There was a local doctor who  
7 used to come into the school. I can't remember his  
8 name.

9 'The doctor and the hospital staff asked me how  
10 I'd been injured and I was told to tell them I'd fallen.  
11 That's what I was told to say by the staff member who  
12 took me to the hospital. That staff member was always  
13 present when I was seen. That member of staff didn't  
14 see me get injured, but he knew how it happened.

15 'What had happened was I'd walked into the toilet  
16 room, there were toilets at the side of the showers.  
17 The same two older boys had another younger boy, who had  
18 just arrived at the school from Edinburgh, and they had  
19 him in tears. They had him down on his knees and  
20 carrying out a sexual act on the boy [he names him]. He  
21 was always doing that with younger boys in the school  
22 and he always had these two other boys with him. When  
23 I walked in on them, they turned on me and beat me up.  
24 I told a member of staff at the time what had happened,  
25 that I got a doing. I never told them what I saw the

1 boys doing. That was the member of staff who told me to  
2 say at the hospital I'd fallen.'

3 Ian then talks about leaving Oakbank and he says he  
4 was there until he was 16. Before he left, he moved  
5 into what they called the unit and he says there was  
6 a man there called HYV and he'd been a boxer at  
7 time and he was ex-army as well. He says at  
8 paragraph 110:

9 'He was quite ruthless. He used to shout at you and  
10 send you back if your shoes weren't polished right for  
11 the morning. You had to leave your shoes out at night  
12 and polished ready for the morning.

13 'He used to inspect them and then shout you through  
14 and take you into his wee room where the shoes were. If  
15 your shoe wasn't polished enough, he'd pick it up and  
16 whack you in the face with it. He'd say you're lucky,  
17 it's only one of them. If it was the two of them, you'd  
18 get two hits in the face. He thought it was funny.  
19 Seemingly he'd been in the school for a few years.'

20 Ian says there were older boys in that unit, he  
21 calls it the Watson unit at Oakbank. He says there was  
22 no real preparation for life on the outside, like  
23 learning how to cook and the preparation just seemed to  
24 be about getting your shoes polished.

25 Paragraph 113, Ian says:

1           'I was at home on leave for two weeks before I was  
2 getting out of Oakbank. I didn't go back. I told my  
3 mum I had a big bruise on my back at the time when  
4 I'd been battered by older boys just before I went on  
5 leave. I showed my mum and she knew. She could tell if  
6 I was lying or not. I told her some of the stuff that  
7 had been going on. She got into touch with the school  
8 and they told her that I'd fallen. They said I went to  
9 hospital and I didn't go back.'

10           He says he managed to stay away then until the day  
11 of the panel. He says that that was in September 1975.  
12 He had already turned 16. He says he didn't tell the  
13 panel what was going on at Oakbank. He just told them  
14 he didn't want to go back and the panel decided to let  
15 him go back to his mum's.

16           Ian then talks about life after being in care from  
17 paragraph 115 and he says after the hearing, he walked  
18 round the corner with his mum and got himself a job.  
19 His mum took him to the plumbers and told him to go in  
20 and ask if there was any work going, but he ended up  
21 getting a job delivering furniture. He did that for two  
22 or three years and stayed with his mum.

23           He still had a social worker who came to see him at  
24 his mum's house and he told him about Oakbank and he  
25 says that eventually he faded away. He doesn't know

1        what happened. He said he tried to make the most of  
2        what he had. He didn't have a good education, he  
3        couldn't just pick and choose what kind of job he did,  
4        he took what he could get. He did end up getting  
5        involved with drugs and ended up in prison. That  
6        happened for a while and he was getting into trouble,  
7        committing crime. He didn't get involved in any  
8        violence, he says, but he was in trouble for stealing  
9        and fraud and he ended up an alcoholic and taking drugs.

10        Ian says he's had a few different jobs in the  
11        restaurant and hotel trade and he trained as a chef in  
12        his early 20s and he did that for a number of years. He  
13        then met his now ex-wife when he was 22 or 23 and they  
14        had two children together and he says he now has three  
15        grandchildren.

16        He says he went to work at Balmoral in the back of  
17        house and ended up as a day shift there and then ended  
18        up getting a permanent job there, which he didn't want  
19        but the money was good, but he found it hard and  
20        stressful.

21        He was working in the building trade and learned  
22        plastering. He says though that in 2008, this is at  
23        paragraph 122, he was walking his dog in Edinburgh one  
24        day and his dog brought back a bat in his mouth that he  
25        thought was dead. The bat wasn't dead and bit him on

1 the hand and he ended up becoming very ill and he ended  
2 up in a coma for four months and developed septicaemia.  
3 This led to him having both legs amputated below the  
4 knee and he now has prosthetic legs and an electric  
5 chair for getting around and that has meant he's been  
6 unable to work.

7 He says he had PTSD and that's related to his  
8 experience of being so seriously ill.

9 In relation to impact, Ian talks about that from  
10 paragraph 124 and he says that his experiences in care  
11 took a lot away from him and he missed out on a lot,

12 

13 At the end of paragraph 124, he says:

14 'Howdenhall and Oakbank didn't address the issues  
15 I had with reading and writing. At that time I'd never  
16 heard of dyslexia. I've never been formally diagnosed,  
17 but I've been told by a teacher.'

18 Ian says he wanted to join the army at 16 and they  
19 wouldn't take him when he told them he'd been in  
20 a List D school and he says his time in care has  
21 affected his ability to trust people. He says he  
22 eventually stopped wetting the bed but not until after  
23 he left Oakbank and he didn't do it again afterwards.

24 He thinks his bed wetting was something to do with  
25 the fear he felt at Oakbank. He was always watching and

1 waiting for them coming and he remained that way.

2 He says at paragraph 129 that people found out about  
3 where he'd been and he felt ashamed and he says he told  
4 his ex-wife about what happened to him in Oakbank and  
5 she used to call him queer.

6 Ian says at paragraph 131:

7 'I shouldn't have been put into a List D school.  
8 I should have been left with my family and given some  
9 help by my school.'

10 Then he says later in that paragraph:

11 'I felt going to Oakbank was me being punished for  
12 something I hadn't done.'

13 Later on at 'Lessons to be learned' at  
14 paragraph 135, he says:

15 'Children should get help to stay at home so they  
16 don't have to go into the kinds of places I went to.  
17 There needs to be more awareness of dyslexia and how to  
18 help children in school with it.'

19 At paragraph 136, in relation to 'Hopes for the  
20 Inquiry', he says:

21 'I heard about the Inquiry and what it was involving  
22 and I thought if I came forward to tell them about my  
23 part in it, maybe somebody else will come forward and  
24 tell the Inquiry about the same thing. It might help  
25 find the people who abused children and get them

1 arrested for what they've done and I can get on with my  
2 life. Perpetrators are not getting away with so much  
3 now, as they're not getting left alone with children  
4 like they used to.'

5 Then Ian has made the usual declaration and he has  
6 signed his statement and I think it's dated  
7 12 September 2022.

8 LADY SMITH: Thank you.

9 'Mari-Anne' (read)

10 MS FORBES: My Lady, the next statement is from an applicant  
11 who is anonymous and is known as 'Mari-Anne'.

12 The reference for her statement is WIT.001.003.0677.

13 'Mari-Anne' tells us she was born in 1967 in  
14 Aberdeen and she says that she has one sister and four  
15 brothers and she's the oldest. When she was a baby, her  
16 parents moved from one place in Aberdeen, where they  
17 stayed with her grandmother, to another area in  
18 Aberdeen. She says that from photos she has, it's clear  
19 that she was a happy kid when she stayed in the second  
20 place. She says some of her memories are happy ones,  
21 but they didn't have a lot.

22 At paragraph 6, 'Mari-Anne' says:

23 'If ever anything happened to any of us children,  
24 mum would just panic and start screaming. She made  
25 things worse and she made me fearful.'

1           She talks about her mother being bullied by the  
2           neighbours and that the neighbour across the road wanted  
3           to beat her mum up at one time. She says that she got  
4           into some scraps and fights when she was young and if  
5           she didn't win, her dad would make her go back out and  
6           it was his way of teaching them to be tough.

7           She went to her first primary school and she talks  
8           about the fact that she dressed herself and she could  
9           see that from a school photograph, where she has her  
10          nightie on underneath.

11          She says that they were really poor and that her dad  
12          had jobs but then had an incident at worked and injured  
13          his back and could no longer work and that he changed  
14          after that accident and he was put on painkillers, he  
15          started drinking, he became violent, and he wasn't  
16          a good provider.

17          She and her mother didn't really ever have a bond  
18          and she says that they moved to another address in  
19          Aberdeen when she was about eight and that her mum loved  
20          to change houses. She was moved to a different school  
21          and she started having a lot of problems at school. She  
22          was bullied there by particular people, who she names.

23          She then talks about the fact that when they had  
24          this move they were closer to her mum's family,  
25          including a particular aunt who she was close to. There

1 was another aunt who had a daughter, who was only four  
2 days older than her, and she was close with her. They  
3 would go to school together.

4 This aunt had married a man and she says she has  
5 since learned that he was sexually abusing children and  
6 she talks about at paragraph 17 an evening when she was  
7 nine, when her mother had gone to the bingo with her  
8 aunt and she had gone to see her cousin, and she was  
9 shouted through to the bedroom by her uncle and when she  
10 went through, there was what she's describing as sexual  
11 abuse happening with her cousin.

12 She describes some things that happened there in  
13 those paragraphs. I won't read them out, but she says  
14 that after that, she got up and ran to her parents and  
15 she just had her vest and underwear on when she got  
16 back.

17 She told her parents and after that there were  
18 issues with that and they weren't believed and her  
19 cousin had lied and said that nothing had happened and  
20 she says thereafter that her auntie, who was married to  
21 that man, had cursed her and told her that she was  
22 an evil witch for telling lies.

23 She started truanting from school, she was still  
24 getting bullied at that time. She says that these girls  
25 would take her to the shops and make her steal clothes,

1 but she got caught and the social work then got involved  
2 and she told her social worker about what had happened  
3 with her uncle, but she called her a liar and when she  
4 told her she was being bullied, she also called her  
5 a liar.

6 She says at paragraph 25 that there was a time when  
7 her social worker got annoyed with her, grabbed her,  
8 shook her and said, 'Why do you fucking lie?'. She says  
9 that wasn't the first time she swore. She was just  
10 aggressive.

11 She doesn't know how many Children's Panels she went  
12 to, but she says that from records she's recovered, she  
13 was placed under a supervision order at a Children's  
14 Panel hearing on 7 December 1976, following charges of  
15 theft and truancy.

16 She then says that she had just turned 11 and the  
17 social worker arranged to have her put in care. She  
18 said she doesn't really know why and the social worker  
19 told her it was because she was a liar and she thought  
20 part of the reason was because of what she said about  
21 what her uncle had done and she felt like she was being  
22 punished for telling the truth.

23 'Mari-Anne' then talks about Balnacraig from  
24 paragraph 28 and she says she was put there in 1978 when  
25 she was 11. She knows now that it was a List D school,

1 but she didn't know that at the time and that Balnacraig  
2 to her as a kid was scary, it was huge, and looked like  
3 a green castle with a long creepy dark road leading up  
4 to it.

5 At paragraph 30 'Mari-Anne' says:

6 'Mr SGQ was SNR and had  
7 a house in the grounds [REDACTED]

8 [REDACTED]  
9 [REDACTED] sometimes you could hear him battering his partner  
10 [REDACTED], who he lived there with. He would go to the  
11 pub down the road in the evenings, come back, and you  
12 could hear [REDACTED] screaming as he battered her.

13 'SNR was Mr GHG and he was harsh,  
14 although I have no recollection of him hitting me.'

15 She then talks about the fact there was a lot of  
16 staff, some males, but mainly females, and then she  
17 names some people who were involved in cooking as well  
18 as being staff.

19 She says that Balnacraig was only for girls and the  
20 only boy they saw in the place was Mr SGQ's son, who  
21 came to visit sometimes. She says she doesn't know how  
22 many girls were there, or what their ages were, but she  
23 was the youngest there.

24 At paragraph 32 she says:

25 'SGQ actually said something about my age when

1 I arrived, because I don't think girls my age were  
2 normally accepted.'

3 She says that she doesn't think she should have gone  
4 to Balnacraig because of her age, but she found out  
5 later that her aunt, the one who was married to the man  
6 who had been involved in the sexual abuse, had arranged  
7 it with her social worker behind her back and she says  
8 her cousin had gone to Brimmond and that she thinks she  
9 should have gone to Brimmond too, but her auntie made  
10 sure that she was going nowhere near her daughter.

11 At paragraph 34 'Mari-Anne' says:

12 'At Balnacraig we were always told we had to behave  
13 like ladies. We had to eat and dress in certain ways  
14 and we weren't allowed to curse. It was all very  
15 ordered.'

16 She then talks about arriving at Balnacraig and the  
17 first day from paragraph 35. She doesn't remember what  
18 time of day or what time of year it was but she  
19 remembers being scared. She was taken into Mr SGQ  
20 office and he had a big fancy desk with a fireplace  
21 across from it and a wee patio area outside. Her social  
22 worker was there and she says at paragraph 36:

23 'My social worker [she names her] was there too and  
24 I had to sit down and listen to all her lies about me.  
25 She told Mr SGQ I was out of control and not to

1 believe anything I told him. In the car on the way  
2 there, she had already said the same thing to me. She  
3 had called me a little liar and said that she was glad  
4 to get rid of me.'

5 She said that she was shown to her dormitory, which  
6 was dorm A and she was told that her dorm was haunted.

7 She then describes there being four or five beds in  
8 her dorm and they all had a single bed and a wardrobe  
9 and she was scared to sleep because she thought the dorm  
10 was haunted. She used to cry in bed at night.

11 She then talks about some of the routine and says in  
12 the morning they would be woken up, they had to get  
13 washed and dressed and into their uniform for school and  
14 then they would go down and get breakfast before going  
15 to school.

16 When their bedding had to be changed, they had to  
17 strip their sheets off and then they had to make their  
18 bed up again and they were taught how to make the bed  
19 properly. It to be made exactly as they were shown,  
20 a bit like being in the army.

21 She then goes on to talk a little more about routine  
22 and then down to meal times and food.

23 At paragraph 42 onwards, she talks about there being  
24 a big dining room that all the girls ate together in.

25 At paragraph 43, she says:

1           'There were six or eight girls at each table and we  
2           were told where to sit. Some of the older lassies  
3           always sat at the same place and we younger ones weren't  
4           allowed to go near their table or we would get  
5           a battering from them. I learned quickly that I had to  
6           keep quiet and I just sat wherever was free.

7           'We were taught to be a lady at every meal by all  
8           the staff. We had to sit upright in our chairs and  
9           there could be no elbows on the tables. If you were  
10          caught with your elbows on the table, a member of staff  
11          would slap them off.

12          'All the tables had to be laid in a certain way,  
13          with teacups upside down on saucers and teaspoons at the  
14          side. Plates had to be upside down as well, with  
15          a knife and fork laid at the side and in the middle of  
16          the table, there would be a jug of milk.

17          'We weren't allowed to eat with just a fork. We had  
18          to use a fork and knife. I used to get into trouble  
19          because I always just wanted to use a fork. If I was  
20          caught just using a fork, I would be put out of the room  
21          and I wouldn't eat because I wasn't being a lady and  
22          I wasn't doing as I was told.

23          'I don't remember there being anything wrong with  
24          the food. To me, food was a luxury because I'd never  
25          been fed like that at home. If someone didn't like what

1 they were given, they would have to stay at the table  
2 until they did eat it. Some of the girls would pass  
3 what they didn't want to a black girl who was known as  
4 [redacted] [she gives the name].

5 'There was always a staff member at a few of the  
6 tables and there always seemed to be one at the table  
7 I sat at. If they saw someone pass food to [she names  
8 the same girl] they would get put out of the room and it  
9 would be reported to SNR [redacted], Mr SGQ [redacted].  
10 But I don't think there was any further punishment at  
11 that time, I don't recall any harshness in the dining  
12 room.'

13 'Mari-Anne' then talks about washing and bathing and  
14 says that she had a shower or bath every morning because  
15 she wet the bed.

16 She says at paragraph 49:

17 'Usually we washed ourselves, but one time I was  
18 scrubbed down in the bath by one of the female staff.  
19 I don't remember who it was, but they said I wasn't  
20 washing myself properly.'

21 She then talks about the uniform for school which  
22 was a navy skirt and jacket, which Balnacraig supplied.  
23 She says:

24 'I felt like I was rich because when I got there,  
25 I got all this new stuff.

1           'I came from a very poor family and I didn't really  
2           have appropriate clothing, but when you're accustomed to  
3           being poor, you don't really know the difference.  
4           Within a week of me getting to Balnacraig, I was taken  
5           into town and it was like Christmas. I was allowed to  
6           choose what clothes I wanted as long as the staff  
7           thought they were appropriate.'

8           Paragraph 52, 'Mari-Anne' says:

9           'I also had to get my hair cut, even though I didn't  
10          want to. I had long hair when I arrived and I was taken  
11          to a hairdresser in Perth and it was all cut off.'

12          She talks about the girl that she mentioned who has  
13          the nickname '████' and then her name, stole the majority  
14          of everyone's clothes and she says she doesn't know why  
15          because they wouldn't have fit her.

16          She goes on to talk about leisure time from  
17          paragraph 54 and she says that they sometimes had good  
18          fun in the rec room, especially if there was no staff  
19          around. A few girls were into the Bee Gees and some  
20          older girls taught her how to do the dance moves.

21          She then says that there were games in the rec room  
22          and she says she doesn't think anyone was interested in  
23          reading books, even if there had been any there. Staff  
24          would take them into a forest at the back of the main  
25          building for a hike sometimes.

1           She says at 57:

2           'It wasn't always bad at Balnacraig. We were taken  
3           to different activities in the evening, mostly in  
4           Dundee. A van load of us would be taken swimming and  
5           I was also at judo in Dundee. I remember I got up to  
6           a yellow belt.'

7           She remembers going to a disco in Perth when she was  
8           12 and that she actually had good fun and other girls  
9           and older girls helped her to get ready. She had never  
10          worn make-up before.

11          She says at paragraph 59 that at the disco she met  
12          a boy, who became her boyfriend, and all the other girls  
13          had boyfriends at the school that the school didn't know  
14          about. She says that afterwards, when this boy and his  
15          friends came to Balnacraig, they all got caught. Her  
16          and another girl were speaking to them from a window  
17          before they snuck out the back for a kiss. When the  
18          boys got caught, it was stopped and she never saw the  
19          boy again.

20          She says she doesn't remember what punishment they  
21          got, but she knows they would have been reprimanded.  
22          Sometimes she would be the only one at Balnacraig over  
23          the weekend and she used to have to spend a lot of time  
24          with Miss GHF, a staff member, and she said that she  
25          took her to see Neil Diamond at the cinema, but that

1           wasn't for 'Mari-Anne', it was for Miss GHF.

2           She says there was also a sports day once a year,  
3           with the usual types of races.

4           She then goes on to talk about trips and holidays  
5           and says, from paragraph 63, they never went anywhere on  
6           holiday other than swimming and going to judo. They  
7           went to a Rabbie Burns Night at a home for boys called  
8           Balgowan in Dundee. She said they must have hired a bus  
9           to take them because there was no minibus at Balnacraig.

10          She says that when she got there, a boy ran up and  
11          hugged her and it was happy because it was her cousin  
12          and he told everyone that she was his sister and they  
13          got to sit next to each other.

14          She goes on from paragraph 65 to talk more about the  
15          school and its layout. She remembers a sewing room that  
16          she enjoyed. She remembers being taught how to cook and  
17          bake cakes. They put on 'Oliver Twist' for the Lord  
18          Provost of Perth on one occasion and she says that when  
19          she got out of Balnacraig, they were in the middle of  
20          doing 'Joseph and the Amazing Technicolor Dreamcoat',  
21          but she never got to finish it.

22          Going forward to paragraph 73, she talks about work  
23          and she says that they had to set the tables before  
24          every meal and do all the dishes afterwards and they  
25          took turns doing that.

1           In relation to visits, at paragraph 78 she said that  
2 when her dad did come and see her, she never got  
3 a chance to speak to him on her own. There would always  
4 be staff there. She says:

5           'My dad would ask me if everything was okay, but  
6 I could never speak properly to him.'

7           She thinks her social worker came to see her once or  
8 twice. She doesn't remember any inspections and she did  
9 go to a few Children's Panels whilst she was at  
10 Balnacraig, she doesn't know how many. And that her dad  
11 and her aunt that she was close with, were always trying  
12 to get her back home.

13           Then eventually her aunt became her legal guardian  
14 and that her mother never came to any panels.

15           In relation to siblings, at paragraph 83 she talks  
16 about the fact that there was always friction between  
17 her and her brother and he says that if it wasn't for  
18 her, he wouldn't have been so tough and that she had had  
19 a hardness instilled in her from the beatings that she  
20 got from Mr SGQ and from the fights she was involved  
21 in with other girls.

22           She says at paragraph 83:

23           'I was standing up for myself, fighting and beating  
24 other girls and even though I was still wee, I started  
25 putting a wall up and I didn't trust anybody.

1 I remember battering my brother [who she names] when  
2 I went home at 13. I didn't feel guilty and that's  
3 bad.'

4 In relation to family contact, at paragraph 87 she  
5 says if she didn't get home at the weekend she used to  
6 get phone calls from her family but they were too hard.  
7 She just wanted to go home and felt like she was on the  
8 other side of the world. If they weren't being  
9 punished, they could go home once a fortnight at  
10 weekends, but she was punished a lot for running away,  
11 so she only got home very occasionally.

12 When she did get to go home, she was just put on the  
13 train at Perth by one of the staff and then somebody  
14 would be waiting in Perth when she came back. There was  
15 no staff on the journey. She describes the situation in  
16 the following paragraphs in relation to that.

17 Going forward to paragraph 98, 'Mari-Anne' talks  
18 about running away and says:

19 'If anyone ran away from Balnacraig they were stuck  
20 in blue overalls and slippers when they came back and  
21 they weren't allowed to go home for a visit. You always  
22 got a hiding from Mr SGQ as well.

23 'I started running away within the first year I was  
24 there and I was always running away after that. There  
25 was one period I never got to see my parents for four

1 months as a punishment. I kept clothes under my bed so  
2 that I could run away again until the staff found out,  
3 so the next time I just ran away in the blue overalls.'

4 She talks about who she would run away with and the  
5 things that they would do when they ran away.

6 She says at paragraph 102, after they'd been caught  
7 and been taken back by the police:

8 'To start with when we got back, it was just [she  
9 names two girls] that got hit by Mr SGQ for running  
10 away because I was still little. As I got older though,  
11 I got it too. He was a grown man and we were just kids,  
12 but he would grab us by the hair and punch us about the  
13 body.

14 'After that, we would be sent to our rooms and told  
15 we had to stay there. We weren't allowed to go to  
16 school or the rec room, because the rec room was  
17 a privilege. All our clothes were taken out of our  
18 wardrobes and we were given the blue overalls, underwear  
19 and slippers to wear.

20 'You had to wear that blue overall for weeks  
21 afterwards and everybody would know you'd run away. You  
22 weren't allowed to interact with anyone. You had to  
23 stay in your room. I think the only thing we did get  
24 was a book to read. I used to stand at the window and  
25 cry.'

1           About bed wetting, 'Mari-Anne' says from  
2 paragraph 105:

3           'I never wet the bed when I was at home. I was  
4 a happy kid, and yet, when I first went to Balnacraig  
5 I did. I used to get embarrassed by the staff. I can't  
6 remember who, but Miss GHF was one of them. They would  
7 make you take your sheet off the bed and take it through  
8 to the bathtub and wash it by hand. It was embarrassing  
9 because all the other girls would see you carrying it  
10 through and they would know what you'd done. I was only  
11 wee and I couldn't wash it, but I was made to, even  
12 though there was a washing machine.

13           'As well as being embarrassed, you would get hit by  
14 whichever member of staff was there. I don't remember  
15 Ms GHF hitting me, but the ones that did would give you  
16 a slap across the back of the head or something like  
17 that. At the time I just thought it was bad to wet the  
18 bed and being treated like that was normal. I stopped  
19 after a year-and-a-half of being there.'

20           'Mari-Anne' then talks about abuse at Balnacraig  
21 from 107:

22           'Mr SGQ was awful handy at grabbing you by the  
23 hair and punching you. I was punched by him many times  
24 and I saw him punch other lassies too, sometimes in the  
25 mouth. He always used a closed fist when he hit us.

1 I don't think I ever saw him slap someone.

2 'I learned very quickly not to say anything if  
3 an older girl gave me a battering. I was in SGQ  
4 office one time when a girl came running in shouting  
5 that I had taken her black cord trousers. I had taken  
6 them and I would have admitted it, but it was the first  
7 time I experienced Mr SGQ and I told him I hadn't.

8 'The girl had long curly hair and before I knew it,  
9 SGQ grabbed the girl by the hair and bashed her head  
10 off the wall. Then he punched her in the face, right in  
11 front of me, just for shouting. I could see the girl's  
12 mouth was burst and her lip was bleeding.

13 'He asked me while he had the girl pinned to the  
14 wall whether I had stolen the trousers, but I was never  
15 going to admit I'd taken the trousers after I saw that.  
16 I thought he would do the same to me and, shame on me,  
17 that was the one time I did lie. I couldn't believe  
18 what I'd seen, but then I became accustomed to it and  
19 then it started happening to me.

20 'Wherever girls were caught fighting with each  
21 other, Mr SGQ would make us put on boxing gloves and  
22 box each other. He would line all the girls up around  
23 the room and the rest of the staff would be there as  
24 well and we would have to punch each other until he told  
25 us to stop.

1           'I have a recollection of a belt being used by  
2           GHG, SNR, but I can't remember who and  
3           I can't remember if I got hit with it. I do remember  
4           him twisting my arm, but not hitting me with the belt.

5           'I was scared of Mr GHG, but I don't know why,  
6           because I don't remember getting hit by him. He used to  
7           like us to sit on his knee and I don't understand why  
8           I would have done that, after what happened to me before  
9           I went into Balnacraig. I remember I was in his office  
10          with another two girls and I was sitting on his knee  
11          laughing. That's not normal. I have no recollection of  
12          anything else that might have happened though.

13          'When I was about 14, a girl [she gives a nickname]  
14          came into my bed one night. I don't know what her  
15          proper name is, but I've got a photo of her. Everybody  
16          in the home, even the staff, just called her [and she  
17          mentions her nickname].

18          'She was about 15 and she was in the same dorm as  
19          me. She touched my chest when she came into my bed and  
20          I knew it was wrong, so I pushed her away. I made such  
21          a scuffle that one of the staff came and put the dorm  
22          light on. I don't remember which staff member it was,  
23          but ...'

24          She then says the girl told her to zip it and not  
25          say a word: 'I never said anything'.

1           'After I'd been at Balnacraig for a couple of years,  
2 I told my dad about Mr GHG hitting me and he came  
3 down to batter him, but he was restrained. GHG was  
4 in his office and someone, I don't know who, stopped my  
5 dad from going in. I paid for that because afterwards,  
6 I got ripped right into by SGQ. He didn't beat me,  
7 but he scared me. His voice was different. He wasn't  
8 yelling, but he was really intimidating and I never told  
9 my dad anything ever again. My dad would ask but  
10 I would just tell him everything was fine. I was too  
11 scared to say anything.

12           'When I got to 14, Mr GHG took me to another  
13 Children's Panel and he was chuckling because he thought  
14 I was going back to Balnacraig again. I don't remember  
15 everything I said, but I do remember telling the panel  
16 about the lesbians that were there. The panel put  
17 Mr GHG out of the room and I told them the truth  
18 about [she names the girl with the nickname] coming into  
19 my bed.

20           'It was a relief for the first time somebody  
21 actually believed me. The panel got Mr GHG back in  
22 and I was told I was getting home with my dad. I was so  
23 happy. Mr GHG was still fighting for me not to get  
24 home but the panel weren't having any of it. I know for  
25 a fact that if it hadn't been for that lesbian,

1 I wouldn't have got home.

2 'I don't know if anything more was done about what  
3 I told the panel or if there was any sort of  
4 investigation. I was just pleased to be getting home.

5 'I was 14 when I got out of Balnacraig and my family  
6 were still in the house...'

7 This was the last house in Aberdeen.

8 'I thought the nightmare was over once I got out,  
9 but it wasn't. It was just beginning again, but it was  
10 a different nightmare. It got worse.'

11 'Mari-Anne' says in relation to after being in care,  
12 paragraph 123:

13 'I didn't fit in anywhere. I didn't know anybody.  
14 I had no friends because I couldn't make any when I was  
15 only getting home for the odd weekend.'

16 She says she could hardly recognise her little  
17 brother because he had grown so much. Her mother  
18 couldn't handle her and she instead threw her, she says,  
19 to her aunt that she was close to to look after her and  
20 she says that she stayed with that aunt more than she  
21 stayed with her family, because she understood her and  
22 knew her better.

23 She said she was given another social worker,  
24 because the previous one had moved on, and then she went  
25 to Hilton Academy for a while but that didn't last.

1           She says at paragraph 127:

2           'Everything [she name the first social worker] she  
3           had insisted I was before I went into Balnacraig,  
4           I turned out to be. I was expelled when I was 15 for  
5           battering a teacher. I'm not proud of it, but I didn't  
6           know any different.'

7           She was then put to another high school and she was  
8           given a befriender and she was there for six months but  
9           was hardly ever there. They found out she had been  
10          skipping classes and she was put to another school, but  
11          she was almost 16 by that point and never went. She  
12          then got pregnant at 16.

13          She comments at paragraph 129:

14          'Nobody had told me about the birds and the bees and  
15          I never knew I was pregnant. My stomach just kept  
16          growing.'

17          Eventually she says she went to an antenatal clinic  
18          and a letter came for her addressed to a 'Mrs' and then  
19          her surname and her mother thought it was for her and  
20          opened it and told her dad. She said her dad, when he  
21          heard, punched her in the stomach.

22          She then talks about the fact she gave birth to her  
23          daughter and her parents looked after her first, but  
24          then she was put in foster care when she was two. She  
25          came back but she was eventually taken off of her for

1 adoption when she was five and 'Mari-Anne' says she was  
2 in prison at the time. She was asked to sign adoption  
3 papers but refused, but she was taken off her anyway.

4 The social work had said that her parents were unfit  
5 to look after her daughter. She then says she started  
6 getting in trouble and ended up in prison at 18 for  
7 fraud with cheques and that a judge told her she needed  
8 to have a job, a stable environment and a partner who  
9 worked if she wanted to get her daughter back. She says  
10 she got the partner, but she never loved him and they  
11 got married when she was 21 for all the wrong reasons  
12 and divorced when she was 23 and she never did get her  
13 daughter back.

14 She then had a new relationship when she was 25 and  
15 she was with that person for six years. She had two  
16 ectopic pregnancies with him before they had IVF and  
17 gave birth then to twin girls. Although her and the  
18 father of those children have split up, they're still  
19 friends and she says he's a rock and he's the only  
20 person in her life she's felt safe with.

21 'Mari-Anne' at paragraph 134 says:

22 'I went to college when I was in my late 20s. I was  
23 studding psychology and sociology because I wanted to be  
24 a social worker.'

25 She says that she became pregnant with the twins

1 while she was studying and then, once she had them, she  
2 focused on them and dropped out of college.

3 She wanted her kids to have stability and not have  
4 a childhood that she had. She says that they've had  
5 a good upbringing and now they're both qualified nurses  
6 and that one of her daughters has two children of her  
7 own, so she's a grandmother.

8 'Mari-Anne' then talks about impact from  
9 paragraph 136 and she says:

10 'Being in care as a child isolates you. I have no  
11 trust in people. I have few friends. I had no sense of  
12 fear. I came out of Balnacraig as a dysfunctional  
13 delinquent. I didn't care about anything. It broke  
14 every tie I had with my family and I was always arguing  
15 with them. It broke any relationship I had with my  
16 mother and it badly affected my relationship with my  
17 siblings.'

18 She says:

19 'I was carrying so much anger inside me that when  
20 I was 16 years old and my brother [she names him] was  
21 15, I took a bat to him and broke his arm. I never  
22 apologised to him for that, but I swore I would never  
23 hurt any of them again.'

24 She talks about trying to commit suicide when she  
25 was 15 or 16 [REDACTED] and wanted to die

1 and ended up in hospital on a life-support machine.

2 She talks about having hate towards her first social  
3 worker in the way that she treated her and the lies she  
4 told about her. She says she knows she needs to let it  
5 go, but it's hard.

6 She then talks about reporting abuse and in  
7 particular, this is from paragraph 144 onwards, those  
8 paragraphs relate to the abuse in relation to her uncle  
9 and she talks about speaking to police officers when she  
10 was 38 about that situation.

11 She says that the person was charged, but it never  
12 went to court and she doesn't know why, but it was maybe  
13 to do with the fact he'd had a stroke and he's now dead.

14 At paragraph 157 onwards she talks about lessons to  
15 be learned:

16 'I think care homes do more damage to kids than  
17 anything else. I went into care as a victim of bullying  
18 and by the time I came out, I was a nightmare. That's  
19 what it taught me. It didn't teach me to be a lady. It  
20 taught me how to be a delinquent.'

21 Paragraph 180, she says:

22 'Balnacraig wasn't all evil and bad, there were some  
23 good times, but it ruined my life. Balnacraig took me  
24 away from my family and made me feel as if they were no  
25 longer part of me. Perhaps if I'd got home more, it

1 might have been different, but I felt isolated and  
2 separated from them all.'

3 I should have said, my Lady, at paragraph 159 she  
4 says:

5 'I want the Scottish Child Abuse Inquiry to get the  
6 truth of what happened to me and all the others. The  
7 Inquiry needs to make sure that people know about what  
8 happened in the past. Everyone responsible for doing  
9 all that damage to us children should be named and  
10 shamed. I want the truth and I want justice for me and  
11 all the other children.'

12 She has made the usual declaration and she has  
13 signed that and it's dated 20 November 2019.

14 LADY SMITH: Thank you very much.

15 It's 3 o'clock. I think we should take a break now,  
16 are we going to do another read-in afterwards?

17 MS FORBES: Yes, my Lady.

18 LADY SMITH: Thank you.

19 (3.01 pm)

20 (A short break)

21 (3.12 pm)

22 LADY SMITH: Mr Peoples.

23 MR PEOPLES: My Lady, the next read-in is a signed statement  
24 from an applicant whose pseudonym is 'Jane'.

25 Can I just say, this is the 'Jane' that was referred

1 to this morning with David Law, [REDACTED]  
2 [REDACTED] the person I mentioned with the name  
3 'Jane'.

4 'Jane' (read)

5 MR PEOPLES: I'll just read her statement, the reference is  
6 WIT-1-000000408.

7 First of all, 'Jane' tells us from paragraphs 2 to 7  
8 about life before going into care and she says her  
9 mother was very young when she had 'Jane's' sister and  
10 'Jane' out of wedlock, her sister was two years older.

11 'Jane' tells us at paragraph 3 that she lived with  
12 her mum and her mum's mum, I think that is, and dad and  
13 brothers and sisters on a farm or in farm buildings.

14 She says that she thought, when she was younger,  
15 that her mum and her mum's siblings were her brothers  
16 and sisters. She said with her mum not being married,  
17 that's how we were brought up so there wasn't a big age  
18 gap between perhaps a large number of people in this  
19 family arrangement.

20 At paragraph 4 she says her family travelled a lot  
21 because they were farm workers and went wherever there  
22 was work to do. She says that they were living in  
23 a farm cottage near Bridge of Earn when 'Jane' and her  
24 sister were put into care at Wellshill School. We know  
25 a bit more about Wellshill now because of evidence from

1 this morning.

2 'Jane' tells us at paragraph 5 that she was five  
3 when she and her sister went to Wellshill. She says  
4 they were not told why they were going to live there,  
5 but she says in later years at paragraph 6, she found  
6 out that her mum had married a man about a month before  
7 'Jane' and her sister were put into Wellshill and went  
8 on to have eight children together and I think she  
9 concludes that perhaps the marriage, at least, played  
10 a part in the decision to put 'Jane' and her sister into  
11 Wellshill.

12 The next part is to do with Wellshill School and  
13 I'm not going to go back over that, other than to say  
14 that she was there when Miss GXJ was SNR and  
15 I think I said this morning, and it's in this section,  
16 Wellshill, at paragraphs 8 to 18, that she says there  
17 was no love or nurturing at Wellshill. She mentioned  
18 one occasion when she was smacked on the bottom by SNR  
19 SNR and she also recalled SNR being attacked  
20 by two older girls.

21 She tells us that she, and indeed the staff,  
22 including SNR, moved to Balnacraig in 1950, that  
23 is paragraph 18, page 4, when 'Jane' was seven. We  
24 heard the background to that, of how Wellshill in fact  
25 was the school but it changed its name when it moved to

1 the new building.

2 Paragraph 21, she says there were seven or eight  
3 dormitories and she says that there were about six girls  
4 in her dormitory, that is at paragraph 24. So if that  
5 was representative, I suppose doing my arithmetic, there  
6 might be around 40 girls or slightly more. It's not  
7 clear. I'm not sure she puts it as high a number as  
8 that.

9 At any rate, she was in a dormitory with a number of  
10 other girls. She tells us a bit about the routine and  
11 I'm not going to read that. I think we can just -- it's  
12 there, but what I will say is on one matter about  
13 clothes and belongings at paragraph 30, page 6, she  
14 says:

15 'We didn't have a lot of belongings.'

16 She says:

17 'We kept our things in the little locker at the side  
18 of our beds. I remember had a doll and a cloth bunny.  
19 The staff must have gone into the lockers to see what  
20 was there, because they moved things sometimes. They  
21 never asked us if there was anything we wanted to keep.  
22 They'd just take it away. My cloth bunny was taken and  
23 I kept asking where it was but I didn't get it back and  
24 I think they must have put it in the furnace.'

25 Paragraph 31, she tells us:

1            'We never went out shopping for clothes. We just  
2 got hand-me-down stuff.'

3            As far as school is concerned, she says at  
4 paragraph 32 that the girls in Balnacraig didn't all go  
5 to the same school. She went to a local primary school  
6 and then on to Perth High School.

7            At paragraph 33, she says she thought primary school  
8 was all right. She says:

9            'I wasn't exactly a rebel, but I could stand up for  
10 myself.'

11            Going on to her time at Perth High School in  
12 paragraph 34, page 7, she says she got on well at high  
13 school. She was top of her class in maths and near the  
14 top in arithmetic, she liked sewing and music but wasn't  
15 so keen on the gym.

16            So far as the schools were concerned, paragraph 35,  
17 she tells us that the girls from Balnacraig weren't  
18 treated any differently by the teachers or the other  
19 pupils at school. 'Jane' says she got on very well with  
20 everybody and she says that she had a teacher who had  
21 worked abroad, who presented her with a book,  
22 'The Children of the New Forest', for being the  
23 best-behaved girl in the class. 'Jane' says:

24            'I knew I wasn't the best-behaved girl and I think  
25 she did it because she knew I was in a children's home

1 and she wanted to make me feel special, like I was  
2 somebody. It did make me feel special. I still have  
3 the book.'

4 Then she says at paragraph 36:

5 'I was never made to feel special in Balnacraig. We  
6 were never encouraged to do well at school.'

7 I think the point she makes there, and I'm not going  
8 to read it all, is that, although she was doing well as  
9 school in certain subjects, it wasn't really recognised  
10 and she was moved in the direction of a particular type  
11 of work when she would leave Balnacraig.

12 At paragraph 38, she says:

13 'There was no bullying among the girls, I was able  
14 to stand up for myself anyway.'

15 That is page 8. Then on page 9, in the same  
16 paragraph:

17 'I know some of the girls misbehaved but I don't  
18 know what they did. Some of them were sent away to  
19 schools in Edinburgh, like Dr Guthrie's.'

20 'Leisure time', I'll not read through that, but  
21 there was leisure time, she liked going out and going  
22 out in the grounds and so forth, and there was a degree  
23 of freedom there that she describes. She recalls  
24 Christmas being a good time, when there was a visit from  
25 the Lord Provost, who would come dressed as Santa and

1 give them presents. In contrast, she says as far as  
2 birthdays are concerned, paragraph 44:

3 'I knew when my birthday was, but it wasn't a big  
4 thing.'

5 She's not suggesting it was any different for any of  
6 the other girls, as she recalls.

7 She talks a bit about trips and holidays between  
8 paragraphs 45 and 47, saying where she would go and that  
9 she would also visit a family that lived locally at  
10 paragraph 46. She has very good memories of those times  
11 and what she did when she was with that family.

12 On healthcare, she does say she was ill quite a lot  
13 and had to stay off school and gives us a bit of  
14 information about that.

15 She talks about religion, that she says they did go  
16 to church on a Sunday, but did not receive religious  
17 education as such. Just going to church was really just  
18 for her part of a routine that was done at that school.

19 As far as family's concerned, she refers to that at  
20 paragraphs 51 to 53. She says:

21 'I didn't spend much time with my sister.'

22 Her sister was in the same place, but she explains:

23 '... she had her friends and I had mine.'

24 They were different age groups. She does say at 52:

25 'We were kept apart from the rest of our family for

1 a long time. I don't think we were meant to get in  
2 touch with them. I don't know how it came about, but we  
3 got back in touch.'

4 She thinks when 'Jane' was 12 or 13, when she and  
5 her sister visited their grandfather. It's at that  
6 point, I think, she realised the relationship with the  
7 other members of the family, that she had stayed with  
8 when she was young.

9 At paragraph 53, she says:

10 'None of my family came to the home to visit, but  
11 I remember we used to see two of my mum's brothers who  
12 would take us around town to the pictures or for  
13 something to eat at tea time.'

14 She then has a section from paragraphs 54 to 58  
15 about running away. She tells us in that section of her  
16 statement that she ran away three times in all.

17 On the first occasion, paragraph 55, when she got  
18 back she tells us SNR took her upstairs to her  
19 bed. She doesn't think she was punished. On that  
20 occasion, she gave her a hug and apologised for running  
21 away.

22 She talks about two other times and I think it's  
23 really the same effect, she doesn't think she got  
24 punished as such for that.

25 She says at 58, she gives an explanation that she

1 ran away three times, but always on the spur of the  
2 moment:

3 'Just get up and go. It was just like I wanted  
4 freedom and had to run.'

5 Then perhaps we get to the bit that has perhaps  
6 exercised her most when she reflects back, preparation  
7 for puberty and adult life. I'll just read what she  
8 says from paragraph 59, page 13:

9 'Nobody ever sat down and spoke to us about growing  
10 up. We were not prepared for puberty and never got any  
11 explanation about periods. I remember one day when  
12 [I think this is one of her friends in Balnacraig] and  
13 I were walking from Balnacraig to see the family we used  
14 to visit and we went into a chemist and bought a wee  
15 booklet on the facts of life. We really didn't know  
16 anything at all and we were all excited reading this wee  
17 booklet. I remained ignorant of the facts of life well  
18 into adulthood.

19 'One thing I was really angry about in Balnacraig  
20 was that we weren't very well supplied with sanitary  
21 products for our time of the month. We were expected to  
22 use just one all day. I remember one day I was so angry  
23 with one of the staff, because she wouldn't give me  
24 something to change with, and I started struggling with  
25 her to get it.

1           She goes on in paragraph 61, there wasn't really any  
2           love or nurturing in Balnacraig. The basics were done  
3           for us but there was nobody to talk to if we had  
4           concerns and we were never encouraged with anything.  
5           That time when I ran away and SNR [REDACTED] came up to see  
6           me in the bedroom and I gave her a hug and said sorry,  
7           stands out to me. I think I gave her a hug once or  
8           twice in the whole time I was there. She didn't hug  
9           me.'

10           As far as visits and inspections are concerned, she  
11           says at paragraph 62:

12           'I don't remember any official visitors coming in to  
13           see how Balnacraig was being run. As far as I'm aware,  
14           nobody ever came in and asked me how I was getting on in  
15           there.'

16           She then has a section on discipline, paragraphs 63  
17           and 64, and I'll read what she says:

18           'I was naughty once and had to come downstairs and  
19           scrub part of a stone corridor. We normally had a floor  
20           to sweep or something like that at the weekends, but we  
21           didn't usually do any scrubbing. That was only when we  
22           were being punished. It didn't happen very often. We'd  
23           have to sit on the bottom stair sometimes as  
24           a punishment as well.

25           'The older girls helped SNR [REDACTED] a couple of

1 times when I was getting hysterical at my time of the  
2 month, but I don't think they had the authority to  
3 discipline any of the children themselves.'

4 Then she has a section that's headed 'Abuse at  
5 Balnacraig School' starting at paragraph 65 and running  
6 through to 68. I'll read what she says there:

7 'I used to get all worked up when I reached puberty  
8 and it was my time of the month. Sometimes I would get  
9 hysterical or I'd be laughing and then I'd end up  
10 crying. SNR used to give me a little white pill  
11 about once a month, which I now think was to do with how  
12 I behaved during my time of the month. She never told  
13 me what it was. I must have been really bad one time,  
14 misbehaving and being hysterical, and SNR took me  
15 into a room and told me to strip and go upstairs and get  
16 a cold bath. She then got two or three of the girls to  
17 help restrain me and they carried me upstairs naked.  
18 I remember I was struggling and screaming all the way up  
19 the stairs. It was so humiliating.

20 'I was hysterical again in the recreation room  
21 another time when I had my period and SNR told  
22 some of the girls to restrain me. I was hysterical and  
23 they were holding me down on the floor with their hands  
24 and knees, trying to quieten me down. I think I got  
25 some power or energy from the girls around about me and

1 that made me scream and shout all the more. I kept  
2 screaming at them until they let me go.'

3 She goes on to deal with another occasion when she  
4 and a friend at the school went early from a church  
5 service, or got out early from a church service at the  
6 end of the school term one day, and she says they went  
7 away with their boyfriends who used to walk them home:

8 'On the way home that day, we went up one of the  
9 closes and just had a wee kiss. We were then a wee bit  
10 late getting back to the home and Miss **GXJ** was  
11 standing on the verandah waiting for us. She said that  
12 she knew what we had been up to, she must have thought  
13 that we were having sex, which we definitely were not.  
14 That was out of the question in our day. We were really  
15 innocent and ignorant back then.

16 **SNR** took us into a room and made us strip  
17 and then told us to go upstairs and have a bath with  
18 Dettol. She wouldn't listen to us when we told her that  
19 nothing had happened. It was dreadful. It's still very  
20 upsetting for me when I think about this now. I was  
21 a young girl in puberty and I was made to strip and walk  
22 upstairs with no clothes on. It was so humiliating.'

23 She then tells us that shortly before she started  
24 work, she was in a hospital setting for some form of  
25 assessment when she was around 15. She describes it as

1 a hospital where people went when they had had nervous  
2 breakdowns, she says:

3 'They wanted me to be assessed to see if I was all  
4 right before I took a job.'

5 She goes on to say at paragraph 71:

6 Secondary Institutions - to be published later  
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She says, at 76, page 16:

'I was in Balnacraig from 1950 to 1957. I left when I was 15.'

It appears that she and her sister left at that point in time. She says about her departure at paragraph 77:

'Someone from the welfare department came to see me before I left. Nobody from the welfare department had ever visited before. There was no preparation for leaving. I just got told where I was going.'

She was taken to a workplace, which she tells us about at paragraph 78, which was working in a home for women with disabilities in Broughty Ferry. She tells us that she helped the cook and did some domestic work and got on fine there and got on fine with -- indeed she says:

'I got on fine everywhere I worked. It was a live-in job and I shared a bedroom with my sister. I don't think we had any further contact with the welfare department or anybody else. I think we were just put there and left to move on into adult life by ourselves.'

Then she describes a happy time here, but after that she did have a good time and she went to cafes with

1 jukeboxes and seemed to like being in cafes, drinking  
2 soft drinks, chatting and playing the jukebox. She  
3 says:

4 'Those were the happiest times of my teenage years.'

5 She says at paragraph 81:

6 'I stayed in the job in Broughty Ferry for about six  
7 to eight months and then I was off again.'

8 She goes on at paragraph 82 and page 18:

9 'What a life I had as a teenager. I don't know  
10 where I got the energy from. If I wanted to leave  
11 somewhere, that's what I did. I stayed here, there and  
12 everywhere. It was also a difficult and restless time  
13 though. I didn't have anywhere to call home. It would  
14 have been nice to have had somewhere I could return to  
15 or someone to talk to, but I didn't have anyone. I had  
16 to look out for myself.

17 'At one point when I was still only about 16, I went  
18 back to Balnacraig because I was totally lost and didn't  
19 know what to do. SNR didn't give me any help or  
20 support.'

21 She arranged, she says, for her to go back to the  
22 hospital she had previously been in, where she stayed  
23 for about three months.

24 She then said when she came out of that hospital she  
25 went to the Salvation Army, who got her a job in Alloa

1 for about a year.

2 She went to Kinross and worked in a private house  
3 and she was there for about two years learning to cook.

4 She got married for the first time when she was 21.  
5 She had two sons and she married again in 1977 and she  
6 says that she broke up with her second husband six or  
7 seven years later.

8 On reporting, she said at paragraph 86:

9 'I didn't report what happened to me in Balnacraig,  
10 because back then you didn't think about doing that. We  
11 didn't know we had any rights. As far as I was  
12 concerned, SNR [REDACTED] was [REDACTED] and we just had to  
13 live by whatever she said.'

14 She goes on to say, and this is relevant to what she  
15 says at the end of her statement, that she wanted to  
16 tell the local Provost a few things about Balnacraig:

17 'So I wrote to her recently.'

18 She signed her statement in 2020:

19 'I got a phone call from the Provost's secretary,  
20 who took a few notes but I didn't hear from her again.  
21 After a few months, I got back in touch but they weren't  
22 interested in hearing from me so I never got chance to  
23 meet with the Provost.'

24 She says she has never spoken to the police about  
25 Balnacraig.

1           On 'Impact', on paragraph 89 and following, she  
2           says:

3           'I have never had any treatment or support because  
4           of my experiences as a child. You just move on and do  
5           the best you can.'

6           She says at paragraph 90:

7           'I was a great mum, but I carried on moving from  
8           place to place, even after I had my children.'

9           At the end of that paragraph:

10          'I have never felt that I belonged anywhere or to  
11          anyone.'

12          At 91:

13          'I think I would have had a better career if my  
14          ability in maths, arithmetic, sewing and cooking had  
15          been recognised and encouraged by the people looking  
16          after me.'

17          At paragraph 92, she says in the 1980s she wanted  
18          a change of lifestyle and tells us that she stopped  
19          going to clubs, drinking and playing darts and took up  
20          hill climbing and she became friends with a fellow hill  
21          climber and tells us that she had been doing  
22          housekeeping in private houses at that time and she was  
23          asked to look after this person's mother when he was  
24          away on expeditions. She says that she ended up staying  
25          there much longer than the initial agreed period. She

1           said it was a wonderful time for her, she said:

2           'My friend helped me because he wouldn't listen to  
3           people who talked themselves down. When I used to say  
4           that I felt bad about moving house an awful lot with my  
5           children, he would tell me that I hadn't done anything  
6           wrong, reminding me that I had worked for myself and  
7           hadn't relied on anybody else for money. He gave me the  
8           greatest of confidence. I still keep in contact with  
9           him now. It's absolutely brilliant.'

10          She goes on at 93:

11          'I don't like to tell people that I was brought up  
12          in Balnacraig. It's a shame really, because it's  
13          a natural thing to talk about your family and childhood,  
14          but I don't. I just keep myself to myself.'

15          She says in the final sentence in 93:

16          'I decided some time ago not to tell anybody where  
17          I was brought up, because people look down on you when  
18          they hear you were in Balnacraig.'

19          At paragraph 95, she continues on that matter:

20          'I keep telling myself that I shouldn't be ashamed  
21          of being brought up in Balnacraig, because it wasn't my  
22          fault that I went there. Children shouldn't be punished  
23          for what happened to their parents. People should bear  
24          this in mind and not look down on anyone who is brought  
25          up in care.'

1           At 96 on page 21, she goes on:

2           'I feel as if we were judged and held down by  
3 certain people.'

4           As an example to that she says that she had  
5 a diagnosis with ME in 1991 and she said:

6           'A doctor wrote a medical report on me for the DSS  
7 and instead of just putting down ME, he wrote something  
8 about my troubled childhood. There was no need for him  
9 to scrape up things from my childhood to make my health  
10 sound worse.'

11          She goes back to the time at Balnacraig at 97 and  
12 says:

13          'I sometimes think back to those two incidents in  
14 Balnacraig when I had to strip naked. It was so  
15 humiliating. I get upset now when I think about it.'

16          On 'Records', she says at 98:

17          'I don't have any records from Wellshill or  
18 Balnacraig.'

19          But she says she knows there must have been records,  
20 because when she got in touch with Balnacraig in the  
21 1990s:

22          '... someone who was working there at the time said  
23 that I was "feisty". I'm assuming that they got this  
24 from records. I used to phone now and again to see if  
25 I could go up and speak to them as an "old girl", but

1           they were never interested.'

2           She goes on. She's not happy perhaps that people  
3           keep records for a long time and that people can find  
4           out from them, at least what the records say they were  
5           like. I think she seems to take some exception to the  
6           expression or at least to finding this particular  
7           expression used and why it was written in the record.

8           She goes on to tell us, and I'm not going to take  
9           too much of this, but she goes on to say she did start  
10          writing a autobiography, and I have to say we do have  
11          that as a document or copy. I haven't referred to it,  
12          but we have it.

13   LADY SMITH: She had two attempts, is that right, at writing  
14          it?

15   MR PEOPLES: Yes. She started it and I think then she put  
16          it down, but she says the reason she wanted to write it,  
17          she says at 101:

18                 'I felt that I had to write it down because I had no  
19                 one to talk to about my childhood and teenage years.'

20          She goes on, on this theme at 102:

21                 'I went to see a solicitor to talk to him about  
22                 Balnacraig, but he wasn't really interested. I took my  
23                 story with me and wanted to give it to him but he  
24                 wouldn't take it. He looked up Balnacraig on the  
25                 internet and somehow got in touch with the lady who was

1 running it then [whom she names] I think she was someone  
2 from Perth Homes Trust ...'

3 She gives her name. She says that that person from  
4 the trust, she says, wrote back to the solicitor and  
5 told him that I had said my time in Balnacraig was one  
6 of the happiest times of my life. I had to write back  
7 to my solicitor and let him know that I had never said  
8 that, but nothing more came of it. I think people just  
9 twist things to suit their own agenda.'

10 She goes on at 103:

11 'I used to phore Balnacraig because I had done lots  
12 of things since leaving there, such as hill climbing and  
13 painting and I've written poetry and I thought they  
14 could maybe help me to get a book made up. I thought  
15 I could let the children living there at the time see  
16 what I had done, hopefully to inspire them, but they  
17 never took me on.'

18 She goes on and says in 2002, at paragraph 104:

19 'I went to an open day at Balnacraig [...] Not once  
20 at that open day [this is the woman she had spoken about  
21 earlier from the trust] did that person mention my name  
22 or say that I was there because I was an "old girl". It  
23 had been my home for ten years, but she never introduced  
24 me to anyone. I was standing there amongst everyone and  
25 it was like I wasn't even there. They left me to go

1 around the building on my own.'

2 She goes on under 'Hopes for the Inquiry' at 105:

3 'I hope that people learn not to judge children in  
4 care. It's not their fault that they're in care.

5 I also hope that the children in care now get better  
6 opportunities than I had. They should be given every  
7 chance to follow what they're good at in school and  
8 should be encouraged to do so.'

9 She goes on at 106 to say:

10 'It's been a great big relief to spill all of this  
11 out. I'm glad that I've finally had the opportunity to  
12 be listened to. None of the other people I approached  
13 wanted to listen to me.'

14 She says in the same paragraph:

15 'I hope the Inquiry brings about a change where  
16 people in authority become more open to listening to  
17 people who were brought up in children's homes.'

18 She states the usual declaration, that she has no  
19 objection to her statement being published, and believes  
20 the facts to be true. She signed that statement in  
21 September 2020.

22 LADY SMITH: Thank you very much.

23 MR PEOPLES: I think the next one might go over so maybe we  
24 should just halt. We had a long day yesterday.

25 LADY SMITH: I think we should call a halt. We had a long

1 day yesterday. We have done well today. Thank you for  
2 that.

3 We'll resume at 10 o'clock tomorrow morning.

4 Thank you very much.

5 (3.44 pm)

6 (The Inquiry adjourned until 10.00 am on  
7 Friday, 4 October 2024)

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