

Friday, 15 November 2024

(10.00 am)

LADY SMITH: Good morning, and welcome to the day in which we are going to have closing submissions for this chapter, Chapter 10, in which we explored some of our evidence on three particular places; Brimmond, Newfield and Beechwood.

Now, Mr Peoples.

Closing submissions by Mr Peoples

MR PEOPLES: Yes, my Lady, good morning. We have had two weeks of evidence and today is the final day for closing submissions. As your Ladyship said, we have been looking at three places; Brimmond, Newfield, and Beechwood, all of which were either remand homes and assessment centres or, in two cases, assessment centres.

During the evidential hearings, we have heard evidence from 12 live witnesses; a mixture of applicants, organisational witnesses, other witnesses, and an alleged abuser. We have also had 24 read-ins for the three establishments. I think it is ten for Brimmond, eight for Newfield and six for Beechwood.

I would also like just to say at this stage that we also have evidence that has previously been given live in relation to all three of these establishments. I am not going to go through that, but I will, just perhaps

1 for the transcript purposes, say that in relation to
2 Brimmond, we have heard previously from an applicant
3 whose pseudonym was 'Jim', and that was on Day 387, on
4 9 November 2023. We also heard, again, from
5 an applicant who was at Brimmond. We heard from 'Bruno'
6 on Day 389, which was 14 November 2023.

7 In relation to Newfield, we have had, previously,
8 live evidence from an applicant whose pseudonym is
9 'Sophie', and that was on Day 429, on 26 March 2024.
10 And also from an applicant whose pseudonym was 'Mo', on
11 Day 440, which was 26 April 2024.

12 There was also some evidence given by Brian Heron,
13 who was both a person in care and also someone who later
14 became a social worker. He gave evidence on Day 437,
15 which was 23 April 2024. I am not going to go into his
16 evidence, but he does have a short passage in his
17 witness statement -- one of his two witness statements,
18 WIT.001.001.4503, at paragraph 157, where he does
19 recount a disclosure by another social worker in
20 a non-professional capacity about a matter that happened
21 at Newfield, according to the person that made the
22 disclosure. It certainly describes an occasion when
23 this person found a male member of staff lying on top of
24 a young female resident. It appears from the
25 information Mr Heron got that later on that member was

1 convicted and got several years in prison. So there is
2 a possibility that it might relate to an individual
3 about whom we did hear evidence during the evidential
4 hearings.

5 LADY SMITH: Could be, mm-hm.

6 MR PEOPLES: As far as Beechwood is concerned, we have
7 previously heard live evidence from an applicant whose
8 pseudonym is 'Robin', on Day 449, on 4 June 2024, and
9 also from an applicant who waived anonymity,
10 Dee Buchanan, on Day 423, which was 23 February 2024.

11 That's all I propose to say at this stage, other
12 than that we do have closing submissions from
13 Aberdeen City Council in relation to Brimmond.
14 Mr Crosbie is here today.

15 We also have closing submissions from
16 Renfrewshire Council and Mr Nairn Young is here on
17 behalf of the council today, and we also have a closing
18 submission from Glasgow City Council, and Sarah Trainer
19 is here today on behalf of the council. I will just
20 give the references of the submissions for the purposes
21 of the transcript.

22 LADY SMITH: That's helpful, thank you.

23 MR PEOPLES: The closing submission for Brimmond is
24 ABN-000003821; the closing submission for Newfield is
25 REC-000000132; and the closing submission for Beechwood,

1 from Glasgow City Council, is GLA-000003424. Can I also
2 mention that Glasgow has also provided us with
3 a separate document in relation to qualifications of
4 trained staff, which was something I raised with them --

5 LADY SMITH: I have that, yes.

6 MR PEOPLES: -- during the evidence of Susanne Millar.

7 I will just give the reference for it. I don't plan to
8 go through it, but it is GLA-000003423.

9 I think that's really all I have to say at this
10 stage and I will hand over to those present here today.

11 LADY SMITH: Thank you very much for that introduction,
12 Mr Peoples.

13 Now, I would like to turn, if I may, to the
14 representation for Aberdeen first, and that's
15 Mr Crosbie. When you are ready.

16 Closing submissions by Mr Crosbie

17 MR CROSBIE: Thank you, my Lady. Good morning. Similar to
18 previous occasions, my intention will simply be to read
19 the closing submission prepared for Aberdeen City
20 Council for the sake of the transcript.

21 My Lady, the council continues to be grateful for
22 the opportunity to participate in and contribute to this
23 phase of the Inquiry. These closing submissions focus
24 on Brimmond Assessment Centre, which was operated by
25 Grampian Regional Council from 1973 until its closure in

1 1994.

2 From the outset, as is evident from the Section 21
3 response, the council has accepted that there was
4 undoubtedly abuse perpetrated at Brimmond over
5 many years. It is clear from the extent and content of
6 the evidence that the Inquiry has heard that the
7 approach towards children at Brimmond was often
8 completely inappropriate. The council has listened to
9 the evidence closely and expresses its sincere gratitude
10 to those who have come forward.

11 While the council doesn't seek to make specific
12 submissions as to findings in fact, there can be little
13 doubt that young people at Brimmond were the subject of
14 humiliation, degradation, physical and verbal abuse.
15 The council takes this opportunity to restate its
16 unreserved apology to those who have suffered in their
17 formative years.

18 The Inquiry also heard Graeme Simpson, the council's
19 Chief Social Work Officer, make a full and unreserved
20 apology on behalf of the council, on 1 November, at the
21 conclusion of his evidence in this chapter.

22 The Inquiry has heard Mr Simpson's fundamental
23 concern about the ethos of Brimmond being confused from
24 the outset, whether it ought to be run as an assessment
25 centre, a children's home, remand centre, or something

1 else entirely. It appears that different answers might
2 have been given by the management, local authority, and
3 by the police at various times across Brimmond's
4 lifespan. The description of Brimmond as 'purpose-built
5 with no purpose in mind' was referred to in evidence
6 more than once and would be apposite.

7 On one view, the closure of Kaimhill Detention
8 Centre and opening of Brimmond Assessment Centre simply
9 resulted in the transference of staff from the former
10 institution to the latter and with them, a culture of
11 often callous authoritarianism.

12 LADY SMITH: Yes, another feature that came out in the
13 evidence -- and it wasn't just in relation to
14 Brimmond -- it was this era of the use of supposed
15 assessment centres. The body that was responsible for
16 making the decision that a child would go there, which
17 in most cases appeared to be, from what we heard, the
18 children's hearing or, indeed, court of some sort --
19 which may or may not have been right, but some people
20 thought it was a court -- plainly assumed that this was
21 going to be a proper assessment of where the child was
22 at in their development, what their problems were, and
23 working out exactly what the right thing to do for the
24 child was. But that was an assumption. They had no
25 evidence, actually, to tell them that. It was just

1 taken from the word 'assessment', I think, from anything
2 I have heard.

3 MR CROSBIE: Indeed, my Lady.

4 LADY SMITH: And no doubt in good faith, thinking that this
5 was going to be a good thing for the child, but that
6 wasn't what happened.

7 MR CROSBIE: Absolutely, I concur entirely, my Lady. It
8 wasn't -- well, it wasn't satisfactory in so many
9 respects, regardless, as my Lady said, of the place from
10 which the Children's Panel members were coming.

11 LADY SMITH: Mm-hm.

12 MR CROSBIE: I referred to a callous authoritarianism, my
13 Lady, the environment that these children were placed
14 into by the responsible authority and those on its
15 behalf. And really it is summed up by the evidence of
16 'Alex', who said:

17 'I don't consider Brimmond to be an assessment
18 centre. I think it was more of a juvenile prison and
19 I was there to be punished.'

20 It's clear that vulnerable children were regularly
21 failed by those entrusted to care for them.

22 Certain themes from the evidence related to Brimmond
23 are by this stage no doubt both familiar and troubling
24 to the Inquiry. The culture instilled by those in
25 positions of authority at Brimmond was epitomised by

1 indiscriminate violence, vulnerable children were
2 physically abused with regularity. The evidence was
3 harrowing in so many respects. One witness, 'Adrian',
4 spoke to being 'battered like rag dolls'. Another spoke
5 to his surprise that nobody was killed as a result of
6 the frequency and severity of the abuse.

7 The Inquiry will no doubt readily find that the
8 regime at Brimmond could be nothing short of brutal.
9 Distress was met with a raised hand or closed fist,
10 rather than a meaningful strategy for de-escalation.
11 There was no recognition at all as to the ramifications
12 and lasting impact of treating children in this manner.
13 Violence was too readily seen to be an answer. Empathy
14 and compassion were so often non-existent. Those who
15 did not directly inflict violence themselves turned
16 a blind eye to it, thus enabling the abuse to continue.

17 It goes without saying that the council utterly
18 abhors the violence that has been spoken to by those who
19 survived it. It was, and always will be, completely
20 unacceptable.

21 Similarly, the language used to speak to and about
22 children at Brimmond was undoubtedly disturbing.
23 Children who had invariably experienced trauma before
24 arriving at Brimmond were quite clearly regarded as lost
25 causes and treated as irredeemable, thus perpetuating

1 cycles of trauma and self-destructive behaviour that can
2 extend into adult life. We have heard evidence of
3 children being insulted to their faces, racially abused,
4 humiliated and degraded, situations of conflict being
5 inflamed by staff, rather than de-escalated, a staff
6 member quite happy to record in notes that they
7 '[weren't] going to be messed around' by a young
8 person's challenging behaviour.

9 It is quite striking that insofar as records were
10 infrequently kept, we can sense an adult's pride in
11 presenting themselves as hostile towards a young person
12 in their care. It represents a failure of the authority
13 to employ suitable people to instill proper values in
14 its institutions and to have effective oversight of
15 them.

16 A particular feature of the evidence relating to
17 Brimmond concerned the existence and seemingly
18 indiscriminate use of what was varyingly described as
19 a 'secure room' or 'cell'. The evidence in respect of
20 how children were effectively imprisoned, often naked,
21 as a punitive measure was deeply troubling. We have
22 heard evidence of children being effectively hidden in
23 a cell for extended periods because they have been
24 beaten black and blue. No justification could ever be
25 attempted for such measures; they could never be

1 tolerated in a modern care setting. Mr Simpson
2 recognised the use of a cell to manage behaviour as
3 being indicative of a failure to understand the
4 psychological history of the child, their needs, and how
5 we provide reparative and enabling care going forward.
6 It is the antithesis of Aberdeen City Council's
7 modern provision of children's services.
8 LADY SMITH: Of course, what we saw throughout this chapter
9 was not just failures to understand the psychological
10 history of the child, but failures to equip, properly
11 equip, the institutions that were receiving the children
12 with necessary information about their lives before they
13 went there and what their background was and, perhaps,
14 useful information to help them understand why the child
15 was as the child was. That, indeed, put them at the
16 risk of feeling that what they were doing was entering
17 into some sort of war with the children. There is this
18 clear impression of warring factions, at times, children
19 on one side, staff on the other. Hardly caring.
20 MR CROSBIE: Indeed, my Lady, that's quite right. There was
21 a lack of information provided and at the same time
22 a lack of, perhaps, curiosity --
23 LADY SMITH: Yes, you are right.
24 MR CROSBIE: -- on the part of those staff in these centres
25 as to why individual children might be behaving in

1 a particular way.

2 I recall an exchange that my Lady had, I think with
3 Mr Simpson, along the lines of: staff at these
4 institutions regarded children simply as being committed
5 to a life of crime and that was that, and there was
6 a defeatedness about the entire atmosphere, which, of
7 course, cannot be helpful in any sense.

8 LADY SMITH: Yes.

9 MR CROSBIE: In terms of the modern provision of children's
10 services, my Lady, in that vein, the Inquiry has heard
11 that the assessment centre model is not one in practice
12 today, of course.

13 The Inquiry has heard about the council's efforts to
14 limit the number of moves that a child experiences to as
15 few as possible. The Inquiry has also heard extensive
16 evidence from Mr Simpson, and submissions from the
17 council, indeed, in recent times as to its child-centred
18 practices today. The modern provision of care aims to
19 be compassionate, empathetic and responsive to
20 individual needs. In order do its best to achieve that,
21 there has been considerable investment in policy
22 development, staff training and child advocacy services.
23 In that respect, my Lady, I would simply adopt
24 submissions I have previously made in that respect and
25 in respect of other centres.

1 LADY SMITH: Yes.

2 MR CROSBIE: Thank you.

3 LADY SMITH: Thank you.

4 MR CROSBIE: In short, the council remains determined to

5 ensure that the experiences of those who endured and

6 survived such terrible abuse in the past are never

7 repeated. That said, it recognises that it must always

8 guard against complacency. The ongoing work of this

9 Inquiry is of the utmost importance in underlining the

10 lessons that must be learned by those responsible for

11 promoting the wellbeing and rights of children within

12 their care. That is why the council has done its utmost

13 to assist the Inquiry in its research and to listen to

14 the experiences of those who have so much to teach it.

15 Thank you.

16 LADY SMITH: Thank you very much, Mr Crosbie. I would now

17 like to turn to Renfrewshire Council, please. That

18 takes me to Mr Young. Whenever you're ready.

19 Closing submissions by Mr Young

20 MR YOUNG: Thank you, my Lady.

21 Renfrewshire Council is grateful to the Inquiry for

22 this opportunity to participate in this chapter and to

23 make this closing submission.

24 The council has listened to all of the evidence

25 given over the course of these two weeks, in particular

1 senior managers from its Children's Services Division
2 have been listening on each day where evidence was led
3 regarding Newfield. That evidence has made an impact.
4 It has raised important questions regarding not just
5 historical issues, but current practice.

6 LADY SMITH: Are there any particular aspects of current
7 practice that you would wish to draw my attention to,
8 Mr Young?

9 MR YOUNG: Yes, my Lady. I do so later in the submission.
10 I wonder if I might return to that question towards the
11 end?

12 LADY SMITH: Very well. Thank you.

13 MR YOUNG: The council, as I say, has begun to discuss some
14 of these questions and will be reflecting on them for
15 some time to come. I am afraid, my Lady, I am not going
16 to be in a position to suggest that the council has
17 answers to these questions.

18 However, I would like to begin by acknowledging the
19 bravery of those who have testified to the abuse that
20 they have suffered. One of the themes that will be
21 touched upon later in this submission is the lack of
22 documentary evidence that limits our knowledge of how
23 these institutions operated and of how allegations of
24 abuse were handled. In that context, these first-hand
25 reports from people who as children experienced these

1 places and the people there shine a spotlight on things
2 that would otherwise be lost in darkness.

3 Renfrewshire Council is deeply grateful to them for
4 doing this.

5 The Inquiry is in receipt of the Council's
6 Section 21 response regarding Newfield and some
7 additional information that was submitted subsequently
8 relating to a specific individual and the evidence
9 that's been given by its Chief Social Work Officer,
10 John Trainer. Taken together, these set out this
11 council's understanding, insofar as it has any
12 understanding, from its own records and experience of
13 Newfield and events there.

14 That goes along with the written version of the
15 submission which Mr Peoples has referred to already, my
16 Lady. However, I pause just at this point to note that
17 there is unfortunately an inaccuracy in the written
18 submission in relation to the question of qualification
19 of staff, at paragraph 10.

20 LADY SMITH: Yes.

21 MR YOUNG: With your Ladyship's permission, I will address
22 that point when I reach it.

23 LADY SMITH: Very well.

24 MR YOUNG: And clarify the position on that.

25 LADY SMITH: Thank you.

1 MR YOUNG: In addition to this, having heard the evidence
2 led during this chapter of the Inquiry, the council has
3 gained a great deal of the further information, in
4 particular in relation to the period from Newfield's
5 opening, which it now understands was in 1979 and its
6 taking over responsibility for that facility in 1996.

7 In common with the previous submission, the council
8 will not aim to consider the evidence in detail, but
9 rather to indicate to the Inquiry some themes that
10 Renfrewshire Council has immediately identified and its
11 initial thoughts on these, in the hope that these might
12 be of help to the Inquiry in its work.

13 The council has acknowledged that there were
14 instances of abuse of children during the period that it
15 was in charge of Newfield. It now also acknowledges
16 that there was abuse there when the facility was run by
17 Strathclyde Regional Council. It apologises
18 unreservedly to anyone who suffered abuse at Newfield,
19 at any time, for failing to protect them.

20 The reports of abuse that have been heard regarding
21 Newfield appear to concern, principally, physical abuse
22 in the form of excessive or otherwise inappropriate
23 punishment, inappropriate restraint, locking of doors,
24 either routinely or as a form of punishment, and the use
25 of children themselves as a means of imposing punishment

1 or other encouragement of violence between peers. It is
2 a feature of this type of physical abuse that it is also
3 accompanied necessarily by emotional abuse in the form
4 of distress, belittling the child, and other forms of
5 emotional abuse.

6 While this abuse was not intentionally part of the
7 system itself, there were features of the system,
8 particularly in the earlier days, that were a catalyst
9 for its existence. In this sense, my Lady,
10 Renfrewshire Council accepts that the abuse could be
11 described as systemic.

12 The model of the large scale assessment centre was
13 flawed in several aspects. Putting a large number of
14 children together in such an environment, particularly
15 where those children are brought from a wide
16 geographical area and have complex needs, will
17 inevitably lead to disruption and challenging behaviour.
18 That is exacerbated by a high turnover of children
19 placed and such short stays, which were intended to be
20 the norm in an assessment centre, tend only to
21 destabilise the child, with little meaningful assessment
22 possible outside that child's home environment, even if
23 it were to be attempted.

24 These concerns would apply were that model actually
25 put into practice, but the Inquiry has heard quite

1 clearly that, in reality, the function of the assessment
2 centres that have been the focus of this chapter was
3 muddled.

4 In the case of Newfield, staff transferred there
5 from the precursor remand home and, it would seem,
6 brought that culture with them. They were not generally
7 qualified in social work or another relevant discipline
8 and were not provided with any meaningful training.
9 Rather, it would appear, that work in more
10 disciplinarian environments, such as the army, the
11 police or the prison service, was in fact considered to
12 be relevant experience for them.

13 That disciplinarian culture and lack of training on
14 the part of the staff when faced by disruptive
15 behaviour, engendered in part by the very format of the
16 assessment centre itself, created prime conditions for
17 abuse of power, cruelty, and excess of punishment.

18 In the case of Newfield, my Lady, it appears that
19 the culture did change for the better. By the time that
20 Renfrewshire Council took over the establishment, staff
21 were trained in proper de-escalation and restraint.
22 However, I pause here just to note that this is the
23 point where there is an inaccuracy in the written
24 submission, my Lady.

25 LADY SMITH: Yes.

1 MR YOUNG: I have suggested in that that new staff required
2 a relevant qualification by that point, but I am afraid
3 to say that's incorrect. In fact, new staff have not
4 been required to have a relevant qualification until
5 relatively recently, as a result of SSSC registration.

6 LADY SMITH: Right, so do you have a date for that for me?

7 MR YOUNG: I think, if you bear with me one second, my Lady,
8 I can get that date for you. This is expanded on
9 further in the submission on behalf of
10 Glasgow City Council.

11 LADY SMITH: We have the SSSC requirement coming in, I
12 think, in 2005.

13 MR YOUNG: Yes, my Lady. It is also covered, I think, in
14 the Section 21 response, accurately.

15 So the requirements came into effect for managers of
16 residential childcare services in June 2005, residential
17 childcare workers with supervisory responsibilities
18 in October 2005 and all other residential childcare
19 workers in July 2006.

20 That's Renfrewshire Council's understanding of the
21 position.

22 LADY SMITH: So are you saying to me that Renfrewshire
23 imposed those requirements on their staff on those dates
24 or are you just reminding me of the impact of the
25 legislation that came in to force on those dates?

1 MS FORBES: I think that's the impact of the legislation, my
2 Lady.

3 LADY SMITH: That would fit.

4 MR YOUNG: Renfrewshire also started a programme of
5 qualification at an earlier stage, including managers
6 requiring to hold a social work qualification from 2003.

7 LADY SMITH: Oh, right. That's perhaps where the confusion
8 arose. But certainly not from 1979, which was when
9 Renfrewshire took over responsibility.

10 MR YOUNG: 1996 was when Renfrewshire took over
11 responsibility.

12 LADY SMITH: 1996, sorry, yes.

13 MR YOUNG: No, even at that point, my Lady, it wasn't
14 a requirement.

15 LADY SMITH: 1979, of course, was when Newfield opened.

16 MR YOUNG: I think the mistake has come from my conflating
17 two separate issues, which was the point about training
18 in proper de-escalation and restraint, and
19 qualification. These are separate questions.

20 It is the case that by 1996 -- and I am afraid we
21 don't have a date for when this began -- but by 1996,
22 the staff were trained in proper de-escalation and
23 restraint.

24 LADY SMITH: Okay.

25 MR YOUNG: And --

1 LADY SMITH: So a relevant training initiative began in
2 1996, but if you are talking about qualifications, you
3 are saying that was later; is that right?

4 MR YOUNG: That's correct, my Lady. Just with the slight
5 point that I am not sure that the training in
6 de-escalation and restraint began in 1996. It seemed to
7 be in place by 1996.

8 LADY SMITH: Oh right, I see.

9 MR YOUNG: I am not entirely clear when that programme
10 began, my Lady.

11 LADY SMITH: Thank you.

12 MR YOUNG: So that training in de-escalation and restraint,
13 the difference that it made was spoken to by the
14 applicant known as 'Patrick', who described being
15 restrained in a manner that was not painful or
16 distressing in 1998. He also spoke to better
17 communication with staff and to having his own room at
18 Newfield.

19 Nevertheless, the key reform that
20 Renfrewshire Council considers, my Lady, addressed the
21 problems described above was to move away from the large
22 scale model and towards a model based around the three
23 principles that are referred to in section B of the
24 council's Section 21 response, which are; clear
25 leadership with an effective philosophy, smaller homes,

1 and higher staffing ratios.

2 The Inquiry has also heard evidence of some staff
3 being convicted of sexual offences against children.
4 The victims in these convictions were not children who
5 resided in Newfield. However, some allegations of
6 sexual abuse at Newfield were made and the records for
7 investigations into these are not available.

8 The redesign of Newfield in removing the dormitory
9 accommodation would also have had some effect to reduce
10 the risk of such abuse. However, it is not really
11 possible for Renfrewshire Council to say much more about
12 that. There were no reports of abuse of any type at
13 Rowanlea, the refurbished, smaller scale Newfield, in
14 the course of the 13 years that it operated, suggesting,
15 my Lady, that that change in model had some effect or
16 some impact in addressing some of these concerns.

17 LADY SMITH: Mm-hm.

18 MR YOUNG: Reflecting on the evidence, the council has also
19 been able to identify some areas where practice has
20 improved.

21 My Lady, these are detailed in the written
22 submission. I think they correspond to some points that
23 have been raised in previous submissions at the Inquiry.
24 I don't intend, therefore, to go into them in detail
25 here. However, I would just highlight some of them.

1 These have worked in parallel with the changes that
2 I have talked about in terms of the format of
3 residential homes to improve children's experiences.

4 Firstly, in relation to children running away, this
5 is a much less frequent occurrence, but attention is
6 paid much more closely to that.

7 More generally, communication with children is
8 better and they are listened to. Your Ladyship has
9 heard evidence in relation to the use of independent
10 advocacy in Renfrewshire from Mr Trainer. There are two
11 organisations that provide this for children who wish to
12 access it; Who Cares? Scotland and Barnardo's.

13 Who Cares? Scotland also actively goes out to meet
14 children in care in groups and visits children's houses,
15 so the children can see them and talk to them if they
16 wish. It is clear, my Lady, that the advocate's role is
17 not only to express the views of the child, but also to
18 ensure that they understand whatever process they are
19 involved in. Again, that's a feature that seems to have
20 been lacking historically.

21 LADY SMITH: Yes. I see you go on and you refer to the
22 incorporation of the United Nations Convention on the
23 Rights of the Child. I take it you are talking about
24 the legislation that was passed this year; am I right?

25 MR YOUNG: Yes.

1 LADY SMITH: The United Nations Convention on the Rights of
2 the Child (Incorporation) (Scotland) Act 2024 --
3 MR YOUNG: Yes.
4 LADY SMITH: -- which provides that it is unlawful for
5 a public authority to act in contravention of the
6 convention in any matter in which they have the power
7 conferred on them to act.
8 MR YOUNG: Yes, my Lady. I think it goes somewhat beyond
9 just the basic legislative provision in terms of
10 incorporation of the convention. The actual operation
11 of the incorporation, if I can put it that way, is
12 perhaps unusual, in that it is limited only to when the
13 local authorities are necessarily exercising functions
14 in terms of devolved legislation --
15 LADY SMITH: Yes.
16 MR YOUNG: -- which can be somewhat limiting in respect of
17 care for children where legislation, ultimately, is
18 rooted in statutes from Westminster.
19 LADY SMITH: Of course.
20 MR YOUNG: The point, really, about incorporation of the
21 UNCRC is, I think, that it goes along with The Promise
22 and various other initiatives at a national level to
23 really change the culture and attitude of children's
24 services that are provided by local authorities.
25 So I think I can assure your Ladyship that while

1 perhaps for the lawyers there might be some interesting
2 legalistic points about where it applies and where it
3 doesn't, those who are actually involved in practice are
4 quite clear that they should feel bound by it, whether
5 they are technically bound by it or not.

6 LADY SMITH: Yes, I can see that. It is early days,
7 I suppose, in the operation of the legislation because
8 it only came into force in July, I think. One would
9 hope that nobody ever has to take proceedings under it
10 and the Children's Commissioner never has to intervene
11 in the way that the Act allows for him to do. But
12 perhaps its very existence will highlight the importance
13 to local authorities, such as Renfrewshire, being
14 acutely aware of what the convention so long ago, more
15 than 30 years ago, set out as being really the minimum
16 that needed to be done for children.

17 MR YOUNG: Yes, indeed, my Lady. And in anticipation of it
18 coming into force, there already has been a great deal
19 of work to do that.

20 LADY SMITH: Yes, good.

21 MR YOUNG: Care plans for children do now involve family
22 members, children, and other agencies who are able to
23 input into that, and they are more professional and
24 clearer. In Renfrewshire, this is currently embedded in
25 practice in how staff are trained and supervised and in

1 the format of the reports. I have listed the different
2 reports in the written submission, my Lady, but these
3 contain specific sections that require whoever is
4 completing the report to look at -- or to seek the child
5 or young person's views and their family's views.

6 There is now also a focus on trauma-informed
7 practice, both in residential settings and also in
8 fieldwork teams. I have referred already to national
9 structures that have improved various aspects of this.
10 But one of those is also the oversight of residential
11 establishments through the Care Inspectorate.

12 As I have referred to, it is now the case that all
13 staff require to be qualified and registered with the
14 SSSC, and they also have to have a PVG check completed
15 before they are recruited. Many of these changes -- by
16 which I mean many of all the changes I have described --
17 are underpinned by The Promise and the practice
18 continues to improve in response to The Promise.

19 LADY SMITH: Thank you.

20 MR YOUNG: Complacency would, however, be dangerous, my
21 Lady. There have been aspects of the evidence heard
22 that have begged questions of current practice, which
23 the council is not in a position, at the moment, to
24 provide a full answer to.

25 The applicant known as 'Stephen', who is now

1 a practising social worker, regards current social work
2 practice as not having progressed since the 1970s.

3 Amongst other --

4 LADY SMITH: Yes, his evidence was quite striking, actually.

5 MR YOUNG: It was, my Lady. He raised various points in
6 support of that, and I would have to say that the
7 council does not recognise all of these. However, one,
8 I think, that it does specifically was that when he
9 referred to resource-led decisions being made about
10 placements rather than the child's needs being matched
11 with suitable care.

12 The challenge presented by limited resources remains
13 a barrier to truly matching a child's needs with
14 a placement and I think it is important to be clear that
15 this is not simply a question of funding, which, of
16 course, local authorities are always complaining about.
17 Recruiting permanent staff remains a challenge and
18 identifying resources in the community, particularly for
19 children with very specific needs -- and, I might add,
20 particularly for local authorities with relatively small
21 populations or small geographic boundaries -- is
22 difficult.

23 LADY SMITH: When you refer to 'resources in the community',

24 Mr Young; what is it you have in mind?

25 MR YOUNG: I suppose specifically foster care, my Lady, and

1 suitable foster carers.

2 LADY SMITH: Yes.

3 MR YOUNG: As I say, I am really thinking specifically of
4 some of the children or young people with very
5 particular needs, and it can be very difficult to find
6 properly qualified, properly trained, individuals, and
7 individuals who are willing to undertake the
8 responsibility that comes with caring for such a child.

9 LADY SMITH: Yes.

10 MR YOUNG: Renfrewshire Council is currently developing
11 a new policy which aims to develop more local resources
12 to ensure young people are able to access the care and
13 support they need, but it would have to be acknowledged
14 that this is a problem that is not likely ever to be
15 fully resolved.

16 Discussion of Brian Faulds' case has also raised
17 some concerning issues. In the first instance, it is
18 difficult to understand the way in which the complaints
19 against him were dealt with. This council has no doubt
20 that more robust action should have been taken at
21 various stages, including very early in his employment,
22 and that this could have resulted in his dismissal. Why
23 that action was not taken is impossible now to say, but
24 it was a major failure. Renfrewshire Council believes
25 its disciplinary procedures are operated properly, and

1 this, in tandem with better supervision of staff and the
2 introduction of the PVG scheme, does mean that such
3 failures should not now happen.

4 LADY SMITH: He seemed to have a pretty free rein.

5 MR YOUNG: Yes, my Lady. Mr Trainer reflected, I think, in
6 his evidence on how mystifying the short precis that we
7 have of the complaints against him and the action, or
8 lack of action, that was taken in relation to those is.

9 LADY SMITH: And it would be hard to ignore the hint of
10 anxiety on the council's part of pushing him too hard
11 because of his union official position.

12 MR YOUNG: Yes.

13 LADY SMITH: Unfortunately.

14 MR YOUNG: And, again, my Lady, I think that's difficult to
15 understand. It's certainly inexcusable.

16 LADY SMITH: Mm-hm. And somehow that he was able to prolong
17 matters as long as he did, as, I think, was recognised
18 in the note, something to the effect that he made best
19 use he could of the procedures to draw matters out. But
20 it meant everybody was left hanging as to what was
21 happening with the man.

22 MS FORBES: Yes. That, unfortunately, is familiar from
23 disciplinary procedures quite unrelated to any of the
24 questions that this Inquiry is concerned with.

25 Nonetheless, I think, as Mr Trainer indicated in his

1 evidence, now there would be a precautionary suspension
2 for almost all, I think, of the specific complaints that
3 were referred to there. To that end, delaying matters
4 would not necessarily always be in the best interests of
5 the person themselves. But the point would be, of
6 course, that children would be protected in the meantime
7 and the disciplinary procedure itself would be run to
8 its proper conclusion.

9 LADY SMITH: Yes. Of course, you may have a precautionary
10 suspension, and I have seen this happen in boarding
11 schools, and matters drag out and drag out, and in fact
12 at the end of the day nothing is established. After all
13 that time, children who could have had the benefit of
14 a good teacher have been deprived of it. As for the
15 position of the member of staff, it is dire --

16 MR YOUNG: Yes.

17 LADY SMITH: -- in the meantime. It can be very harmful to
18 them. For all the interests involved when something
19 like this happens, expedition -- not so expeditious as
20 things aren't done as professionally and properly as
21 they should be, but expedition is really important.

22 MR YOUNG: Yes, that is absolutely the case, my Lady. There
23 are maybe parallels with the criminal justice system in
24 this.

25 LADY SMITH: Yes.

1 MR YOUNG: It is unfortunately the case that to protect the
2 public from people who may have committed offences, that
3 some innocent people, unfortunately, will be deprived of
4 certain liberties. Of course, that also deprives them
5 from perhaps contributing to society in the way they
6 might be while they are detained.

7 LADY SMITH: Yes, you are absolutely right.

8 MR YOUNG: The case also puts into sharp focus, my Lady,
9 questions about recording and retention of information
10 about abuse or potential abuse. That question really
11 underlies much of the evidence in this chapter and, I am
12 sure, much of the rest of the Inquiry as well.

13 The council already had cause to consider this in
14 the course of preparing its Section 21 response. It has
15 made some observations on the limitations of those
16 records that are or might have been available in section
17 T and appendix 1 of its Section 21 response.

18 In truth, it is unrealistic to imagine that
19 complaints, logs, or similar, would provide a complete
20 record of abuse at an institution for the reasons that
21 have already been set out and I don't intend to restate
22 them here.

23 However, the council does acknowledge that its own
24 procedures on retention of files were not followed on
25 the closure of Rowanlea and for some time prior to that,

1 such that information that should have been available is
2 not. The council is sorry for that failure.

3 The council believes that its practices in regard to
4 recording of information have improved. In part, this
5 is because good case recording has now been made
6 a central plank of the training provided to new social
7 workers reflecting that such records are now seen as the
8 child's, rather than the council's. The recording is
9 therefore to be considered a central part of a social
10 worker's support to a child, not a mere bureaucratic
11 task that detracts from the real work. Technology has
12 also made the process of recording easier, and the
13 gathering and synthesis of information from different
14 sources much easier.

15 Nonetheless, the experience of taking part in this
16 chapter of the Inquiry's proceedings has raised
17 questions as to whether better work can be done to
18 record and retain information regarding allegations made
19 against staff members.

20 The SSSC register and the PVG scheme have improved
21 the ability of employers of residential care staff to
22 share historical information, as well as requiring
23 retention of disciplinary records for a longer period
24 than would have been the case in the past. But there is
25 a question as to whether and how such information should

1 be recorded in a child's file too, especially where
2 allegations are not found to be established. How
3 concerns about staff that do not reach the threshold for
4 disciplinary action report to the SSSC or report to
5 police can be recorded is a further question that this
6 council is now considering.

7 The council hopes it has been of assistance to the
8 Inquiry and looks forward to receiving its findings.
9 Thank you, my Lady.

10 LADY SMITH: Thank you very much, Mr Young.

11 Now, finally, I would like to turn to Ms Trainer,
12 please, for Glasgow City Council. When you are ready.

13 Closing submissions by Ms Trainer

14 MS TRAINER: Thank you, my Lady, the Inquiry should have
15 a written response by Glasgow City Council. Whilst it
16 is not my intention to read out the response in its
17 entirety, there are some matters within it which I would
18 seek to highlight.

19 LADY SMITH: Thank you.

20 MS TRAINER: As is set out in paragraph 2, because of the
21 historical responsibility for Beechwood, prior to the
22 commencement of this Chapter 10, Glasgow City Council
23 had quite limited information in relation to the way in
24 which it was run, the establishment having been closed
25 in 1983 whilst under the watch of

1 Strathclyde Regional Council.

2 That being said, the council have listened to and
3 read carefully the evidence led in this chapter and, as
4 is noted at paragraph 3 of the response, I think it is
5 fair to say the evidence in this chapter has been
6 somewhat varied in relation to the experiences of girls
7 and young women who were placed at Beechwood.
8 Nevertheless, the council continues to accept that the
9 evidence of children and young people who suffered abuse
10 whilst at Beechwood is indicative of systemic deficits
11 in policy and practice within residential care services
12 as a whole. It is only appropriate that the council
13 reiterates its apology to the children and young people
14 abused in residential care tendered at the commencement
15 of this case study. And so to the children and young
16 people who suffered abuse, particularly whilst at
17 Beechwood, the council is deeply sorry.

18 LADY SMITH: Thank you.

19 MS TRAINER: The response sets out the council's involvement
20 in this chapter at paragraphs 4 and 5. Your Ladyship
21 will recall Susanne Millar returned to give evidence
22 last week and continues to be heavily involved in the
23 council's engagement with this Inquiry. In particular,
24 she was asked in evidence whether the council might be
25 able to provide information in relation to the

1 development of council policy from untrained staffing
2 within residential care to trained staffing.

3 LADY SMITH: Yes.

4 MS TRAINER: And as referred to by Mr Peoples in response to
5 that question, a senior manager within the social work
6 team has provided a summary of the information and
7 statistics held by the council in relation to the
8 qualification level of residential care staff.

9 The council's observations and reflections on the
10 evidence heard and read within this chapter is
11 summarised throughout the remainder of the written
12 response and, particularly at paragraph 6, it is
13 recognised that the inspection notes in relation to
14 Beechwood obtained by the Inquiry from the National
15 Archive have provided particular information in relation
16 to what were the known issues with the service at the
17 time. The council accepts that these issues, coupled
18 with the evidence produced from applicants, indicates
19 that abuse took place at Beechwood and it does not seek
20 to challenge that evidence, nor minimise it at all.

21 As your Ladyship may recall, the council submitted
22 its response to the other chapters within this phase in
23 terms of a number of key themes and we have sought to
24 continue that approach here, the themes being outlined
25 at paragraph 7. But I say interestingly, and perhaps in

1 contrast with some of the other chapters, the themes
2 particularly of restraint and horseplay were somewhat
3 less prevalent in this chapter.

4 LADY SMITH: Yes.

5 MS TRAINER: One explanation for that, as is suggested,
6 might be that this establishment was for girls and young
7 women, in contrast to some of the others that the
8 Inquiry has heard evidence about thus far.

9 But also the gendered nature of the establishment
10 seems to have exacerbated some issues, most strikingly,
11 as your Ladyship heard, the provision of education
12 within Beechwood, as is dealt with in paragraph 12.

13 Your Ladyship will recall it was noted within
14 an inspection report that a qualified teacher wasn't
15 even in post at Beechwood until at least six years into
16 its life as a remand home. Even then, as was seen from
17 the timetables which were produced, lessons were
18 curtailed in both time and scope.

19 At paragraph 14, the response sets out some
20 additional themes which have emerged from the evidence
21 in this chapter and notes, I say, quite a striking
22 similarity in relation to the evidence heard of other
23 assessment centre establishments, particularly insofar
24 as there seems to have been widespread abusive practices
25 utilised in order to embarrass, demoralise and control

1 residents' behaviour.

2 What particularly stood out to the council in
3 relation to Beechwood was the evidence of multiple
4 residents who described receiving sedentary medication,
5 either in their food or at meal times.

6 LADY SMITH: Are you talking about medication to sedate
7 them, which was referred to in the evidence as being,
8 I think, in liquid form, because there was a bottle on
9 a shelf that one of the witnesses talks about, and one
10 witness in particular becoming very suspicious of it.

11 MS TRAINER: Yes, my Lady. Not only the practice, I think,
12 of administering that medication, but the feeling of
13 residents that something was being kept from them is in
14 itself contrary, of course, to their emotional
15 wellbeing.

16 LADY SMITH: Mm-hm.

17 MS TRAINER: The council is aware and acknowledges
18 historical practice that took place in residential care
19 establishments where medication was administered to
20 residents which effectively was designed to assist in
21 either sleeping or moderation of behaviour. But this
22 practice, as it should be, is unrecognisable in a modern
23 social work context.

24 LADY SMITH: Yes.

25 MS TRAINER: Once again, this chapter has afforded the

1 council an opportunity to reflect on the evidence heard
2 and consider its implications in a modern social work
3 context, and the administration of medication being one
4 of those aspects.

5 Experiences which were described by residents within
6 Beechwood of feeling labelled as 'troublesome' or
7 sometimes 'backward' have been common across the
8 establishments covered within this phase, despite many
9 of those young people having been accommodated for their
10 own care and protection rather than for the alleged
11 commission of offences. The council -- it goes without
12 saying, but the evidence of Susanne Millar was that the
13 council recognises that labelling children and young
14 people in this way is both inappropriate and contrary to
15 their wellbeing and development.

16 Again, in her evidence, Ms Millar highlighted the
17 importance and modern focus of continually listening to
18 and then gathering the views of children and young
19 people in residential care. I have provided, at
20 paragraph 17, details of some of the ways in which the
21 council currently attempts to do that. Ensuring that
22 children and young people feel listened to and
23 prioritised is a critical part of the council's role,
24 and also an aspect which they have sought to continue
25 throughout their engagement with this Inquiry.

1 My Lady, that concludes what I wish to say on behalf
2 of Glasgow City Council in response to the evidence of
3 this chapter.

4 LADY SMITH: Thank you very much. Thank you very much,
5 Ms Trainer.

6 Well, that, I think, completes what we have to do
7 today, apart from just highlighting that, of course, we
8 haven't yet finished this phase and another chapter
9 opens the week after next, Chapter 11, the second half
10 of that week, I can't remember the date at the moment.

11 MR PEOPLES: I think it is around the 28th or thereabouts.

12 LADY SMITH: The 28th, yes.

13 MR PEOPLES: Thursday, the 28th, I have confirmed.

14 LADY SMITH: Thursday, the 28th, my gratitude to Ms Forbes.

15 As usual, if people keep an eye on the website for
16 the specific details of how that phase is running will
17 come up with the normal notice. But, otherwise, I will
18 rise now and, unless anyone has anything else they want
19 to address me on, close proceedings until the week after
20 next. Thank you.

21 (10.56 am)

22 (The Inquiry adjourned until Thursday, 28 November 2024)

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