

Tuesday, 3 December 2024

(10.00 am)

LADY SMITH: Good morning, we return to further evidence in Chapter 11 of Phase 8 and we plan today to hear, I hope, from three witnesses in person, starting with somebody who is here, I think we will have one link later on this morning, but certainly a person who is ready to give evidence, is that right, Mr MacAulay?

MR MACAULAY: Yes, he is here, my Lady, he is an applicant who wants to remain anonymous and he wants to use the pseudonym 'Logie' in giving evidence.

LADY SMITH: Thank you.

MR MACAULAY: Perhaps before he comes in, can I just say that part of his statement has already been read in.

LADY SMITH: Yes.

MR MACAULAY: In particular, in the foster care chapter. So that was on Day 331, on 4 October 2022. The transcript is TRN-10-000000071.

LADY SMITH: Yes, this is somebody who, as we will no doubt hear, he had two foster care placements, if I remember rightly, I think, but 13 placements in all between the age of about 9 and 16.

MR MACAULAY: Yes.

LADY SMITH: Yes. Very well. If he is ready, let's hear from 'Logie'.

1 'Logie' (affirmed)

2 LADY SMITH: Good morning, 'Logie'.

3 A. Morning.

4 LADY SMITH: 'Logie', do sit down and make yourself

5 comfortable.

6 A. Thank you.

7 LADY SMITH: 'Logie', thank you so much for coming along

8 this morning to help us with your evidence in person.

9 We do, of course, already have your statement, which

10 covers the many places that you were a child in

11 residential care for --

12 A. Yeah.

13 LADY SMITH: -- about seven or eight years, I have seen that

14 already. But we would like to explore some parts of it

15 with you in a little more detail this morning, if that's

16 all right with you.

17 A. Of course, yeah.

18 LADY SMITH: Your written statement is in that red folder,

19 so it will be available if you need it. We will also

20 bring the statement up on the screen in front of you,

21 some people also find that helpful. You don't have to

22 use them, but they are there if you want to.

23 'Logie', I do know that giving evidence in this

24 setting, a public setting, about yourself and about your

25 life when you were a child, and when things that

1 happened were not exactly wonderful, and that's no
2 understatement, I know that, and it can take people by
3 surprise at times how emotional they get, or how
4 troubled it can feel as they start dealing with the
5 evidence. If you want a break, or a pause, or if there
6 is anything else we can do to help you, please don't
7 hesitate to speak up. The key is I want to do
8 everything I can to help you to give the best, clearest
9 evidence that you can, so if it works for you, it is
10 likely that it will work for us as well.

11 A. Thank you.

12 LADY SMITH: We will do this together now, if you are ready,
13 and I will hand over to Mr MacAulay, is that okay?

14 Mr MacAulay.

15 Questions from Mr MacAulay

16 MR MACAULAY: Yes, hello again, 'Logie'.

17 A. Hello.

18 Q. The first thing I want to do is give the reference of
19 your statement to the stenographers, that is at
20 WIT-1-000000675.

21 The first thing I want you to do, 'Logie', is to
22 turn to the final page of your statement, and can you
23 just confirm that you have signed that final page?

24 A. Is that the last page?

25 Q. Yes.

1 A. Yes, I signed that.

2 Q. Do you say in the last paragraph:

3 'I have no objection to my witness statement being

4 published as part of the evidence to the Inquiry and

5 I believe the facts stated in this witness statement are

6 true.'

7 A. Yes, I can confirm that.

8 Q. 'Logie', because you want to remain anonymous, I don't

9 want your date of birth, I just want to put the year of

10 your birth to you so that we have a context for your

11 evidence.

12 A. Yes.

13 Q. Can you confirm that you were born in 1985?

14 A. I can.

15 Q. If I go to the beginning of your statement, you begin by

16 telling us a bit about your life before you went into

17 care. In particular, that you were born in Dundee, that

18 your parents split up around the time you were born, is

19 that correct?

20 A. Yes.

21 Q. But you do have siblings?

22 A. I do.

23 Q. I think you tell us also that your mother had a partner

24 who was not particularly nice to her or to you?

25 A. Yeah, after she left my birth father, yes.

1 Q. I think you give us an example of him putting you into
2 a cupboard when you were very young?

3 A. Yes, that's correct.

4 Q. Do you have a recollection of that?

5 A. I do. Erm, I was obviously crying for my mum, because
6 I was such a young lad. I obviously annoyed him in some
7 way, so much so that he wanted to shut me up in a sense,
8 and literally did, into a cupboard, a dark cupboard,
9 that eventually made me scared of the dark inside. Erm,
10 I remained in there for maybe two or three hours,
11 I would assume, I don't remember exactly how long that
12 might have been. But when my mother came back, she
13 found that I was in the cupboard. They had some sort of
14 argument about it. Obviously she wasn't happy about it,
15 but at the same time she kept this guy on, she didn't
16 continue --

17 Q. Did there come a point in the time when they did
18 separate?

19 A. Yes, there was.

20 Q. Did your mother remarry after that?

21 A. She remarried, yes. She remarried my next stepdad, if
22 you want. That was -- I was possibly around 4 years
23 old.

24 Q. You also tell us that you were attending a particular
25 primary school, but you had police involvement, because

1 you were absconding, shoplifting and misbehaving at
2 school, is that right?

3 A. That's correct, yes.

4 Q. You also seemed to set fires?

5 A. Yeah, I had some fascination with lighting fires at that
6 age. I'm not sure why that was. But in retrospect, and
7 thinking back, the chances are because there was
8 something going on at home that, you know, I felt that
9 by lighting these fires, I was sort of getting rid of
10 bad feeling, I guess.

11 Q. I mean would you describe your home life at that time as
12 unhappy?

13 A. Very.

14 Q. You give us an example of knocking on a woman's door and
15 saying that you had been abandoned?

16 A. That's when I was in primary school, a very young age.
17 I was possibly 6 or 7 maybe at that time. Erm,
18 I pointed over -- once I'd knocked and had an answer,
19 I pointed over to some abandoned houses that had sort of
20 wooden stuff over them, like, say they were empty, to
21 stop window smashing or what not, and I said that, you
22 know, my mum had left me on my own.

23 And so, yeah, that was that night. And she
24 obviously -- I was obviously, I knew the person that
25 lived there in terms of the child, so I went there.

1 Obviously knowing them. So she took me in, she was
2 like, 'Hey, listen just go in', I think there was
3 a computer or a couple of toys or whatever, and play
4 with the young lad like. And then the police eventually
5 showed up, because obviously she was concerned, and they
6 took me home to mum. But at that point in time she was
7 all nicey-nicey to the police while they were there, 'Do
8 you want a sandwich?', and things, you know, to myself.
9 But once the police had left, I had quite a severe
10 beating, erm, to the point where I was beaten up and
11 down the house, off of radiators, the old-style
12 radiators, I would describe them as iron, I had blood
13 pouring from me.

14 And she scared herself, I would assume, and locked
15 me in the house, went down the stairs to the neighbour's
16 house, and phoned -- I believe it to be that night that
17 that happened. I can't be positive it was that night
18 that I was put into care, or, you know ... that's what
19 I remember from that night.

20 Q. Okay. By then had you had social work involvement?

21 A. Yes.

22 Q. You do mention a particular social worker named Rita?

23 A. Yeah.

24 Q. I think she was involved with you even at this point
25 this time; is that right?

1 A. I believe it was Neil that was more so involved.
2 Q. Okay, but she became more involved?
3 A. But Rita was the main social worker for me throughout my
4 period in care.
5 Q. Going into care, I think you began by going into foster
6 care, is that correct?
7 A. Yes, that's correct.
8 Q. I think you have a date in your statement suggesting
9 [REDACTED] 1994. Records seem to suggest it may have been
10 a bit later than that, but in any event you were aged
11 about 9 when you went into foster care?
12 A. Yeah, that's again, because it was so long ago when
13 I was giving the statement, I am pretty sure that dates
14 could be slightly off.
15 Q. Yes, absolutely, I fully understand that.
16 You go on to tell us about that first placement in
17 foster care, in the next number of paragraphs. I think
18 you left that placement in about [REDACTED] 1995, according
19 to records.
20 A. Yeah.
21 Q. And you went into another placement at that time?
22 A. That's right, yeah.
23 Q. Again, I think you are aware, 'Logie', that that
24 evidence has been looked at --
25 A. Okay.

1 Q. -- in the chapter dealing with foster care, so we don't
2 need to go in to the detail of it today.

3 A. Of course, yeah.

4 Q. Just taking note of the fact that you were there in both
5 these placements.

6 A. Yes.

7 Q. As far as the second placement is concerned, as you tell
8 us at paragraph 20 of your statement, I think you
9 thought you were there for about six months, but the
10 records tell us in any event that you probably left that
11 placement in about [REDACTED] 1995, so that would be
12 approximately five or six months.

13 A. Okay.

14 Q. You go on to discuss your time in that placement at
15 paragraph 32 in your statement, that's on page 8, it is
16 on the screen, you say you are not sure why you were
17 taken away from that placement, but then you were put
18 into another establishment, is that right?

19 A. Yeah, I may have missed this piece when I was reading
20 back over it and signed it, erm, but I can clarify that
21 basically it was due to -- it was likely due to me
22 putting myself into -- and putting -- no, no, sorry,
23 I've read it correctly, my bad.

24 So yeah, I now know exactly why, having gone through
25 my statement again with redress process.

1 Q. Okay, do you want to say why you left that placement?

2 A. Well, I -- if we are talking about the first placement,
3 being moved into Duncan Place, no, the second placement.

4 Q. The second placement?

5 A. This was in Broughty Ferry, erm, this was a religious
6 family, they were a Christian family, and I guess that
7 me being taken to Sunday school and things didn't sit
8 well with me. So I rebelled against that quite often.

9 Q. That's the broad background?

10 A. Yeah, basically I, erm, I had some things go on there
11 where my mouth was washed out with soap because I had
12 swore. I had been put out on the back step, and
13 I believe it was like tracksuit bottoms, or shorts and
14 a t-shirt, it was definitely a t-shirt, because I was
15 freezing, erm, and I believe it might well have been
16 either a cold night or it was during the winter time,
17 erm, but yeah, this could be the reason that I was taken
18 from there, maybe I complained about that.

19 Q. Was your social worker involved in the move from that
20 placement to another establishment?

21 A. Yes, I believe she would have been.

22 Q. You go on to tell us about that establishment. The
23 records suggest that you were there in [REDACTED] 1995, aged
24 about 9.

25 A. Yeah.

1 Q. Would that accord with your own recollection?

2 A. Yeah, yeah. I would say, I mean personally I believed

3 I was maybe about 8 and a half, but, yeah, if that's

4 what the records says then definitely that's roughly

5 around right for me.

6 Q. Yes. You tell us about this particular place in Dundee.

7 We are not looking at that at the moment. If you go on

8 through your statement to paragraph 59, you leave this

9 place and what you tell us there at 59 is:

10 'I was a messed up young man and I was very

11 misunderstood.'

12 A. Yeah.

13 Q. Can you just develop that for me. Is that you thinking

14 back?

15 A. Yes, that's me thinking back. That's basically me

16 saying that so much had went on already by that point,

17 erm, you know, I was lighting fires on my mum's carpet

18 in front of the electric fire, was taking paper and

19 lighting it up. I was running away from school.

20 Jumping off school buildings. I was stealing from

21 shops. I'd done so much different things, and

22 remembering that, yeah, I was messed up. I wasn't

23 an idiot, I wasn't stupid, I was just acting out in

24 a way that I, as a child, could act out, to say

25 something's wrong here.

1 Q. According to records, you left the Dundee establishment
2 in [REDACTED] 1996, so you would be maybe aged 10 by that
3 time?

4 A. Yeah, I believe I was -- I don't know if I was the
5 youngest at the time, but I was definitely one of the
6 youngest in that establishment when I moved.

7 Q. You tell us in paragraph 60 your involvement with
8 an older boy and what happened, can you tell me what
9 happened?

10 A. He was an 18-year-old.

11 Q. Yes.

12 A. As far as I remember, he was 18. He was a sort of
13 neighbour in the neighbourhood, erm, and some of the
14 older boys at the place I was, they used to have him
15 round, and he would be kicking around outside the front
16 gate and what not with these guys and I got to speaking.
17 And he basically took me, I would say under his wing,
18 but in a bad nature, in terms of taking me to go
19 stealing cars and things along them lines. Erm, nothing
20 other than stealing cars, to be fair, but, you know,
21 joyriding and what not.

22 Q. You as the younger boy; was he the driver and you were
23 the passenger?

24 A. Yes, yes, that's right. That's right. There was a time
25 that he had taken a car with me, and was basically

1 showing me the ropes, if you want, erm, I guess. I was
2 quite -- it sounds stupid as an adult to say this, but
3 I was inspired by this guy. Erm, I felt that this guy
4 could do things that I wanted to do. And the reason
5 I say I wanted to do is because I loved cars. And
6 I wanted to drive. Even at that age, you know, most
7 young guys, they like cars, you know.

8 Q. I think you tell us about an accident that you had?

9 A. Yeah, yeah.

10 Q. Was it out on the outskirts of Dundee?

11 A. Yeah, it was a kind of country road, if you want. And
12 he was going quite fast and I asked him to slow down
13 because I was a bit fearful at this point. He said,
14 'It's all right, I know this road like the back of my
15 hand', and then all of a sudden, just as he's finished
16 saying that, we flew off the side of a corner, and into
17 a field where -- I don't know if it's like baby trees
18 that have these things around them to keep them, like,
19 growing straight, and they were flying over the
20 windshield. We didn't overturn or anything, we just
21 sort of flew into the field, quite a bit of speed, erm,
22 and then it was jammed, the car was jammed, we couldn't
23 walk -- we couldn't drive it out, so we had to walk
24 home.

25 Q. Is this the background to you going to Rossie?

1 A. Yes, Secondary Institutions - to be published later
2 Secondary Institutions - to be published later
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4
5
6 Q. Yes, I think, as you mentioned, looking back you realise
7 you were 'messed up' --
8 A. Yeah.
9 Q. -- and you were doing these things you shouldn't have
10 been doing?
11 A. Yeah, yeah.
12 Q. That led up to you being sent to Rossie Farm; is that
13 correct?
14 A. That's right.
15 Q. You were there for about a year, I think, because
16 according to the records you left in [REDACTED] 1996, when
17 you would be about aged 11?
18 A. Yeah.
19 Q. You tell us about your first day at Rossie, were you
20 taken there by your social worker?
21 A. Yes.
22 Q. This is the lady you mentioned before?
23 A. I believe my social worker took me, however, I believe
24 that there may have been a member of staff as well. And
25 I also know that I was kind of friendly with a family in

1 the same street as the previous establishment before
2 going to Rossie, and they had two daughters. They also,
3 one of them at least, attended with me, but not inside,
4 just to the car park area and gave me a wee toy, and
5 things, like, you know, and say, 'Look, you know, you
6 gotta be here, it's for your safety', that sort of
7 thing. So there was a couple of people involved in that
8 move.

9 Q. You were aged about 10 when you went in and about 11
10 when you left?

11 A. Yes. Yeah, I remember having my 11th birthday just
12 prior to basically going on a plane and flying away down
13 to England.

14 LADY SMITH: Mr MacAulay, the records we have seen suggest
15 [REDACTED] to [REDACTED] 1996, do they?

16 MR MACAULAY: [REDACTED] to [REDACTED] 1996.

17 LADY SMITH: Yes, thank you. I think you said earlier it
18 was about a year, I don't think it was that long.

19 MR MACAULAY: No, it was six months.

20 LADY SMITH: About five to six months, thank you.

21 MR MACAULAY: Yes.

22 In paragraph 63, you tell us what you tried to do
23 when you arrived at Rossie. Just help me with that?

24 A. What I tried to do or what they tried to do?

25 Q. Well, you begin by saying:

1 'I went there on a clear day and I tried to hang
2 myself when I arrived.'

3 A. That's right, aye.

4 Q. Can you tell me about that?

5 A. So I'm not sure if it was exactly the same day. I do
6 have a recollection of me grabbing --

7

8

9

10 Not a great deal happened, to be fair wi' you, it
11 snapped and, you know, I fell to the floor. But there's
12 a square in the door with the glass piece, or perspex
13 piece, where the staff would have seen this, 'cause the
14 office was directly in front of my room, just a few feet
15 over though, erm, and so they come bursting in and they
16 basically restrained me. There was no reason. I wasn't
17 kicking off. I was on the floor. They come in, just
18 manhandled me, and then I got emotional.

19 I believe it was a cry for help. I don't believe
20 I intended on killing myself. But being behind what
21 I could only describe as a cell door, and the cell
22 itself, minimal furnishings, such as a bed and, you
23 know, I had a wee desk or something at the side. I'm
24 not sure exactly how it was laid out, but it was very
25 small. I mean, me as a grown man now -- yeah, okay, I'm

1 short -- but I could still probably not be far from
2 touching both walls with my arms. So it was a small
3 room, cell door.

4 I was then taken downstairs to what can only be
5 described as a police cell. Erm, so I know not many
6 folks in here will know what the inside of a police cell
7 looks like, but I do, and that's how I would describe
8 this room I was taken to. It was echoey, there was
9 a lot of noise when I was kicking off and shouting and
10 screaming, erm, so I was kicking off at this point after
11 they had taken me downstairs. I got emotional at first.
12 They took me down here to lock me, I guess for my
13 safety, so I couldn't try something like that again for
14 a period of time whilst I calmed down, whilst I had
15 a chat or something, but when I got to the cell, they
16 were restraining me for a good 40 minutes, and then they
17 left, when I stopped crying, or, you know, something
18 along them lines.

19 They left, and then there was a key-worker come in
20 that was allocated to me already, and he tried to talk
21 to me, and I guess I got worked up again and I shouted
22 at him or what not, and then he left again and in
23 another hour or so, someone came back.

24 So to be fair with you, there are certain cells --
25 I know this from growing up, there are certain cells for

1 juveniles and there are certain cells for adults and
2 that cell was an adult cell, as far as I'm concerned,
3 and I shouldn't have been left in that cell for such
4 a period of time. I think over three hours, maybe.
5 Obviously people coming and going to try and talk to me
6 whilst I'm still getting emotional, but yeah.

7 Q. Initially when you were being restrained, how many
8 adults were there?

9 A. I believe it was two or three. I can't be sure on
10 exactly the amount, it's such a long time ago as well.
11 But the key factors stand out to me in my memory.

12 Q. As far as Rossie Farm was concerned, was this unit that
13 you were put into a secure unit?

14 A. Juvenile prison.

15 Q. Yes.

16 A. Yeah.

17 Q. It was secure? The doors were locked?

18 A. Yes, in them terms, yeah, it was definitely a secured
19 building.

20 Q. Yes. I think you moved into a more open unit at some
21 point?

22 A. I did, it was Forth, I think they called it, it was
23 basically a -- it looked more like a country house.
24 Erm, the doors ... you were free to leave that building
25 if you wished for a wee wander, which was basically

1 countryside. You were talking about three or four miles
2 to the nearest town. Erm, so it was a decent wee place.
3 I liked it there.

4 Q. Yes. I will come back to that. But in relation to the
5 secure unit part of the establishment, how long do you
6 think you were there?

7 A. It worked on -- I believe it worked on a three-month
8 basis in terms of panels, Children's Panels. I would go
9 there and then they would assess if I was able to then
10 move on to somewhere less secure. I can't be sure.
11 I think I had two Panels there, so maybe six months.

12 Q. In the secure unit?

13 A. In the secure unit, yes. I think it was about --
14 I remember and think it was about a month or so prior to
15 leaving entirely Rossie --

16 Q. I see.

17 A. -- that I was moved into the open part.

18 Q. In relation to the set up in the secure unit, are you
19 able to remember how many children were being
20 accommodated there?

21 A. I couldn't be sure, but I know that there was at least
22 -- in the secure area, I would say at least ten cells in
23 my unit, and there was maybe three; there was Lunan,
24 Dalhousie, Tay, I think there was three main units, so
25 maybe about 32, 40 at a push maybe.

1 Q. Was it mixed? Was it boys?
2 A. Yes, it was mixed, male and female.
3 Q. The open unit?
4 A. The open unit, I believe, was mixed, I can't be positive
5 on that. But I believe it would be the same set up in
6 terms of male and female.
7 Q. You tell us in your statement, 'Logie', this is in
8 paragraph 64:
9 'Initially Rossie Farm was stressful and
10 challenging, but it got better.'
11 Can you just develop that for me?
12 A. I think it got better because of being moved to Forth.
13 It was at that point where I felt that, you know, it was
14 safe, and I can be getting out of here soon. And so
15 that made me feel a bit more comfortable. Excuse me.
16 It did get better in terms of -- I started to engage
17 with the education area, erm, do a bit of art and things
18 like that. That's something that I got into, you know,
19 painting was kind of an escape for me at that early age.
20 So I took more, you know, recognition of the education,
21 so maybe that's where I've said that, that it got
22 better. It got better in terms of I was building more
23 of a bond with my key-worker, but I would say it was
24 Stockholm syndrome. I don't believe it was a genuine
25 bond. I think that just because I couldn't go anywhere,

1 I had to form these relationships.

2 Q. You mentioned schooling then, from what you are saying
3 there was a set up whereby you were being educated when
4 you were in Rossie?

5 A. You say 'educated', I say 'shown some form of
6 education'. Erm, again, like I say, I took interest in
7 the art side of things, the crafts and things like that.
8 I wasn't really big on school. I just rebelled at a lot
9 of the things like that. I don't know whether that was
10 undiagnosed issues, such as maybe ADHD, or things like
11 this. But I just couldn't sit and concentrate on
12 certain things.

13 I did later on a little bit better when I was about
14 15, sat down and done some exams, for instance. But
15 that was two weeks away from when they should have been
16 done, you know, so ...

17 Q. You tell us when you were at Rossie that you don't think
18 that your mother visited you there?

19 A. No, no, I don't believe she did.

20 Q. You did run away on one occasion from the secure unit?

21 A. I squeezed out a window. It could only have been, about
22 -- I'd say -- I don't know, I was really quite a skinny
23 wee laddie at that time. So the wee windows there, they
24 couldn't have been about, maximum ten inches, you know,
25 to be able to get out of there.

1 I also think I may have run away whilst being
2 transported to the swimming area, I'm not positive.
3 I do remember squeezing out a window, though.
4 Q. In any event, you have told us you settled down?
5 A. Yeah.
6 Q. Developed your interest in art?
7 A. Yeah.
8 Q. And in due course you left Rossie Farm?
9 A. Yes.
10 Q. You mention your social worker Rita at paragraph 70,
11 that she was involved in you being transferred from the
12 secure unit to the open unit?
13 A. Yeah.
14 Q. She was involved still with you at this time?
15 A. Oh yeah, yeah. As far as I remember, she was quite
16 regular in her contact with me.
17 Q. You go on in your statement, 'Logie', to tell us about
18 how you came to be transferred from Rossie to another
19 establishment in England?
20 A. Yeah.
21 Q. Again, the Inquiry's not looking at that, because it's
22 an English establishment. But I just want to take from
23 you, you were aged what, perhaps still 10, or perhaps 11
24 by now?
25 A. I think I was about 11 at this point.

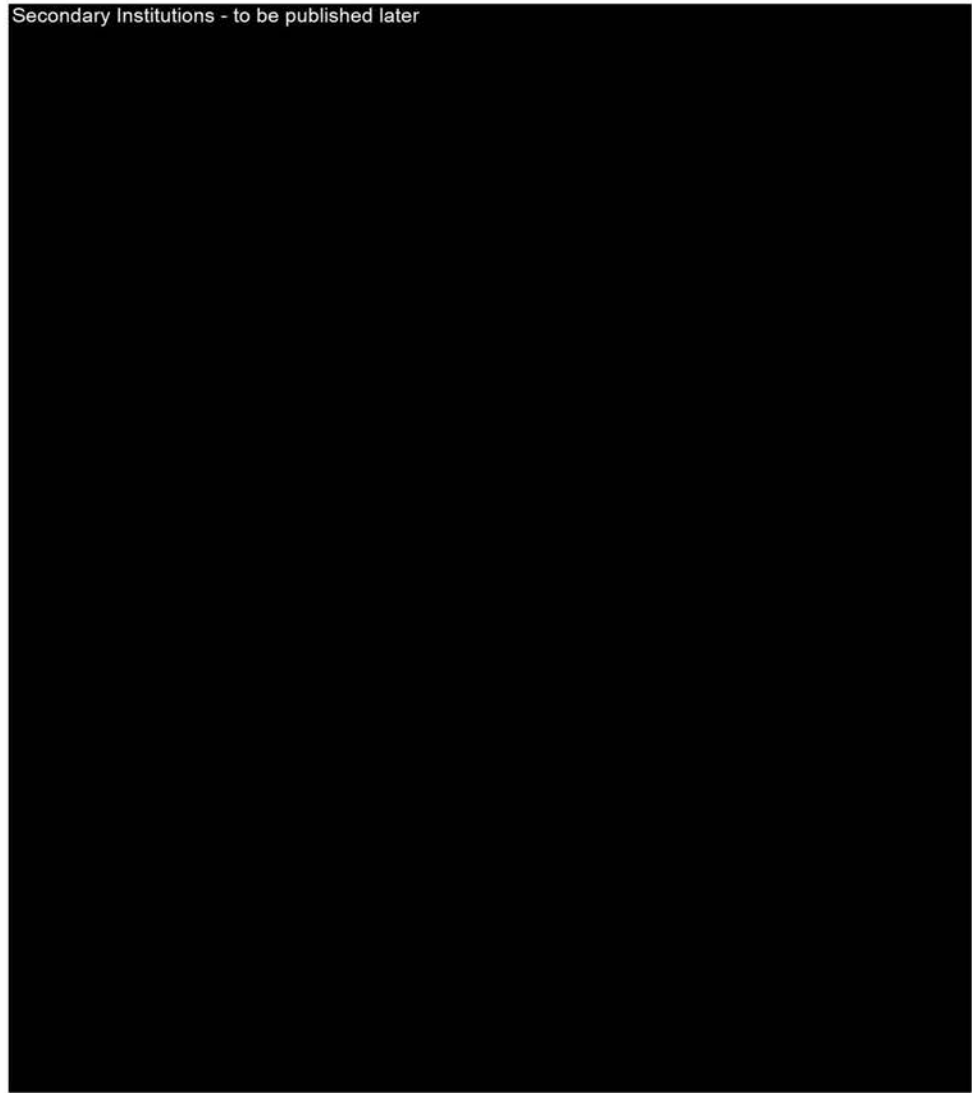
1 Q. Yes. I think, actually, the date of moving is
2 [REDACTED] 1996, when you would have turned 11.

3 A. Yeah.

4 Q. You were at this establishment until [REDACTED] 1998,
5 when I think you would probably be 12 by then?

6 A. Yeah.

7 Secondary Institutions - to be published later



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5 Q. You tell us that your social worker, although you were
6 accommodated in England, she still came to visit you
7 when you were there?

8 A. Yes.

9 Q. Then if I can take you to paragraph 107 of your
10 statement, where I think -- or perhaps -- yes, by now
11 you have left this establishment, and I think you left
12 because it shut down?

13 A. Yeah. Secondary Institutions - to be published later

14 Secondary Institutions - to be published later

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20 Secondary Institutions - to be published later

21 we were told that the
22 school had been shut down. We weren't given any great
23 information on that. It was just, 'Pack your things and
24 let's go'.

25 Q. I think, as I put to you, that was in [REDACTED] 1998, when
you were 12?

1 A. Yeah.

2 Q. I think initially you went back into foster care, you
3 tell us about that at paragraph 108.

4 A. Yeah.

5 Q. Perhaps for about, you thought a maximum of three months
6 or so?

7 A. Aye, I don't believe it was too long.

8 Q. After that, you went to another children's home in
9 Dundee --

10 A. Yes.

11 Q. -- and you talk about that from paragraph 110 through to
12 132. Again, we are not looking at the detail of that,
13 but I think you tell us that you were there for about
14 a year?

15 A. Yeah. I would assume I was there for about a year. It
16 was a lengthy period. It could have been six months --

17 Q. Yes.

18 A. -- but I believe it was about a year.

19 Q. Okay. At 113, when you come to leave this
20 establishment, you say that you had a Panel, that you
21 left this establishment and your social worker was there
22 at the Panel. Can I just ask you this, 'Logie': you
23 have had a number of Panel appearances over your time.

24 A. Yeah.

25 Q. How did you find these experiences in appearing before

1 the Children's Panel?

2 A. I didn't like them. I knew that meant change, and

3 I didn't like change. I preferred -- I mean, if it was

4 a bad place and I wasn't getting on there, it was all

5 right, I could kind of get through a Panel. But a lot

6 of the time they'd make me angry. I had a lot of

7 pent-up anger, erm, probably due to restraints, or any

8 types of what I seen as abuse in terms of, like, being

9 restrained in a way that had hurt me. But in the

10 Children's Panels, I'd get angry and I'd sit there and

11 I'd look at maybe a box of tissues, or a glass on the

12 table or something, and, you know, just picture myself

13 throwing that at whoever was causing me this anger.

14 Nine times out of ten my mum would either not be there

15 and, if she was there, the anger would be directed at

16 her, or, you know, my social worker, not the Panel

17 members. They were always nice people, within reason,

18 but at the end, and when the decision was made,

19 sometimes they would become the target of my anger.

20 Q. We then come up to a time when you go to St Mary's in

21 Kenmure?

22 A. Yes.

23 Q. The dates we have is that you went there on

24 [REDACTED] 1999, so you would be 13 or thereabouts at

25 that time?

1 A. Yeah.

2 Q. This was the secure unit you went to?

3 A. Yes, St Mary's was, yeah.

4 Q. You thought you were there for, I think you tell us,
5 about three to six months, and if I put a photograph to
6 you, are you happy with that, to see if you can identify
7 this particular building?

8 A. Yeah, yeah.

9 Q. This will come on the screen, INQ-000000895.

10 A. I don't recognise that building.

11 Q. That's not the photograph I want you to look at.

12 A. Okay.

13 Q. Page 1.

14 A. Page 1 of this?

15 Q. It will come on the screen.

16 A. Okay.

17 Q. You may not recognise this building either, but it's the
18 one we have.

19 A. Yes.

20 TECHNICAL SUPPORT: What was the number?

21 MR MACAULAY: INQ-000000895, page 1.

22 A. That's more like it.

23 Q. You recognise that?

24 A. I recognise that, yeah.

25 Q. It's not a particularly attractive building, looking at

1 the photograph?

2 A. No, it reminds me of the seventies sort of buildings,
3 you know, terrible.

4 Q. This is a picture at that time -- it may not be the same
5 today -- of what was the secure unit at St Mary's?

6 A. Yeah.

7 Q. You say, at 135, that there was bullying at St Mary's,
8 can you develop that for me? What went on?

9 A. It was mainly the young people bullying each other,
10 trying to establish -- I mean, we're all young
11 teenagers, so, you know, it is the whole alpha male,
12 alpha female sort of thing going on. So basically we
13 were all contending with each other to be the hardest
14 man or female, we're all angry at something, erm, it was
15 almost like a real mini prison, maybe, I don't know,
16 what borstals were like, but I would assume it was very
17 similar to that. But these were mixed with female and
18 male.

19 Q. When you went there, you say:
20 'I was angry and being bundled into my room by staff
21 and put down.'

22 A. Yeah.

23 Q. Is that what happened when you went there to begin with?

24 A. It was, yes. But it was a couple of hours after being
25 there. Someone, some young person had said something to

1 me, erm, and I'd said something back, aggressively, we
2 both went aggressively, and he had thrown a cup, and
3 nearly got me with it, and then I went to attack, and
4 I was then restrained and bundled off to the room and
5 restrained. And again, in a way that I didn't think, as
6 an adult, was right.

7 Q. What do you mean by that?

8 A. What I mean by that is if I can show you instead of
9 trying to describe it.

10 Q. Yeah.

11 A. It was the wrist being bent back. I mean, I know by my
12 experience of being restrained by a police officer,
13 a police officer will do that. But that's to regain
14 control of that situation with an adult, I would assume.
15 But that can break your wrist, it can break your wrist.
16 And I don't think that a child's fragile bones, that
17 restraint move, for instance, should be used. It was
18 numerous people that would use pressure points and
19 things like that, that's not right, on the back of the
20 ear and things, you know.

21 So these things, as an adult, I would never assume
22 that would still happen, you know, maybe in my day
23 that's what happened, but these days it shouldn't be
24 happening.

25 Q. How many adults would be involved in any restraining?

1 A. Usually about two or three. It could be four. Depends
2 how aggressive you're being, as the young person, and
3 how big you may be, because there were big lads as well
4 and big lasses, but there was also small ones like
5 myself.

6 Q. In relation to the rooms, did you have a room to
7 yourself?

8 A. Yes.

9 Q. I think what you tell us is that you would be locked in?

10 A. Yeah, that's right.

11 Q. But there were panic buttons in the room if you wanted
12 to draw attention?

13 A. Yeah, that's right. These were mainly used for staff,
14 I would assume. I think these were panic buttons in
15 that sense. I don't think they were for us to press to
16 get attention.

17 Q. No.

18 A. I don't believe that. I believe these were panic
19 buttons before the radio-type panic buttons.

20 Q. Your room, the room you were locked into, are you able
21 to provide us with some sort of description of it?

22 A. Again, it was very similar to Rossie: minimalistic.
23 Erm, I remember a bed at least. I don't remember desks
24 or chairs or anything in this room and I do remember it
25 being very cell-like. I don't believe it should be even

1 titled as a room.

2 Q. If you wanted the toilet, how would you --

3 A. We'd have to ask permission --

4 Q. Okay.

5 A. -- to leave the room to go to the toilet.

6 Q. One thing you say in your statement at 136 is:

7 'The modelling of the structure of the staff was not

8 right. There was a lack of supervision and a lack of

9 control.'

10 Can you just develop that for me --

11 A. Yeah.

12 Q. -- what did you mean by that?

13 A. It was like they were just there to have a coffee

14 morning with each other. There was a lack of support

15 and control in terms of -- I think they were there for

16 a pay cheque rather than the care of children. They'd

17 be laughing and joking among themselves, either in the

18 kitchen areas or the lounge areas. There was common

19 areas in these places where we can enjoy during the day,

20 erm, but nine times out of ten you could find the staff

21 just sitting at the breakfast bar area of the kitchen or

22 on the sofas in the lounge, or even just standing around

23 with each other laughing and joking and not really

24 paying attention to what's going on.

25 I never seen anything, but I knew there was, erm --

1 I knew there was other things going on, underhandedly,
2 among the young people, bullying, these types of things
3 happening, but the staff were not picking up on these
4 things. And again, I guess that added to me being a bit
5 scared, and you know, what's going to happen if I get
6 attacked here? I'm going to have to, you know, stand up
7 for myself and not, you know.

8 When something big happened, they would step in, but
9 when small things were going on, like, you know, there
10 was no control over that situation. So it could just be
11 a bit of horseplay, but horseplay leads to other ways,
12 you know, someone's going to end up crying, that was
13 always said, you know. And they weren't controlling
14 that fact.

15 Q. What you say there is:

16 'There was violence from the boys.'

17 Is that the bullying you are talking about?

18 A. Aye, aye.

19 Q. You also say: '... and the staff'.

20 A. The staff as well. I mean, they would ridicule you
21 sometimes. They'd be like -- I'd be like, 'Okay, I'm
22 going to be getting out of here soon', and they'd be
23 like, 'You'll never get out of here', you know, 'You'll
24 always be in a situation like this, with your history
25 ...' They'd bring up old things like they'd maybe read

1 in my record or what not, and they'd ridicule me over
2 it.

3 I don't know if this happened to others, but it
4 definitely happened to me.

5 Q. You have mentioned how restraint was managed, but apart
6 from that, was there any other violence from the staff?

7 A. In terms of violence, no. Just words in your ears,
8 like, you know, 'You'd better stay still, you'd better
9 calm down or you're going to get a sore wrist', and this
10 meant bending that wrist back, for instance.

11 Q. Could I just ask you about the children that were being
12 accommodated in the secure unit. I think, from what you
13 have said under reference to the description 'lassies',
14 there was a mixture of boys and girls?

15 A. That's right, yeah.

16 Q. The total numbers, have you any sense as to how many
17 were there when you were there?

18 A. I don't completely remember. I know that it was kind of
19 built in a sort of almost square-y type block. I can
20 remember there being a sort of square area where there
21 was a pool table and things, but hallways led off in
22 different directions. I can't be sure how many were
23 there.

24 Q. You go on, however, to tell us about witnessing
25 a particular girl being restrained --

1 A. Yeah.

2 Q. -- and how that was managed. Can you help me with that,
3 can you tell me about that?

4 A. Erm, basically there was a wee lass being -- I say a wee
5 lass, it's a wee lass to me now I'm an adult, but there
6 was a lass being restrained, but again I seen the wrist
7 thing happening and there was a couple of us that
8 started to try and pull the staff off, 'You're hurting
9 her, you shouldnae be doing this'. And again, that's
10 just something that I remember seeing. I don't remember
11 too much of it, but I know that that happened. I seen
12 it happen. And I'm sure, if there was other people that
13 were involved at that point in time, they'll know.
14 They'll explain what's happened there as well.

15 Q. One thing you do tell us about St Mary's is that you did
16 participate in sport quite a lot?

17 A. Aye, again, this part, when I read it, erm, I realised
18 after the fact that I'd signed it, this part should
19 actually be for the Kibble --

20 Q. I see.

21 A. -- this sports part. This is not correct. It should
22 have been for Kibble. 'Cause I read it in full, I'd
23 signed it, once I glanced over it, I didn't completely
24 read every single piece. This should be for the Kibble,
25 this piece.

1 Q. Thank you for clarifying that for us. Did you have any
2 opportunities to engage in sporting activities when you
3 were at St Mary's?

4 A. There was a gym, if I remember rightly. I do believe
5 there was an indoor sort of football area. I'm not
6 particularly sure I took too much interest in it at that
7 time, but I do remember the gym area.

8 Q. You move then from St Mary's to Kibble, you just
9 mentioned Kibble, and that was after you had been to
10 another Panel, is that right?

11 A. Yeah, yeah.

12 Q. From the records it would appear that you moved there in
13 about [REDACTED] 1999, when you were still aged 13?

14 A. Yeah.

15 Q. You say that you are there, it's at 140, for about two
16 years?

17 A. Yes, that's around right, yeah.

18 Q. One thing you do tell us is that -- and I think you were
19 in the residential part of Kibble, you were not in the
20 secure section?

21 A. Yeah, yeah.

22 Q. You weren't.

23 A. There was no secure section at that point, I believe.

24 Q. No.

25 A. I'm pretty sure there was no secure -- I hear that today

1 there may be a secure element to it, but there was not
2 at that time.

3 Q. I think that came later.

4 A. Yeah.

5 Q. You were in the residential part?

6 A. Correct, yes.

7 Q. You tell us there was also a day care centre there at
8 that time?

9 A. There was, yes. As you entered there was a right-hand
10 side building that was sort of for people that would
11 come in for educational purposes, I would assume.
12 I can't tell you exactly what that day centre was, erm,
13 but I know that they opened it up to kids that lived in
14 the community to come there, I'm guessing for
15 educational needs.

16 Q. In relation to the residential section that you were
17 in --

18 A. Yeah.

19 Q. -- are you able to provide any estimate as to how many
20 children were there?

21 A. Erm, in my unit, or in the whole setting?

22 Q. In the whole set up.

23 A. In the whole set up, maybe 50 to 100 kids.

24 Q. Okay. Again, I am going to ask you to look at
25 a photograph, and this may mean nothing to you as well.

1 A. Yeah.

2 Q. But it's one of the photographs we have. That's at
3 INQ-000000924, page 1. Again, it will come on the
4 screen.

5 A. Yep. I recognise the building. I lived in that
6 building for a period of time.

7 Q. Yes. So you were there in 1999. The building looks
8 quite modern in the photograph. So it was -- it had
9 been built by the time you were there?

10 A. Yeah, yeah, that's right. In that photograph the back
11 end piece area of the building, I was in there for at
12 least a few months. Erm, it was almost like a shared
13 flat, if you want to describe it, it would be like that.
14 Small sort of up/down housesit sort of area. The other
15 part was connected to that, but it was another part of
16 the unit itself.

17 Q. Okay.

18 LADY SMITH: Sorry, when you say the back end, can you help
19 me with that?

20 A. The back end, the top left of the -- you can sort of see
21 that it goes in a little.

22 LADY SMITH: Yes.

23 A. That part is almost like an extension of that building.

24 LADY SMITH: Thank you.

25 MR MACAULAY: Is the main door then the door that we see

1 moving to the left of the photograph?

2 A. The main door to the unit, yes. The reception area's on

3 the front, in sort of central of the photograph there.

4 Q. Okay.

5 The photograph is on the back, on the screen at the

6 back of you, 'Logie', if you could perhaps just stand up

7 and look at the screen and you can point one or two

8 things out to us. If you stand up and turn round.

9 A. Oh, sorry. Yeah.

10 Q. Yes.

11 The building, first of all we see the brown wall

12 with the name --

13 A. This one here?

14 Q. That's got 'Kibble' on it?

15 A. Yeah.

16 Q. If you move to the right of that, there is another

17 building with 'Kibble' on it?

18 A. This.

19 Q. Can you tell me what that was?

20 A. I can't be sure that that was either there, and if it

21 was I do not remember it.

22 Q. Right, so that might have been a later addition then?

23 A. It may have been, yeah. Is this taken after the time

24 I was there? I think it was '99 to 2000 --

25 Q. Hopefully we can get a date for the photograph. But at

1 any event you do recognise the building generally?

2 A. This piece of the building I do recognise.

3 Q. Yes. While you're there, just to be clear, the front

4 door to the building, is on the right-hand side?

5 A. This was the reception area, this has always been the

6 reception area, where admin and things would be, when

7 you're received in through the service.

8 Q. Yes.

9 A. But this door here was the main to the sort of living

10 area.

11 Q. Okay.

12 A. And again, this piece here at the end was the sort of

13 shared flat.

14 Q. And that's at the top, the far left of the photograph?

15 A. Yeah, yeah, your entrance would have been this way.

16 Q. On the right?

17 A. To the grounds.

18 Q. You tell us that you had your own room?

19 A. Yeah.

20 Q. You were in fact allowed to paint it?

21 A. Yeah, that's right, yeah.

22 Q. Was that therapeutic?

23 A. It was decent, it was good, yeah. It was a breath of

24 fresh air to actually be able to do something with your

25 room, erm, so I picked the deepest blue that I could

1 find, because I was a Rangers fan at the time, erm, and
2 I painted it all blue, royal blue.

3 Q. You are very complimentary about the education at
4 Kibble?

5 A. Yeah.

6 Q. Can you just help me with that and describe that for me?

7 A. I was never good at maths, for instance, and there I
8 could do -- I believe it was called core mathematics,
9 which was basically ... what I found out later in life
10 was it was kind of credit level maths, but my maths
11 teacher there, erm, he was amazing, and would sit
12 down -- we'd usually have, like, six to a class at this
13 education department. Which was made up of about -- I'd
14 say about six subjects or so, maybe more. It depended.
15 But basically, in there, I'd learn credit level maths
16 with this teacher, and he talked me through it as much
17 as he could and he was brilliant.

18 Also my English teacher, she was great. I'd read
19 the play that shall never be mentioned, if you know you
20 know, and if you don't, then you are not very good at
21 the old book thing or the plays, you know, the Scottish
22 play. I loved that book. It was amazing, I even
23 watched the movie, so that was good, and then there was
24 the art class as well, which is where I really took off
25 with my art skills.

1 Q. You tell us also that most evenings there was something
2 to do and in particular you could engage in various
3 sporting activities?

4 A. Yes, that's right. I played a lot of football. I was
5 very active in the football area. Erm, and there was
6 a gym open to us, which was also used for education, in
7 terms of PE, but we could use treadmills, erm,
8 weightlifting equipment, within reason, as long as you
9 could do it, and with supervision, but they had
10 a massive gym, you could play indoor football if you
11 liked, outdoor football, because they had the pitches,
12 they had basketball equipment, trampolining equipment,
13 they had almost everything, it was amazing. It was
14 great, if you liked to keep fit, take part in sports,
15 that was great.

16 They also had a person there that was a [REDACTED]
17 [REDACTED] at one point, and we also had St Mirren
18 football team, they'd use our pitch to train, as
19 a training ground, and I used to partake in their
20 training with them, but [REDACTED]
21 worked part-time as a PE teacher, but also, I'm assuming
22 a caregiver, 'cause he was around after school times as
23 well, and he trained me on a one-on-one level, 'cause he
24 noticed that I had some skill in the goalkeeping area
25 and he was a goalkeeper. So that was amazing. Looking

1 back at that, I was a very lucky child there. Erm,
2 I just wished that I never had the growing pains and
3 I would have maybe been a footballer instead, you know,
4 but yeah.

5 Q. We have looked at the photograph and we can see the
6 buildings in the photograph. Were there other buildings
7 on the campus?

8 A. There was, yes.

9 Q. At paragraph 150, what you say is:

10 'I can't say much bad about Kibble, but the
11 supervision wasn't great and we did run amok quite
12 a lot.'

13 A. Yes, in terms of what I'm saying there is there was one
14 or two staff in each building that we were housed in.
15 So these buildings -- it was North, South, I can't name
16 all of them, I can't remember exactly, but basically
17 there may have been around six different buildings that
18 housed us as residents of the school, and there was
19 only, like, one or two staff on, usually. If there was
20 something happening at the school, there may be more
21 staff, but there was like two staff usually on watching
22 hours, and one person overnight.

23 Q. How many boys would be being supervised by two staff?

24 A. In my unit there were at least ten to 15, I would
25 assume. I can't quite put a number on it, 'cause

1 I can't remember exactly. But there was at least ten as
2 a minimum.

3 Q. I put it to you it was boys, was this all boys, this
4 particular --

5 A. All boys' school, yes.

6 Q. You then go on to tell us about leaving Kibble. I think
7 you say you may have been there for about two years or
8 so, is that correct?

9 A. I believe that I was there for about two years.

10 Q. You would be leaving perhaps in about 2001, when you
11 perhaps were, what, 15?

12 A. Yeah, yeah, that's around then.

13 Q. And you go home?

14 A. I went home, yeah, things were looking up. My mum
15 thought that I was doing well, I guess. Rita thought
16 I was doing well and I thought I was doing well. So
17 I've seen it as an opportunity to go back, patch things
18 up with mum and the family, and try and get on with life
19 after that, but it wasn't to be.

20 Q. What happened?

21 A. A relationship breakdown, erm, a mad argument kicked
22 off, you know, my gran was ill, I was obviously going
23 out into the community and, er, I was smoking substances
24 such as marijuana, and doing other things that, you
25 know, that was accepted among young people in that

1 estate and when I was going back, sometimes I'd be
2 fighting in the community with different -- I wasn't
3 associated with gangs, but, you know, erm, I'd fight
4 with other, with, you know, schemes, estates, people
5 from other places. So I'd end up bringing trouble with
6 me, 'cause I was just not adapting well to the
7 community, I guess.

8 Q. Is that the background to ending up in Balgowan School?

9 A. Very likely. And it was a home, it wasn't a school.
10 There was no education there.

11 Q. Were you about 15 when you went to Balgowan?

12 A. Yes. I believe I was there on two occasions. Once,
13 I believe it to be prior to the Kibble, and once after.
14 I believe I was there twice. The first time was
15 relatively short, the second time was relatively short
16 again, 'cause I believe it was like a sort of go
17 between, you know, a stepping stone to other places.

18 Q. Yes. While you were there, were you involved in
19 criminality?

20 A. Yes, I was, yeah.

21 Q. I think you tell us at 156 that you were being arrested
22 by the police on a weekly basis?

23 A. Very likely, yes.

24 Q. Is that the background to you ending up in another place
25 in Dundee? We needn't name it because we are not

1 looking at it at the moment --

2 A. Yes.


3 Q. -- but you went to somewhere else in Dundee?

4 A. That's right, yeah.

5 Q. That was a secure unit you went to?

6 A. I went straight into the secure part of that building,
7 yeah.

8 Secondary Institutions - to be published later



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15 Q. Well, when you come to leave this establishment, I think
16 you have turned 16?

17 A. Yeah.

18 Q. They took the view you couldn't be kept back and you
19 left?

20 A. Yeah, I did. Stupidly, to be fair with you, but at the
21 same time probably it's what made me who I am today, to
22 be fair. I'm still kind of stubborn in that way. You
23 know, what I want, I'll do, sort of thing. But that day
24 that I said that, that I'm going, I'm going back to my
25 mum's, I'm going to try, I was adamant I wanted to make

1 things right, erm, and be part of the family again.

2 But once -- I wasn't really talked down, people
3 said, 'Oh, you don't have to go, we can do this, we can
4 do that'. I was like, 'No, I'm going, I'm off, I'm
5 done. I'm sick of this whole system that I've been in
6 for the past seven or eight year, I need to go, I'm no
7 needing control in my life anymore, I want to take
8 control of it.'

9 So I did, and I went home, and my gran was really
10 ill at this point, and living in my mum's house. Er,
11 I had a big argument with my gran, it wasn't great. It
12 stemmed from an argument with my mum and my stepfather.
13 So anyway, I stormed out, and I left, erm, after being
14 told to leave, and then I decided that, you know, the
15 best thing to do ... I was friends with someone in the
16 community, he had the same idea as me; we would go to
17 Edinburgh, so we decided we would come here.

18 I stayed with him in his aunt's house for about --
19 a wee while, and I tried to find work and I didn't find
20 work. I think I started in Burger King at some point,
21 I'm not sure exactly when that would have been, so after
22 the breakdown at home, and leaving, I come to Edinburgh,
23 and then I eventually left my friend at his aunt's and
24 tried to go on my own way. I went to the housing, tried
25 to get some sort of housing option in some way.

1 Q. Did you become homeless, effectively?

2 A. Yeah, yeah, I did.

3 Q. What about hard drugs, did you continue with --

4 A. Well, funny, not funny, but iconically -- ironically, at

5 the back of this building, I don't know if anyone knows,

6 there's a fire exit for McDonald's area, it's now gated

7 off at the back of this building, and that's where it

8 all started with the hard drugs.

9 I was around there originally rolling a joint,

10 a cannabis cigarette, and whilst I was there, someone

11 had come around, quite gaunt looking, and, you know, not

12 very well, started to smoke something on this silver

13 foil and I had no idea what that was. I asked, and he

14 says, 'Listen, that will be, like, you know, five of

15 them that you're away to smoke the now.' 'Let's try it

16 then'.

17 And so the first time I tried heroin was at the back

18 of this building, so yeah, erm, that's where that

19 started, for about five years I had a habit from that

20 day.

21 Q. You go on to tell us that you spent some time in

22 Polmont?

23 A. I did.

24 Q. A few months in Polmont when you were aged 17; is that

25 right?

1 A. Yes.

2 Q. You say you were on heroin until you were 21?

3 A. That's right, yeah.

4 Q. How did you get off heroin?

5 A. I did it myself, I did cold turkey. I put myself

6 through about two weeks of hell, maybe three weeks of

7 hell, trying to get away from that. I went to a hostel

8 here in Edinburgh, a homeless hostel, a place called

9 Cunningham House.

10 LADY SMITH: Yes.

11 A. Yeah. I knew that they -- for a price obviously, per

12 month -- would provide you three square meals a day.

13 You can't eat when you're withdrawing, but if you can

14 force yourself to eat, it's the best way to do it. Even

15 if you have to throw that up, at least you're trying to,

16 you know, you're going to drink, at least something, and

17 I forced myself to smoke cannabis to try and sort of

18 counter effect it. A lot of people can't do that, but

19 I did it, I forced myself to do it, and eventually after

20 the two or three weeks I left, I left the place, and

21 I left Edinburgh, and I went down to Scarborough.

22 And Scarborough's where it really freshened my mind

23 a little. I did get into drug use down there, like, it

24 was more -- rather than downers, it was uppers, I would

25 take things like ecstasy, amphetamines again.

1 Q. You tell us a little bit about some family matters at
2 paragraph 190. You are separated from your partner, but
3 you have regular contact with your children?
4 A. I do now, yes.
5 Q. On paragraph 193, you tell us predominantly you have
6 worked in kitchens, you worked in Burger King, you have
7 mentioned that already?
8 A. Yeah, that was the first catering job I had. In terms
9 of kitchen work, I've done that since I was, I would say
10 16/17. On and off.
11 Q. You tell us at 194 that you had a mental breakdown, but,
12 looking positively, you have a registered limited
13 company and you have a business idea that you are now
14 developing?
15 A. Yes, that's right, yeah.
16 Q. I will perhaps come back to that.
17 A. Of course, aye.
18 Q. I just want to look at this section of your report where
19 you are dealing with support after care.
20 A. Yeah.
21 Q. Can you just tell me what sort of support did you
22 receive, and what support you think you ought to have
23 received, after you left care?
24 A. Well, it mentions there in 197 about throughcare/after
25 care. The only support I got from them was financially.

1 I did use that system to get money, erm, to do certain
2 things. A lot of this, at that point in time, was to do
3 with drugs. So I would ring up and say I needed to do
4 this, or I needed this, erm, and I would get money, and
5 the way -- you know, I'd use that for drugs at this
6 point. Not every single payment I got was used for
7 drugs, some of it was for the genuine reason that
8 I gave. For instance, when I was in Scarborough, I had
9 to come back up the road here to Edinburgh, so I asked
10 for a train travel warrant, and I got that, and I used
11 that to come back here.

12 So for a wee while, it wasn't long at all that I was
13 able to use them, they just eventually said, 'No, we're
14 no going to help you any mair', and so I went on my own
15 way.

16 Q. What you tell us at paragraph 197 on page 41 is:

17 'I was a little bastard and I needed a boot up the
18 backside but nobody did this.'

19 A. I was, I was.

20 Q. Do I take from that that you needed somebody to, as it
21 were, give you proper advice?

22 A. Someone needed to give me a clout around the head and
23 get me in order, you know. They needed to take me to
24 find a stable job. They needed to teach me how to --
25 for one, I wasnae really cooking at that time, so they

1 needed to teach me how to cook something, you know,
2 'cause I wouldn't have been able to do it.

3 They needed to be able to take me to the housing and
4 show me exactly how to get a house and what the process
5 was, but I had none of that, I had to find it out for
6 myself. So yeah, I was a little shit that needed
7 straightening out.

8 Q. You go on to tell us about the impact about your
9 experiences in the care system, and, indeed, your past
10 generally, has had on you. You think you may have had
11 PTSD?

12 A. I've been diagnosed with CPTSD.

13 Q. You tell us that you have difficulty with social
14 interaction?

15 A. Yes, it's up and down. Sometimes I do really well,
16 sometimes I can find it really daunting. Right now,
17 it's really daunting, from the minute I walked through
18 that door. But I have to do this, and it's not just for
19 me, it's for thousands of other people and all.

20 Q. At 208, I will just read this to you:

21 'A child who has been in care for a long time is
22 more likely to become a drug addict or to be fair will
23 become some form of self-harmer through drugs, drink
24 alcohol or indeed prostitution ... My drug abuse was
25 a direct consequence of being in care, and also because

1 my biological father was not in my life.'

2 You relate your drug abuse to being in care --

3 A. I do.

4 Q. -- and the lack of a father influence?

5 A. I do indeed. It's a proven fact as well, if you've done
6 your research, you will understand that, I did my
7 research, and found that maybe that was the case for me
8 as well. I found that you are more likely to turn into
9 some form of that, it could be a self-harmer, it could
10 be a drug user, it could be in and out of prison, it
11 could be prostitution, it's a direct consequence of not
12 having your biological father in your life, showing you
13 the ropes of life, basically. That's what I meant by
14 that. But I also know that it's a direct result of my
15 upbringing in and through the care system, maybe not
16 a direct result of the staff's care, but as a direct
17 result of being in that system, mixing with the --
18 whether it's the good or the bad young people, or the
19 people in the community that you come across, like, say,

20 Secondary Institutions - to be published later

21 Secondary Institutions - to be published later All of these things add up and all
22 the mental health issues add up because of that, as
23 well.

24 Now, what we've not touched on is when I was in
25 foster care at a young age, almost like in the first

1 year or two in Broughty Ferry, is I was taken to a child
2 psychologist where I kicked off and wouldn't go to the
3 appointment when I was in the building. I was never
4 then offered that again. Now, if I was offered that
5 again, maybe things would have been different, mentally,
6 for me.

7 Q. Trust. You say you don't trust anyone?

8 A. No, no, I don't. Erm, I can hardly trust myself
9 sometimes to make the right decisions. But I believe
10 that I'm building that trust with myself, but I do -- I
11 do vaguely trust people that, you know, in normal terms,
12 someone would trust, you know. So my partner, for
13 instance, she tells me every day that she supports and
14 loves me. But at the same time because I've been told
15 this, you know, from my mum that she loves me, but never
16 truly came to fruition, so I find it very difficult to
17 trust anybody. Erm, yeah.

18 Q. You do say that there is a stigma to having been a child
19 in care?

20 A. There is, aye.

21 Q. Can you explain that for me?

22 A. Well, I just -- I think that's more of a mental issue
23 for children that's been in care. Very like a previous
24 drug user will have that stigma of being that kid in
25 care. I mean, there's -- sometimes there's forms in the

1 housing, for instance, have you ever been a child in
2 care? Why should I answer that? That's none of your
3 business. That's my private history, you know,
4 I shouldn't have to be asked that. But it happens and
5 you have to answer that, I guess. They are official
6 documents and what not.

7 But the stigma, I don't generally tell all my
8 friends, 'Oh, I was in care', you know. I found it
9 difficult to tell my partner that I was in care, because
10 what comes from that, again, touching back to, it leads
11 to drug use and things like that. That conversation may
12 lead into, 'Did you ever do drugs?', or, 'Did you ever
13 commit a crime?', you know, so there is a stigma to
14 that.

15 Q. You also tell us that your homelessness was a direct
16 result of you leaving care?

17 A. Yes, on my part I left care. I should maybe have been
18 -- not forced, but, you know, seriously, you know,
19 suggested, and go through a few paths before I could
20 leave care of my own accord, just because I'm 16 and
21 considered an adult by law, I would assume, because if
22 you can get married you are able to then leave care.
23 That's how I put it across to the worker at the time,
24 I think.

25 Q. You talk about flashbacks at 213, what you say is:

1 'I don't have flashbacks as much.'

2 A. Not as much.

3 Q. But have you had flashbacks in the past?

4 A. I have, yes.

5 Q. Do these flashbacks go back to your time in care?

6 A. Yes.

7 Secondary Institutions - to be published later

8

9

10 Q. At paragraph 217, I will just read this out to you,

11 I think you are trying to summarise your position:

12 'Everything I have experienced up to this day has

13 been as an indirect or direct result of being in care

14 and my earlier upbringing with my mum. Half my life

15 with my mum and half of my life in care. Five years of

16 homelessness. Ten years of a relationship. Three years

17 of trying to find myself and learn something. No person

18 should have to grow up like that. I know I will be all

19 right in the future, whether I get support or not, but

20 it is still there in the back of my head.'

21 Does that summarise your position?

22 A. Exactly, yeah. Even today. This was me back in 2021 --

23 Q. Yes.

24 A. -- and that still rings true today.

25 Q. You want to write a book?

1 A. I do, I do indeed.

2 Q. Well, good luck with that one.

3 A. I think it may be a colourful one, that one, eh.

4 Q. Good luck with that.

5 A. Thank you.

6 Q. You express a positive sentiment at 219:

7 'I may not be in a perfect place, but I'm getting

8 there.'

9 A. Yeah.

10 Q. Perhaps just over to lessons to be learned at 224:

11 'I hope the Inquiry can achieve a better

12 understanding of a young person's mind. Children in

13 care need one-to-one support and [you say] my company

14 will be able to help with this. Private companies

15 should not be contracted for security services. Care

16 staff should be trained and placed into that role ...

17 the Inquiry needs to listen to what it is being told by

18 the children who were in care.'

19 A. Yes.

20 Q. You go on to say at 225 that you are very much

21 an advocate for change in the care system.

22 A. Mm-hm.

23 Q. What changes do you envisage?

24 A. Restraints, for a start. The very first. And in

25 listening, rather than directing. Listen first, direct

1 later. You know, know what the issue is first. In
2 terms of changing things, we need to have
3 an establishment that is more like a home where --
4 I know it's difficult in certain situations,
5 I understand that, I get it, that different people have
6 different needs. But in theory is a building that has
7 a homely feeling to it, where families can come and go,
8 just like maybe similar to a nursing home, where
9 families are able to come at certain times, and visit
10 their loved ones, and then leave. It gives a good
11 mental state, if a child can have their family with
12 them, if it's something like myself, it's going to be
13 a bit different, you know, because obviously there was
14 violence and things like that, so that would have to be
15 managed safely. So obviously, for instance, if my mum's
16 beat me up, she cannae be around other kids or myself.

17 So the idea -- I'm pretty sure it's mentioned in
18 here, but the idea is basically to listen, direct in the
19 best way, but also have people that have lived
20 experience, because I know I responded better to people
21 that had lived experience than someone that learnt how
22 to care for a child out a textbook, you know. But the
23 person has to be proper vetted, and made sure that they
24 are no going to commit any offence in future towards
25 a child in that way. But a person that is -- has been

1 in my situation, for instance, and can go back and give
2 a bit of help.

3 Q. You say that your mother also needed help?

4 A. My mother needed help?

5 Q. Needed help.

6 A. Yeah, yeah, she needed help. Like every family needs
7 help. All the family needs to be worked with. Not by
8 a social worker as such, because there is a lot of
9 stigma that comes with that and I know that just because
10 I've been around that situation and I've heard
11 everybody's opinions, in private homes, people have
12 spoken about it, you know, 'Oh, the social workers are
13 back again', or whatever. I know all that. I know the
14 stigma that comes with that, but you need to be able to
15 support the whole family and not just the individual
16 child.

17 Q. As far as children's homes are concerned, you describe
18 children's homes as a breeding ground for rubbish?

19 A. Rubbish in terms of, like -- I think I said that
20 politely, and I mean by breeding ground, by people's
21 behaviours, and things, a breeding ground for the crap
22 that's out there; stealing cars, fire-raising, violence,
23 all of this sort of thing, that's what I mean:
24 a breeding ground for rubbish.

25 Q. We looked at the remark in your statement about looking

1 ahead in a positive way, and I think you are developing
2 an enterprise.

3 A. Aye.

4 Q. Can you tell us a little bit about that?

5 A. So, erm, four years ago I was wanting to write a book
6 and things, and I will, but not quite yet, 'cause I've
7 no quite got that success story for the ending of the
8 book, but we're getting there. But this enterprise that
9 I've started now has actually been art work. I think
10 I was speaking about another enterprise in this.

11 Q. Yes, you were.

12 A. That will come later. Which was basically ... it was
13 called [REDACTED], that was the name I've gave it at the
14 time, and basically I would include the whole community
15 and public, erm, so there would basically be a business
16 side of things where we would be able to sell creators'
17 artworks, paintings, film-making, all sorts of different
18 things, music, everything, because I was looking for
19 a place to be able to do something like that, where
20 I could go and create something and sell something in
21 the same building. You can't find that. So this
22 enterprise would bring that, the whole community in.
23 There would be a business and -- sorry, I'm going blank
24 because I'm under pressure, right, but basically a free
25 area, a free place to come for the more needy in the

1 community that might need support, because they don't
2 have that support at home, or they have, financially,
3 the ability to do so. But there will be a social
4 enterprise part of the business.

5 But that's coming in a few years, that's a bit later
6 down the line. At the moment I am focusing on artworks,
7 and I've just got a kiosk which I start tomorrow full
8 time in a shopping mall and my first day's trading was
9 last Saturday and it's went really well, so I got four
10 orders, so I was quite happy with that.

11 Q. Well, that's a good start?

12 A. That is a good start, definitely a good start, I'm not
13 complaining, that's for sure.

14 Q. Thank you for answering my questions today, 'Logie'. Do
15 you have anything else you would like to say to the
16 Inquiry?

17 A. Just do your best to listen to the kids in care and make
18 sure you support them and their families right, because
19 if you don't, then there's no point in this Inquiry.

20 MR MACAULAY: Okay, 'Logie', well, thank you very much, for
21 that, thank you very much indeed.

22 My Lady, I can confirm that I have received no
23 questions or points to put to 'Logie'.

24 LADY SMITH: Thank you very much.

25 'Logie', let me add my thanks. I said, when you

1 arrived, I was grateful to you for coming along today,
2 I am even more grateful now I have heard you, because
3 you have given us so much by way of detail, frank,
4 honest thought. Your ability to self-criticise is
5 disarming and your descriptions of your own self when
6 you were younger, I hope you realise, as you have said,
7 are probably as much the product of what you were in,
8 rather than anything else.

9 A. Yes.

10 LADY SMITH: But I have the point very much about how the
11 way you were dealt with didn't help, indeed it made
12 things worse.

13 Thank you for that, thank you for your current
14 thoughts and I very much hope that the new kiosk takes
15 off.

16 A. I'm pretty sure --

17 LADY SMITH: And you enjoy it.

18 A. I will enjoy it, I will definitely enjoy it.

19 LADY SMITH: Good.

20 A. Thanks very much.

21 LADY SMITH: Please feel free to go.

22 A. Thank you.

23 (The witness withdrew)

24 LADY SMITH: All right.

25 MR MACAULAY: I think it is time for the morning break.

1 LADY SMITH: Stop now for the morning break and then we will
2 get the Webex link set up for the next witness.
3 Thank you.
4 (11.33 am)
5 (A short break)
6 (11.51 am)
7 LADY SMITH: I am pleased to see it looks as though the
8 technology is all set up for us.
9 Would you like to introduce the witness, Ms MacLeod?
10 MS MACLEOD: My Lady, the next witness is Elaine McKenna.
11 LADY SMITH: Thank you very much.
12 Elaine McKenna (called)
13 (Via videolink)
14 LADY SMITH: Good morning -- it is still good morning --
15 I have a question for you: would you like me to call you
16 Elaine or Ms McKenna?
17 A. Elaine's fine, thank you.
18 LADY SMITH: Well, Elaine, let me introduce myself. I am
19 Lady Smith and I chair the Scottish Child Abuse Inquiry
20 that's taking place here in Edinburgh. Thank you very
21 much for agreeing to join us over the link this morning.
22 (The witness was sworn)
23 LADY SMITH: Elaine, thank you for providing the detailed
24 written statement that I already have from you, I have
25 been able to study that in advance, that's been really

1 helpful. What we would like to do with you today is
2 explore some particular aspects of it, if that's all
3 right with you.

4 A. Yes.

5 LADY SMITH: And also give you the opportunity to raise
6 anything that you want to raise, or ask any questions
7 that you want to ask.

8 Elaine, we don't want this to be a stressful or
9 difficult experience for you, or perhaps I should say
10 any more stressful than giving evidence inevitably is.
11 If you want a break at any time, please don't hesitate
12 to say, that's not a problem, we can stop the link if
13 that's what you want, or we can just pause, or if there
14 is anything else we can do, do let us know. Sometimes
15 we are very bad at asking questions and it is not clear
16 what we mean. Just say. It is our fault, not yours, if
17 you don't understand what we are trying to get at.

18 A. Okay, thank you.

19 LADY SMITH: Otherwise, if you are ready, I will hand over
20 to Ms MacLeod, and she will take it from there, is that
21 all right with you?

22 A. That's lovely, thank you very much.

23 LADY SMITH: Thank you.

24 Ms MacLeod.

25

1 Questions from Ms MacLeod

2 MS MACLEOD: My Lady.

3 Good morning, Elaine.

4 A. Good morning.

5 Q. I don't need your full date of birth, but were you born
6 in [REDACTED] 1956?

7 A. Yes, I was.

8 Q. You have provided a statement to the Inquiry, and
9 I think you have a copy of that statement in front of
10 you, is that right?

11 A. Yes, I do.

12 Q. The reference of that is WIT.001.002.1562.

13 Elaine, could you please turn to the very last page
14 of the statement and confirm whether you have signed the
15 statement?

16 A. Yes, I did.

17 Q. In the last paragraph, do you say:

18 'I have no objection to my witness statement being
19 published as part of the evidence to the Inquiry.
20 I believe the facts stated in this witness statement are
21 true.'

22 A. Yes, I did.

23 Q. If we can go back to the beginning of your statement,
24 and I am just going to ask you some questions about
25 that.

1 First of all, I think you tell us that you were born
2 and brought up in Glasgow?

3 A. Yes, I was.

4 Q. You provide some information about leaving school, and
5 that you worked in an office for a time and joined the
6 police cadets?

7 A. Yes, I did.

8 Q. Did you go on to work as a carer after a period of time?

9 A. Yes.

10 Q. I think it was from there that you went on to work at
11 St Mary's in Bishopbriggs; is that right?

12 A. That's right, I'd actually moved over there.

13 Q. Could you tell me a little bit about how you found out
14 about a particular job at St Mary's, what the job was,
15 and how you came to apply for that?

16 A. When I was -- we had moved, my husband and I had bought
17 a house in Bishopbriggs. I was still working part-time
18 over in the Drumchapel area of Glasgow, so I was
19 travelling back and forward, which wasn't really
20 suitable. Erm, so -- but the senior I had, her husband
21 worked in St Mary's, and she had said that there was
22 a vacancy within their establishment, to apply for it.
23 So that's what I did.

24 Q. What was the job that you applied for?

25 A. Er, it was a register -- a residential care officer.

1 Q. Did you go to St Mary's for an interview for the job?
2 A. Yes, I did.
3 Q. You went on to get the job?
4 A. Yes, I did.
5 Q. When did you start in your role as a residential care
6 worker at St Mary's?
7 A. Now, 19 -- I need to check that date, I'm sorry.
8 Q. I think you tell us in your statement, Elaine, that it
9 was in April 1991, 2 April, to be exact?
10 A. That would be right, that's right. Just before my
11 wedding anniversary.
12 LADY SMITH: Elaine you would have been what, in your
13 mid-30s about that time?
14 A. Yes, yes.
15 LADY SMITH: Thank you.
16 MS MACLEOD: You go on to tell us later, I think, that you
17 were working at St Mary's until around October 2000.
18 A. That's correct.
19 Q. So A period of around nine years, maybe nine and
20 a half years, you spent there?
21 A. Yes. Yes.
22 Q. You tell us a little bit in your statement about the
23 grounds of St Mary's and what the school looked like,
24 and that sort of thing. Can I just ask you; what was
25 your understanding of what St Mary's was? What the

1 purpose was of the school?

2 A. Erm, my understanding at that time was to care for young
3 people who had found themselves in very difficult
4 circumstances and were actually locked up. Erm, and it
5 was to rehabilitate them and get them back out into the
6 community.

7 Q. Were you working in the secure part of St Mary's?

8 A. Yes, I was.

9 Q. You tell us that you were working in an old building?

10 A. Yes.

11 Q. I think you say that a new building was perhaps built
12 during your time there?

13 A. Yes, it was.

14 Q. That was an add on to the old building?

15 A. It wasn't, no, it was separate.

16 Q. Separate?

17 A. Uh-huh.

18 Q. Okay.

19 A. And the old building was demolished.

20 Q. In terms of the old building, you describe that as
21 'horrible'. Could you just expand on that for me? Why
22 do you say it was horrible?

23 A. Well, it was very -- how can I say, prison-like,
24 institutional-like, it was very -- it was a -- big open
25 bricks in it. The gates ... it really was very, mm-hm,

1 like a jail, it was like a, 'cause everywhere was locked
2 as well.

3 Q. When you started at St Mary's, did you have experience
4 of working with children?

5 A. Er, well, I had my own children, but I didn't actually
6 have experience as in what I was now doing, no.

7 Q. Did have you experience of working in a secure setting?

8 A. No, not at all.

9 Q. Were you provided with any sort of training or induction
10 when you started?

11 A. Er, yes. Pretty basic, but yes.

12 Q. What sort of thing did that entail?

13 A. It was just more about how the place worked, what was
14 expected of you, you also had, erm, like, programmes
15 with the young people independent of why, of what they
16 were there, just get these children, or young people
17 I should say, and help them get back out, wherever, you
18 know, back home.

19 Q. Who was in charge of St Mary's when you started?

20 A. Bill Duffy.

21 Q. Did that change during your time at the school?

22 A. Er, I think Mr Duffy went away for a while, and it was
23 Neil Sharp became the head.

24 Q. Are you able to help me with when roughly during your
25 nine years that that change happened?

1 A. Oh. No, I would be clutching at straws to tell you
2 a date, I'm sorry. I'd need to really sit and think
3 that one out.

4 Q. In paragraph 13 of your statement, you explain that your
5 position was a full-time position, and that it involved
6 shift work.

7 A. Yes.

8 Q. You tell the Inquiry that you could be working up to
9 14-hour days?

10 A. Yes.

11 Q. I think you say that you could also work up to 14 days
12 in a row without a day off?

13 A. That's correct.

14 Q. In terms of the children who were at St Mary's; was it
15 boys or girls? Was it a mixture?

16 A. It was mixed, boys and girls --

17 Q. And how -- sorry, carry on.

18 A. I was going to say they were mixed in each unit.

19 Q. How many children do you think were accommodated in the
20 secure unit while you were there?

21 A. Well, there was eight in each unit, and there was three
22 units: 24.

23 Q. What was the age range of the children?

24 A. I think the youngest child was either 11 or 12. And it
25 was up to 18. When, if, or unfortunately that young man

1 went on to the penal system through jail, he went to
2 jail.

3 Q. You provide us with some information about the
4 management of staff when you started. What you say at
5 paragraph 14 is:

6 'The system of management of staff was
7 non-existent.'

8 A. Uh-huh, yes.

9 Q. Did you have a manager, for example, did you have
10 somebody that you reported to?

11 A. Yes. It was Hugh Gallagher was my first manager.

12 Q. What was he like as a manager? Was he an effective
13 manager?

14 A. Well, er, how would I answer that one? He was
15 an exceptionally nice man and did what he could. Erm,
16 but we didn't get the supervision, there wasn't any type
17 of regular supervision, whatsoever.

18 Q. In terms of staff coming to work at St Mary's, what you
19 say is:

20 'The way staff came to work at St Mary's was scary.'

21 A. Yes, it was.

22 Q. And I think you provide a couple of examples --

23 A. Yes.

24 Q. -- to develop that for us, Elaine. You give an example
25 of a time where there was an artist painting a mural in

1 a particular part of the school.

2 A. Yes, that's correct.

3 Q. You say that that person, that artist, was asked if he

4 wanted to do a back shift --

5 A. That's right.

6 Q. -- because there was no staff?

7 A. Yes.

8 Q. What role would he be taking on, what was the role in

9 which he would be placed on back shift?

10 A. He would just be a physical body there. To go and play

11 football at the play barn, or ... I mean, just to

12 actually be there.

13 Q. So it would be a role involving interactions with

14 children in the unit?

15 A. Yes, yes.

16 Q. You give another example of a family member of yours, I

17 think, you say, who was a taxi driver who was looking

18 for work?

19 A. Yes.

20 Q. You mentioned to a colleague if there were any posts?

21 A. Yes, that's correct.

22 Q. You were told to go and pick the person up there and

23 then and bring him to the unit?

24 A. That's correct.

25 Q. You go on to tell us that he started on a night shift

1 that night?

2 A. That's correct.

3 Q. What sort of role do you remember did he start on in

4 that night?

5 A. Erm, as a night shift officer, like, making sure the

6 young people were all right during the night, opening

7 and letting them out to the toilet or whatever.

8 Q. Okay. Did this sort of way of bringing in staff raise

9 concerns with you at the time?

10 A. Yes.

11 Q. In terms of your own experiences starting work as a care

12 worker, you tell the Inquiry in paragraph 17, you say

13 that not long after you'd started working at St Mary's,

14 that you were assaulted by a resident?

15 A. That's correct.

16 Q. You say that that was because you were totally out of

17 your depth and had been left on your own in a unit?

18 A. That's correct.

19 Q. You explain that another time you were hit on the head

20 with a hoover because a child didn't want to do their

21 chores?

22 A. That's correct.

23 Q. Were you given any sort of guidance or supportive

24 information about how to manage the sort of situations

25 that escalated?

1 A. Well, we were trained as in like how to -- not so much
2 defuse a situation, but to put the person, the young
3 person, on the ground if it was all getting out of
4 control. Or take them up the stairs to have time out.
5 LADY SMITH: When you say, Elaine, that you were trained in
6 how to put the young person on the ground, can you tell
7 me anything more about the training?
8 A. It was done -- we were sent over to -- at the time it
9 was Gartnavel Royal Hospital.
10 LADY SMITH: Yes.
11 A. Erm, and it was -- I believe they were nursing staff,
12 but they trained in how to -- I believe it was treating
13 patients who were uncontrollable.
14 LADY SMITH: Gartnavel at that time was a hospital --
15 A. At that time.
16 LADY SMITH: -- that specialised in psychiatric care, yes?
17 A. That's correct, that's correct. Erm, it was pretty
18 brutal, yes.
19 MS MACLEOD: You tell us, Elaine, that there was a schooling
20 side to the school, and by that I mean an education
21 side. Were there classrooms?
22 A. Yes.
23 Q. I think you say that you, as a care worker, that you
24 weren't directly involved in the schooling side of
25 things?

1 A. Sorry, what did you say?

2 Q. As a care worker, I think you tell us that you weren't

3 directly involved in the schooling side of things?

4 A. 'Indirectly', did you say? Sorry.

5 Q. Sorry, were you involved at all in the education side of

6 things at St Mary's?

7 A. No, not -- no, no. We would maybe go up to the school

8 with the young people, but we weren't, no.

9 Q. Did you get any sense from the children or generally

10 about whether children were learning things in the

11 school?

12 A. Er, I think there was a degree of learning, yes,

13 definitely, erm -- uh-huh.

14 Q. Okay. Were there different subjects, for example, that

15 the children could study?

16 A. Yes, there was.

17 Q. I think you tell us in your statement that on occasion

18 you, or other care workers, might be called up to the

19 school if there was an issue with a child?

20 A. That's correct.

21 Q. What would be the purpose of that?

22 A. To physically remove a young person from the classroom.

23 Q. Were there records kept of each child in the school?

24 A. Yes, there was.

25 Q. Did those records include things like if a child had to

1 be physically removed from somewhere?

2 A. Yes, it should of, yes, definitely.

3 Q. Was there, for example, a record if restraint had to be

4 used?

5 A. Erm, I'm not too sure about that one, I'm sorry.

6 Q. Okay.

7 You tell us in your statement, Elaine, about your

8 own duties. You give a bit more detail about your own

9 duties as a care worker. That's from paragraph 30

10 onwards. You explain that you were involved in, for

11 example, making sure the children were up, had their

12 breakfast, went to school, that sort of thing?

13 A. Sorry? It went funny there. I didn't hear you there,

14 sorry.

15 Q. In paragraph 30 onwards of your statement, you give some

16 information about your own role, your day-to-day role --

17 A. Yes.

18 Q. -- as a care worker.

19 A. Yes.

20 Q. For example, I think you tell us that you were involved

21 in making sure the children were ready in the morning,

22 had their breakfasts, went to school, that sort of

23 thing?

24 A. Yes.

25 Q. In terms of the food that was provided, you describe the

1 food as being terrible?

2 A. Yes.

3 Q. What was terrible about the food?

4 A. It was just the way it was made. The cook, erm ... it

5 was just, I don't know how to say this without being

6 totally ... but it was just awful. The cook could

7 destroy food by the way he cooked it. But it was food

8 that these young people wouldn't eat. I mean, they

9 didn't know what -- they weren't brought up with, you

10 know, roast beef and things like that, just, you know.

11 And it was cooked and then put in trays, and then

12 wheeled from the kitchen along to the units, and half

13 the time it wasn't warm. Or it was just warm. Erm,

14 yeah.

15 Q. Did the children manage to eat the food?

16 A. Erm, sometimes. Sometimes.

17 Q. You tell us in your statement, Elaine, that if you were

18 working on a weekend, that sometimes you would bring

19 food in to make for the children?

20 A. Yes, that's correct.

21 Q. For example --

22 A. Yes.

23 Q. -- you say you would sometimes bring in a large chicken

24 yourself?

25 A. Yes.

1 Q. Or make a curry?

2 A. That's right.

3 Q. Or pancakes for the children?

4 A. That's correct.

5 Q. In terms of the showering and bathing arrangements,

6 I think you tell us that that was basic, I think is the

7 word you use?

8 A. Yes, extremely basic.

9 Q. In particular you tell us that there was no privacy if

10 somebody was showering?

11 A. No. No.

12 Q. You say that anybody could walk in the door?

13 A. They could, yes.

14 Q. You tell us that there was only one bath for all the

15 children --

16 A. That's correct.

17 Q. -- to use?

18 A. That's correct.

19 Q. That if a boy wanted to have a bath, he would have to be

20 locked in the girls' corridor to enable that to be

21 possible?

22 A. That's correct.

23 Q. You describe what you call one of the more positive

24 things of your experience being the activities that were

25 provided --

1 A. Yes.

2 Q. -- at St Mary's. Can you tell me a little about that?

3 A. Well, the young people loved to go over to the play
4 barn, you know, it would be badminton, football, in good
5 weather go outside into the -- there was a big pitch,
6 games pitch, and you could play rounders and things.

7 Q. Did social workers come in to visit the children?

8 A. On occasions. But my experience, no, there wasn't,
9 I couldn't say every week we had social workers in for
10 these young people.

11 Q. Did some family members visit the children?

12 A. Yes.

13 Q. In paragraph 58 of your statement, Elaine, you provide
14 some evidence about a young girl who you say came into
15 the unit while she was pregnant?

16 A. That's correct.

17 Q. That she went on to have a baby while she was in the
18 unit?

19 A. That's correct, yes.

20 Q. Did the baby live in the unit for a period of time?

21 A. Yes, she did.

22 Q. What were your own views at the time about a baby living
23 in that kind of environment?

24 A. I thought it was madness, horrendous, just -- although
25 I know it's so important for mum and baby to bond, but

1 it was not a safe environment at all, not just in the
2 physical, but health-wise, you know.

3 Q. I think you tell us the baby lived in St Mary's for
4 around six months?

5 A. Yes.

6 Q. At paragraph 65, Elaine, you provide evidence about
7 an occasion where a fire extinguisher was brought into
8 the unit?

9 A. That's correct.

10 Q. You go on to tell us that a boy died --

11 A. That's correct.

12 Q. -- from inhaling that.

13 Do you recall at the time how that was dealt with?
14 Was there an investigation into how that had happened,
15 or anything like that?

16 A. If there was, I, you know, I wasn't privy to it. But
17 I believe -- well, yes, I believe there was.

18 LADY SMITH: Had you known the boy, Elaine?

19 A. I did, and the night before he died -- sorry.

20 LADY SMITH: Don't worry. Don't worry. It must have been
21 very hard for you, was it?

22 A. Uh-huh. Me and him, I was going off, I was going off
23 day shift, and I used to get a hairdresser into the
24 school to cut the young people's hair if they didn't
25 have anybody. And the young lad didn't have the money

1 to pay for it, and I told him not -- he came, as I was
2 going out the door, 'Oh, Elaine', and I said, 'Don't
3 worry about it, I'll get your hair cut', and he was that
4 happy with getting his hair cut, and then the next time
5 he was dead.

6 LADY SMITH: Did you get any support, Elaine, from your line
7 manager or anybody else?

8 A. No. No. Sorry.

9 LADY SMITH: There is nothing to apologise for, Elaine, it
10 must have been a very difficult time for you, am I right
11 about that?

12 A. Yes.

13 LADY SMITH: Thank you.

14 Ms MacLeod.

15 MS MACLEOD: My Lady.

16 Were drugs a problem in the unit?

17 A. Yes.

18 Q. Did children bring drugs into the unit?

19 A. Yes. I think so. I mean, again, I cannot -- I can't
20 swear on it, no, but I believe so, yes.

21 Q. Did staff bring drugs into the unit?

22 A. Yes.

23 Q. Which staff brought drugs into the unit?

24 A. Care staff, do you want me to name?

25 Q. Yes, please.

1 A. I know definitely IFY [REDACTED] did. And zMHL [REDACTED]
2 did.
3 Q. If we start with IFY [REDACTED] first of all, Elaine, what
4 makes you say that he brought drugs into the unit?
5 A. Because I saw him with my own eyes. It was -- we were
6 on the back shift, we were going up the stairs, taking
7 the young people up the stairs to get settled in their
8 rooms, and, erm, he took a wee pill box out his pocket
9 and opened it and it was full of white powder, and he
10 said to me did I want to party.
11 Q. What did you say?
12 A. I said, 'No, I do not, and get that out of here'.
13 Q. How did you feel at the time about that? What was your
14 reaction?
15 A. I was horrified, absolutely horrified. And I said to
16 one of the seniors, but it wasn't my senior, but again,
17 and I actually spoke to his brother, who was also
18 a staff member, a teacher in the school.
19 Q. What did you say to his brother? Is that IFV [REDACTED]?
20 A. That's IFV [REDACTED]. That he had drugs. The next thing,
21 IFY [REDACTED] disappeared, he was away.
22 Q. Did he leave the unit, did he leave employment at
23 St Mary's?
24 A. Yes, he did.
25 Q. Do you know what IFY [REDACTED] was doing with the drugs

1 that he brought into the unit?

2 A. I've no idea, but I would imagine it was for hisself

3 and/or the children, but I have no idea. I dread to

4 think.

5 Q. The other person you named a few moments ago was

6 zMHL, what --

7 A. Yes.

8 Q. -- led you to say that he brought drugs into the unit?

9 A. Well, it was actually when I worked up at the open unit

10 more. Erm, I would say more in the secure that the

11 young people would actually tell you, and you would see

12 him talking to the young people that could go about the

13 grounds and go in and out the building, that, er, he got

14 them drugs.

15 Q. Was this in the open unit part of St Mary's?

16 A. Yes, yes.

17 Q. Was that, Elaine, towards the end of your time at

18 St Mary's?

19 A. Yes.

20 Q. When you were working in the open unit?

21 A. Yes. Yes, it was.

22 Q. Okay. What did young people in the open unit tell you

23 about?

24 A. That he supplied drugs to them. That was what was going

25 on.

1 Q. That zMHL supplied drugs to them?
2 A. Yes.
3 Q. Do you know what sort of drugs he was supplying to the
4 children?
5 A. I believe it was the stuff, what do you call it, erm --
6 sorry, I'm too long ... is it hash, the stuff they smoke
7 or put in cakes or whatever?
8 LADY SMITH: Do you mean cannabis?
9 A. Yes, sorry, cannabis.
10 LADY SMITH: No, that's all right, don't apologise. Some
11 people call it hash. Thank you.
12 A. Okay.
13 MS MACLEOD: In the secure unit, Elaine, did you see
14 children under the influence of drugs?
15 A. Yes.
16 Q. What led you to believe that they were under the
17 influence of drugs?
18 A. Er, one, they would get what they call the munchies,
19 where they constantly wanted to eat. But you just
20 needed to look at their faces, their eyes, I used to say
21 their eyes are like saucers.
22 Q. When you were in the open unit towards the end of your
23 time at St Mary's, did you see children under the
24 influence of drugs?
25 A. Yes.

1 Q. And there, what led you to the impression that they were
2 under the influence?

3 A. Their behaviour. Their total -- I mean, everything
4 about them.

5 Q. Are you able just to help me with what sort of things
6 about them led you to believe that?

7 A. Yes, especially when we were in the open unit, they had
8 access to the kitchen at one point, and, er, they would
9 go in and help themselves to food, and eat, and eat, and
10 eat.

11 Q. Okay. Was there anything about their demeanour, the
12 children's demeanour, in the open unit that led you to
13 think they were under the influence of drugs?

14 A. Again, just, yes, rather high, you know, they were very
15 up, and then all of a sudden down.

16 Q. You mentioned zMHL there in the context of
17 drugs, and I just want to ask you a bit more about him
18 now, Elaine. What was zMHL's role in
19 St Mary's while you were there?

20 A. He was the same as myself, he was a care officer.

21 Q. While you were at St Mary's did any child report to you
22 anything about zMHL that caused you concern?

23 A. Well, the big one was [REDACTED] that he'd raped her.

24 Q. Was that child in the unit, was she in the unit?

25 A. She was, she was in the green unit with him, uh-huh.

1 Q. Was that a different unit to the one you were in?
2 A. Yes.
3 Q. Were you in the blue unit?
4 A. That's correct.
5 Q. What did [REDACTED] tell you about zMHL [REDACTED] ?
6 A. She told me that he'd take her out at night on an outing
7 and he would maybe go to the Campsies, or he took her to
8 his house, and when he took her to his house, he raped
9 her.
10 Q. How old was she?
11 A. Er, she must have only been about 15 at the time. Maybe
12 16. Again, I can't quite -- I can't quite remember.
13 Q. What sort of age was zMHL [REDACTED] at the time?
14 A. He was ages with myself, in his 30s.
15 LADY SMITH: Elaine, did you know anything about this young
16 girl's background before she came into the unit?
17 A. I didn't know anything about her before she came into
18 the unit, as in -- no. But once she came into the unit,
19 yes, I did know, uh-huh.
20 LADY SMITH: Yes, what did you understand?
21 A. I believe she was into, erm, prostitution and drug
22 abuse.
23 LADY SMITH: Yes. Thank you.
24 MS MACLEOD: In your statement, Elaine, at paragraph 73, in
25 relation to the girl telling you this, you say:

1 'I believed her. She was telling the truth.'

2 A. Mm-hm, that's correct.

3 Q. You say:

4 '[She] knew too much, you couldn't make the things

5 up that she told me.'

6 A. No, definitely not. She knew about his family, his

7 children, the house, the inside of the house.

8 Q. In the context of what you are telling me there, you

9 mention another staff member by the name of KRM ?

10 A. That's correct.

11 Q. Who was KRM ?

12 A. She was a senior in the school. She worked -- erm, she

13 would be in charge of the unit, the whole school, like

14 they all had their rota of the seniors to be in charge

15 of the whole school, to say who could go out and who was

16 coming in, or whatever.

17 Q. What was her involvement, or what's her link to this

18 situation that you have been telling us about?

19 A. Well, I was told that KRM had to set up a meeting -- not

20 a direct meeting, but with [REDACTED] to get taken on

21 an outing to the McDonald's in Springburn Road, erm, at

22 a certain time, and zMHL was off that

23 evening, and he would be down with his wife and two

24 children so that they could say that is where she saw

25 his wife and the two children, and that zMHL

1 had taken in photographs of the house and his family,
2 had taken them into the unit to show people, to cover
3 the fact that that was how she knew them, and that she
4 had made it all up.

5 Q. The trip to McDonald's and the taking of photographs
6 into the unit, did that happen after the girl had made
7 the allegation against zMHL [REDACTED] ?

8 A. Yes, yes.

9 Q. Just to be absolutely clear, Elaine, what are you saying
10 about KRM [REDACTED]'s involvement in that?

11 A. Well, she was the senior that allowed [REDACTED] to be taken
12 out by a member of staff and told them to go to
13 McDonald's. So she definitely knew. She's obviously
14 been -- well, I won't say anything.

15 Q. You have told us that the girl told you. Did other
16 people in the school appear to know then about the
17 allegation?

18 A. Yes.

19 Q. Do you know how other people came to know about the
20 allegation?

21 A. I don't know. I don't -- I presume it was just the
22 gossip, you know, making everybody aware of it so that
23 [REDACTED] would get a hard time.

24 Can I just say, it's hard, maybe, to understand.

25 These young people have a certain loyalty towards staff,

1 and you know who they can trust -- they knew who you
2 could trust and who they couldn't, and you know when
3 they're telling the truth, most of the time, and [REDACTED]
4 wasn't -- no, he did it.

5 Q. You go on to tell us, Elaine, you say that she got
6 a really hard time in the school?

7 A. She did.

8 Q. And that no one believed her?

9 A. No.

10 Q. You go on to tell us that she went out on weekend leave
11 and took her own life?

12 A. That's correct.

13 Q. In paragraph 75, you provide some evidence that just
14 after all of this happened, KRM [REDACTED] came into work
15 with a black eye?

16 A. That's correct.

17 Q. What was your understanding at the time, or was it
18 explained to you by anybody what had led her to having
19 a black eye?

20 A. Well, I just asked KRM [REDACTED] what happened to her, because
21 I was actually friendly with KRM [REDACTED], so anyway, she told me
22 that when she went home the night before, although her
23 flat's a controlled entry, she lived down in [REDACTED],
24 when she went in, she was on the ground floor and
25 somebody came from the back of the close and gave her

1 a hammering. And told her that was -- she had to keep
2 her mouth shut about zMHL .

3 Q. Elaine, I wonder if I could ask you to look at some
4 documents. I think there are copies of these documents
5 in the folder in front of you.

6 A. Yes.

7 Q. I am just going to ask you to have a look at them in
8 turn. There are three different documents. The first
9 one is, and I am just giving the reference here,
10 SGV-001033210. This document has three pages.

11 A. Yes. Yes.

12 Q. Do we see at the very top right corner here it says:
13 'From Mr G McHugh.'

14 I just want to check we are looking at the same
15 page.

16 A. Yes.

17 Q. Is that what you are looking at, Elaine?

18 A. Yes, yes.

19 Q. Okay, we see it says 'Draft' at the top left of the
20 document?

21 A. Yes.

22 Q. This appears, Elaine, I appreciate this isn't a document
23 that you have seen before today --

24 A. No.

25 Q. -- but this document appears to be a draft memo to the

1 Minister of Justice from somebody called Mr McHugh, who
2 worked in the Young Persons and Looked After Children
3 Division, and it is dated September 1999.

4 The first paragraph tells us that the purpose of the
5 memo is to inform the minister of the suspension and
6 possible dismissal of zMHL, a member of the
7 care staff at St Mary's Kenmure, do you see that?

8 A. Yes, yes.

9 Q. I am just going to read part of this document to you and
10 just see if it accords with some of your own
11 recollections from the time.

12 A. Yes.

13 Q. It says:

14 'zMHL has been suspended from duty and
15 the school is seriously considering dismissing him.
16 This follows police charges against him of shameless
17 indecency in the community and of possession of cannabis
18 in the school. We understand that the case has been
19 dropped because of lack of proof of the indecency and
20 the small amount of cannabis involved. Mr zMHL's
21 employers are seeking further details from their host
22 council, East Dunbartonshire, the police and the
23 Procurator Fiscal as they currently have nothing in
24 writing. They have suspended Mr zMHL meantime.

25 'This is not the first time Mr zMHL's behaviour

1 has been called into question. There were other
2 allegations against him in 1996 by [the name is
3 redacted, but that is the girl that you have been
4 providing evidence about this morning] and, after [the
5 girl's] death, by her mother. [The girl] was admitted
6 to St Mary's Kenmure in 1996 with a history of both
7 sexual and serious drug abuse. In August that year, she
8 made allegations about drug and sexual activity between
9 boys and girls in the unit but also said that she had
10 been having a relationship with Mr zMHL and that she
11 had visited his house. There was an internal
12 investigation and Mr zMHL was suspended on full pay.

13 'At the disciplinary hearing it was stated that the
14 investigation had been unable to establish the facts
15 relating to the allegation against Mr zMHL and that
16 there had been insufficient grounds to pursue them
17 further. In [redacted] 1996, there had been plans to move
18 [the girl] from the secure unit into a residential one,
19 but she had absconded while on a visit. She died the
20 next day.'

21 It provides some information about that:

22 'Her mother subsequently made a complaint against
23 Glasgow City Council in relation to the care provided to
24 [the girl] while she was at St Mary's Kenmure, claiming
25 that her fear and unhappiness contributed to her death.

1 Glasgow City Council carried out its own investigation.
2 The outcome was that certain deficits in procedures at
3 St Mary's were identified relating to the fact that
4 a member of staff had taken [the girl] to Campsies and
5 to his own home unchallenged. It was also concluded
6 that on the balance of probability, Mr zMHL had
7 behaved inappropriately towards her with sexual elements
8 in his behaviour towards her, but there was insufficient
9 evidence to conclude that her death could have been
10 avoided had she not experienced approaches or responses
11 with him. Mr zMHL was disciplined for
12 non-compliance with the school's expectation of record
13 keeping ... '

14 Et cetera, et cetera. I don't think we need to read
15 the rest of that. But do you see that in broad terms,
16 that gives at least a timeframe --

17 A. Yes.

18 Q. -- for when these allegations were made. Does the
19 timeframe and the fact of that accord with your own
20 memory?

21 A. Yes, that's correct.

22 LADY SMITH: Elaine, so far as those references to his
23 employer are concerned, that would have been the Cora
24 Foundation, am I right?

25 A. Yes, that's correct.

1 LADY SMITH: Were you also employed by Cora?

2 A. Er, yes, yes I was, mm-hm.

3 LADY SMITH: Thank you.

4 A. I think originally it wasn't, but then it -- yes, it was

5 ... my contract was -- yes.

6 LADY SMITH: Thank you very much.

7 MS MACLEOD: Thereafter, Elaine, can I just ask you to look

8 at another document, which is SGV-001033211. It looks

9 like a covering letter with some handwriting on the

10 front. Do you have that?

11 A. Yes, I have.

12 Q. This appears to be a letter to somebody called

13 Stuart Bond, Social Work Inspector, and it has come from

14 somebody called Romy Langeland, Head of Children and

15 Family Services at Glasgow City Council. It is really

16 copying a letter that has been sent to the Board of

17 Managers of St Mary's by the Head of Children and Family

18 Services.

19 It is the second page of that document, the letter

20 itself, that I would like to look at with you. Do you

21 see that that's headed up 'Dear Mr Reid', that's the

22 Chair of the Board of Managers.

23 LADY SMITH: Ms MacLeod, do we have the right letter here,

24 the right documents, if you look at what's on the

25 screen.

1 MS MACLEOD: I am not --

2 LADY SMITH: This is to Stuart Bond, the Social Work
3 Inspector, May 1998, that's come up.

4 MS MACLEOD: This is the front page.

5 A. Uh-huh. Yes.

6 LADY SMITH: Could we just go back to the first document we
7 had up. Let's check that.

8 This is a note of a phone call.

9 MS MACLEOD: I see, it is pages 2 and 3 of the document.

10 LADY SMITH: Right, can we go to that?

11 MS MACLEOD: My apologies, my Lady. The cover letter, there
12 is an email on page 1.

13 LADY SMITH: Yes.

14 MS MACLEOD: The cover letter addressed to Stuart Bond is
15 page 2. Then the letter that was copied to
16 Mr James Reid, the Chair of the Board of Managers, is
17 page 3.

18 LADY SMITH: That is a letter dated 21 May 1998.

19 MS MACLEOD: That's it.

20 LADY SMITH: I think we have the right one on screen now,
21 thank you.

22 MS MACLEOD: Do you have that letter, Elaine?

23 A. Yes.

24 Q. We see that that says:
25 'Dear Mr Reid, complaint by ...'

1 That's [REDACTED]'s mother, the girl that you have been
2 telling us about, and I am just going to read that
3 letter. It says:

4 'I am writing to tell you that the investigation by
5 the mother is now complete. The investigation concluded
6 that there was deficits in the practice and procedures
7 ...'

8 LADY SMITH: Sorry, the investigation wasn't by the mother.

9 MS MACLEOD: Sorry, by Ms Ross, my apologies, sorry, the
10 investigation of the complaint made by the mother, the
11 investigation was conducted by Ms Ross:

12 '... is now complete. The investigation concluded
13 that there were deficits in the practice and procedure
14 in the school in relation to the systems in place which
15 allowed a member of staff to take [the girl] out and the
16 management of [her] allegation thereafter.

17 'I am aware that the school has now looked at these
18 matters and has put in place a range of procedures to
19 ensure that the sequence of events experienced by [the
20 girl] will no longer be possible. We have also
21 recognised flaws in our own system and the manner in
22 which the investigation was signed off by us. In
23 future, we will wish to establish a protocol between the
24 school and ourselves to ensure that complaints over
25 a certain threshold are jointly investigated.

1 'Our continuing concern relates to the member of
2 your staff who was subject to this complaint and who
3 I believe to be still working in the open unit in
4 St Mary's. We are concerned as to how his behaviour
5 will be monitored by you and I am copying this letter to
6 the Director of Social Work in East Dunbartonshire for
7 the attention of the inspection unit.'

8 He goes on to give apologies for how long the matter
9 has taken to conclude.

10 Do you recall, Elaine --

11 A. Yes.

12 Q. -- what the outcome ultimately was for Mr zMHL ?

13 A. Well, again, I believe, I am not too sure, because I was
14 off, I had poor health and had to go through major
15 surgery, and I was off for over a year. But I think it
16 was in that year, erm, he was dismissed. I don't know,
17 I think maybe -- well, what I was told was he received X
18 amount of money and left.

19 Q. When you --

20 A. Whether that's true or not, I don't know.

21 Q. When you returned, after your time off for your surgery,
22 zMHL was no longer working at the school?

23 A. No, no.

24 Q. You have provided some evidence already, Elaine, about
25 restraint being used in the school.

1 A. Yes.

2 Q. In paragraph 76 of the statement you tell us a little
3 bit about a control and restraint course --

4 A. Yes.

5 Q. -- I think you have touched on this already, run by
6 Gartnavel Hospital?

7 A. Yes.

8 Q. What you tell us is that you never used the training?

9 A. No, never.

10 Q. I just want to explore that with you: did you ever
11 restrain children physically?

12 A. Mm, I did once, with another senior, and I possibly
13 assisted. But I never actually put a young person down,
14 or ...

15 Q. When you say 'I never used the training', you go on to
16 say, 'It was absolutely disgraceful'.

17 A. It was.

18 Q. Can you just help me with what you are referring to as
19 being absolutely disgraceful?

20 A. Well, the young people, putting their arms up their
21 backs, bending their thumbs to feel as if they were
22 getting broken, literally getting dragged up the stairs
23 by the neck. Erm, somebody that's three times your
24 strength and size grabbing a hold of you and throwing
25 you on the floor. Sitting on you. You know.

1 Q. Did you see children being restrained in that way by
2 other staff?
3 A. Yes.
4 Q. Were children sometimes hurt as a result of restraint
5 used?
6 A. They must have been. But again, these young people
7 wouldn't say anything.
8 Q. In the context of restraint, you tell the Inquiry about
9 a senior teacher, I think you describe him as, called
10 IFT [REDACTED].
11 A. Correct, yes.
12 Q. I think you tell us he was around your own age?
13 A. Er, yes, maybe -- yes, I think so.
14 Q. You say he was about six feet tall and big built?
15 A. Yes, he was very strong.
16 Q. What are your recollections, did IFT [REDACTED] sometimes
17 restrain children?
18 A. Yes, he seemed to take great delight in doing that.
19 Erm, yes.
20 Q. What led you to have the impression that he took great
21 delight in it?
22 A. Well, you would see him dragging -- if somebody in his
23 class, you know, he had to take them up the stairs or he
24 was taking them out his class, he would put his arm
25 round and the kid would be coming back on him and he

1 would be literally -- he'd be dragging them up the
2 stairs.

3 He took -- one of the times he came into the unit
4 and he literally put me down on the floor, that was his
5 way of a joke, showing off in front of the young people
6 how good he was.

7 Q. I think you tell us about that, Elaine, in paragraph 86
8 of your statement?

9 A. Mm-hm.

10 Q. I think you tell us that in the unit:

11 [IFT] he was behind the door, and other staff
12 members were there. [He] jumped me and decked me,
13 putting me onto the floor.'

14 A. Correct, that was a joke.

15 LADY SMITH: Did you think it was a joke?

16 A. No, I certainly did not.

17 MS MACLEOD: Were you frightened?

18 A. I wasn't happy. I don't know if I was
19 frightened-frightened, but no, I was not happy. It was
20 absolutely disgraceful behaviour.

21 Q. In relation to yourself, you also tell us that at the
22 control and restraint training --

23 A. Yes.

24 Q. -- did you have involvement with [IFT] there?
25 Can you tell me about that?

1 A. Yes, we'd be partnered off, you know, there would be two
2 of us out of the group to perform these moves, and IFT
3 -- I was partnered with IFT, and he literally nearly
4 broke my arm. He was so forceful. But again, it was
5 a joke. All a big joke.

6 Q. Was that at the training course at Gartnavel or was that
7 a different occasion?

8 A. No, it was at Gartnavel training. That was the only
9 training I did with that man.

10 Q. Okay. You tell us Elaine:
11 'I was shouting at him to stop.'

12 A. Correct.

13 Q. 'That he was really hurting me.'

14 A. He was, yes, and I did.

15 Q. You say:
16 'The instructors came over but it was all treated as
17 a big joke.'

18 A. Correct.

19 Q. You say:
20 'He was a really rough bully.'

21 A. He was.

22 Q. You say --

23 A. He was an absolute --

24 Q. Carry on. Sorry, I interrupted you.

25 A. He was really just a thug. And I'm sorry, but, no.

1 Q. You say he was using the restraint to the extreme?
2 A. Correct.
3 Q. Elaine, the Inquiry has spoken to IFT [REDACTED], and
4 the allegations that you have made have been put to him,
5 including the allegation about the way in which he
6 restrained children and the way in which he dealt with
7 you, both at the training course and in the unit.
8 IFT [REDACTED] denies all of these allegations.
9 A. I'm not in the least bit surprised. Not the least bit
10 surprised, no. Sorry, even his demeanour when he walked
11 about, he wore these big boots, you know, I call them
12 'bovver boots', and he had his chain down his trousers
13 with his keys, and he was just an absolute bully.
14 Q. Another staff member you provide some evidence about is
15 IFW [REDACTED], Elaine, and I think you say that he was
16 a care worker around 1995 and was perhaps in his mid
17 20s, or so, at the time?
18 A. Yes.
19 Q. You say that he was very pleasant and was one of your
20 own shift partners?
21 A. Oh, he was a lovely young man. Very pleasant, yes.
22 Q. You tell us that he was a key-worker, in particular to
23 a young girl who was maybe about 15?
24 A. Correct, yes, I think her name was [REDACTED], but again I'm
25 not too sure.

1 Q. You go on to tell us that all of a sudden, IFW [REDACTED] was no
2 longer at the unit?

3 A. That's correct.

4 Q. At the time did you know -- I know you go on to give
5 more information, but at the time that he was suddenly
6 not there, did anybody explain to you why he wasn't
7 there?

8 A. No, I just actually thought he might have been away on
9 holiday, or --

10 Q. Okay.

11 A. No, I didn't know.

12 Q. A short time later did you see the girl who had been in
13 the unit --

14 A. Yes.

15 Q. -- out in the community?

16 A. Yes, I did.

17 Q. Can you tell the Inquiry about that, Elaine?

18 A. Erm, I was along in Kirkintilloch, which is just near
19 Bishopbriggs, shopping, and a young woman and her friend
20 were walking towards me and it was -- I think it was
21 [REDACTED] -- I think her name's [REDACTED], but it was the young
22 woman that was in the unit. Very, very pretty. I was
23 that surprised to see her, and she told me that the wee
24 baby in the pram, she was pushing a pram, and I said to
25 her what a lovely baby, she told me it was IFW [REDACTED]'s

1 baby, and I'm, 'IFW [REDACTED]', 'Aye, IFW [REDACTED]'. And
2 they were either getting married or they were married,
3 I think she said getting married, and I was absolutely
4 -- I was gobsmacked. I just ... how on earth ...
5 Q. You say:
6 'I thought that wasn't right, the timing wasn't
7 right.'
8 A. No, it was all off.
9 Q. Can you help me with that? What do you mean by the
10 timing wasn't right?
11 A. She didn't have time to be out -- and again, I can't say
12 that, 'cause that was after I found out, but she had
13 a baby. There was no time to have a baby and leave
14 St Mary's.
15 Q. Are you saying, by your calculations, she must have been
16 pregnant when she left St Mary's?
17 A. She must have been, yes. Pretty sure on that one. But
18 she wasn't living constantly in St Mary's, she was out
19 in the community, she was leaving.
20 Q. Did you report the fact that you had seen her with
21 a baby to any of the staff in St Mary's?
22 A. Yes, I went back and, er, I was told that -- this is
23 where I'm not sure. I would need to look at diaries,
24 but I think I had been told that IFW [REDACTED] -- and
25 it was IFW [REDACTED] himself told me, he had come into the

1 unit, that he was doing outreach work with a young lady,
2 and I was saying, 'Oh, that was great', it would be
3 a good role for him, being young, and connecting and,
4 er, helping the young woman settle in the community,
5 'cause again that was something that St Mary's was
6 looking at, like the step after St Mary's, and, er,
7 I couldn't believe ... And I had said to senior -- I'm
8 sure it was KRM, well, I'll not say that, no,
9 'cause I can't remember who it was at this point in
10 time, and I was told that he was -- he had just left.

11 Q. After you saw the girl with the baby, did you report to
12 a senior in St Mary's that she had a baby and that she
13 had told you that the father of the baby was
14 IFW?

15 A. Yes, I did.

16 Q. What was the response?

17 A. No response. Just no response.

18 Q. In your statement you explain, you say:
19 'I think it was covered up by the unit. No one knew
20 anything about it. I thought it would be discussed at
21 the staff meeting, but it wasn't.'

22 A. No, it was never mentioned again. I don't -- can I just
23 ask, I don't know if I'm going to be asked later on if
24 I did anything with that information?

25 Q. Well, we can cover that now. Did you do anything with

1 that information?

2 A. I did. I reported it to the police. This is recently,

3 I'm talking about.

4 Q. I see.

5 A. I'm maybe jumping, should I just wait and get my

6 questions?

7 Q. In more recent times you have provided a statement to

8 the police?

9 A. I did.

10 MS MACLEOD: My Lady, I see it is 1 o'clock now.

11 LADY SMITH: It is 1 o'clock.

12 MS MACLEOD: I probably have about 15 minutes to go with

13 this witness.

14 LADY SMITH: I think we should break.

15 Elaine, we have been asking you questions for quite

16 a long time and it is 1 o'clock now. We would normally

17 break for the lunch break just now, would that work for

18 you if we did that?

19 A. That's fine, yes.

20 LADY SMITH: We could do that and then finish your evidence

21 at 2 o'clock, and Ms MacLeod doesn't think we will need

22 much more than about a quarter of an hour, is that all

23 right?

24 A. Okay, that's fine, thank you very much.

25 LADY SMITH: Very well, I will rise now.

1 (1.02 pm)

2 (The luncheon adjournment)

3 (2.00 pm)

4 LADY SMITH: Elaine --

5 A. Yes?

6 LADY SMITH: -- welcome back.

7 A. Thank you.

8 LADY SMITH: I hope the break enabled you to draw breath --

9 A. Yes, thank you.

10 LADY SMITH: -- and that you are ready for us now to finish

11 your evidence, is that okay?

12 A. Yes.

13 LADY SMITH: Thank you very much.

14 Ms MacLeod.

15 MS MACLEOD: My Lady.

16 Hello again, Elaine.

17 A. Hello.

18 Q. We were looking at the part of your statement where you

19 were providing some evidence about some of your

20 colleagues at St Mary's. At paragraph 87, you go on to

21 mention a staff member by the name of IFX --

22 A. Yes.

23 Q. -- and I think you tell the Inquiry about something that

24 happened in relation to her, with her, and a boy in the

25 unit in relation to yourself. Can you tell the Inquiry

1 about that?

2 A. Erm, IFX was also a member of staff in the blue unit,
3 and one of the chaps, it was [REDACTED], I think
4 his name was, I was his key-worker, and my birthday was
5 coming up, and apparently [REDACTED] had asked IFX to get
6 me a present, and she went out and bought an eternity
7 ring, and brought it into the unit for him to give to
8 me, along with a note, erm, to which I was -- I couldn't
9 believe that somebody could, well, do what she had done.

10 Q. Are you able to help the Inquiry with what it was about
11 that that concerned you?

12 A. That the boy was obviously getting some kind of
13 affection towards myself, and it was inappropriate,
14 totally inappropriate.

15 Q. Did you report that to senior staff?

16 A. Yes. Yes, I did. I went to Jim Connolly.

17 Q. Do you remember what sort of thing you said?

18 A. I showed him and gave him the letter. If I remember
19 correctly, I didn't have to say anything. He himself
20 said it wasn't acceptable, erm, and I was going to be
21 moved immediately.

22 Q. I think you tell us in your statement that the boy you
23 are talking about was in the unit having been convicted
24 of rape?

25 A. That's correct.

1 Q. I think you tell us that, along with the ring, the staff
2 member had helped the boy write a letter which was given
3 to you along with the ring?

4 A. That's correct.

5 Q. Can you remember what the letter said, or the gist of
6 what it said?

7 A. I can't remember what it said, I just remember it was
8 not a letter that I should have received from this young
9 man.

10 Q. As a result of you reporting the letter, and the ring,
11 were you moved to another part of St Mary's?

12 A. I was moved completely out of secure and into the open
13 unit.

14 Q. I want to ask you now about some information that you
15 provide about incidents which you say took place between
16 staff in St Mary's.

17 First of all, I would like to focus on
18 zMHL and what you tell the Inquiry about him
19 in relation to yourself, Elaine. Can you tell me, did
20 zMHL behave in an inappropriate way towards
21 you?

22 A. Yes, he did.

23 Q. What did he do?

24 A. He invited myself over to his house, saying that he was
25 getting other staff members together, and he was having

1 a wee night, you know, a wee get together.

2 Q. Did you go to his house?

3 A. I did, but I took one of my friends with me, because

4 I wasn't sure why I was getting invited.

5 Q. When you were at his house, did something happen?

6 A. Yes, it did.

7 Q. What happened?

8 A. I went up the stairs to the toilet and when I came out

9 the toilet, right next to the toilet was a bedroom, and

10 zMHL pulled me and threw me onto the bed and was

11 trying to, erm -- he was trying to get my clothes off.

12 Literally.

13 Q. How did that incident come to an end?

14 A. Well, at that time I was younger and fitter, I managed

15 to get him off. Although he was pretty under the

16 influence of drugs and/or alcohol. And went down the

17 stairs, got my friend, we phoned a taxi, and left.

18 'Cause nobody else had turned up at his house either.

19 Q. In your statement you say that zMHL tried to

20 rape you.

21 A. Yes.

22 Q. What was it about the way he behaved that led you to

23 believe he tried to rape you?

24 A. Because he was trying to get, like, my trousers off.

25 Q. Did you report what happened on that occasion to

1 anybody?

2 A. I did.

3 Q. Who did you report it to?

4 A. I spoke to IFV .

5 Q. What was the response?

6 A. Er, he didn't know where zMHL s head was at the

7 moment, but he would speak to him.

8 Q. Can I now ask you about IFV ? Did he behave

9 towards you at any time in a way that concerned you?

10 Did he say things to you that concerned you?

11 A. Yes.

12 Q. What sort of things did he say to you?

13 A. He'd say things like, 'Show us your tits, get your tits

14 out for the boys, do you fancy a quickie?'

15 Just disgusting.

16 Q. Did he say those things to you within St Mary's?

17 A. Yes.

18 Q. You mention in your statement that IFV would send

19 you obscene texts?

20 A. Yes.

21 Q. And that the harassment continued for quite a long time?

22 A. Yes.

23 Q. How long did that sort of behaviour continue?

24 A. I don't know. I can't remember. But it was a long

25 time.

1 Q. Did you report the way in which IFV [REDACTED] was behaving
2 to anybody in St Mary's?
3 A. No. No point.
4 Q. You mention in your statement that you had concerns
5 about two members of staff who worked on the night
6 shift, and perhaps behaviour between them on the night
7 shift?
8 A. I presume you're talking about zMHL [REDACTED], I'm not
9 sure.
10 Q. Okay.
11 A. zMHL [REDACTED] and [REDACTED].
12 Q. Who did you say there, sorry?
13 A. zMHL [REDACTED] and [REDACTED].
14 Q. Did you have concerns about their behaviour during night
15 shifts?
16 A. Yes, I did.
17 Q. What was your concern about their behaviour?
18 A. Well, they were obviously having some kind of affair.
19 Q. What gave you the impression that they were having some
20 kind of affair?
21 A. Well, (1) the way they were together and (2) the young
22 people.
23 Q. When you say the young people?
24 A. They told you, they would tell you.
25 Q. What did the young people tell you?

1 A. That they were having sex while they were working.
2 There was also a night where she had actually phoned my
3 house and asked my daughter to cover for her. My
4 daughter was just a wee girl at the time. Well, I'm
5 saying a wee girl, she wasn't, she was 17, but she was
6 going out with them.

7 Q. When the young people reported to you that
8 zMHL and IFX were having sex, did you
9 report that to any other staff members?

10 A. I reported it to my line manager, Jean Brown, who -- she
11 was an excellent manager, and we went down to see
12 Neil Sharp about what was happening in the unit between
13 that and drugs.

14 Q. Was Neil Sharp the head of the school by this time?

15 A. He was.

16 Q. What was Neil Sharp's response to your reporting?

17 A. Couldn't do anything, there was no evidence.

18 Q. Okay.

19 A few moments ago, Elaine, I asked you if you had
20 reported the behaviour of IFV towards you, and you
21 said there was no point. I just wanted to follow up and
22 ask you why you felt there was no point in reporting the
23 behaviour by IFV?

24 A. IFV was like, how can I say it, the leader of the pack,
25 you know. It's very hard to explain what I mean, as in

1 there was this culture within the school, and who
2 actually ran the school, and IFV was just being one of
3 the lads, one of the guys, that's what you do, that's
4 the way it is.

5 Q. Okay. Was there a procedure at St Mary's, first of all,
6 for staff to make complaints about other staff? You
7 have told me about occasions when you did report things,
8 but was there a procedure to follow for that?

9 A. I'm quite sure there was, but I never saw it, no.

10 Q. If a child wanted to make a complaint about something,
11 was there a procedure or a process for who they should
12 speak to or what they should do?

13 A. Again, not that I know. Well, they would probably go to
14 the key-worker and then go to the manager, but there
15 wasn't -- not that I know of --

16 Q. Okay.

17 A. -- a set-down ...

18 Q. Just to be clear, Elaine, and I think this was my
19 mistake, I think I used the name IFX instead of [REDACTED]?

20 A. You did, instead of [REDACTED].

21 Q. Was it [REDACTED] and zMHL [REDACTED]?

22 A. It was [REDACTED], yes, it was.

23 Q. That the children told you about and who you made the
24 complaint about having sex?

25 A. Yes, yes.

1 Q. Thank you.

2 You have told us, Elaine, that you left St Mary's in
3 October 2000.

4 A. Yes.

5 Q. That before then you had been moved to the open unit, is
6 that correct?

7 A. That's correct. This was now the new school, this was
8 not the old building, but the new.

9 Q. I now want to move to the final part of your statement,
10 first of all where you speak about the impact that your
11 time working in St Mary's has had on you. You provide
12 some information about that in paragraphs 108 onwards of
13 your statement. What you say is:

14 'I was ruined by my time at St Mary's.'

15 A. Correct.

16 Q. Can you just tell me, you know, in a few sentences, how
17 you consider yourself to have been ruined by your time
18 at St Mary's?

19 A. I think the place was -- it was a cesspit. My marriage,
20 I lost my marriage, my husband, I was -- I say -- you
21 would get indoctrinated into this culture, this way that
22 you live and behave, which was not me. I don't know who
23 that person was. I have no idea why.

24 Q. When you say 'cesspit', what do you mean by that?

25 A. I mean that there was people having sex with other

1 people and people -- married people, and oh, it was just
2 absolutely ridiculous. And I'm not squeaky clean, I did
3 go through, I'm not saying -- I'm just saying that that
4 should not have been allowed to happen where young
5 people are being cared for.

6 Q. In relation to that situation that you describe, you
7 say:
8 'There were never any consequences for the staff for
9 what they did.'

10 A. No, nothing. Walked away. Walked away.

11 Q. Something you say at paragraph 111 is:
12 IFV and zMHL were a team.'

13 A. They were.

14 Q. What do you mean by that? In what context were they
15 a team?

16 A. Well, they were best friends, and anything IFV did,
17 zMHL did, and zMHL did, IFV did.

18 Q. I think you tell us about the background to your move to
19 the open unit. Was that following an attack on you?

20 A. Well, I hadn't -- I had just started back that morning
21 and I got told I was going to the open unit, which was
22 fine. And I was in the open unit, and then a girl came
23 out and all hell broke loose, but it was against me.
24 That young lady must've known I was coming in and for
25 some reason, she was going to attack me.

1 Q. Did you know of the girl before, was she somebody you
2 knew?
3 A. No.
4 Q. I think what the impression you got was that she knew
5 you, or knew who you were?
6 A. She knew who I was, and for whatever reason ... and they
7 knew that it was going to happen. They knew that was
8 going to happen.
9 Q. Who knew it was going to happen?
10 A. The staff that appeared miraculously through the door.
11 Q. You say that you were fearful that the staff were
12 involved in staging the attack?
13 A. Yes.
14 Q. You go on to tell the Inquiry about a John McLaughlin,
15 who is John McLaughlin?
16 A. He was what I thought was an old friend. An old friend.
17 He actually worked in St Mary's years ago. Erm, mm-hm.
18 Q. Was he somebody you confided in?
19 A. Yes, he was.
20 Q. Did you tell him about the way IFV had treated
21 you?
22 A. Yes, he knew.
23 Q. More recently have you had reason to have concerns about
24 John McLaughlin?
25 A. Well, it's not recently now, it's six years ago. No,

1 ten years ago now. No, 12 years ago, sorry.

2 Q. But some years after you had left St Mary's?

3 A. Yes, yes, yes.

4 Q. What happened there then, with John McLaughlin?

5 A. He was outside my house, driving past my house.

6 Q. Did you consider this in some way to be linked to

7 St Mary's, or something you told him about St Mary's?

8 A. I believed so.

9 Q. In your statement you say you reported to the police

10 that John McLaughlin had been stalking you at your

11 house?

12 A. Yes.

13 Q. You also tell the Inquiry that you have given

14 a statement in more recent times to the police about

15 some aspects of your time at St Mary's?

16 A. Yes, I did.

17 Q. Did that include about some allegations relating to

18 zMHL, IFV and IFW?

19 A. Yes, it did.

20 Q. Turning to the last part of your statement, Elaine,

21 where you set out some lessons which potentially you

22 consider could be learnt going forward; you say that

23 people who work with children must have training?

24 A. 110 per cent, yes. They must.

25 Q. You say that there must be someone else who is

1 overseeing everything?

2 A. Absolutely, yes.

3 Q. Is that something you thought was missing at St Mary's?

4 A. Yes, very much so.

5 Q. You say:

6 'People say when you get locked up you lose your

7 rights, but these are children.'

8 A. Sorry, you went a bit funny there.

9 Q. You say:

10 'People say when you get locked up you lose your

11 rights, but these are children.'

12 A. Correct.

13 Q. And you conclude by saying:

14 'I hope some of the young people from St Mary's get

15 justice. I hope that the staff members I have talked

16 about are stopped from working with young people. They

17 are not fit to work with children.'

18 A. Correct.

19 MS MACLEOD: Elaine, thank you for answering my questions.

20 I don't have anything else that I need to ask you, but

21 do you have anything that you would like to say before

22 we conclude your evidence?

23 A. Erm, I would just like to say that I have no idea how

24 the place got away wi' operating the way it did.

25 I personally reported things to the police, and people

1 like IFW [REDACTED], he disappeared. He didn't work in
2 St Mary's, according to the police. They lost my
3 statement, the police. People -- I cannot believe in
4 this day and age that this is allowed, still, to go on.
5 MS MACLEOD: Thank you, Elaine.
6 My Lady, I can confirm I have had no applications
7 for questions.
8 LADY SMITH: Thank you.
9 Elaine, let me add my thanks to you for bearing with
10 us today, as we have asked you so many questions in
11 addition to everything that you provided to me in your
12 written statement. I know that will have been a lot of
13 effort too. But I can hear from everything you say how
14 much it matters to you, and mattered to you, to get
15 across all you could from your memories of working at
16 St Mary's, and I appreciate that those generally aren't
17 very good memories, from what you have told me --
18 A. No.
19 LADY SMITH: -- and you have been at pains to explain to me
20 why, and that's also really helpful.
21 Leave it with us. It is now something that I hope
22 that you can put down, and move on from.
23 A. Yes.
24 LADY SMITH: Knowing that you have given all that you can to
25 the Inquiry. I am really grateful to you.

1 A. Thank you very much, Lady Smith.

2 LADY SMITH: Thank you.

3 A. Okay.

4 (The witness withdrew)

5 LADY SMITH: I think we can now switch off the link.

6 I want to mention some names before we move on to
7 the next witness. These are people whose identities are
8 protected by my General Restriction Order, and they are
9 not to be identified as having provided evidence to the
10 Inquiry outside this room.

11 That's IFY [REDACTED], zMHL [REDACTED], IFV [REDACTED],
12 KRM [REDACTED], IFT [REDACTED], IFW [REDACTED] and
13 IFX [REDACTED]. There were also two female names, we just
14 have the first names of, they are young people who were
15 in care at St Mary's, somebody called [REDACTED] and somebody
16 called [REDACTED], and likewise they are not to be identified
17 outside of this room as referred to in our evidence.

18 I will rise now, shall I, Ms MacLeod and we will get
19 organised for the next witness. Thank you.

20 (2.28 pm)

21 (A short break)

22 (2.34 pm)

23 LADY SMITH: Ms MacLeod.

24 MS MACLEOD: My Lady, the next witness will use the
25 pseudonym 'Kevin', and he is a witness who should

1 probably be warned.

2 LADY SMITH: Warned, yes.

3 Thank you.

4 'Kevin' (sworn)

5 LADY SMITH: Good afternoon, 'Kevin'.

6 A. Good afternoon.

7 LADY SMITH: 'Kevin', do sit down and make yourself

8 comfortable.

9 A. Thank you.

10 LADY SMITH: 'Kevin', thank you for coming along this

11 afternoon to provide further assistance to us on the

12 evidence you are able to give regarding St Mary's School

13 in Kenmure, where you used to work.

14 I already have your written statement, that's been

15 really helpful to be able to read that in advance, but

16 this afternoon we would like to explore some particular

17 aspects of your evidence with you, if that's all right.

18 'Kevin', if at any time you want a break, or

19 a pause, that's not a problem. I know that being asked

20 about events that happened a long time ago, and in

21 particular being asked questions that you may find

22 difficult to deal with, because we are going to have to

23 press you on one or two things, as you know, and I hope

24 you understand why we are doing that, it is because of

25 the interests of the public in this public Inquiry, and

1 the work of the Inquiry in relation to the best
2 interests of children. As I say, if at any time you
3 want a break, or you have any queries, do ask.

4 I have to tell you, in case you don't know already,
5 that although this isn't a court, you have all the
6 rights that you would have if you were appearing in
7 a court. That means that if you are asked any question,
8 the answer to which could incriminate you, you don't
9 have to answer it. If you are in any doubt as to
10 whether it is that sort of question, please feel free to
11 check with us. If, of course, you do decide to answer
12 it, bear in mind that I expect a full answer and
13 a transcript is being made of your evidence which does
14 go on to our website, so it's available to the public or
15 anybody else with an interest at a future date.

16 Does that all make sense to you?

17 A. It all makes sense, that's fine.

18 LADY SMITH: Your statement is in that red folder in front
19 of you, and so it will be available to you as we go
20 through your evidence, if you want to refer to it, and
21 we will also bring some aspects of your statement up on
22 the screen as we pinpoint particular paragraphs. So you
23 might find that helpful as well. You don't have to use
24 them, but they are there if they are of any use to you.

25 If you are ready, I will hand over to Ms MacLeod and

1 she will take from there, is that all right?

2 A. That's fine, I'm ready.

3 LADY SMITH: Thank you.

4 Ms MacLeod.

5 MS MACLEOD: My Lady.

6 Questions from Ms MacLeod

7 Q. Good afternoon, 'Kevin'.

8 A. Good afternoon.

9 Q. I don't need your date of birth, but to give

10 a timeframe, can you confirm that you were born in 1956?

11 A. I was indeed.

12 Q. You have provided a statement for the Inquiry, and you

13 have a copy in front of you there, I am just going to

14 give the reference for transcript: WIT-1-000001378.

15 'Kevin', could you start by turning to the final

16 page of the statement, please, just to confirm that you

17 have signed it.

18 A. Yes.

19 Q. In the last paragraph do you say:

20 'I have no objection to my witness statement being

21 published as part of the evidence to the Inquiry.

22 I believe the facts stated in this witness statement are

23 true.'

24 A. That's correct, yes.

25 Q. Can I now go back to the beginning of the statement, and

1 look at some of the things that you tell the Inquiry
2 about there. You start by providing some background
3 information about your professional qualifications and
4 experience. I think you tell us that you have
5 a teaching diploma in primary education?
6 A. Correct.
7 Q. And also a diploma in special needs education?
8 A. Correct.
9 Q. And a religious certificate for teaching religious
10 studies?
11 A. That's correct.
12 Q. In more recent times, an occupational health
13 certificate?
14 A. Yes.
15 Q. You will know today that we are looking at your time
16 working in St Mary's Kenmure in Bishopbriggs.
17 A. Yes.
18 Q. I think you spent a large part of your career working in
19 that setting?
20 A. I certainly did.
21 Q. You tell us that you started as a care assistant in
22 September 1977?
23 A. That's true.
24 Q. You were around 21 at that time?
25 A. That's correct.

1 Q. I think you tell us that you moved building, but that
2 you remained working in St Mary's itself, until around
3 2004?

4 A. Correct.

5 Q. Did you then spend a number of years still employed by
6 St Mary's, but working for what you describe as
7 Cora Learning?

8 A. That's right.

9 Q. Looking at the setting up and in particular recruitment
10 of staff for --

11 A. Yes.

12 Q. -- secure settings?

13 A. Yes.

14 Q. Did you then move to spend a period of time in
15 St Philip's in Plains?

16 A. I was still employed by St Mary's when I went to
17 St Philip's, and then I became employed by St Philip's.

18 Q. Was it in around 2007 that you moved to St Philip's,
19 while still employed by St Mary's?

20 A. That's right.

21 Q. Then in 2010, you actually became employed by
22 St Philip's?

23 A. Yes.

24 Q. Then two years later, 2012, did you move back to
25 St Mary's?

1 A. That's right.

2 Q. Did you remain there until you retired in 2019?

3 A. That's it.

4 Q. So other than a few years when you weren't at St Mary's,
5 were you really working in the setting of St Mary's from
6 around 1977 to 2019?

7 A. Yes, the majority of the time.

8 Q. So A period of around 42 years?

9 A. Yes.

10 Q. Okay. You start out by giving some information, quite
11 detailed information is set out in your statement about
12 St Mary's itself, the background to the organisation.

13 You tell us, for example, in paragraph 5 that it
14 originated in the Calton area of Glasgow in the 1800s?

15 A. That's right.

16 Q. It moved out to Bishopbriggs in the early 1900s?

17 A. So I believe.

18 Q. Into the large Victorian building?

19 A. Yes.

20 Q. Is that the building where St Mary's was based when you
21 first started there in 1977?

22 A. Yes.

23 Q. Would you be happy to look at a photograph of that
24 building?

25 A. Yes, indeed.

1 Q. That's at WIT-3-000005605 at page 6.

2 A. Yes, that's it, that's the building.

3 Q. Is that the building?

4 A. Yes.

5 Q. Do we see the main door there in the centre of the

6 photograph?

7 A. Yes. Actually -- yes. I'm looking for a -- there was

8 a statue that I'm looking for, but this is an early

9 picture, because it's got gardens in front. When I was

10 there, it was just stones.

11 Q. I see. Unfortunately we don't have a date for this

12 photograph, so it may well predate your time there.

13 A. Mm-hm.

14 Q. Was the front of the building, the lawn area, that

15 wasn't there when you started?

16 A. Where the bushes are, that wasn't there. The road would

17 be parallel with the building, and there was a grassed

18 area opposite the -- opposite the building on the other

19 side of the road.

20 LADY SMITH: Ms MacLeod, there is a date in the sentence or

21 so below the photograph, photograph 6, 'St Mary's

22 Catholic Boys Industrial School, circa 1908', it would

23 seem to suggest it might be a 1908 photograph, there or

24 thereabouts?

25 MS MACLEOD: It might be, it could be that.

1 When you were at St Mary's, when you started in
2 1977, looking at that photograph, are you just able to
3 help me a little bit with where things were?
4 A. Sure.
5 Q. There is actually a bigger version of the photo behind
6 you, if you are able to stand up, and just maybe help me
7 by pointing out some things to me. So the main doors
8 there, if we look at the windows, first of all to the
9 right-hand side of the door, as we look at the
10 photograph, on the ground floor, what was that?
11 A. This area here, when I was there, that was -- that
12 became a shower area.
13 Q. Okay. The first floor, above there?
14 A. That was the chapel.
15 Q. Okay.
16 A. This was a dormitory. This was offices. It would be
17 the finance office, the headmaster's office, the staff
18 base would be around about here, there was a deputy
19 head's office here, the staff base here, and then the
20 rest of that building was the dining area for the kids.
21 Q. The ground floor to the left of the building that you
22 are pointing us to, that's the offices?
23 A. Yes.
24 Q. The first floor above that, that's part of the
25 dormitories?

1 A. Yes.

2 Q. Thank you.

3 Did there come a point in time then, when -- so that

4 was the secure unit, when you started?

5 A. No, no, no, no.

6 Q. No, sorry, that was the open unit when you started?

7 A. I refer to this as the old old school.

8 Q. Secure?

9 A. No, no, it was nothing to do with secure. This was the

10 old old school. This was the original List D school.

11 Q. Okay.

12 A. The original secure unit was the Ogilvie Unit, and it

13 was to the left of this building by 400 yards.

14 Q. When you started, what was this building used for?

15 A. It was a List D school, so it was maybe up to 100 boys.

16 Q. Were you working in this building when you started?

17 A. Yes.

18 Q. What was your role to be, then, when you were first at

19 St Mary's?

20 A. Yes, my original role was as a care assistant. It was

21 essentially a internal care worker, internal social

22 worker, sort of thing. Pastoral care of the boys.

23 Q. How did you come to be in that role, was it a job you

24 applied for, how did it come about?

25 A. Well, it came about -- historically the site of

1 St Mary's was the location for the annual Lourdes Day
2 parade for the Archdiocese of Glasgow, so first
3 communicants, for example, and various Catholic
4 institutions, St Vincent de Paul, the Legion of Mary,
5 and so on, would congregate there for a parade in May,
6 I believe it was, and as a child I had been there. My
7 mother was an active, very active, churchgoing person
8 and spotted the advert because it was Kenmure St Mary's
9 in those days, that she recognised it, and I was looking
10 for a job as a teacher, and she suggested that I should
11 go for it, which I did.

12 Q. Was it for around the first 18 months or so --

13 A. Yes.

14 Q. -- that you were a care assistant.

15 A. Yes.

16 Q. From there, how did your role in the school develop?

17 A. Well, after about 18 months there was -- one of the
18 teachers became pregnant and I took over as a qualified
19 teacher for the period that she was on maternity leave,
20 and then she didn't come back so I stayed on as the
21 teacher.

22 Q. You continued to be on the educational side during your
23 time?

24 A. I was in education for the rest of my career.

25 Q. Yes, okay.

1 You tell us that when you started, you were employed
2 by the Board of Managers of St Mary's?
3 A. Yes.
4 Q. That was your employer.
5 LADY SMITH: I think that would be the Board of Managers of
6 the Cora Foundation, Ms MacLeod, or was --
7 A. No, no, sorry, my Lady.
8 LADY SMITH: -- that later it became Cora?
9 A. It has always been the Board of Managers of St Mary's,
10 and, in my case, St Mary's or St Philip's.
11 LADY SMITH: I think in another forum I have been told
12 something different, but I think we are talking about
13 the same thing in the same place.
14 A. Well, the Cora Foundation is the -- it was
15 an administrative body that encapsulated, incorporated,
16 whatever, I don't know the legal term, a number of
17 institutions; St Philip's, Good Shepherd and St John's
18 and St Mary's.
19 LADY SMITH: Yes, St Mary's --
20 A. It had no practical role.
21 LADY SMITH: St Mary's had its own board of managers.
22 A. All of the institutions had their own board.
23 LADY SMITH: Thank you.
24 MS MACLEOD: In paragraph 23, you provide some information
25 about the function of St Mary's, and what that was.

1 What was your understanding when you started at
2 St Mary's about the function of the school?

3 A. Well, that was pretty much it. There were a number of
4 kids who, I would probably have recognised the term
5 'approved school' more than 'List D school' at that
6 time, but by that time the legislation had changed from
7 approved schools to List D schools. So one knew that
8 the kids presented challenging behaviours, for example.

9 So my understanding was that it was going to be
10 a pastoral role with young people who did exhibit
11 behavioural difficulties.

12 Q. How many children were at the school?

13 A. Now, we used to have -- we used to have a roll,
14 a blackboard, that had the roll on it. And I seem to
15 remember the numbers 98 and 108 come into this. Now,
16 whether or not it was 98, and then there was the Ogilvie
17 wing then, which when it first started, I think it might
18 have started with 12, I'm not sure about that, and then
19 went to 18, but there would be between 100 to 120, but
20 only for me there only be about 90 to 100.

21 Q. The Ogilvie wing, which you described as the old secure
22 unit?

23 A. Yes, that to me is the old secure unit.

24 Q. Was that then replaced by a new secure unit --

25 A. Correct.

1 Q. -- in about 2000?

2 A. That's right.

3 Q. I am just going to put another photograph on screen to
4 see if you can help me with that. CIS-000003208?

5 A. Yes, this is the plan of the new secure unit.

6 LADY SMITH: And did you say about 2005?

7 A. 2000.

8 LADY SMITH: 2000, thank you. (Pause)

9 Sorry, 'Kevin', if you can bear with us, we are just
10 locating the correct photograph to look at with you.

11 MS MACLEOD: I think there is a photograph of it here as
12 well, which is INQ-000000920. We might need to zoom in
13 on this one.

14 A. Yes.

15 Q. Is that a photograph of --

16 A. Yes, that's the new secure unit, yes.

17 Q. The unit that that replaced, the older secure unit,
18 perhaps we can look at a photo of that, INQ-000000895.

19 A. Yes, that's the old secure unit, yes.

20 Q. Okay. We can take the photos down now.

21 Were you provided with any induction or training
22 when you started at St Mary's?

23 A. In the old old school, I do remember going to -- we went
24 to Kibble, it was either Langlands Park or Thornly Park,
25 I can't remember which one, it was in Port Glasgow, and

1 Kerelaw for visits. That was really just about it.

2 Q. When you started then in 1977, what were your first
3 impressions of the place, of St Mary's?

4 A. Well, it was loud, it was chaotic, you know, it was
5 a school, so there was lots of activity, there were lots
6 of kids milling around. There appeared to be times when
7 things happened, so you kind of get into the groove of
8 the day. So I suppose there was an expectation that
9 you're in a residential school, there's kids in bed who
10 are going to be getting up, then they're going to
11 school, 'cause it is a school, and then they would eat,
12 and so on.

13 Q. Who was [REDACTED], who was SNR [REDACTED]?

14 A. SNR [REDACTED] at that time was LNI [REDACTED].

15 Q. How did you find him, what was he like?

16 A. A very genial person. Irish. Quite a back story. He
17 flew Lancasters in the Second World War. He was
18 an ex-policeman. Erm, he was -- I really don't know how
19 to describe him, he was just a nice chap.

20 Q. In your statement at paragraph 40 you describe his
21 [REDACTED] as 'legendary'?

22 A. Yes.

23 Q. I just wondered if you could develop that for me?

24 A. You just had a sense of a man that walked into the room
25 and the room stopped and paid attention to what

1 LNI was about to say. That was -- he had that
2 kind of impact.

3 Q. You tell us that there was SNR ,
4 an KDN ?
5 A. That's right.

6 Q. Did he LNI quite early on in
7 your time?
8 A. Yes, yes.

9 Q. Might that have been around the late 1970s, or
10 thereabouts?
11 A. Yeah, it would have been, yes.

12 Q. How was his , what was he like?
13 A. His -- he was a much more abrupt person, perhaps. He
14 was quite -- he also was a man that walked into a room
15 and people paid attention, certainly the kids did.

16 He was -- erm, it's difficult to say, I would say
17 that there was a certain element of -- I hesitate to use
18 the word fear, but there was a certain, you know, you
19 got the sense that he was quite volatile.

20 Q. What gave you that sense?
21 A. It was just the manner in which he spoke and interacted
22 with kids was quite -- you could say assertive, you
23 could say aggressive.

24 Q. I think you tell the Inquiry that the person in charge
25 of care was a man called KDM ?

1 A. That's right.

2 Q. That the education side ran in parallel to that, and had
3 its own staff, senior teachers, senior instructor?

4 A. Yes, KDN, prior to being SNR, was the
5 head of education and he did the day-to-day stuff, he
6 was kind of the person that seemed to run the place.
7 And then there was the parallel care side.

8 Q. Over time, in fact quite a bit later, in the early
9 2000s, I think you tell us, you became involved in the
10 recruitment of staff?

11 A. That's correct.

12 Q. How did that come about?

13 A. 2004-ish, the boss of St Mary's at the time was also
14 working with the Irish Government, and the Northern
15 Ireland Justice Department, as they were developing
16 the -- as they were developing the secure estates in
17 both parts of Ireland. We were also looking at building
18 St Philip's and the Good Shepherd secure units,
19 St Philip's and the Good Shepherd, and Bill had been
20 involved as an adviser within all of that, and I got
21 involved with Bill in developing policies and working up
22 things that would be of use to that whole group of
23 organisations.

24 Q. Prior to your involvement in that in the 2000s, were you
25 involved in staff recruitment before that, in the 1980s

1 or 1990s, for example?

2 A. No, no.

3 Q. Do you know how staff were recruited or if they were

4 processed in --

5 A. I was involved in one set of interviews, which was just

6 your standard, if you like, interview, panel interview.

7 And that was for two teachers.

8 Q. At paragraph 45, you speak about what you have just told

9 us there, about your involvement in the recruitment

10 process, particularly in relation to the secure units.

11 You say:

12 'Recruitment changed over the years and essentially

13 I was part of the process. St Mary's was the third

14 secure unit.'

15 You mentioned Rossie Farm, Kerelaw and say that

16 St Mary's was the exact mirror image of Kerelaw with

17 some additions, I think you say?

18 A. Yes.

19 Q. You then go on to say:

20 'In terms of development of secure unit design at

21 that time, I wouldn't be doing it a disservice to say it

22 was designed on the back of a fag packet.'

23 A. Perhaps I'm putting it undiplomatically, but my view at

24 the time was that when the original St Mary's was built,

25 that bits were added to it, had to be added to it as the

1 situation changed, as girls became involved in the
2 system, for example, as the numbers -- as the demand for
3 numbers increased. So bits were added to bits were
4 added to bits, and you then began to see where the
5 problems were, and if we were ever going to do this
6 again, we weren't going to do it that way.

7 Q. You explain here how -- I think you have mentioned
8 already, you went around Scotland, made videos?

9 A. Yeah.

10 Q. Did you look at places abroad, or further afield?

11 A. I did England. I know Bill was -- went to Ireland. And
12 I think -- I think somebody went to Sweden or Norway or
13 somewhere. I don't know about that. But in the back of
14 my head there's something that says we tried to get as
15 much information as we could (Inaudible).

16 Q. You were involved in general in the setting up of secure
17 units, but did your role sort of develop more into the
18 staffing side of things and the staff structure?

19 A. Well, there's two distinct periods here, there's the
20 period about the -- as we built the new building, so
21 there was the research element to that, which was
22 more --

23 Q. At St Mary's?

24 A. Yeah, at St Mary's, and the research element of that was
25 collating information from around, let's say the

1 country, and looking at design and thinking that would
2 be really good, or, 'Mm, we're no going to make that
3 mistake again', or, 'We could incorporate this, here's
4 a way to do locking mechanisms, here's a way to do
5 bedroom design, here's a way to do ...'

6 That was the first section, so I was involved in
7 collating bits of that.

8 The second part was when we came to design -- after
9 St Mary's had opened we came to look at the next
10 development, which was St Philip's and Good Shepherd,
11 and just by the fact that Bill was a consultant at
12 various other places, we began to look at recruitment as
13 being a critical bit. And it was at this time that
14 Kate Skinner's paper came out on safer recruitment.

15 Q. Okay. Can I ask you now about how children initially
16 came to be placed in the unit when you were there. What
17 was your understanding of how children came to be in
18 St Mary's and how their stay there was monitored during
19 their time there?

20 A. In the old secure unit, I don't have as detailed
21 a knowledge because I wasn't part of that admissions
22 process. However, generally speaking, the original
23 concepts were around taking kids out of Longriggend in
24 those days, and anybody that had a sentence from the
25 courts, which in those days was a 205 or a 206, they

1 would be, they would come to St Mary's, and they would
2 be under the direction of the court.

3 Then the --

4 LADY SMITH: Just to stop you there for a moment, are you
5 talking about section 205 or 206 of the Criminal
6 Procedure Act 1975.

7 A. I think it would be, yes. I'm aware, my Lady, that it
8 changed, and in fact it inverted -- the 206 took on the
9 different --

10 LADY SMITH: In 1995?

11 A. Yes.

12 LADY SMITH: Yes.

13 A. So then the Children's Hearings brought in the secure
14 order, so you had young people who were under the care
15 or direction of the Children's Panel, who would have
16 an additional order, not naming necessarily a secure
17 unit, but naming the fact that an individual could go to
18 a secure unit. And then that became a second way, let's
19 say, of coming into secure care.

20 MS MACLEOD: I see.

21 In your more recent period back at St Mary's, 2012
22 onwards, were you quite involved in --

23 A. Yes.

24 Q. -- to some extent the placement --

25 A. Yes.

1 Q. -- of children in St Mary's?

2 A. Yes. There was -- it was a very interesting period. We

3 had a huge number of enquiries, and it got to the point

4 where the question had to be asked: why are we getting

5 all of these enquiries that aren't coming to anything?

6 So I began a piece of work where we started to record

7 the nature of the enquiry, the reasoning behind it and

8 then if we could, we would find out the disposal that

9 came into force.

10 And it was then that we began to realise that people

11 were looking for secure care and the young person was

12 being released into the community or back home or to

13 another institution or whatever, and you have to wonder

14 what the thinking was behind the social work departments

15 at that point in time, because it's a mystery to me.

16 Q. You describe in paragraph 62, what you say is:

17 'From around 2012 up to 2019 there were a number of

18 things which happened.'

19 A. Yes.

20 Q. You say:

21 'One was we had, in my view, a number of

22 inappropriate placements.'

23 A. Yes.

24 Q. You provide a few examples of that?

25 A. Yes.

1 Q. You say:
2 '[We] had revolving doors happening.'
3 I think is that children would maybe come and go?
4 A. Yeah, I used to do monthly graphs of the length of stay
5 of kids, and there were an awful lot of kids who stayed
6 for less than a month. Some for overnights. Some for
7 a week. Some for two or three days. And that was what
8 I referred to as the revolving door.
9 Q. I think you mention that you had some children coming
10 from England --
11 A. Yes.
12 Q. -- for example?
13 A. Yes, at that time there was a contraction of the secure
14 estate in Scotland, and St Philip's in Plains, Airdrie
15 where I had been, it was closed, and that was all do
16 with a process of bidding, and so finance became a very,
17 very, very significant part in this. And social work
18 staff would maintain that they didn't have the budget to
19 have kids going into secure care. However, whether you
20 have got six kids or 16 kids, you still have to have the
21 right number of staff and the infrastructure still costs
22 and so on. So we began to take young people from
23 England, and there was a legal expression, my Lady,
24 I have forgotten what it is, where they have to go to
25 the Court of Session to get permission, because it's

1 technically coming from England to Scotland, and I have
2 forgotten --

3 LADY SMITH: I don't remember it --

4 A. I have forgotten what it was.

5 LADY SMITH: -- if it was the Court of Session ...

6 A. There was a test case, and then after that, you were
7 allowed to have kids coming in from England. And that
8 was a significant change in the client group, which
9 I don't think we were really prepared for.

10 MS MACLEOD: For example, in paragraph 63, you say that
11 there wasn't an understanding of the whole gang
12 scenario?

13 A. Yes.

14 Q. Particularly of children from inner London?

15 A. That's right, that's right. There was a culture shock
16 in all of that. That, and the number of drug users that
17 we would suddenly find ourselves with, with no
18 background to, we didn't know. We had a kid turned up
19 with methadone, we had no idea that this was ... so at
20 that point I also tried to introduce a risk analysis, if
21 you like, prior to kids coming in to determine whether
22 or not we actually did have the facility, whether we
23 were going to be -- whether they were going to be
24 dangerous for other people.

25 Q. I think you speak about that incident with the child

1 coming in with methadone at paragraph 66, and you also
2 give the example at paragraph 63 about you making the
3 point that you weren't able to renew a placement or
4 wouldn't renew a placement for a particular child --
5 A. Yeah.
6 Q. -- where they had already been in seven --
7 A. I had collated a whole video presentation of injuries
8 incurred by staff.
9 There was one individual in particular who was
10 incredibly violent, and it was just untenable. And the
11 Social Work Department wouldn't cooperate, they wouldn't
12 return phone calls, they wouldn't, you know, talk to us.
13 So we went to the Panel, or I went to the Panel, and
14 said that there may be a secure order but there wasn't
15 going to be at St Mary's.
16 Q. I think you tell us that would have been around 2017 or
17 so?
18 A. Yes.
19 Q. When you returned to St Mary's in 2012, for that period
20 before your retirement, what was your role, or what was
21 your --
22 A. I was the Head of Education and also SNR
23 SNR and then the SNR Service.
24 Q. Looking to the education side of things, you provide
25 information about this in paragraph 94 onwards, but it

1 obviously runs throughout your statement, given what
2 your role was over time.

3 First of all, how would you describe the education
4 on offer at St Mary's over time?

5 A. Erm, it was well-intentioned, it was -- to quote myself,
6 it was as balanced a curriculum as we could, given that
7 we only had a number of staff, and we had to try and
8 match the national curriculum. So we essentially had
9 English and maths as the kind of core subjects. We did
10 home economics, we did woodwork. We introduced
11 building, because there were a number of older kids and
12 way back when, that was one of the areas that we had
13 tried to bring to the kids as potential for jobs and so
14 on.

15 We had science, we had art, we had PE, but we didn't
16 have languages, we didn't have -- we did try and
17 introduce modern studies, history, but it depended on
18 what staff you could get.

19 Q. I think that's the point you make in paragraph 94, you
20 say it essentially depended on the staff you could get
21 at particular points in time?

22 A. Yeah, yeah.

23 Q. In terms of the standard of the education provided to
24 boys, are you able to help me with do you feel that boys
25 were given -- and girls when they started coming in, of

1 course -- the support with learning at a level that was
2 needed and appropriate?

3 A. I would say that the staff -- generally speaking, the
4 staff did the best that they could. Certainly
5 well-intentioned. There were an awful lot of obstacles
6 to be overcome. Historically as well, because the
7 majority of kids that we had, had had a previous
8 anti-education scenario. There were one or two
9 outstanding kids, and they were outstanding only because
10 they had always been at school, they had always
11 attended, and whatever had happened had been fairly
12 significant and major that had taken them out of that
13 norm, because that was their norm, and they were in
14 an environment where the majority of the kids had
15 previously rejected social norms, educational norms, you
16 know, it was tricky.

17 Q. You say that normally the standard of reading and
18 writing on admission was poor?

19 A. Yeah.

20 Q. Was that then a focus in terms of trying to improve that
21 for children?

22 A. Yeah, that was the essential core elements that you
23 tried to work on. Because you can't do much else if you
24 can't read and write.

25 Q. Something you say at paragraph 100, you say in relation

1 to the children, that they valued themselves more as
2 being underachievers than being achievers.

3 A. That's not paragraph 100.

4 Sorry, 99?

5 Q. Sorry, 99.

6 A. I beg your pardon.

7 Q. Apologies. The last line in paragraph 99, they
8 valued --

9 A. Yeah, there was some that kind of wore it as a badge of
10 honour. It was a challenge, and it was a challenge that
11 they could control. So if you decided that you want to
12 be somebody by not doing something, then you can do it.
13 So don't participate, don't get involved, don't use the
14 opportunity. It's at this point where you've really got
15 to use your personal charm and, you know, get inside the
16 head and come at it from different angles, so that you
17 are trying to educate somebody without them realising
18 that this is school.

19 Q. Can I ask you now about discipline and punishment at the
20 school, starting from when you first took up your post
21 in the 1970s. You tell us that the year you started
22 teaching or the year after, the use of the belt in
23 schools had terminated. I think you tell us that you
24 didn't see any of that --

25 A. No.

1 Q. -- at St Mary's?

2 A. No.

3 Q. In terms of discipline and punishment then, 'Kevin',
4 focusing on your early period first of all, what were
5 the methods that were used in terms of disciplining
6 children?

7 A. Erm, well, are we talking about the old old school to
8 start with?

9 Q. Yes.

10 A. The old old school, actually I don't really remember.
11 It was mostly, I think, erm -- let me think, I don't
12 honestly remember there being a great deal of
13 disciplining. It wasn't a feature -- you didn't get,
14 for example, the Friday bonus. You know, there was
15 a behavioural tick sheet. That would have been
16 withdrawn, for example, and you might have had a stern
17 talking to, you know, or something along those lines.
18 But I don't remember --

19 LADY SMITH: Sorry, you mentioned the Friday bonus. What
20 did you have in mind?

21 A. Well, what happened was the boys were divided into house
22 units, so the idea was, it was a wee bit of a kind of
23 token economy sort of thing. You got points.

24 LADY SMITH: Yes.

25 A. And obviously if you attended school, and you got good

1 reports, and this, that and the next thing, and, you
2 know, you were generally seen as being cooperative and
3 engaging, then you would get points. And it would be
4 totted up and on a Friday, the majority of kids would go
5 home for the weekend. But they ended up getting this
6 additional period on a Friday, a Friday afternoon, which
7 was referred to as the bonus, and then it was also
8 referred to as 'losing the bonus' if, for whatever
9 reason, somebody within the house unit had done
10 something that had affected other people, or themselves,
11 and they weren't getting out on a Friday, then they lost
12 the bonus.

13 LADY SMITH: Okay, thank you.

14 MS MACLEOD: Was isolation of children used?

15 A. In the old old school, no. I mean, I don't mean this to
16 sound the way it's going to sound, but there wasn't
17 anywhere to be isolated to. You know, it was
18 structurally not a significant option.

19 Q. Moving on, then, from the original building that you
20 were in, can you then tell me over time what your
21 recollections are, of how methods of discipline or
22 punishment developed, or what was introduced in terms of
23 controlling children when that was needed?

24 A. Well, I wouldn't say punishment, I wouldn't say there
25 was punishment. That's a fairly emotive term. There

1 was a degree of controlling a situation, and to control
2 it you might have to deconstruct it, disaggregate it,
3 move people out of various areas, take them to other
4 places. Certainly there was -- there were times when
5 you might have to take somebody away from a situation,
6 and in those days, there were a few places in this old
7 secure unit that you could go to.

8 There was what we called the 'fishbowl', which was
9 a room with a large window in it, which was originally
10 designed as a visitor's room.

11 Or you might just go to a different classroom, or
12 a different part of the building, where you would try
13 and calm the situation down.

14 Q. Would that be a child being taken away from whatever was
15 going on and being taken somewhere on their own, to
16 a room on their own?

17 A. Yeah, yeah.

18 Q. You mention in your statement that there were two bare
19 cells?

20 A. Yeah, by the time I got to -- by the time I got to the
21 secure unit, the old secure unit, which would have been
22 1985-ish, they weren't in use. They were a part of that
23 original design. In fact they were turned into the
24 chapel and the medical room, and so I didn't ever see
25 them getting used.

1 Q. You mention, in relation to the old secure unit, that
2 a lot of it came down to the individual responsibility
3 of a teacher, for example?

4 A. Yeah.

5 Q. So if something happened in your class that you needed
6 to intervene with, it was really up to you how you
7 managed that?

8 A. Yeah.

9 Q. If there was an incident ongoing, or children were being
10 disruptive, or something was happening which you
11 considered that you needed to intervene in, what did you
12 do?

13 A. Well, it depends, obviously, on the situation. But if
14 you felt that you were going to have to remove somebody
15 from the situation. First of all, there was an alarm
16 system, where you could call for assistance. There were
17 buttons in all of the rooms, and in some of the
18 corridors. And that illuminated in the staff base on
19 a grid, and if one of the lights came on, then every
20 member of staff that saw it would come to that location
21 to give assistance.

22 So at that point, if you were having to move
23 somebody, or you felt as if you had to move somebody,
24 then there would be a plan immediately implemented with
25 a group of you and you would assess the situation and

1 see what you could do.

2 Q. If a child needed to be disciplined, or if it was deemed

3 that there needed to be some sort of repercussion for

4 behaviour, what sort of things were available to staff?

5 A. Erm, that's a good question. I don't actually know.

6 I can't -- I can't really think of anything that would

7 be seen as a repercussion.

8 Q. Did children never behave in a way that needed to be

9 disciplined or punished in any way?

10 A. Well, I don't think that we were really looking into the

11 punishment element of it. You would -- you know, if you

12 took somebody away from a situation, that was

13 a repercussion straight away. But the idea was that you

14 still had control of that situation, so you were

15 still -- you were merely moving the problem somewhere

16 else in order that you could address the problem. So it

17 wasn't about punishment, I don't think, it was about

18 trying to address whatever the behaviour or whatever the

19 situation that had developed had now turned into, with

20 a view to getting the kid to a better place, that's how

21 I would describe it.

22 Q. Were there any occasions in your classroom where

23 something happened where a child needed to be

24 disciplined or punished?

25 A. No, I wouldn't use those terms.

1 Q. What terms would you use?

2 A. Well, again, it goes back to resolution, you know, you
3 were wanting to resolve the issue. So if somebody had
4 an issue with another young person, then ultimately you
5 might have to separate them, but ultimately they had to
6 live together, so your idea was to get a resolution to
7 allow that to happen.

8 Q. So did that work every time?

9 A. Oh, I don't think it worked every time, but it worked
10 more times than you might think.

11 Q. Was there any bullying going on at the school between
12 the children?

13 A. Oh, I would say there's always, there's always --
14 particularly in the old old school, there was a definite
15 pecking order, there was a definite -- there was a
16 definite who was the top dog, and, you know, every now
17 and then, as that person goes to move on, there would be
18 the battle to get in the mix to take up the crown, if
19 you like.

20 In the secure unit, it wasn't so evident.

21 Q. How was bullying dealt with by the staff?

22 A. Well, if you came across bullying, then you would want
23 to be on top of it and not allow that to happen. So you
24 would remove the opportunities. It's difficult to see
25 how someone can -- how I could describe this as somebody

1 getting bullied, but if you felt as if somebody was
2 pressurising another kid, maybe to provide fags or
3 sweets or anything like that, you would let individuals
4 know you were on top of it, so there was an openness
5 about it.

6 LADY SMITH: How would you do that?

7 A. Well, it's all about conversation, it's all about
8 getting involved with the young people.

9 LADY SMITH: But what would you do at the time? You have
10 presented a picture of coming across somebody pressuring
11 another child, so that's one young person pressuring
12 another one --

13 A. Sure.

14 LADY SMITH: -- and an example is they are trying to get
15 cigarettes or sweets from them. What do you do in the
16 moment?

17 A. In the moment you would be addressing it with the person
18 who was -- you would be bringing it up with that
19 individual -- in order to bully somebody, you've really
20 got to not have anybody else know about it, so what you
21 are actually doing is you're saying to people, 'Listen,
22 we know what's going on here and it's not going to
23 happen'.

24 LADY SMITH: How would you address it with them?

25 A. That would be, that would be through conversation, that

1 would be taking the individual aside, that would be your
2 -- trying to get involved at a personal level with them.
3 LADY SMITH: Would these young people always be amenable to
4 having a discussion in this way?
5 A. Oh, I don't think -- I don't think it would be fair to
6 say they were always amenable to having the discussion.
7 LADY SMITH: So what did you do?
8 A. You continued, you maintained -- you maintained that
9 train, that, you know, 'You're not going to get away
10 with this'.
11 LADY SMITH: Okay.
12 Ms MacLeod.
13 MS MACLEOD: My Lady.
14 Were children ever violent towards staff?
15 A. Yes.
16 Q. Did you see children being violent towards staff?
17 A. Yes.
18 Q. Were children violent towards you?
19 A. Yes.
20 Q. Can you give me some examples?
21 A. Well, I had my nose broken. Various -- kicked, punched,
22 spat at, you name it.
23 Q. When you had your nose broken, was that by a child?
24 A. Yes.
25 Q. How was that issue dealt with, with the child?

1 A. Well, interestingly, I remember this quite specifically,
2 because, erm, the boy was as surprised that I came to
3 speak to him, and wasn't going to hold him up against
4 a wall and try and slap, you know, slap him round or
5 anything like that. I was dead calm. And, 'Come on,
6 what was that about?' It was a -- sort of like, coming
7 at it by surprise. If you reacted to every time that
8 somebody pressed your button, then the kids would
9 continue to press that button. So you had to come at it
10 from a different way. This is my view. This is how
11 I did it.

12 So you would come at it along the lines of 'do the
13 unexpected', you know. These kids, a lot of them had
14 grown up in violent situations, they expected violence.
15 So the idea was you come at it from a totally different
16 angle and you talk to them.

17 Q. So when the child broke your nose, what did you do there
18 and then?

19 A. Er, well, first I went to hospital. Then I came back.
20 And then we sat down, I sat down with the young person,
21 and I, there would have been somebody else there, and we
22 kind of talked the whole thing through.

23 Q. Was that the end of it?

24 A. Yes.

25 Q. What about when you were spat at by children?

1 A. That was a relatively regular occurrence. Again, it
2 goes back to the bit about if you react, if you react in
3 the way that these kids have always had the reaction,
4 then you'll get the same reaction and you'll get the
5 same button pressed.

6 Q. But if it was a regular occurrence, maybe the approach
7 wasn't working?

8 A. Well, you know, you're limited in what you can do. So
9 you still have -- you build up ... being spat at doesn't
10 necessarily mean by the same individual, it just means
11 that that was a relatively common thing that happened
12 within the community. So gradually, as you built up
13 relationships with kids, these things did diminish.

14 Q. Did you ever see any children being physically punished
15 or disciplined by staff?

16 A. No.

17 Q. Did you ever see a staff member lose their temper with
18 a child?

19 A. Erm, get angry. I've seen staff get angry. And don't
20 get me wrong, I think that's a natural reaction to some
21 of the things, you know. I may have reacted in
22 a particular way, it didn't mean I wasn't angry, but,
23 you know, you've got control of that. So I've seen
24 staff getting angry, I've seen kids getting angry, I've
25 seen staff getting angry, yeah.

1 Q. When you have seen staff getting angry, what was it
2 about the staff's behaviour that made you think that
3 they were angry?

4 A. If you were aware of somebody getting angry, you would
5 try and get involved to get them away from the
6 situation, because you didn't want them to develop that.

7 Q. If you saw another staff member being angry, you would
8 get involved with that?

9 A. Yes.

10 Q. Was restraint used during your time at St Mary's?

11 A. Yes, yes.

12 Q. Is that something that was used during your whole period
13 at the school?

14 A. Well, yeah, it was kind of more formal, I suppose, in
15 the secure unit in that things were -- because it was
16 within an enclosed space, there tended to be an increase
17 in intensity. So yeah, you would have to restrain kids,
18 yeah.

19 Q. Were you provided with training on how to restrain
20 children?

21 A. Yes. Not originally, not initially, erm, but then we
22 did a control and restraint course that was provided by
23 the nursing staff from the state hospital.

24 Q. Was that a one-off training?

25 A. Er, yes.

1 Q. Did you see children being injured as a result of
2 restraint?
3 A. Erm, well, yeah.
4 Q. What sort of injuries did you see?
5 A. Well, the most common injury I referred to there was,
6 erm, carpet burns.
7 Q. Did you ever see restraint being used by staff in a way
8 that caused you concern?
9 A. No, I don't think so.
10 Q. Did any other staff ever report to you concerns they had
11 about how restraint was being used?
12 A. No.
13 Q. Did you restrain children?
14 A. Yes.
15 Q. What approach did you take to restraint?
16 A. Erm, the approach was to try and keep everybody that was
17 involved as safe as we could.
18 LADY SMITH: Do you remember when it was that you had the
19 training at the hospital in relation to restraint?
20 A. Er, I can't honestly put a date on it. Erm, I would say
21 it would likely be the late eighties or the early
22 nineties.
23 LADY SMITH: Okay, and which hospital?
24 A. Well, it was the State Hospital, it was Carstairs.
25 LADY SMITH: At Carstairs?

1 A. Yes, it was nurses from Carstairs --

2 LADY SMITH: Okay.

3 A. -- and they came to -- we did the training in Gartnavel.

4 LADY SMITH: Ah, right, okay, so it was actually --

5 A. The location was Gartnavel, but the trainers, if you

6 like, were nurses.

7 LADY SMITH: Thank you.

8 MS MACLEOD: Was there a complaints procedure at St Mary's,

9 first of all, for children to report complaints?

10 A. In the old school, I don't remember there being one.

11 No, I can't say there was.

12 Q. Did there come a time where you do recall there being

13 complaints --

14 A. Yes.

15 Q. When and where was that?

16 A. Well, that would have been -- the complaints procedure

17 I remember is the one that I wrote, which was part of

18 the standard operating procedures that I put together,

19 beginning in 2004.

20 Q. Okay. I think you tell us about that in your statement,

21 was that a group of policies --

22 A. Yes.

23 Q. -- that you put in place? Can you just tell me about

24 the background to your doing that work, how did that

25 come about?

1 A. Well, it goes back to the work that we were doing with
2 Northern Ireland and Southern Ireland, and looking to
3 implement with the new secure units that were going to
4 come on stream. So it was to try and establish --
5 I suppose it was a training package within that.

6 Q. Prior to that, were you aware of there being any policy
7 documents on things like child protection, for example?

8 A. Child protection, we did do starting in the mid
9 nineties, I remember.

10 Q. You had a policy?

11 A. Yes.

12 Q. Were you involved in the drafting of that?

13 A. No, no.

14 Q. So where would that kind of policy be kept in the
15 school?

16 A. Erm, in those days ... there was a central staffroom, so
17 anything that was to be accessed by staff or could be
18 accessed by staff would be available within that.

19 Q. Okay, and the complaints procedure you were telling me
20 about, that was about 2004, that that came in?

21 A. That was my formal one. There may have been one before
22 then, but I don't remember it.

23 Q. What about complaints procedure for staff, was that
24 around the same time? Did anything come in for staff
25 around the same time? If staff wanted to make

1 a complaint?

2 A. From 2004 there was definitely one. There may have been

3 one before then, but I don't remember that.

4 Q. From 2004 there was definitely one for staff and for

5 children?

6 A. Yes.

7 Q. Did any children make complaints to you about how they

8 were treated at St Mary's?

9 A. I don't remember anybody, no.

10 Q. Did you become aware from other staff about any children

11 making complaints to them about how they were treated at

12 St Mary's?

13 A. I can't honestly remember any situations, no.

14 Q. Did staff make complaints to you about things that were

15 going on at St Mary's?

16 A. Now, in the old school, the old old school, and in the

17 old secure unit, I don't remember anything.

18 Erm, certainly there were a couple of occasions in

19 the new secure unit where situations came up that I was

20 asked to investigate.

21 Q. Was one of these what you tell us about in

22 paragraph 122, relating to a mark on a young person's

23 face?

24 A. Yes.

25 Q. Could you tell me about that one?

1 A. Erm, a member of staff came to me with a concern that
2 a young person had a mark on their face and, having
3 a good relationship with the individual, had been trying
4 to get some information about it, but was concerned that
5 she wasn't getting anywhere with it.

6 So we escalated it to our formal investigation, and
7 I was responsible for the location and the recording of
8 CCTV, which we went through and discovered that the
9 member of staff had, as part of a movement from one area
10 to another with a young person who was struggling
11 somewhat, had headbutted the individual, the young
12 person.

13 Q. I think you tell us that the staff member was fired --

14 A. Yes.

15 Q. -- as a result?

16 A. I believe there was a criminal investigation.

17 Q. Okay, who was that staff member?

18 A. I honestly don't remember the individual's name.

19 Q. Can you recall any other specific incidents relating to
20 complaints against staff?

21 A. Erm, not directly. Are we referring to the involvement
22 of the police and the psychologist?

23 Q. I think I will come on to speak about that in a few
24 moments, but in terms of while you were at St Mary's,
25 investigations that you were involved in, are you aware

1 of any other complaints against staff?

2 A. Erm, yes, one or two, now that I think about it.

3 Q. Can you tell me about them?

4 A. There was an incident -- I was involved, again because

5 I was technologically literate, I used to do lots with

6 CCTV, and I seem to remember there was -- there were

7 a number of staff who were fired. The details are hazy,

8 because I was actually at St Philip's at the time and

9 had been asked to support St Mary's with the technology

10 element of it. But I seem to remember it became part of

11 an industrial tribunal, and the evidence was how they

12 had moved a young person, and there was a complaint

13 about that.

14 Q. These may have been incidents you say that happened

15 while you were working at St Philip's?

16 A. Yeah.

17 Q. Before you came back, but they happened at St Mary's?

18 A. Yes.

19 Q. In terms of who a young person could speak to, you

20 address this at paragraph 124. You say:

21 'A young person could go to any member of staff.'

22 You say you could find teachers who were relative

23 third parties.

24 'They might talk to a teacher before a member of

25 care staff.'

1 You mention a couple of external counsellors that
2 came in.

3 A. Mm-hm.

4 Q. You say there wasn't a specific person a young person
5 could go to, and you thought the advice was speak to
6 someone you trust?

7 A. Yes.

8 Q. I just wondered, if a young person was in a situation
9 where they really felt they couldn't trust anybody
10 within the school, the organisation, as it were, were
11 they given any guidance about who they maybe could speak
12 to otherwise?

13 A. Erm, there's part of me that thinks there might have
14 been latterly, more latterly, an association with Who
15 Cares? Scotland, but I don't know if it was formal or
16 ... that might be just, I could be conflating something
17 here, I don't know.

18 Q. Yes. You provide some information about records in
19 paragraph 127. I think you comment that when you
20 started at St Mary's, that record keeping was poor to
21 appalling?

22 A. Again, it's undiplomatically perhaps, but it didn't
23 appear to be a major priority. I'm certainly aware,
24 because one had to go into the boot room in order to
25 retrieve boots for young people, that there were bags of

1 files, you know, in that area.

2 Q. I think you tell us about that in the same paragraph,
3 that there were black bin bags with files from the 1920s
4 and the 1930s?

5 A. Yes.

6 Q. And you looked at some of those files?

7 A. Yeah, yeah.

8 Q. Then you go on to explain that by around 2010, that dead
9 files began to get converted to electronic formats?

10 A. That's right.

11 Q. You explain that just before you left, that you
12 contacted an archivist at Cora House and told them they
13 would need to go upstairs in the new secure unit where
14 there was a pile of folders or files that had been put
15 there --

16 A. Yes, they were waiting to be transited, if you like.

17 Q. To digital?

18 A. Just to be relocated. You wouldn't necessarily go down
19 every day with a file for a young person that had left,
20 not least because they are likely to come back again.
21 But the fact is that you had to have a store within.
22 But to make sure that they didn't get lost, I contacted
23 ...

24 Q. Was your understanding, then, that files were generally
25 stored at Cora House?

1 A. Yes. Ultimately, yes.

2 Q. In paragraph 130, you reiterate what you have already
3 told me, that you didn't receive any complaints of abuse
4 during your time at St Mary's?

5 A. Yes.

6 Q. You say:

7 'I believe abuse could have occurred at St Mary's
8 and not been identified.'

9 I now want to ask you about that part of your
10 statement where you were asked about a number of
11 colleagues --

12 LADY SMITH: Just before we move on to that, Ms MacLeod, do
13 you mind if I just check with the stenographers if they
14 are okay to carry on without a break, or we could have
15 a five-minute break or if you want a five-minute break.

16 A. I'm fine.

17 LADY SMITH: You are okay.

18 The stenographers?

19 THE STENOGRAPHER: We are fine.

20 LADY SMITH: Let me know if you need it.

21 THE STENOGRAPHER: Thank you, my Lady.

22 LADY SMITH: Thank you.

23 Ms MacLeod.

24 MS MACLEOD: You were asked about a number of people who may
25 have worked at St Mary's and crossed over with your time

1 period there. One person you were asked about was
2 IFV [REDACTED]. Do you recall somebody called IFV [REDACTED]?
3 A. Yes, indeed, yes.
4 Q. What was his role at St Mary's?
5 A. He was the PE teacher, and then he was a principal
6 teacher.
7 Q. Did you have any concerns about the way in which
8 IFV [REDACTED] interacted with children at St Mary's?
9 A. Not particularly, no.
10 Q. Not particularly, did you have any concerns?
11 A. No.
12 Q. Did anybody raise any concerns with you, whether that be
13 children or staff, about IFV [REDACTED]?
14 A. No.
15 Q. zMHL [REDACTED] is somebody else you were asked about.
16 Did you know him when you were at St Mary's?
17 A. The name -- I know the name, because he was zMHL [REDACTED],
18 that would have been -- I think -- I think he was in the
19 old secure unit, and I think he came down to the new
20 secure unit, and when he came to the new secure unit,
21 I think he was in unit 6, but that's as much as I could
22 tell you.
23 Q. What was his role, what job did he have?
24 A. He was care staff.
25 Q. Did you have any concerns about how he interacted with

1 children or did you hear anything that concerned you?

2 A. No.

3 Q. Were you aware if there were any investigations ongoing

4 in any part of the school relating to zMHL ?

5 A. No.

6 Q. Do you know anything about how zMHL came to

7 leave the school?

8 A. No.

9 Q. Now, in relation to police and criminal proceedings, at

10 paragraph 139 you provide some evidence in relation to

11 somebody by the name of Bill Franks.

12 A. That's right.

13 Q. Who was Bill Franks?

14 A. He was the cook.

15 Q. Was he at St Mary's during your time?

16 A. Yes, he was there before I arrived.

17 Q. What was he like, Bill Franks?

18 A. Erm, he was a genial, gregarious, very popular,

19 ebullient, full of life, bounced around.

20 Q. Did you have any concerns about him while you were

21 working at St Mary's?

22 A. Not while I was working, no.

23 Q. Did you hear anything from any children or from anybody

24 about concerns or any kind of thing about him that

25 worried you?

1 A. Not at that time, no.

2 Q. Did you come to learn in more recent times that

3 allegations had been made --

4 A. I did.

5 Q. -- against Bill Franks?

6 A. Yes.

7 Q. Did you hear that he had been convicted?

8 A. I did.

9 Q. Of the abuse of children?

10 A. Yes.

11 Q. At St Mary's?

12 A. Yes.

13 Q. What was your reaction to that?

14 A. Well, as I indicated, my initial reaction was one of

15 surprise, and a degree of incredulity, and then you

16 begin to kind of think, well, hang on a minute, you

17 know, thinking back, once he had been convicted

18 I thought well, now that I think about it, erm, he

19 always took the TV room, so it was -- he always -- the

20 TV room was a very popular one, and because it was the

21 TV, you weren't doing much, you weren't active, or

22 whatever. So it was quite sought after. But whenever

23 Bill was on, he always got the TV room. He was always

24 very popular, he always had kids round him. And now

25 knowing what I know, you begin to think well, actually,

1 kids did sit on his knee. It didn't seem inappropriate
2 at the time. It was of that time. Erm, kids would play
3 with his beard, I remember, and now you think well,
4 I now understand that to be a classic sign, potentially
5 classic sign, erm, so you begin to kind of become
6 definitely more open to the idea, I suppose, you know,
7 and you think well, actually, I think -- have I got that
8 wrong?

9 Q. You tell us in paragraph 14 that kids would sit on his
10 knee, did you see children sit on his knee?

11 A. Yes.

12 Q. And that a boy used to play with his beard?

13 A. Yes.

14 Q. Did you see that happen?

15 A. Yes.

16 Q. How old was Bill Franks?

17 A. Oh, erm, he was older than me. In those days he would
18 have been, I would say, in his 30s/40s.

19 Q. How old were the boys who were sitting on his knee?

20 A. Well, whatever the youngest kid, through to 16/17.

21 Q. And roughly the age of the boy who you saw playing with
22 his beard?

23 A. Well, I really -- I couldn't put a date on that, but
24 I would say 15 just as an average, you know.

25 Q. I now want to move on to that part of your statement,

1 'Kevin', where you respond to specific allegations that
2 have been made in relation to you.

3 A. Yes.

4 LADY SMITH: 'Kevin', just before we do that, something that
5 maybe you could help me with, in that part of your
6 statement that we have just been looking at, you talk
7 about what you referred to as a 'general maelstrom and
8 pandemonium'.

9 A. Yes.

10 LADY SMITH: Tell me a little bit about that.

11 A. Well, at the end of every evening, after activities,
12 activities ran from half 6 to half 8, I think it was.
13 The kids would all come back to the dormitory area
14 upstairs, they would come back to the general hall first
15 of all, and then we would go upstairs and we would get
16 pyjamas on, and then we would go into the TV room,
17 collective TV room, and then there would be a headcount,
18 and you would sort of manage what was there. I think at
19 that time we also had maybe a juice or a biscuit, or
20 something along those lines, it was that sort of
21 congregational element to facilitate that.

22 Now, you can imagine if you have got 90 kids in
23 a room that's much, much, much smaller than this area,
24 if you've got 90 adolescents, they're not going to sit
25 there quietly, it's all very interactive, and if they

1 are not particularly interested in what's on the
2 television at that time, then there's ... a general
3 movement in --

4 LADY SMITH: I get that, it's just that your use of this
5 word 'pandemonium', which you do twice, suggests that it
6 is --

7 A. It was chaotic.

8 LADY SMITH: Yes.

9 A. Oh, no, it was chaotic, and I referred to a programme
10 called The Water Margin. As it happened, the night
11 I was on, in those days, The Water Margin was on, which
12 was quite good, because the kids quite enjoyed it, so
13 there was a general kind of calming down, but when they
14 came out to go to bed after The Water Margin, it was
15 kung fu the length and breadth of the dormitory, you
16 know, there was an element of chaos.

17 LADY SMITH: It must have been hard to maintain order, was
18 it?

19 A. Oh aye, oh yes.

20 LADY SMITH: Thank you.

21 Ms MacLeod.

22 MS MACLEOD: My Lady.

23 I now turn to paragraphs 143, 144, 145 of your
24 statement, 'Kevin', and that's the part of your
25 statement where specific allegations that have been made

1 to the Inquiry about you are set out, and I just want to
2 ask you about that.

3 You will be aware that Elaine McKenna has given
4 a statement to the Inquiry and that at paragraph 86 of
5 her statement, she said the following:

6 'At the control and restraint training course,
7 'Kevin' nearly broke my arm. We were working in a pair.
8 I was shouting at him to stop and he was really hurting
9 me. The instructors came over, but it was all treated
10 as a big joke. He was a really rough bully, he was
11 using the restraints to the extreme. Then, after the
12 course, I came into the unit, 'Kevin' was behind the
13 door, and other staff members were there. 'Kevin'
14 jumped [on] me and decked me, putting me onto the floor.
15 He did this for a laugh, to show the children how good
16 he was. It was his way of saying he could do that to
17 me, so he could do it to the children, and they were to
18 behave themselves. Again, it was all treated as a big
19 joke, everybody was laughing. I was so angry.'

20 First of all, 'Kevin', do you recall somebody by the
21 name of Elaine McKenna?

22 A. Yes, I do.

23 Q. What was her role?

24 A. She was care staff.

25 Q. Was she somebody you worked with?

1 A. I would've, yes.

2 Q. In relation to the first thing she says about the
3 restraint training course, do you recall being on that
4 course with Elaine McKenna?

5 A. No, I recall being on the restraint course, but
6 I couldn't say that I was on at the same time as Elaine.
7 Quite possible.

8 Q. The allegation that she makes about working in a pair,
9 that you nearly broke her arm, that she was shouting at
10 you to stop and that the instructor came over, what's
11 your response to that?

12 A. I have no idea, I don't remember anything like that at
13 all.

14 Q. Did it happen?

15 A. No. Well, not that I -- I don't ... no.

16 Q. Do you think you would remember if that happened?

17 A. Would I remember it?

18 Q. Yes.

19 A. I would have remembered it, I think, but I certainly
20 don't.

21 Q. The next thing in that paragraph is what she says that
22 in the unit you were behind the door, with other staff
23 members, that you jumped on Elaine McKenna, decked her,
24 putting her onto the floor. Did you do that?

25 A. No.

1 Q. Did you ever hear of that sort of thing happening in
2 St Mary's, a staff member putting another staff member
3 on the floor as it were, did you ever hear of this sort
4 of behaviour going on?

5 A. No, I don't think so, no.

6 Q. Are you able to help me with why Elaine McKenna might
7 say those things happened, if they didn't?

8 A. No, no.

9 Q. In paragraph 45, it is set out that Elaine McKenna goes
10 on to say the following in paragraph 77 of her
11 statement:

12 'Kevin' was a senior teacher at St Mary's. He was
13 around my age, about six feet tall and big built. He
14 was a very clever man who could talk his way out of
15 everything. 'Kevin' was very violent in his restraint
16 of children. If 'Kevin' had a child to be removed, he
17 did it alone, he didn't need any help from another staff
18 member. He would put the child's arm up their back and
19 bend their thumb, 'Kevin' would literally drag the child
20 up the stairs. I saw 'Kevin' do this several times to
21 boys and girls. He was moved out of the unit in Cora to
22 do work at the Good Shepherd. I believe the move was
23 because of incidents involving him.'

24 Does the description of your use of restraint there,
25 does that ring true with you in any way?

1 A. Absolutely not.

2 Q. Did you ever restrain children in a manner that could be
3 described as very violent?

4 A. Absolutely not.

5 LADY SMITH: What about restraining them on your own, did
6 you do that?

7 A. Not that -- not -- not in the manner that was described
8 there.

9 LADY SMITH: No, I wasn't really asking about the manner,
10 were there occasions on which you restrained a child
11 when it was just you and the child?

12 A. No, not that I remember, no.

13 LADY SMITH: Not that you remember?

14 A. Well, I don't think so. Well, no is the answer, but
15 I --

16 LADY SMITH: Okay.

17 MS MACLEOD: Did you ever drag a child up a staircase?

18 A. No.

19 Q. Was your move out of a unit and to work at Cora in any
20 way related to your treatment of children, or
21 allegations relating to your treatment of children?

22 A. Absolutely not.

23 Q. Moving to that final part of your statement, 'Kevin',
24 where you set out your views on some lessons that you
25 think could be potentially learnt going forward, one

1 point you make is you say:

2 'The difference between then and now are quite

3 clear.'

4 Are you referring then to when you started in your

5 role in the late 1970s to the present day?

6 A. Yes.

7 Q. You say:

8 'It's quite clear there has been a journey and it's

9 quite clear that with the best will in the world, there

10 is always a risk.'

11 I just wondered if you could expand on your use of

12 the word 'journey' and how you would summarise the

13 change that you have seen?

14 A. Well, I think that we moved from a relatively ad-hoc

15 experience, where you relied on people's goodwill and

16 common sense, to a point where, as well as still

17 expecting that, that you would also educate people into

18 the possibilities, into the potential issues that they

19 might come across and methodology in dealing with that.

20 Q. You say that you are very proud and pleased with your

21 own involvement in the safer recruitment element?

22 A. Yes.

23 Q. A point you make is you say:

24 'Part of me worries that people who have

25 instructions to follow, follow the instructions rather

1 than the spirit of the instructions.'

2 I just wanted to ask if you could expand on that
3 concept for me?

4 A. Yes, one of the surprising elements of producing a very
5 comprehensive document of instruction and policy and
6 procedure was the side effect that if a situation came
7 up that couldn't be identified within those papers, that
8 there was a tendency for staff to say, 'I don't know
9 what to do'. So we lost the common sense element
10 because we introduced, you know, the procedures to try
11 and make things clearer, better, more honest, more open,
12 whatever. But then some staff seemed to be working on
13 the basis that if it wasn't written down, then 'It's not
14 my responsibility, I don't know what to do, it's nothing
15 to do with me'. They disowned that issue.

16 Q. I think you describe it as so you lost the sense of
17 understanding, you had the knowledge but not the
18 understanding?

19 A. Yeah, yeah.

20 MS MACLEOD: 'Kevin', that completes the questions I have
21 for you today, but before we finish, I just want to give
22 you the opportunity if there is anything you would like
23 to add before we complete your evidence.

24 A. I don't think there is anything else I've got to say.
25 I am happy to give as much information as I can, if you

1 with an oral witness.

2 LADY SMITH: An oral witness, thank you very much, I will
3 rise now until tomorrow morning.

4 (4.01 pm)

5 (The Inquiry adjourned until 10.00 am on Wednesday, 4
6 December 2024)

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