

1 Thursday, 19 December 2024

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome to the last day in
4 Chapter 11 of this phase of our case study hearings. We
5 move to the closing submissions that are going to be
6 presented on behalf of the institutions that we have
7 heard about and the archdiocese that's represented here.

8 Mr MacAulay, would you like to introduce today's
9 proceedings.

10 MR MACAULAY: Yes, as your Ladyship has said, today is the
11 phase when we listen to submissions on behalf of those
12 with leave to appear.

13 My learned friend Mr Henry appears on behalf of
14 St Mary's, the Good Shepherd Sisters, and also for the
15 Archdiocese of Glasgow in respect of St Mary's and the
16 Good Shepherd. Can I suggest that he should begin, and
17 complete what he has to say.

18 Then my learned friend, Mr Gray, of course, appears
19 for Kibble.

20 LADY SMITH: Thank you very much.

21 Mr Henry, when you are ready.

22 Submissions by Mr Henry

23 MR HENRY: Good morning, my Lady, and I would intend to
24 begin with the closing submissions on behalf of
25 St Mary's Kenmure.

1 LADY SMITH: Thank you.

2 MR HENRY: My Lady, as your Ladyship is aware, I appear on
3 behalf of St Mary's Kenmure and these submissions have
4 been prepared in response to the invitation of the
5 Inquiry to St Mary's Kenmure to make the closing
6 submissions in relation to the issues raised during the
7 hearings which have taken place this month in respect of
8 Chapter 11 of Phase 8 of the Inquiry.

9 My Lady, can I begin with an apology in relation to
10 the failure to meet the Inquiry's deadline --

11 LADY SMITH: Thank you.

12 MR HENRY: -- for the lodging of these submissions. It is
13 appreciated that it causes inconvenience and disturbance
14 to the Inquiry. It was not the intention of St Mary's
15 Kenmure, my Lady, and I apologise for the late lodging
16 of those submissions.

17 LADY SMITH: They should have been in on time, Mr Henry. No
18 reason was given for them being as late as they were,
19 and 'inconvenience' rather understates the impact that
20 it has on all concerned. Those who deal with the
21 administration of them coming in, those of us who want
22 to read them and think about them in advance, quite
23 separately from anything else. I don't know, are you
24 able to explain why they were as late as they were?

25 MR HENRY: My Lady, again I do apologise. The submissions

1 were drafted by the legal representatives. They
2 required input and instructions from St Mary's Kenmure.

3 The two processes brought together took longer than
4 was anticipated, my Lady. I can offer no other
5 explanation other than that, my Lady, and again I offer
6 my apologies.

7 LADY SMITH: Thank you.

8 MR HENRY: My Lady, turning to the submissions.

9 As the Inquiry is aware, St Mary's Kenmure is
10 located in Bishopbriggs in East Dunbartonshire, although
11 the school traces its history back to the east end of
12 Glasgow in the mid 19th century. In or around 1905, the
13 Catholic Industrial School of Glasgow, which was located
14 at premises beside St Mary's Parish Church in
15 Abercromby Street, Glasgow, relocated to purpose-built
16 accommodation on the Kenmure estate, Bishopbriggs.

17 In 1916, following a minute of agreement between the
18 chairman of the directors of the Catholic Industrial
19 School of Glasgow and the Superior General of the
20 De La Salle Brothers, the school was placed under the
21 superintendence of the Brothers. The building continued
22 to belong to the Archdiocese of Glasgow.

23 The De La Salle Brothers provided key employees and,
24 with other staff, ran the school until the Brothers left
25 in 1966. Following the Brothers' departure, the board

1 of management governed the school and employed the
2 staff.

3 In the mid 1970s, a secure unit known as the Ogilvie
4 Wing was opened on the St Mary's Kenmure site. A new
5 secure unit was subsequently built on the site, opening
6 in June 2000. It was registered for 36 beds, plus one
7 emergency bed. At that time, St Mary's Kenmure provided
8 six open places and 30 secure places. Prior to the
9 opening of the new secure unit, the Archdiocese of
10 Glasgow sold the site to the Cora Foundation. The board
11 of management continued as before.

12 When the new building opened and the young people on
13 the site had moved into the new secure unit, its
14 predecessor buildings were either demolished or were to
15 be demolished. While St Mary's Kenmure is a company
16 limited by guarantee, it is managed by an independent
17 charitable organisation, a board of directors oversees
18 the school's operations. A director of services is
19 responsible for the day-to-day operational running of
20 the school. The company is the registered provider of
21 services to young people and is registered with the Care
22 Inspectorate and the Registrar of Independent Schools.
23 It is approved by the Scottish Ministers to provide
24 secure accommodation services.

25 The objects of the charity are to provide secure

1 care and education for young people who are experiencing
2 social, emotional and behavioural difficulties. The
3 charity aims to meet its objective by the operation of
4 a secure unit, with a view to affecting the mental,
5 physical and moral welfare of the young people within
6 the school and, as far as possible, to encourage them to
7 take their place as responsible citizens of the
8 community. The charity further aims to promote the
9 provision of additional childcare and educational
10 facilities to disseminate experiences, information and
11 treatments.

12 LADY SMITH: Can you remind me, Mr Henry, are you quoting
13 from the stated objectives of the charity there?

14 MR HENRY: Those are the stated objectives of the charity,
15 my Lady.

16 LADY SMITH: Thank you.

17 MR HENRY: My Lady, before turning to the evidence led
18 during the Inquiry hearings, St Mary's Kenmure wishes
19 briefly to address the terms of its Section 21 response
20 to the Inquiry.

21 LADY SMITH: Thank you.

22 MR HENRY: Which was explored with Mr Mannion during his
23 evidence to the Inquiry on 13 December.

24 St Mary's Kenmure's Section 21 response was
25 submitted in February 2022, which was before Mr Mannion

1 joined the school in February 2023. St Mary's Kenmure
2 appreciates that Mr Mannion might and should have been
3 better briefed to understand the background to the
4 written responses.

5 LADY SMITH: It did put Mr Mannion in a very difficult
6 position, didn't it?

7 MR HENRY: It did, my Lady, and his discomfort was obvious
8 to those of us sitting here, my Lady.

9 LADY SMITH: It seemed very odd that nobody had thought that
10 he was going to be put in the position of speaking about
11 the school, and the background, under reference to the
12 Section 21 response, which he had played no part in, and
13 he needed to know about and understand and nobody had
14 helped him to do that, so he came to it cold, in effect,
15 when he came to give evidence.

16 MR HENRY: Yes, my Lady. I think Mr Mannion had been
17 provided with the Section 21 response, but clearly more
18 could have been done to assist him with that.

19 LADY SMITH: Yes, simply providing him with a dense document
20 wasn't really the way to do it, was it?

21 MR HENRY: It wasn't, my Lady.

22 St Mary's Kenmure did not intend to be uncooperative
23 with or disrespectful to the Inquiry. It apologises for
24 the terms of the response and for any inconvenience or
25 delay that that caused the Inquiry and indeed, my Lady,

1 any difficulties that it caused to counsel to the
2 Inquiry when leading evidence from Mr Mannion.

3 LADY SMITH: Thank you.

4 MR HENRY: St Mary's Kenmure appreciates that the definition
5 of abuse is wide-ranging and can manifest itself in many
6 forms. St Mary's Kenmure acknowledges that abuse took
7 place within the school. It is accepted by St Mary's
8 Kenmure that inappropriate or excessive use of restraint
9 is abuse.

10 The Inquiry has heard evidence of physical,
11 emotional and sexual abuse. St Mary's Kenmure
12 apologises for all instances of such abuse that took
13 place within the school, whenever they took place.
14 St Mary's Kenmure regrets that the health and well-being
15 of young people was harmed by controlled drugs being
16 brought into the school by staff --

17 LADY SMITH: I wanted to stop you with this use of language
18 which features through all of the submissions you
19 present. These were children. You know what the
20 definition is I work on --

21 MR HENRY: Yes.

22 LADY SMITH: -- for a child: anybody under 18.

23 MR HENRY: Yes, my Lady.

24 LADY SMITH: They weren't young adults, they weren't adults,
25 they were children, and they deserved the care and

1 treatment that children should have had.

2 MR HENRY: Absolutely, my Lady.

3 I think the term used is 'young people' rather than
4 'young adults', but certainly children is the more
5 appropriate term, my Lady, that's accepted.

6 LADY SMITH: Mr Henry, it is not difficult to see that
7 underlying it there is an impression of an attempt to
8 pull away from the real fact that these were children
9 not getting cared for as children should have been cared
10 for. And somehow -- and I am sure that it is not what
11 you intend -- but somehow it is mitigated by that fact,
12 when it wasn't. In fact, the need to take the
13 appropriate care for teenage children was elevated.

14 MR HENRY: My Lady, it certainly is not the intention to
15 move away. It is accepted that these are children, and
16 I am quite happy to use 'children' throughout the rest
17 of these responses, my Lady.

18 LADY SMITH: Thank you.

19 MR HENRY: Indeed, the removal of home leave as a form of
20 punishment was and remains unacceptable. St Mary's
21 Kenmure apologises for all instances in which it was
22 used as such.

23 The Inquiry's focus in this chapter in relation to
24 St Mary's Kenmure has not been to solely look back at
25 matters as they previously stood. The Inquiry has heard

1 evidence in relation to the Care Inspectorate's
2 inspection of the school in September and October of
3 this year. The Care Inspectorate rated the service as
4 unsatisfactory, along with an improvement notice that
5 stated no new admissions could be accepted until the
6 improvement notice was lifted. Though some of the
7 findings were about the physical environment, many were
8 about the implementation of processes and practices,
9 their findings included environmental safety, child
10 protection and safeguarding being consistently
11 compromised, meaning children were not being cared for
12 safely.

13 LADY SMITH: When you say 'environmental safety', for
14 example, that relates to the security of doors that
15 should have been secured, and weren't secured --

16 MR HENRY: The doors --

17 LADY SMITH: -- amongst other things.

18 MR HENRY: I understand, my Lady, there's also in relation
19 to windows.

20 LADY SMITH: Yes. There was a particular problem in
21 children being able to get access to places they
22 shouldn't have access to, where dangerous objects could
23 be obtained by them.

24 MR HENRY: Indeed.

25 LADY SMITH: Isn't that right?

1 MR HENRY: Indeed, my Lady, I think that related to the
2 magnetic closing of the doors, and the doors not being
3 manually locked.

4 LADY SMITH: Yes.

5 MR HENRY: Children being subjected to, or witnessing, high
6 level of physical restraint, which was often
7 disproportionate to the level of risk presented. There
8 was an absence of effective recording and reporting
9 around risk management, leading to a high risk of very
10 poor outcomes and dangerously low staffing levels.

11 My Lady, St Mary's Kenmure welcomed the Care
12 Inspectorate in to the school. Mr Mannion stated in his
13 evidence that St Mary's Kenmure accepts all of the Care
14 Inspectorate's findings and is cooperating fully and
15 vigorously with the Care Inspectorate to address the
16 serious issues identified.

17 As the Inquiry quite rightly identified, the more
18 powerful the lens that can be used to examine St Mary's
19 Kenmure, the better. St Mary's Kenmure regrets the
20 deterioration within the school and apologises
21 wholeheartedly to the children who have been affected.

22 St Mary's Kenmure recognises that whilst it is
23 currently unavailable for new admissions, it places the
24 secure care sector in Scotland at greater risk of being
25 unable to provide a service that meets demand.

1 My Lady, it is not in the written submissions, but
2 I think the Inquiry is aware that the Care Inspectorate
3 were within the school this week.

4 LADY SMITH: Yes.

5 MR HENRY: My Lady, certainly, as I understand it, the Care
6 Inspectorate were at St Mary's until leaving yesterday
7 evening. St Mary's understands that formal notification
8 of the Care Inspectorate's findings will follow in due
9 course.

10 However, from conversations between St Mary's
11 Kenmure staff, board members and members of the Care
12 Inspectorate, St Mary's Kenmure anticipate, I can say no
13 higher than that, my Lady, that the Care Inspectorate
14 will permit St Mary's roll to be increased to a maximum
15 of 12 young people.

16 LADY SMITH: Up to 12?

17 MR HENRY: Up to 12, my Lady, and that a further review will
18 take place in February next year. My Lady, I don't have
19 a date for when the roll might be increased to 12, this
20 was simply based on conversations which took place
21 yesterday.

22 LADY SMITH: So at the moment, how many children are there?
23 Do you know?

24 MR HENRY: It's seven, my Lady.

25 LADY SMITH: Seven.

1 MR HENRY: So it would be an increase of five.

2 LADY SMITH: Thank you.

3 Do you know when the report will be delivered of
4 this week's work?

5 MR HENRY: I don't, my Lady. I don't think St Mary's
6 themselves have been told that, my Lady.

7 LADY SMITH: We can no doubt follow up on that. But it
8 would be helpful if, as soon as St Mary's know, you let
9 us know. We will also, no doubt, find out from the Care
10 Inspectorate, but the two-pronged approach would assist
11 us.

12 MR HENRY: Certainly, my Lady.

13 LADY SMITH: Thank you.

14 MR HENRY: My Lady, the Inquiry has heard evidence in
15 relation to St Mary's Kenmure from decades past up to
16 the present day. St Mary's Kenmure did not seek to
17 question the evidence of the survivors. It apologises
18 for all instances of abuse that occurred within the
19 school. It accepts that harm was caused to children as
20 a result of their time in residential accommodation.

21 St Mary's Kenmure acknowledges the suffering
22 survivors have experienced and their bravery in coming
23 forward. The school does not seek to challenge or
24 minimise the experience and evidence of those survivors,
25 it apologises for the failings which have contributed to

1 their pain and suffering. St Mary's Kenmure is grateful
2 for the opportunity to participate in the Inquiry's
3 proceedings and seeks to assist the Inquiry in any way
4 that it can.

5 LADY SMITH: Thank you.

6 MR HENRY: My Lady, if I turn now to the Roman Catholic
7 Archdiocese of Glasgow.

8 LADY SMITH: Thank you.

9 MR HENRY: I again, appear on behalf of the archdiocese.
10 Again, my Lady, can I start these submissions with
11 the same apology which prefaced the St Mary's
12 submissions. My Lady, again, no disrespect was meant to
13 the Inquiry. It is appreciated the difficulties that
14 the late lodging has caused the Inquiry and it's the
15 same reasons, my Lady, in terms of the two-pronged
16 approach of drafting instructions took longer than
17 expected, my Lady. That's simply the only explanation
18 that I can provide.

19 As the Inquiry is aware, the archdiocese traces its
20 post-Reformation history to 1878, when Pope Leo XIII
21 restored the ancient hierarchy in Scotland by means of
22 the Apostolic Constitution Ex Supremo. This created two
23 archdioceses and four dioceses in Scotland, the
24 Archdiocese of Glasgow being one of those archdioceses.

25 The current archbishop is the Most Reverend

1 William Nolan, who was installed as Archbishop of
2 Glasgow on 26 February 2022. The archdiocese, too,
3 remains grateful for the opportunity to participate in
4 the Inquiry's ongoing work and is committed to assisting
5 it in any way that it can.

6 The archdiocese accepts that harm was caused to
7 children, who are now adults, as a result of their time
8 in residential accommodation. The archdiocese
9 acknowledges the suffering, trauma and pain that the
10 survivors have experienced and their bravery in coming
11 forward. It is acknowledged that there may be others
12 who have suffered but have not yet come forward and the
13 archdiocese continues to seek ways to support survivors.

14 The archdiocese in no way seeks to challenge or
15 minimise the evidence of survivors. The purpose of
16 these submissions is to set out to the Inquiry, should
17 it assist the Chair, the archdiocese's position in
18 relation to the evidence led during this chapter in
19 relation to St Mary's Kenmure and the Good Shepherd
20 Centre in Bishopton.

21 Before turning to the evidence led, the archdiocese
22 wishes to thank the Inquiry for the opportunity to
23 provide updated Section 21 responses in relation to
24 these establishments and for the Inquiry's staff and
25 legal teams' assistance in relation to that, my Lady.

1 LADY SMITH: Thank you.

2 MR HENRY: Turning to St Mary's Kenmure, my Lady, the
3 Inquiry is aware that the school traces its roots back
4 to the east end of Glasgow in the mid 19th century.
5 Your Ladyship has these submissions. I don't know
6 whether your Ladyship requires them to be read in to the
7 transcript again.

8 LADY SMITH: Yes, perhaps you can just summarise them so
9 that I have them for the transcript, please.

10 MR HENRY: Indeed, my Lady.
11 As the Inquiry is aware, that following a move from
12 the east end of Glasgow at the beginning of the 20th
13 century to the Kenmure estate in Bishopbriggs, the
14 De La Salle Brothers were invited by the then Archbishop
15 of Glasgow to the school, which was placed under the
16 superintendence of the De La Salle Brothers in 1916.
17 The property remained under the ownership of the
18 archdiocese, and the archdiocese appointed members of
19 the board of management, with other members being
20 appointed by the Town Council of Glasgow. The Brother
21 Superintendent, the headmaster of the school, was
22 appointed by the Superior General of the Brothers, as
23 were other Brothers. Lay staff were appointed by the
24 superintendent, but the chaplain was appointed by the
25 archbishop.

1 LADY SMITH: It is interesting, because the picture is then
2 not simply that the archdiocese remained the property
3 owner and leave a different organisation to operate as
4 they choose and decide whatever activity is carrying on
5 in it, but the archdiocese was very much involved in,
6 some might say, controlling how it runs, because of the
7 choice of the head, the choice of people on the board of
8 managers and the influence that the archdiocese is then
9 in a position to bring to bear.

10 I am not saying there is anything sinister in that,
11 please don't get me wrong, but one can't help but fail
12 to notice that the input of the archdiocese must have
13 continued to be quite significant.

14 MR HENRY: Indeed, my Lady.

15 As I understand it, the headmaster was appointed by
16 the Superior General of the Brothers, but certainly the
17 archdiocese had the choice of appointing in relation to
18 board members.

19 LADY SMITH: Oh yes, yes.

20 MR HENRY: And indeed the chaplain of the school, my Lady.

21 LADY SMITH: Yes.

22 Do you know whether -- maybe you don't -- there was
23 any consultation between the Superior General of the
24 Brothers and the archdiocese over the appointment of the
25 headmaster, because it was a key role?

1 MR HENRY: It is a key role, my Lady. It is not a question
2 that I know the answer to.

3 LADY SMITH: It may be that it was felt that it was
4 sufficient that there was influence on the board of
5 management, I don't know.

6 MR HENRY: It may well be, my Lady. But I am not in
7 a position to assist the Inquiry with that.

8 LADY SMITH: Thank you.

9 MR HENRY: As the Inquiry is aware, the De La Salle Brothers
10 left the school in 1966. The board of the school
11 continued to govern the school as it had done before,
12 employing staff as required. The board of managers was
13 responsible for the school, and employed the staff. The
14 archbishop appointed some board members. These included
15 clergy from the archdiocese. The board members were
16 appointed to personally assume membership of the board
17 and responsibility for the establishment. The board
18 employed the staff of the school and governed it.

19 The legal status of the board of managers was later
20 changed to a company limited by guarantee, known as
21 St Mary's Kenmure. The company was incorporated on
22 17 December 2010, and the first meeting of the board of
23 directors of the new company was held on 12 April 2011.

24 The company was formed under a memorandum of
25 association, which established the objects and powers of

1 the charitable organisation. The company is the
2 registered provider of services to young people, and is
3 registered with the Care Inspectorate and the Registrar
4 of Independent Schools and is approved by the Scottish
5 Ministers to provide secure accommodation services.

6 The Inquiry has heard evidence, both in relation to
7 the historical position of the school and the current
8 difficulties faced by St Mary's Kenmure. Throughout
9 this time, the archdiocese appointed some board members
10 and clergy from the archdiocese were at times board
11 members. The archdiocese was accordingly represented on
12 the board.

13 The Inquiry has heard evidence of physical, sexual
14 and emotional abuse at St Mary's Kenmure. It has heard
15 of the withdrawal of home leave being used as
16 a punishment and controlled drugs being brought into the
17 school by staff. It is clear to the archdiocese that
18 whatever rules, regulations, legislations, policies and
19 procedures that were in place, they failed to prevent
20 the abuse described by the survivors.

21 It is a matter of deep regret for the archdiocese if
22 any failings on the part of the archdiocese have
23 contributed in any way to the abuse suffered by pupils
24 at St Mary's Kenmure. The archdiocese also regrets if
25 failings on its part may have contributed to the

1 situation currently faced by St Mary's Kenmure and, most
2 importantly, the children cared for there. The
3 archdiocese apologises for those failings.

4 In relation to the Good Shepherd Centre, my Lady,
5 the archdiocese understands that by the early 1980s, the
6 Good Shepherd Sisters were well-established in
7 Bishopton, Renfrewshire, following a move from the east
8 end of Glasgow in the 1940s or 1950s. Bishopton is
9 located within the Diocese of Paisley.

10 Although there had initially been two separate
11 centres on the site in Bishopton, St Euphrasia's
12 Training Centre and Dalbeth Approved School, the two
13 establishments had merged to become the St Euphrasia's
14 Centre, that centre would later become the Good Shepherd
15 Centre.

16 During the 1980s, the Good Shepherd Sisters began
17 the process of removing themselves from the site at
18 Bishopton. In April 1981, the then Archbishop of
19 Glasgow, Thomas Winning, wrote to the convent solicitor,
20 indicating that the bishops and the Hierarchy were ready
21 to undertake the responsibility of running
22 St Euphrasia's for a period of two years. The
23 responsible body became the Scottish Hierarchy of the
24 Roman Catholic church. During this time, a board of
25 management was established and took responsibility for

1 the governance of the school. The archdiocese
2 understands that the structure of the board has been
3 changed to a company limited by guarantee, and remains
4 a charity.

5 Given its location within the Diocese of Paisley,
6 the archdiocese understands that the responsibility for
7 the appointment of board members at the Good Shepherd
8 Centre lies with the Bishop of Paisley. Though there
9 was a period when, in terms of the articles of
10 association, the archdiocese had some rights and the
11 archbishop had some rights in terms of appointments, it
12 is the archdiocese's understanding that, in practice,
13 those appointments were made by the Bishop of Paisley.
14 There have, however, been periods when clergy from the
15 archdiocese were members of the board.

16 LADY SMITH: Can you just explain to me exactly how that
17 works? We start out by the time the Good Shepherd
18 Sisters are indicating they want to leave, but it sounds
19 as though some efforts were made to enable continuation
20 of work being done at the premises, and the archbishop,
21 in 1981, writes a letter saying, 'Okay, the bishops are
22 ready to undertake the responsibility of running
23 St Euphrasia's', so it must have been talked about for
24 some time before then.

25 When he says 'the bishops', who is he referring to?

1 MR HENRY: My Lady, it's my understanding that that refers
2 to the Hierarchy, but if your Ladyship would allow me
3 one moment.

4 LADY SMITH: If you could. Thank you.

5 (Pause)

6 MR HENRY: My Lady, certainly it is my understanding that it
7 would be the Hierarchy, my Lady, I don't know whether
8 the Bishops' Conference were a separate body at that
9 time --

10 LADY SMITH: Yes, I see.

11 MR HENRY: -- I just simply don't have that information to
12 hand. But it would be that the Hierarchy of the Church
13 would be responsible, my Lady.

14 LADY SMITH: All right. Where, then, does the archdiocese
15 fit in?

16 MR HENRY: My Lady, the archdiocese, and the archbishop is
17 part of the Hierarchy.

18 LADY SMITH: All right.

19 MR HENRY: And would have a role in that sense.

20 LADY SMITH: They would be involved to that extent, okay.

21 Then we find that it is the Bishop of Paisley who is
22 directly involved with appointments to the Good Shepherd
23 Centre, and that's geographical, do I have that right?

24 MR HENRY: Bishopton is in church terms, my Lady, located
25 within the Diocese of Paisley.

1 LADY SMITH: Yes, all right, thank you.

2 When you then refer to the archdiocese at one period
3 having rights in terms of appointments, what are we
4 talking about?

5 MR HENRY: My Lady, there was the document which I think
6 counsel to the Inquiry explored. At one stage there
7 was, I think, the articles of association from 2001,
8 where there was reference to appointments may be made
9 by, I think it was referred to both the Archbishop of
10 Glasgow and the Bishop of Paisley.

11 LADY SMITH: Okay, yes.

12 MR HENRY: My Lady, that document was certainly referred to
13 in evidence.

14 LADY SMITH: That was in the time of the previous corporate
15 body, the one that predated the establishment of the
16 charity, the company limited by guarantee?

17 MR HENRY: It was a 2001 document, I believe, my Lady, or
18 certainly early 2000s --

19 LADY SMITH: Okay.

20 MR HENRY: -- in any event, my Lady.

21 My Lady, the archdiocese understands that the
22 Inquiry has heard evidence of the period following the
23 withdrawal of the Good Shepherd Sisters from the
24 establishment.

25 Throughout the Inquiry's hearings, there has been

1 evidence of physical, sexual and emotional abuse which
2 has taken place, which survivors told about at Good
3 Shepherd Centre. The archdiocese deeply regrets that
4 any such abuse has taken place and the archdiocese
5 apologises for any failings on its part which have in
6 any way contributed to that abuse.

7 The archdiocese does not seek in any way to
8 challenge or minimise the experience and evidence of
9 survivors. It does not challenge their evidence.

10 While it may be of little consolation to survivors
11 to hear of lessons learned, the archdiocese is committed
12 to learning lessons through this Inquiry. The
13 archdiocese takes the issue of safeguarding extremely
14 seriously. It follows procedures which cover the
15 Catholic Church in Scotland and those procedures are
16 monitored by the Scottish Catholic Safeguarding
17 Standards Agency, which is an independent body.

18 LADY SMITH: That's the relatively new body you are
19 referring to there, is it?

20 MR HENRY: I don't know about relatively new, my Lady. If
21 your Ladyship will allow me one moment.

22 LADY SMITH: Can you remind me?

23 MR HENRY: My Lady, I don't have the date that the Scottish
24 Catholic Safeguarding Standards Agency was set up. If
25 I recall, I think Monsignor Bradley may have been asked

1 about this in the evidence --

2 LADY SMITH: Yes, okay.

3 MR HENRY: -- my Lady.

4 My Lady, the Roman Catholic Archdiocese of Glasgow
5 is grateful for this opportunity to participate in this
6 phase of the Inquiry, and it remains the archdiocese's
7 intention to assist the Inquiry in any way that it can.

8 LADY SMITH: Thank you.

9 MR HENRY: My Lady, unless there are any other matters,
10 relating to the archdiocese, it would be my intention to
11 turn now to the Congregation of Our Lady of Charity of
12 the Good Shepherd.

13 LADY SMITH: Thank you, that's fine.

14 MR HENRY: My Lady, for brevity I will refer to them as the
15 Good Shepherd Sisters, and I appear on their behalf.

16 LADY SMITH: Thank you.

17 MR HENRY: My Lady, the body with the long title, the
18 Congregation of Our Lady of Charity of the Good
19 Shepherd, was formed in June 2014 by the amalgamation of
20 the Order of Our Lady of Charity and the order of Our
21 Lady of Charity of the Good Shepherd, which was founded
22 by Sister Mary Euphrasia Pelletier in 1835 in Angers,
23 France.

24 The two congregations shared a common origin, that
25 of the Order of Our Lady of Charity, which was founded

1 in Normandy in 1641 by the then Father John Eudes, who
2 was later canonised. The order had the stated goal of
3 caring for girls and women.

4 In 1825, Sister Mary Euphrasia was appointed
5 superior of the community of the order in Tours, France.

6 In 1829, Sister Mary Euphrasia was asked by the
7 Bishop of Angers to set up a home for girls and women
8 there. That home opened in 1829 and was called the Good
9 Shepherd, in memory of another house with a similar
10 ministry which had existed in Angers during the previous
11 century.

12 The generalate was approved in 1935, and, with this
13 approval, the church established a congregation distinct
14 from the Order of Our Lady of Charity. The order have
15 cared for children since their beginning in France.

16 The Congregation of Our Lady of Charity of the Good
17 Shepherd is an international, apostolic, religious
18 institute of pontifical right. It is not subject to the
19 diocesan hierarchy for its internal workings, but is
20 committed to working with the authority of the
21 Hierarchy, and according to its norms.

22 The order has its own Superior General, and
23 a general chapter that meets every six years. The
24 current provincial chair in the United Kingdom is
25 Sister Anne-Josephine Carr.

1 The Good Shepherd Sisters' interest in this chapter
2 relates to Dalbeth School and St Euphrasia's Training
3 Centre in Bishopton, Renfrewshire. The move to
4 Bishopton followed a period spent in Dalbeth, Glasgow,
5 where Dalbeth Girls' School operated as an approved
6 school.

7 In the summer of 1948, a new voluntary home,
8 St Euphrasia's Training Centre, opened.

9 In 1953, Dalbeth Girls' School opened on its site in
10 Bishopton.

11 In 1971, the two establishments merged to form the
12 St Euphrasia's Centre. St Euphrasia's Centre was
13 an independent residential establishment, governed by
14 a voluntary board of managers, the responsible parent
15 body being the Sisters of the Good Shepherd.

16 The Good Shepherd Sisters realised that they were
17 not going to be able to staff the St Euphrasia's Centre
18 indefinitely. Following discussions with the Catholic
19 Hierarchy of Scotland, it was decided that the
20 St Euphrasia's Centre would be handed over to the
21 Hierarchy.

22 In 1981, the Hierarchy took on responsibility for
23 the centre, which continued to be governed by
24 a voluntary board of managers.

25 In 1995, the property was sold to the Cora

1 Foundation.

2 On 1 April 1996, the Good Shepherd Sisters left
3 Bishopton, with the keys to the property being
4 transferred to the Cora Foundation.

5 My Lady, it was a fundamental tenet of the Good
6 Shepherd Sisters that they were never to strike
7 children. This followed an instruction from
8 Sister Mary Euphrasia that children were not to be
9 struck, nor harsh measures used. Sister Mary Euphrasia
10 directed that that order was to stand forever and
11 always, as though it were inscribed and printed
12 everywhere. This order applied regardless of whether
13 corporal punishment was permitted by the law, statutory
14 regulations which applied in any jurisdiction within
15 which the Good Shepherd Sisters were operating.

16 Though the policy itself may be considered
17 enlightened at a time when corporal punishment of
18 children was permitted in Scotland, the Good Shepherd
19 Sisters accept that people do not always adhere to the
20 high standards expected of them. A policy can only be
21 as effective as those administering it.

22 The Good Shepherd Sisters accepted that there were
23 occasions when corporal punishment was used.

24 LADY SMITH: Maybe the order should have been inscribed and
25 printed everywhere.

1 MR HENRY: Indeed, my Lady.

2 LADY SMITH: Yes.

3 MR HENRY: My Lady --

4 LADY SMITH: In fairness to the Good Shepherd Sisters, they

5 are not the only religious order I have come across

6 whose founding documents included clear directions that

7 children were not to be hit, but somewhere that was lost

8 in the mists of time as their operations progressed.

9 MR HENRY: Yes, my Lady.

10 LADY SMITH: Yes.

11 MR HENRY: My Lady, the Good Shepherd Sisters accept that

12 harm was caused to children, who are now adults, as

13 a result of their time spent in residential

14 accommodation. They acknowledge the suffering, trauma

15 and pain survivors have experienced and their bravery in

16 coming forward. It is acknowledged by the Sisters that

17 there may be others who have suffered but have not yet

18 come forward. The Good Shepherd Sisters apologise to

19 all those who suffered harm as a result of their time

20 spent in the care of the Sisters.

21 The Good Shepherd Sisters acknowledge that the

22 definition of abuse is wide-ranging and can manifest

23 itself in many forms. Survivors have given evidence of

24 experiencing and/or witnessing a number of forms of

25 abuse, including the use of a punishment or detention

1 room. There has been evidence of young people being
2 required to work in the laundry, and cleaning parts of
3 the inner buildings.

4 The Good Shepherd Sisters understood the laundry to
5 be at its training centre in Bishopton and was intended
6 to function in a way to give the young people a work
7 ethic and work experience in preparation for their time
8 after leaving the care of the Sisters.

9 There has, my Lady, also been evidence of a lack of
10 suitable accommodation being provided to children within
11 the --

12 LADY SMITH: You will remember no doubt, Mr Henry, that one
13 of the witnesses from whom we heard was born in 1944 and
14 she went into the Good Shepherd accommodation at the age
15 of 11, not because she had done anything wrong, not
16 because she had got into bad company, but there was
17 a lack of adequate parental care and she couldn't safely
18 be left with her own family, her own mother. Just 11.
19 She explained that every week day, certainly, her life
20 would be dominated by 12-hour shifts in the laundry, and
21 then oh, there was a change at the weekends when they
22 got to do the cleaning. She was absolutely clear it
23 wasn't a lack of suitable education, she had no
24 education.

25 Now, surely you are not saying that putting

1 a 11-year old child into a laundry was a way of
2 preparing the 11-year old child to have a work ethic for
3 leaving care?

4 MR HENRY: No, my Lady.

5 LADY SMITH: No. It wasn't, was it?

6 MR HENRY: No, my Lady.

7 My Lady, the work in the laundry was not suitable
8 for children.

9 LADY SMITH: It was dreadful, and from her evidence it
10 sounded as though there were quite a number of them
11 having to work the way she worked.

12 MR HENRY: Indeed, my Lady, and the children should not have
13 been required to take part in that commercial
14 enterprise.

15 LADY SMITH: No.

16 Do you know whose decision it was that there should
17 be a significant, and it was a commercial enterprise,
18 being operated at Bishopton, using these children as the
19 labour that was carrying out the laundry work; do you
20 know who decided that?

21 MR HENRY: My Lady, I don't have that information to hand.
22 Certainly enquiries can be made with those instructing.

23 LADY SMITH: It may not have been recorded, but if there is
24 anything else that assists one get to the bottom of who
25 thought it was okay, and why they thought it was okay to

1 do that, and whether they -- I suspect it was a decision
2 taken remote from the inner sanctum of the Bishopston
3 property -- ever went anywhere near it to see what was
4 happening.

5 MR HENRY: My Lady, certainly the evidence is clearly of
6 a substantial commercial enterprise that children should
7 not have been working in, and should not have been
8 exposed to the dangers involved in that.

9 My Lady, survivors also gave evidence of the
10 requirement to clean parts of the buildings, including
11 the use of devices which may have been referred
12 elsewhere in this Inquiry to as buffers.

13 LADY SMITH: I think the term commonly used is bumper.

14 MR HENRY: Bumper, sorry.

15 LADY SMITH: Bumpers. That was certainly a feature in, oh,
16 way back, Daughters of Charity, Smyllum, maybe not the
17 only place. It was also a tool that was used, as
18 I understand it, in army barracks, because it was heavy,
19 very heavy. Often the structure of them was metal such
20 as iron, so that they were heavy enough to put good
21 pressure, really good pressure, on the floors to make
22 them sparkling clean in the way soldiers would expect
23 their men to do. Not exactly right for children.

24 MR HENRY: No, my Lady. It's a matter of regret for the
25 Good Shepherd Sisters that survivors were put to work in

1 this way.

2 My Lady, the Good Shepherd Sisters accept that
3 children who were placed in their care in Bishopton were
4 harmed and they apologise for that harm suffered by the
5 survivors.

6 The Good Shepherd Sisters welcome this Inquiry and
7 appreciate that it is important for all voices to be
8 heard. The Sisters regret that survivors have painful
9 memories of time spent in their care and the Good
10 Shepherd Sisters do not seek in any way to challenge or
11 minimise those experiences and that evidence of the
12 survivors.

13 The Good Shepherd Sisters are grateful to the
14 Inquiry for the opportunity to participate in its work,
15 and are committed to assisting it in any way that they
16 can.

17 LADY SMITH: Thank you very much.

18 Can I now turn to Mr Gray.

19 Submissions by Mr Gray

20 MR GRAY: Thank you, my Lady.

21 On behalf of Kibble Education and Care Centre, my
22 Lady, I have prepared a written submission and
23 I understand that my Lady has been provided with a copy
24 of that.

25 LADY SMITH: I have, thank you.

1 MR GRAY: With my Lady's leave I would therefore propose to
2 read out the submission at this juncture.

3 LADY SMITH: Thank you.

4 MR GRAY: My Lady, by way of introduction, at the
5 introductory hearing of this phase of the Inquiry,
6 I indicated in the opening statement, which I made on
7 behalf of Kibble, that it wished to express its deepest
8 and most profound sympathies to all those who have been
9 the victims of abuse whilst in care in Scotland.

10 At the outset of this submission, I would wish, and,
11 indeed, am specifically instructed, to reiterate those
12 sentiments which are so keenly felt by all employed by
13 and associated with Kibble.

14 My Lady, in relation to the issue of the assistance
15 to the Inquiry that has been provided, as I indicated in
16 the opening statement, Kibble has been committed to
17 assisting the Inquiry in its investigations wherever
18 possible. The care, welfare and safety of vulnerable
19 young persons -- by which, my Lady, I mean children --
20 is at the core of everything that Kibble seeks to do and
21 where any abuse may have occurred within its
22 organisation, Kibble has been determined to ensure that
23 all possible assistance is provided to the Inquiry to
24 undertake its investigations.

25 As the Inquiry is aware, to date Kibble has provided

1 detailed and comprehensive written responses to several
2 Section 21 notices and has provided extensive records,
3 some dating back to 1930, relevant to the Inquiry's
4 requests.

5 My Lady, whilst it is appreciated that this phase of
6 the Inquiry is now coming to a conclusion, Kibble
7 continues to offer to provide any information which the
8 Inquiry may wish, in particular should anything arise
9 from the evidence given by 'Robert', SNR
10 SNR, and Mr MacMillan, its current Director of
11 Corporate Services.

12 My Lady, turning to the evidence of the applicants
13 which has been recently given. As I also indicated in
14 the opening statement, my Lady, in relation to this
15 phase of the Inquiry, Kibble has been anxious to listen
16 to and reflect upon the evidence given by those who have
17 been the victims of abuse, including at Kibble. My
18 Lady, in that regard, my Lady will be aware that
19 Mr MacMillan was present to hear the evidence of
20 applicants and, indeed, both Mr MacMillan and
21 Mr Jim Gillespie, the organisation's chief executive,
22 are present today.

23 LADY SMITH: Thank you.

24 MR GRAY: My Lady, in my submission, the applicants, in
25 giving evidence about the most serious incidents of both

1 physical and sexual abuse to which they or others were
2 subject during their childhood, whilst in care at
3 Kibble, in periods in the early 1960s and early 1980s,
4 showed a quiet dignity and extraordinary courage in
5 equal measure.

6 As Mr MacMillan, the Director of Corporate Services
7 at Kibble, said in evidence, having listened to the
8 accounts of both 'Iain' and 'Graham', the events
9 described were appalling and the manner in which the
10 applicants gave their evidence was humbling.

11 It is clear, in my submission, when one has regard
12 to the evidence of the applicants, and that contained in
13 the witness statements which have been read in, that the
14 conduct with which the Inquiry is concerned at Kibble in
15 the period of the early 1960s, 1980s and 1990, was not
16 only appalling, but also reflected systemic failings,
17 which at various times included a repeated disregard by
18 staff for acts of physical and sexual abuse, whether
19 committed by other young persons or staff, and, on
20 occasion, sexual abuse perpetrated by the most senior
21 member of staff.

22 That these failings were systemic was a matter which
23 was very properly acknowledged by Mr MacMillan in
24 evidence, and for which, on behalf of Kibble, he offered
25 his deepest sympathies to all victims.

1 My Lady, turning now to Kibble for the period from
2 1993 to date. My Lady, in relation to Kibble's
3 activities since 1993, the Inquiry has had the benefit
4 of hearing the evidence of 'Robert', who was SNR
5 of Kibble from 1993 until his retirement in 2017.

6 LADY SMITH: It's a remarkably long period of tenure, but
7 very helpful to have heard from somebody who was
8 involved with Kibble over such a long period.

9 MR GRAY: Indeed, my Lady.

10 And also from Mr MacMillan, who, as already stated,
11 is Kibble's Director of Corporate Services, having
12 originally joined Kibble as a fundraising officer in
13 2007.

14 There is no doubt, in my submission, that as set out
15 in detail by 'Robert' in his evidence, in 1993 Kibble,
16 as with many other similar institutions, had many
17 longstanding and fundamental deficiencies in the way in
18 which it operated. In the context of the issues with
19 which this Inquiry is concerned, it is significant to
20 note, in my submission, that 'Robert' recognised that
21 many of those deficiencies, namely no training, poor
22 recruitment, poor checks, poor screening, insufficient
23 probation periods and nepotism encouraged abuse.

24 LADY SMITH: Yes.

25 MR GRAY: My Lady, as the Inquiry has heard, from the date

1 of his arrival at Kibble in 1993, 'Robert' embarked upon
2 what, in my submission, was a comprehensive and
3 innovative programme of improvement to address all the
4 deficiencies which he had identified and to ensure,
5 insofar as was reasonably practicable, that the sort of
6 abuse described by the applicants to this Inquiry would
7 never recur, and that Kibble would become a safe
8 environment which met the needs of young persons
9 compassionately and appropriately.

10 My Lady, the scale of the challenge faced by
11 'Robert' on taking up his appointment was, in my
12 submission, summarised very aptly by him in his witness
13 statement, when he stated:

14 'It might not have seemed it at the time, but we
15 were trying to haul a system that was archaic into the
16 20th century, just as everyone was leaving the 20th
17 century.'

18 LADY SMITH: It was a very powerful comment and very frank
19 on his part.

20 MR GRAY: My Lady, in my submission, however, the evidence
21 of both 'Robert' and Mr MacMillan demonstrates in the
22 clearest terms that the Kibble of today, and, indeed,
23 for many years now, bears no resemblance in any respect
24 in the way that it is run to the Kibble institution with
25 which the Inquiry has been concerned.

1 I would invite the Inquiry to accept that it
2 successfully met the significant challenges which it and
3 many other institutions faced in 1993, when 'Robert'
4 assumed his position. My Lady, an early indication of
5 the positive influence which the changes introduced by
6 'Robert' had may perhaps be gleaned from the
7 overwhelmingly positive views expressed by the applicant
8 'Logie', when describing in evidence his placement at
9 Kibble between 1999 and 2001.

10 LADY SMITH: You are right, it was good to hear what he had
11 to say and it perhaps highlights the importance,
12 Mr Gray, of ensuring that whilst good progress, good
13 practice, can be praised and reflected on as
14 achievement, one must never lose sight of that period
15 where, as in 'Robert's' statement it was summarised,
16 there was no training, there was poor recruitment, there
17 were poor checks, there was poor screening, there was
18 insufficient probation for staff and there was nepotism.
19 I mean, a powerful list that's as important to remember
20 and reflect on as achievement, isn't it?

21 MR GRAY: Indeed, my Lady. In my submission, that was
22 something which came across very clearly in the evidence
23 of 'Robert', that not only from his perspective was it
24 fundamentally important to understand the deficiencies,
25 and address them, but also when making improvements at

1 no time to be complacent.

2 LADY SMITH: No, high risk if you are.

3 MR GRAY: My Lady, in questioning Mr MacMillan, counsel to
4 the Inquiry suggested that Kibble could properly be
5 described now as the Rolls-Royce of the education and
6 care sector for young persons.

7 In my submission, having regard to the depth and
8 breadth of the measures taken, as outlined in evidence
9 by both witnesses, coupled with the pioneering approach
10 which it has taken at all times to seek to ensure the
11 safety of all children, for example its research into
12 and introduction of the safe crisis management technique
13 in 2003, such a description is a fair reflection of the
14 position which it holds.

15 My Lady, in my submission, as a result of its
16 intensive and innovative efforts over the last 30 years,
17 Kibble is quite properly recognised as a centre of
18 excellence in its field and, as the Inquiry has heard,
19 it has gradually expanded the scope of the expert and
20 specialist services which it provides to ensure that
21 there is a wholly integrated system of measures and
22 services in place to meet the diverse and frequently
23 complex needs of vulnerable young persons.

24 My Lady, against that background, it is perhaps not
25 surprising that the quality of the service which Kibble

1 provides, and the care and compassion with which that
2 service is provided, is something which has been
3 consistently recognised by the Care Inspectorate in its
4 various inspections in recent years.

5 In both 2023 and 2024, unannounced inspections of
6 Kibble were undertaken by the Care Inspectorate. The
7 key findings may be summarised as follows:

8 In relation to its unannounced inspection of the
9 school care accommodation service in February 2024, the
10 accommodation was assessed in relation to: how well do
11 we support children and young people's rights and
12 well-being, and whether children and young people are
13 safe, feel loved and get the most out of life. Kibble
14 was assessed as 4, being good, out of 6, being
15 excellent. The inspection noted that there were many
16 young people enjoying warm and caring relationships with
17 staff and that there was very good advocacy support in
18 place. The 'our voice' meetings enabled young people to
19 elevate their voice and their views to be represented.

20 The Kibble Safe Centre was also the subject of
21 an unannounced inspection in January 2024. Its care
22 accommodation was assessed in relation to: how well do
23 we support children and young people's rights and
24 well-being and whether children and young people are
25 safe, feel loved and get the most out of life. Kibble

1 was assessed as 6 out of 6, being excellent.

2 My Lady, the inspection noted, amongst other points,
3 that young people consistently described highly positive
4 relationships that were warm, respectful and fun, that
5 there was an embedded culture of relational care which
6 was the foundation of the stability and predictability
7 that allowed young people to thrive. The service
8 listened and responded to young people's views and
9 wishes. Young people were made aware of their rights
10 and there was a highly integrated, sector-leading and
11 innovative approach to meeting the physical and mental
12 health needs of young people.

13 It was also noted that senior managers had
14 aspirational and forward-thinking views and worked
15 collaboratively with a range of external organisations
16 to champion the needs and rights of young people.

17 Finally, it noted that there was a continuous,
18 robust evaluation of children and young people outcomes,
19 experiences and their setting ensured they received the
20 best possible care and support in high quality
21 surroundings.

22 My Lady, in relation to the previous year, 2023, my
23 Lady, I don't propose to read that section, because it
24 does, to some extent, repeat what is set out in 2024 --

25 LADY SMITH: Yes.

1 MR GRAY: -- but I would obviously invite my Lady to have
2 regard to what is noted there.

3 LADY SMITH: Yes, and one, of course, you are reminding me
4 of, because that was the two separate reports on the
5 school care accommodation service and the safe centre,
6 and then, 2023, it was just the school care
7 accommodation service, is that right?

8 MR GRAY: Yes, it was Kibble's intensive services which were
9 subject to assessment in March 2023 --

10 LADY SMITH: Yes.

11 MR GRAY: -- and were assessed to be very good, 5 out of 6,
12 very good, 6 being excellent.

13 LADY SMITH: Yes, so the focus was a slightly different
14 aspect of their provision, although obviously not that
15 dissimilar from what was looked at in 2024?

16 MR GRAY: Indeed, my Lady.

17 It is interesting to note at (iii) that the eight
18 points which are noted provide strong echoes of what was
19 found in 2024, albeit in a different part of the
20 organisation.

21 LADY SMITH: Yes, thank you.

22 MR GRAY: My Lady, in all the circumstances which I have
23 outlined, I would invite the Inquiry to conclude that,
24 consistent with what one would hope from an organisation
25 which takes its responsibilities extremely seriously,

1 Kibble has taken the most comprehensive of measures in
2 the last 30 years to place the safety and welfare of the
3 children in its care at the heart of its activities and
4 that the most recent findings of the Care Inspectorate
5 provide the Inquiry with reassurance as to the success
6 of the measures which have been taken.

7 I would, however, my Lady, wish to conclude these
8 submissions by repeating the very deepest and most
9 genuine sympathies on behalf of Kibble to all those who
10 suffered any form of abuse whilst in its care.

11 My Lady, these are matters of the most profound
12 regret and it is hoped that victims may at least draw
13 some comfort from the knowledge that Kibble has taken,
14 and continues to take, the most robust measures to
15 ensure the welfare and safety of the children in its
16 care.

17 LADY SMITH: Mr Gray, thank you very much.

18 MR GRAY: Thank you, my Lady.

19 LADY SMITH: That completes the business today, apart from
20 me to thank everybody for their contributions to this
21 chapter of Phase 8, for bearing with us right up to
22 today, which is getting very close to the festive break,
23 wishing you all a very good Christmas and New Year, but
24 welcoming back anybody who is going to be interested in,
25 or engaged in, Chapter 12, which we start the evidence

1 in relation to on the 6 January, I think.

2 MR MACAULAY: 7 January, my Lady.

3 LADY SMITH: 7 January, sorry, yes, we will all be back at

4 work by 6 January at the latest, but 7 January we will

5 be back here. I will be back here and ready to hear the

6 next section of evidence.

7 Perhaps just for the record, Mr MacAulay, could you

8 remind people which particular places?

9 MR MACAULAY: Rossie, Howdenhall and St Katharine's,

10 I think, are the establishments we look at.

11 LADY SMITH: Yes, I think so, and we are expecting that to

12 run into February?

13 MR MACAULAY: Yes.

14 LADY SMITH: Yes.

15 Thank you very much, and I wish you all well.

16 (10.55 am)

17 (The Inquiry adjourned until 7 January 2025)

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I N D E X

Submissions by Mr Henry1
Submissions by Mr Gray32

