

1 Tuesday, 14 January 2025

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to Chapter 12 of
4 Phase 8 of our case study hearings.

5 Although I mentioned at the end of last week that we
6 were going to hopefully hear from some witnesses in
7 person today, we are going to start with reading in
8 a statement and I'll invite Mr Peoples to introduce
9 that.

10 MR PEOPLES: Good morning, my Lady.

11 Peter Ritchie (read)

12 MR PEOPLES: The read-in is from a statement provided to the
13 Inquiry by Peter Ritchie and I'll just start with giving
14 the reference WIT.001.001.6206.

15 I can say that Mr Ritchie has signed and dated the
16 statement on the final page, page 15. I propose to read
17 parts of it, but not necessarily the whole of it. But
18 obviously being concerned with Rossie during Chapter 12.

19 Mr Ritchie tells us a bit about his background, but
20 as he tells us in paragraph 4, that what he came to the
21 Inquiry to talk about, because he considered it would be
22 of interest to the Inquiry, was the fact that in 1993 he
23 was asked to carry out an inspection of Rossie Farm
24 secure unit on behalf of the Social Work Services
25 Inspectorate, which, as we know, is part of the Scottish

1 Education Department and Social Work Services group.

2 Not Social Work Services, part of the Scottish
3 Education Department.

4 LADY SMITH: Yes.

5 MR PEOPLES: He also tells us about his qualifications and
6 we can see from paragraph 5 that in the 1980s, he
7 obtained a social work degree and also obtained a CQSW
8 qualification at Swansea University.

9 He then tells us a bit about his working life and
10 I think we can read that for ourselves, but other than
11 to say that I think he started, as what he describes in
12 1984, as a cultural change manager in Wales. He tells
13 us that in 1990, he moved to Scotland and, after that,
14 he did work for various universities in Scotland;
15 Edinburgh, Glasgow and Dundee universities, and he said
16 all the work that he was doing was in the area of
17 cultural change and community care.

18 He tells us a bit about various work he was involved
19 in, including work on a consultancy basis for the
20 Scottish Office in relation to care establishments.

21 He says at paragraph 10:

22 'At this time, the Social Work Inspectorate formed
23 part of the Scottish Office, local authorities had their
24 own inspection teams for regular children's homes.'

25 That is something, I think, Professor Levitt told us

1 quite a lot of detail about. He says:

2 'It was only the Scottish Office which had authority
3 to inspect secure units in Scotland, as it was
4 a statutory duty.'

5 Then he goes on at paragraph 11:

6 'It was a very different culture back in the early
7 1990s.'

8 Then he tells us at paragraph 12 that he was asked
9 to help with the report 'Another Kind of Home', which
10 was by Angus Skinner which again is something we're
11 familiar with. That was in 1992, if I have my dates
12 correct.

13 As he says, it was a report on the condition of
14 childcare in Scotland and had been commissioned as
15 a result of various concerns about the level of care.

16 He said in relation to this Skinner report:

17 'Our main task was to look at what children should
18 expect if they're in the care of the State. It was
19 about how we inspect children's homes, how we set
20 professional standards and how to measure these
21 standards against the expectations.'

22 He then goes on as far as his own experience is
23 concerned:

24 'My real experience was defining quality. This is
25 where they are and is where they should be. I assisted

1 writing the eight principles that should be applied to
2 all children in care. That formed a part of the Skinner
3 report.'

4 Then he goes on:

5 'I think the Skinner report was well received by the
6 Scottish Office. I think that it is still used to this
7 day to measure the quality of care for children and what
8 they have a right to expect. The framework was designed
9 to be simple, uncomplicated and comprehensive without
10 overlapping.'

11 Then he goes on. At that stage in his working life
12 he had some experience of inspecting care services and
13 what was required to measure the quality of the service.

14 He tells us in 1993, he did set up an organisation
15 called Scottish Human Services as a not-for-profit
16 company. He tells us it started to look at independent
17 inspections and held seminars to try to define the role
18 lay inspectors should have.

19 He said:

20 'We were keen that the people being inspected were
21 listened to. We wanted lay people who could look at
22 things through normal eyes and to have a different
23 perspective on what was going on.'

24 He says:

25 'At the same time, the principles and the framework

1 was being adopted by the independent inspection bodies
2 which were being formed by the Scottish Office around
3 this time.'

4 I think the independent inspectorate was a little
5 bit later, but no doubt they were moving in that
6 direction to try and no doubt improve the inspection
7 regimes.

8 He turns to the background to the Rossie Farm
9 inspection in 1993 and tells us at paragraph 19 that he
10 was approached by the Scottish Office who wanted him, as
11 he understood, to fulfil the statutory duty and carry
12 out one of the required inspections, which, he tells us,
13 would be inspections of secure units twice a year at
14 that time.

15 He said he was told that they were overdue to do
16 an inspection at Rossie, but had no staff available so
17 he was drafted in for this purpose.

18 Then he goes on to give us a bit of background to
19 these things. He says at paragraph 21:

20 'I was also told there were politics behind the
21 inspection. [The Secretary of State at the time]
22 Michael Forsyth ... had a difference of opinion with
23 Angus Skinner ...'

24 I think he was the Chief Social Work Adviser at that
25 stage possibly and certainly the head of SWSG and so

1 forth and the Inspectorate, probably the Chief Inspector
2 as well.

3 So he says he had a difference of opinion -- that's
4 the Secretary of State -- with Angus Skinner and felt
5 that there should be more secure units in Scotland:

6 'Angus was of the view that there were sufficient
7 units and that the whole system was working well.

8 'If the inspection of Rossie got a clean bill of
9 health to prove that there was no requirement for change
10 and to support his point of view.'

11 I think he understood that to perhaps be the hope,
12 if I could put it that way. He says:

13 'There was no specific message ...'

14 LADY SMITH: I think on paragraph 22 --

15 MR PEOPLES: It is not well worded --

16 LADY SMITH: -- something has gone wrong with this grammar,
17 but I think the message is that he felt that if Rossie
18 received a clean bill of health then that would be seen
19 as proving there was no need for change and it would
20 support Michael Forsyth's then point of view --

21 MR PEOPLES: Yes, basically it would support his opinion
22 that there should be no change. Yes. I think that's
23 the sense of it.

24 Then at paragraph 23 he goes on:

25 'There was no specific message given to me to come

1 up with a good report, but I was advised of the politics
2 behind the requirements for the report. I would not
3 have taken this job on if I was required to manipulate
4 the inspection or the subsequent report. I was given
5 full authority to do the report.'

6 So there's no question, I think, at that stage of
7 any pressure being applied as to how he carried out his
8 function or how he reported on his inspection.

9 He tells us at paragraph 24 that he did not have any
10 direct dealings with the Secretary of State at any time
11 on the matter.

12 He turns to a section headed 'Inspection of
13 Rossie Farm secure unit'.

14 Starting at paragraph 25, he says:

15 'Rossie Farm was a place that surprised me.
16 I thought it was meant to be a place where children were
17 sent when they had committed crimes or were particularly
18 difficult to deal with. I was unaware that children had
19 been sent there for a whole variety of reasons.'

20 He goes on at 26:

21 'The State could prevent children leaving Rossie,
22 which was unlike normal children's homes. It was
23 a mixed-sex home but predominantly boys. I suspect that
24 there were more than 20 residents but less than 50. It
25 was run by a private organisation. It was sited in the

1 middle of nowhere.

2 'I remember that they had a very good education
3 programme and they had a high rate of residents
4 receiving qualifications. There were a lot of locked
5 doors and keys, but at the same time some residents
6 would get weekend passes to go home. It wasn't
7 a prison, but it wasn't like other children's homes.

8 'I can't recall the name of the man in charge but
9 I did interview him as part of the report. I'm sure
10 that the inspection lasted about three or four days.'

11 He says that the inspection team stayed in a local
12 hotel. He says the report was submitted within a few
13 weeks of completing the inspection.

14 He then goes on to give us some information about
15 the composition of the team from paragraph 29. We can
16 read the detail for ourselves, but it was a team of four
17 that carried out this particular inspection.

18 As he explains at paragraph 33:

19 'In terms of evidence gathering, the team all had
20 different roles.'

21 One member of the team spent most of his time
22 speaking and listening to the young people who were
23 resident and, he says, another member of the team and
24 Mr Ritchie spent at least two days interviewing and
25 inspecting records. I think interviewing was probably

1 interviewing staff.

2 He said:

3 'We spent at least a day in the local hotel
4 examining the evidence gathered and applying the Skinner
5 principles to our findings.'

6 Then he says at paragraph 35:

7 'We were not asked to inspect the educational side
8 of things. I think that aspect was covered by HM
9 Inspector of Education and as such did not form part of
10 our remit.'

11 That would be the situation then, that that was the
12 responsibility of HMIE, or IS.

13 Then he tells us a bit about methodology of the
14 inspection in 1993 and tells us at paragraph 36:

15 'We had a schedule of interviewing. We spoke to all
16 the young people as a group. This took place out of the
17 hearing of the staff. We also invited them to see us in
18 a one-to-one situation if they felt that they couldn't
19 speak in the group discussion. I don't think that
20 anyone took that opportunity.'

21 He goes on:

22 'I know that [another member] gathered a lot more
23 information on his one-to-one interviews.'

24 It is not terribly clear. I think he was maybe
25 indicating that the staff had a group discussion but the

1 person who was interviewing the residents may have had
2 one to ones as well as perhaps a group discussion. The
3 point, I suppose, is they were carrying out a process of
4 interviewing not just staff, but also young people
5 separately and outwith the hearing of the staff.

6 In paragraph 37, he continues:

7 'We had previously advised the staff at Rossie by
8 letter that we were coming to conduct the inspection and
9 how we would base the framework on the eight principles
10 of the Skinner report. I went there ...'

11 I suppose he was just coming there just after
12 publication of the report, it would appear, if it's
13 1993. So it would be a relatively new report to get to
14 grips with. He says:

15 'I went there with a feeling that Rossie was doing
16 a good job. As it happened, there was a disparity
17 between what we expected to find and what we found.
18 Rossie had been described to us as the best of the
19 secure units in Scotland.

20 'We also spoke to the staff in a group discussion.
21 We looked at a number of case files. We were asking the
22 staff questions about what they thought their role was
23 and what they needed to do in their role as staff at
24 a secure unit. We were trying to understand their
25 practices and their rules and what they were trying to

1 achieve.'

2 He makes this point that neither the person who
3 interviewed the boys or the rest of the team uncovered
4 any issues with regard to abuse, which would need
5 immediate risk assessment and action.

6 He then goes on:

7 'I recall the feeling of resentment during the
8 interview with the manager of Rossie.'

9 I think 'manager' in this context is probably the
10 head of the school, rather than a manager or governor,
11 just from the context, but --

12 LADY SMITH: The way the paragraph goes on, it would fit
13 that it was somebody in that role who was raising the
14 matters that he was raising.

15 MR PEOPLES: Yes, I think it's unlikely a board member would
16 have been the person interviewed for these questions,
17 but he goes on:

18 'Basically I got the feeling that he was saying: who
19 are you and what gives you the right to be here? I did
20 ask him about a complaints log and how it was kept and
21 updated. He simply said that all the children were
22 happy there and there was no need for a complaints log.
23 This immediately rang alarm bells with me and I quickly
24 changed my attitude. These were children who had been
25 through the mill. It implied to me that children were

1 not able to complain through fear or that no one was
2 listening to them. I felt that the children were no
3 longer in a safe place.

4 'I also asked about the governance of the Board of
5 Trustees, which seemed to be non-existent. This also
6 raised concerns that there was no control or supervision
7 over the running of Rossie.

8 'We didn't speak to any family members of the
9 inmates at Rossie as this was considered to be
10 a short-term inspection.'

11 Then he goes on to a section 'Findings from the
12 inspection', paragraph 43, and I'll just read from that:

13 'It was felt by all the inspection team that some of
14 the staff had the wrong attitude to dealing with
15 children in care. There was a particular individual who
16 was very prominent during the interview session with the
17 staff. His attitude was that he had to let the children
18 know who was boss. He was a male, aged about late 30s,
19 who had the look of being ex-services. He had
20 a Dobermann dog. He was a very big man and very vocal
21 and dominant in the staff group. He was jarring.
22 Anyone who was around at that time would know who he
23 was. It should have been about keeping children safe.

24 'The part of the inspection that I remember most
25 about was the room known as the single secure

1 accommodation. The issues were about how this room was
2 used. There was already a lot of guidance about how
3 this should be done and how it was there to prevent
4 children from harming themselves. It was not to be used
5 as a means of punishment. It was clear that this room
6 was being used to punish the children.

7 'I think that I saw the single secure accommodation
8 during our visit. My recollection is that it had
9 a green door. It was a small room with nothing in it.
10 It smelled of urine. There were no toilet facilities in
11 the room. I recall that the children who spent time
12 there had to clean up their own mess.

13 'I can remember that there was a 10- or 11-year-old
14 boy put into the single secure accommodation. He had
15 thrown some food at another child and, because he
16 wouldn't apologise, he was put there until he did.
17 I think from his case notes he was there for two days.
18 This became a punishment room and all the staff and
19 children knew that. It was well documented by the staff
20 as a means of punishment and there were many examples of
21 it being used to punish the children.'

22 LADY SMITH: It sounds like what we have heard referred to
23 as 'the cell'.

24 MR PEOPLES: Yes, I think that's a room that was used both
25 for punishment and for people when they newly arrived,

1 so it was a dual-purpose room, it would appear.

2 LADY SMITH: Yes.

3 MR PEOPLES: He goes on:

4 'The last interview was with the manager of
5 Rossie Farm. I was very concerned about his attitude
6 and the fact that there were no complaints book
7 available for the children to express their complaints.
8 It became more apparent to me that we needed to get the
9 report in as soon as possible so that action could be
10 taken. There were no effective management policies in
11 place and there was little or no governance from the
12 Board of Governors.

13 'I also remember flagging up the fire risk from
14 locking children into their rooms at night. There were
15 bars on the windows and no means of escape.
16 I highlighted this to the staff but they didn't appear
17 to take any guidance. I couldn't believe that they were
18 doing this or how the fire inspections hadn't identified
19 this issue. There was a no smoking policy, but this
20 would be very hard to enforce.

21 'There was a feeling from my team and from the
22 children that some staff were harsh in their treatment
23 of the children. Rossie was not a good example of
24 looking after vulnerable children and keeping them safe.
25 The punishment of the children in the single secure

1 accommodation was a breach of the statutory guidance and
2 there was nothing in place to stop it happening.

3 'We now had major concerns. I felt we had to flag
4 these up to the government. I can recall that on
5 completing the inspection, I phoned Angus Skinner and
6 highlighted our concerns about child safety.
7 I recommended at the time that they immediately suspend
8 the current manager at Rossie.'

9 Again, I think that's the person in charge, the
10 headmaster:

11 'I think that the age range of the children was
12 between 9 and 16. They were all there for very
13 different reasons. The management structure in place to
14 look after these children was amateurish. A lot of
15 these children were there because they were at risk. It
16 should have been a place of safety. If children didn't
17 tick the boxes for other homes, Rossie would become the
18 next move for them as it was a secure unit.'

19 I think we find a pattern that frequently absconding
20 children, even in other approved schools or List D, go
21 to Rossie eventually because it's seen as secure and has
22 a secure wing if need be and also children in children's
23 homes go there if they're again persistent absconders
24 and obviously serious offenders will go if they're under
25 a certain age and so there's a variety, I think, of

1 people that would be going at that time to Rossie.

2 He then goes on, on a more positive note:

3 'There were a lot of good things going on,
4 particularly in the education field. There were
5 children there for very diverse reasons. There was one
6 child who was detained at Her Majesty's pleasure for
7 committing a murder, while there were others with
8 learning difficulties whose only crime was running away
9 from a children's home. Some of the children were
10 allowed home at weekends.'

11 Then he deals with the aftermath and the submission
12 of the report for Rossie. I'm just going to take this
13 short, but I'll pick out some of the matters that are
14 said. As he said before at paragraph 53, he recalls
15 phoning Angus Skinner and requesting a meeting with him,
16 as he felt that the team had identified problems, major
17 problems, I think, as he's put it.

18 He says at 55:

19 'I realised that the submission of my report could
20 blow up and cause major problems for the Scottish
21 Office. The Rossie unit was a real amateur set-up and
22 the manager was not up to the job. He was putting the
23 children at risk.'

24 He goes on at 56:

25 'I felt that there was a sense of urgency.'

1 On the final sentence, he says:

2 'The findings were basically (a) questionable
3 quality of care and (b) the failure of management.'

4 He says at 58 that he submitted his report and that,
5 as he put it:

6 'I don't think that the report was what they wanted
7 to hear. I attended a meeting at the Scottish Office
8 [with one of the other members of the team] ... at this
9 meeting we basically got a bit of a doing. We were told
10 that things were not quite as bad as I had reported.'

11 He thinks that Angus Skinner, along with other
12 assistants in social work, were present and if he
13 wasn't, he certainly would have become aware of, I
14 think, the meeting and what transpired.

15 At 59 he goes on that the meeting was in Edinburgh,
16 in a Scottish Office building, and he says:

17 'We argued about the findings of my report. [The
18 two team members present] suggested that the Scottish
19 Office needed to send in their own people as the
20 children were not safe. They felt that they were doing
21 the right thing and we definitely received a verbal
22 putdown. It was a robust meeting with disagreement on
23 both sides. They felt that Rossie was the best of all
24 the secure units.

25 'After our report was submitted, we received

1 correspondence to the effect that we had exceeded our
2 role and we were only sent there to do some fact
3 finding. We disputed that as we were in no doubt that
4 we were doing a statutory inspection.'

5 He goes on at 62 to say that he doesn't know if any
6 of the recommendations that were in the report were
7 implemented.

8 Going on to paragraph 63, he says:

9 'When [all of] this happened, I found it very
10 difficult to deal with. I knew that my report was being
11 rubbished.'

12 I think we have had a situation like this before, if
13 I recall, of a person exceeding their remit. I think we
14 had that situation with another reaction similar to that
15 in earlier times.

16 LADY SMITH: I think that's right, yes.

17 I'm just puzzled about the idea if somebody's only
18 sent to do fact finding, that means they can't
19 criticise.

20 MR PEOPLES: Exactly.

21 LADY SMITH: The facts may not be what the recipient hoped
22 to hear, but of themselves they may be bad news.

23 MR PEOPLES: Yes, and they can certainly express an opinion.

24 It may be an opinion that others would disagree with on
25 the same facts, but that's maybe just a matter for

1 debate. But, yes, surely their function is to find
2 facts and --

3 LADY SMITH: If you take a very simple matter that's
4 recorded in this statement, that the head or the
5 manager, as he is referred to, said there was no need
6 for a complaints book because all the children are
7 happy. That's a fact.

8 MR PEOPLES: Well, it's a fact there's no complaint book.

9 LADY SMITH: Exactly. And that the opinion of the head is
10 that it's adequate justification for not having one,
11 that in his perception all the children are happy.

12 MR PEOPLES: I suppose it's not proof that they'll be happy
13 all of the time, and it clearly leaves a gap if they
14 were to become unhappy, even if they were happy. If
15 that was the attitude, it's certainly revealing.

16 LADY SMITH: Yes, very.

17 MR PEOPLES: He goes on, that he said he found this all
18 difficult to deal with, he said:

19 'I knew my report was being rubbished but I felt
20 that the Social Work Services Inspectorate team were
21 sweeping the issues under the carpet. I felt I had
22 a duty to the children. I had to tell someone in
23 authority.'

24 He then says he obviously felt strongly enough, he
25 says:

1 'I spoke to a journalist with the Guardian newspaper
2 and made him aware. I don't think that the Guardian
3 showed any interest, as there was no obvious headline.'

4 He says he had written to the Secretary of State,
5 then Michael Forsyth. He also wrote to Donald Dewar, he
6 says some time after the 1997 election, again raising
7 the same issues:

8 'I did receive a response to one of these letters
9 which was basically a brush-off letter. I would sum up
10 my response from the people in charge as being "not just
11 now".'

12 Well, I suppose that's the political input sometimes
13 to these matters.

14 He then has a section headed, 'Expectations after
15 the inspection report', I will deal with that again
16 briefly:

17 'I thought that the Scottish Office and in
18 particular the Social Work Department would immediately
19 suspend the manager of Rossie Farm. I hoped that the
20 responses to the report would be timely and rigorous. I
21 suspect that I was naive in my thinking, but I thought
22 this would be done quickly.'

23 I think we know that the wheels of government do
24 move pretty slowly, even if they accept the need for
25 change.

1 Then he says at 67:

2 'On reflecting about the meetings I attended,
3 I realised it was a case of shooting the messenger.
4 They didn't like what they were hearing. They didn't
5 believe our report. I didn't expect them to tell me
6 that it was not an inspection of the institution but
7 a fact-finding mission. I have no idea what happened to
8 my report, as there was no requirement to publish it in
9 those days.'

10 He goes on at 68:

11 'I felt that prior to the inspection, the Scottish
12 Office felt that we would have found nothing and that
13 Rossie would get another clean bill of health. We felt
14 things that we considered serious were not being taken
15 seriously. By our silence, we were contributing to the
16 noise.'

17 Then he says it continued to trouble him, at
18 paragraph 70, over the years after he had wrote the
19 report and he regularly checked what was happening at
20 Rossie Farm from a distance.

21 He does say at 71:

22 'It's possible that there is a legitimate other side
23 to this. Unbeknown to me or the inspection team, the
24 Scottish Office may have acted on the report and,
25 without our knowledge, implemented the changes at Rossie

1 and made a difference. I knew what my remit was and to
2 me, there was no misunderstanding between what we were
3 asked to do and what we did.'

4 Just pausing there, I think we'll hear there was at
5 least some changes carried out at Rossie and
6 restructuring around that time in light of the reports,
7 or a report along these lines. It may be that unbeknown
8 to Mr Ritchie, there were some significant changes at
9 that time.

10 He says, in a section on personal impact:

11 'I am probably oversensitive to these things. It
12 caused me a lot of grief over a long period of time,
13 coming from a sheltered life, the people that I thought
14 were the good guys turned out not to be so good.'

15 Then he says at 74:

16 'I knew that if you brush something under the carpet
17 someone will come along and find it. The Scottish
18 Office personnel were professional people. There was
19 a great risk that it could come back to bite them if
20 nothing was done. I wanted to believe that something
21 would be done to make the children safe.'

22 I suppose to some extent, in this and other
23 settings, it has come back to bite them if there are
24 things to be criticised, but it has taken a considerable
25 amount of time since this inspection was conducted.

1 is that they will give evidence as a two-person panel,
2 is that right, Mr Peoples?

3 MR PEOPLES: Yes, my Lady. They are representing Rossie and
4 one is the current Chief Executive Officer and the other
5 is the Chair of the Board of Trustees and I think it's
6 convenient and sensible to have them together.

7 LADY SMITH: Let's do that. Thank you.

8 Eddie Frizzell (sworn)

9 Mary Geaney (sworn)

10 LADY SMITH: Thank you to both of you for coming along this
11 morning to help us with your evidence in relation to
12 Rossie Farm School.

13 We thought it best to take the two of you together.
14 Both of you have important roles in the running of and
15 governance of the school and it may be helpful to both
16 of you to have each other there at the same time.

17 Mr Peoples is going to guide you through the
18 choreography of what's happening here. You'll see what
19 is in the red folder. It has the statement in that's
20 been provided.

21 Did we put some other documents in the folder as
22 well, Mr Peoples?

23 MR PEOPLES: Yes, there are further hard copies to follow,
24 I think, of some of the A to D response that seems to
25 not have been produced in hard copy, but I think that's

1 being sorted out but I think we can proceed just now and
2 make a start and sort that matter out as we go along.

3 MS GEANEY: Sorry, I'm having a bit of difficulty hearing.

4 LADY SMITH: Oh, right. Are you hearing any better now?

5 MS GEANEY: Just a little bit.

6 MR PEOPLES: Is my microphone not functioning?

7 LADY SMITH: My microphone is on, Mary --

8 MS GEANEY: I'm wearing hearing aids so ...

9 LADY SMITH: Is there something we need to do to help your
10 hearing aids connect with our system that's not been
11 done? I don't know.

12 Your hearing aids should pick up our system
13 automatically.

14 MS GEANEY: I don't know.

15 MR PEOPLES: Eddie, can you hear me.

16 MR FRIZZELL: I can hear you. The acoustics are not great,
17 I have to say, but they're better down here than up
18 there.

19 My hearing is not perfect, but I don't have
20 a hearing aid but I can hear you, yes.

21 LADY SMITH: Shall we have a go, Mary, but if it is
22 a problem, I was going to stop probably in about 20/25
23 minutes or so anyway for a morning break and we can
24 check how things are going then if that's all right with
25 you?

1 MS GEANEY: Okay, thank you.

2 LADY SMITH: Very well.

3 Mr Peoples.

4 MR PEOPLES: My Lady.

5 Questions from Mr Peoples

6 MR PEOPLES: Good morning to both of you.

7 Obviously, Eddie, I've taken evidence from you

8 before in one of the earlier chapters in connection with

9 a different establishment. You're here today in

10 a different capacity.

11 I don't think, Mary, you've been to the Inquiry

12 before, other than to see it in action this week or last

13 week. I hope you don't mind me calling you Mary?

14 MS GEANEY: No, that's fine, thank you.

15 MR PEOPLES: The plan is that together I'll take you through

16 some matters that we want to cover today.

17 You have provided a very comprehensive, what we call

18 A to D response, in relation to questions we asked about

19 the organisation and various matters relating to it.

20 I will, maybe refer to that, but not necessarily in

21 the depth that it's covered by the A to D response

22 itself, but you will appreciate, like we say to

23 everyone, what you have produced is evidence, whether

24 it's referred to today or not and will be considered as

25 part of the evidence to the Inquiry.

1 Maybe I can just start, Eddie, by saying I assume
2 that nothing really has changed since we last met, in
3 terms of your background, that you're now, I think,
4 Chair of the Rossie Board of Trustees.

5 MR FRIZZELL: Yes. Nothing else has changed. So you don't
6 have to go through all that again, thank you.

7 MR PEOPLES: I'm grateful. We do have a record of it, I
8 assure you.

9 Mary, I have been given a very lengthy CV that has
10 been prepared for our benefit, and you're here today as
11 the Chief Executive Officer of Rossie?

12 MS GEANEY: Yes.

13 MR PEOPLES: You have held that position since the middle of
14 2016?

15 MS GEANEY: Yes.

16 MR PEOPLES: Before that, you were in a variety of roles,
17 having, I think, obtained degrees in -- I think you have
18 a number of degrees, is that right?

19 MS GEANEY: Yes.

20 MR PEOPLES: You have a Master of Science, I think I can see
21 from your CV, but you also have a number of specific
22 social work qualifications?

23 MS GEANEY: Yes, my first degree was in social work and then
24 I did post grad qualifications and I did a masters in
25 criminal justice policy at the London School of

1 Economics and I did a public sector MBA at Warwick
2 Business School.

3 MR PEOPLES: You have a number of memberships and I won't go
4 through all of them today. We have your CV. You also
5 tell us that you have held a number of positions over
6 the years before becoming chief executive at Rossie.

7 A number of them have been both in Ireland and in
8 England; is that right?

9 MS GEANEY: Yes, I worked in the Republic of Ireland and
10 I also worked in England. I worked at local authority
11 level and reported right up to ministers, both in the
12 Republic of Ireland and England and obviously
13 I'm working very closely with the Scottish Government
14 and ministers here in Scotland.

15 MR PEOPLES: I think, if I understand correctly from your
16 CV, your area of interest and expertise is in
17 essentially youth justice and people who --

18 MS GEANEY: It's in youth justice and the change agenda
19 around youth justice and that would also link in with
20 young people who are in the care system and young people
21 who are in youth custody, but also the front end of the
22 youth justice system in terms of community, prevention
23 and diversion schemes.

24 MR PEOPLES: Mary, the stenographer will have to take what
25 you say down and obviously you are speaking quite

1 quickly, so if you're maybe just a little slower that
2 would be helpful. It's not a criticism, it is just that
3 we obviously want to capture everything you say.

4 So it's youth justice and, of course, we know that
5 Rossie Secure Accommodation Services accommodates people
6 who have been involved in both the criminal justice
7 system and also the children's hearing system; is that
8 correct?

9 MS GEANEY: Yes.

10 MR PEOPLES: Some of the people who are in the secure unit
11 are not there because they've committed any offences,
12 it's because they might need some form of care and
13 protection, is that right?

14 MS GEANEY: Yes. I would argue that all of the young people
15 placed with us need care and protection. They come in
16 for different reasons and sometimes they'll come through
17 the Children's Hearing Panels and sometimes through the
18 court system, but all of the children in our care need
19 care and protection and that's what we provide. We
20 don't differentiate for the reasons that they're placed
21 with us, if they're remanded, for example, or if they're
22 sentenced.

23 MR PEOPLES: I think that's in essence following the general
24 approach of the children's hearing system, to deal with
25 all children regardless of the route they came to this

1 system in the same manner. That that means that people
2 who have been convicted, sometimes of serious offences,
3 can end up in the same establishment as people who maybe
4 are there because they were absconding from school.
5 That's certainly been the history of matters, is that
6 right?

7 MS GEANEY: Yes.

8 MR PEOPLES: Because the reason I ask is I think you'll
9 probably have seen from some of the statements that have
10 been given to us, that some people who ended up in
11 Rossie, certainly historically, were somewhat surprised
12 by the mix in Rossie and, indeed, I think we heard
13 evidence last week from one, 'Yasmin', who, I think,
14 told us that she was in a unit where she was in a room
15 between someone who had had a conviction for rape,
16 I think, and one for murder.

17 You saw her surprise and her concern that she was in
18 that environment. She was also just, I think, a girl on
19 her own at that time in the unit. What do you say to
20 that? I know the philosophy, but what do you say to her
21 situation and her perspective?

22 MS GEANEY: What I would say to you is that the structure of
23 Rossie, we've got three secure houses and in each of
24 those houses you've got six-bedded bedrooms with an en
25 suite. We have boys and girls in each of the houses,

1 because that would represent normal family life.

2 In terms of the reason why young people are placed
3 in each of the houses, that would not be discussed with
4 other children. That's private and confidential to that
5 child. Obviously in terms of the numbers, the numbers
6 are a lot lower than would have been in Rossie
7 historically. So there's far greater supervision of the
8 children in our care.

9 My concern about separating young people out, if
10 they've come through the welfare route or through the
11 criminal justice route, is that you could end up with
12 a two-tier system and you could have a two-tier care
13 system and that would cause me a lot of concern. So we
14 deal with all of the young people in the same way, based
15 on individual assessments, based on individual needs and
16 individual risks.

17 Would a young girl -- would one young girl be on her
18 own in a house with, say, five young boys? No, at this
19 point of time we haven't got that mix. But there are
20 boys and girls in each of the houses in Rossie at this
21 point in time.

22 MR PEOPLES: I'm taking that, if at all possible, if you're
23 getting a mix, you wouldn't really want the mix to be
24 five males and one female. That wouldn't be really
25 a satisfactory arrangement as far as you're concerned?

1 MS GEANEY: It isn't an arrangement we'd put in place and
2 there are very strict criteria that are laid down by the
3 Care Inspectorate in terms of when we take young people
4 in and also what they call the matching criteria. So
5 the staff will pay great attention to that.

6 We will also move some young people between the
7 houses, say, for example, if there was any possibility
8 that bullying might be occurring or taking place and
9 there would be a lot of vigilance around, you know, boys
10 and girls together, because that's a child protection
11 issue.

12 MR PEOPLES: At the end of the day, the decision of where
13 a boy or a girl that goes to the secure unit goes is
14 down to Rossie, albeit they may consult and review
15 matters and may move them about, if necessary. But
16 Rossie will say which unit --

17 MS GEANEY: Which of the houses we'll place the child in,
18 yes. We make that decision, that's an operational
19 decision. But we are also -- and I think this is
20 an important point for the Inquiry -- we are also
21 inspected against those decisions when the Care
22 Inspectorate come in to inspect us. And they go through
23 each of the files on each of the young people and if
24 they think it's not appropriate, they will query us on
25 those decisions.

1 MR PEOPLES: Just on a general introduction here, you
2 obviously now are in a new situation that, as from
3 September, young people under 18 who have committed
4 offences will not be sent to a young offenders
5 institution and will be, if appropriate, sent to secure
6 accommodation not run by the SPS and I suspect you
7 already have had to take people from the prison system,
8 is that right, or is it about to happen?

9 MS GEANEY: Well, I suppose just to maybe -- if I may
10 correct that a little bit. Obviously we've been working
11 very closely with the Scottish Government and with the
12 Scottish prison system, in Polmont as well, over the
13 last two-and-a-half years, and when imprisonment to
14 Polmont, when that ceased, that will have been at the
15 beginning of September, we were ready to take -- there
16 were five young people in Polmont and we were ready to
17 receive, you know, one or two young people.

18 However, the decision was made that they'd be placed
19 in the secure centres in the central belt. That was
20 a decision made by the local authority, because the
21 young people came from that area, but we were ready to
22 receive young people from Polmont.

23 So as a result of the change in legislation, any
24 young people who are now remanded to us or sentenced,
25 they will not have gone through the Polmont, ie the

1 prison system, so they won't have experienced a prison
2 regime and that's just a point of clarity I want to
3 make.

4 MR PEOPLES: But you have every expectation that in due
5 course you will take young people between the ages of 16
6 and 18 at Rossie?

7 MS GEANEY: Well, we currently have -- we have always taken
8 young people between the age of 16 and 18. We're
9 registered with the Care Inspectorate to take young
10 people from the age of 10 to 18. So we've always taken
11 older boys. The average age would have been about 15 --
12 and girls. But we currently have older boys with us at
13 the moment and we've got a young lad, he'll be 18 in
14 ██████, and we have currently got some young people who
15 are remanded, as recently just as last Friday we've got
16 somebody.

17 MR PEOPLES: Am I right in thinking that so far as this
18 legislation is concerned, insofar as it means that young
19 people are taken out of the prison environment and the
20 young offenders' environment, that although you've been
21 in dialogue and discussions, are you saying that taking
22 on this new group is not going to present any new
23 challenges? You have had to deal with people of that
24 age and people who have committed offences of a similar
25 kind in the past; is that what you're saying?

1 MS GEANEY: I'm saying that we have experience of taking
2 young people in the past, both who have been remanded
3 and who have been sentenced for serious matters, and
4 I'm not going to fudge that, but part of the preparation
5 we've been going through over the last two years is
6 taking a review of all elements, so if I speak about the
7 physical security, for example, you know, we have looked
8 at our camera system, our CCTV system. We've upgraded
9 the cameras. We've increased the number of cameras
10 around the campus.

11 We've also invested -- significantly the board has
12 invested significantly in a new security system. That's
13 both a phone system and also what we call a fob system,
14 so that's a safeguarding mechanism for the young people
15 and for the staff. So that at any time we can locate
16 a staff member as they move around the building.

17 But we have also had to look at our services and
18 there is a review of secure care, it's called
19 Reimagining Secure Care, and we've been actively
20 involved in that as well. One of the initial findings
21 there was that for older young people, we needed to
22 ensure that we had interventions related to substance
23 misuse. So our specialist intervention team, they've
24 developed an appropriate programme with regard to that.

25 MR PEOPLES: Okay, now, I'm going to move about a little bit

1 just now, just to get a general feel for where we are
2 and where Rossie was in the past. Can I just maybe go
3 back in time at this stage, just in general terms.

4 Rossie has prepared, for the benefit of the Inquiry,
5 a lengthy and comprehensive review based on, I think,
6 a records-based review essentially?

7 MS GEANEY: Yes.

8 MR PEOPLES: Certainly in relation to the past. Obviously
9 it tells us quite a bit about the present and how far
10 the present is different from the past.

11 Now, just at this stage, obviously, I think, you
12 have listened to some of the evidence given last week by
13 people who were in Rossie, some read in, some live
14 evidence, and I think you'll have the benefit of seeing
15 other statements provided to the Inquiry by people who
16 had time in Rossie.

17 Can I just try and understand, because the review,
18 if I stick to the review, am I right in thinking that on
19 the basis of the records that were reviewed, there's
20 little evidence of abuse or alleged abuse of children by
21 staff, is that ...

22 MS GEANEY: Sorry, could you repeat that, Jim?

23 MR PEOPLES: Am I right in thinking that on the basis of the
24 review, your conclusion was that you didn't find a lot
25 of documentary evidence of either abuse or alleged abuse

1 of children by members of staff, it was more in the
2 nature of abuse by other young people, for example?

3 MS GEANEY: From the documentary evidence that we have and
4 that we looked through and that my senior staff will
5 have looked through for me, because I was in post
6 six months at that time, there wasn't a lot of evidence
7 that we could find or that was shown to me in terms of
8 staff abusing children.

9 Obviously, there are a number of incidents which we
10 have evidenced in terms of staff being dismissed or
11 staff, you know, subsequently being charged, but we
12 couldn't find the outcome of what had happened in the
13 court to those staff, but there were staff who were
14 dismissed for their physical abuse of children.

15 MR PEOPLES: Yes. I think just to get an idea of numbers at
16 this stage, you estimated, based on looking at records,
17 or your team that did the review, that there was over
18 5,000 children or thereabouts admitted to Rossie between
19 1930 and 2014?

20 MS GEANEY: Yes.

21 MR PEOPLES: Some in what became a secure wing, the
22 MacDonald wing, but some in what was called the training
23 school historically or the open unit?

24 MS GEANEY: Yes.

25 MR PEOPLES: That's the sort of order of numbers we're

1 talking about?

2 MS GEANEY: Yes.

3 MR PEOPLES: At the time that this document was prepared

4 based on this review, you didn't have sight of any

5 applicant evidence, evidence that was given to this

6 Inquiry by people who were at Rossie, is that correct?

7 MS GEANEY: Yes.

8 MR PEOPLES: Of course, now you have had the benefit of

9 seeing that evidence, written statements, statements

10 read in, and, indeed, oral evidence given by people who

11 were there in various decades in Rossie, what is your

12 response in general terms to that evidence? Is it

13 accepted that children in Rossie in the past were

14 abused?

15 MS GEANEY: I have no reason to disbelieve any of the

16 witnesses who spoke last week. I found their

17 testimonies horrendous. Erm, I found some of the

18 treatment inhumane.

19 MR PEOPLES: Is it accepted that, I think as brought out by

20 some of that evidence, that there were serious systemic

21 failings in the past?

22 MS GEANEY: I would accept that from the evidence I've heard

23 last week that there were failings in the past and that

24 children were abused, yes.

25 MR PEOPLES: Some of them were quite major failings though,

1 were they not?

2 MS GEANEY: I would say that hearing the witnesses describe
3 some of the physical abuse and beatings that were
4 inflicted on them when they were meant to be in Rossie
5 for care and protection, there were significant failings
6 in my view, yes.

7 MR PEOPLES: If I just really run through in broad terms
8 what I might call the evolution of Rossie, before I get
9 to the modern Rossie, particularly the period that
10 you've been chief executive, post-2016, can I just put
11 some things to you, based on the evidence we've received
12 and heard and been read in and I think you'll have had
13 sight of or at least be aware of.

14 I think it's accepted by Rossie, and, indeed, it's
15 incorporated in the A to D response, that for much of
16 the Inquiry's timeframe, essentially 1930 through to
17 2014, if we take it in broad terms, it's accepted,
18 I think, that in the case of Rossie, and this wasn't
19 unique to Rossie by any means, that there were many
20 staff who were unqualified, untrained or not adequately
21 trained and not properly supervised and supported, is
22 that accepted?

23 MS GEANEY: I think the expectations around staff
24 qualifications and training historically would be far
25 less than what our expectations are now. So if

1 I compare the qualifications of staff and the profile of
2 staff compared with today, then, yes, I would say they
3 were not adequately trained to work with children.

4 But I'm also aware of the policy context at the
5 time, in terms of what a training school would have
6 meant and that would not have the same meaning as it has
7 today.

8 MR PEOPLES: I take your point that training policy and the
9 sort of training that might have been given might differ
10 from the sort of training that would be given today,
11 particularly in relation to child protection and
12 safeguarding, but I'm putting the straight fact that
13 many staff simply were unqualified full stop and they
14 didn't get training, they didn't get supervision, they
15 didn't get support, and they will have just got on with
16 it and learned on the job and sometimes they learned on
17 the job things that they shouldn't have learned, is that
18 accepted?

19 MS GEANEY: I'm not being difficult. I'm just not sure how
20 to answer that question properly. I think if -- based
21 on the evidence that I've seen and based on the witness
22 statements last week, I would concur with what you're
23 saying, that staff were not trained and I suppose the
24 whole recruitment process of staff to work with young
25 people, it was sometimes by people who knew each other

1 and obviously they've come from a military background as
2 well, so there will have been a different ethos and
3 a different culture.

4 MR PEOPLES: I fully accept -- and no doubt you'll tell us
5 -- that it's very different now, but I think just apart
6 from the applicant evidence that you have had sight of
7 since preparing the A to D, I think your own records
8 will show that a lot of people lacked training and
9 indeed many over the years said, 'Well, I'd like some
10 training'. Sometimes they got it, sometimes they
11 didn't. We know that the State and the legislation
12 didn't require them to be trained, but the fact is they
13 weren't trained --

14 MS GEANEY: Yes.

15 MR PEOPLES: -- and they were doing a job which, on the face
16 of it, was one that cried out for specialist training,
17 if you're dealing with vulnerable people with complex
18 needs and very troubled backgrounds, you would accept
19 that, wouldn't you?

20 MS GEANEY: I will accept that staff who work with young
21 people from very troubled and traumatic backgrounds need
22 to be specially qualified and need special skills and
23 need to understand children.

24 MR PEOPLES: Don't get me wrong, I'm not suggesting that all
25 staff who were untrained and unqualified did a bad job,

1 but the fact is you wouldn't normally send people
2 untrained and unqualified to do a job that requires
3 education and qualification and training, would you?
4 MS GEANEY: No, no.
5 MR PEOPLES: It's just a fairly self-evident proposition?
6 MS GEANEY: Yes.
7 MR PEOPLES: You would say, I take it, that part of the
8 problem isn't just that you take people on that are not
9 trained, it's because the State doesn't require you to
10 take on trained people, because as soon as they did in
11 2001, you had to take steps to employ people and ensure
12 that they had the training. So the means was there, was
13 it not?
14 MS GEANEY: I suppose, if I'm understanding your question
15 correctly, the staff who will have been recruited at
16 that time when the abuse, the physical abuse, occurred,
17 they were not trained sufficiently to deal with the
18 young people in their care. They needed a different
19 skill set and a different understanding of children in
20 need and children who were vulnerable.
21 MR PEOPLES: It wouldn't have taken much imagination for the
22 State to pass legislation requiring people carrying out
23 this type of work to possess qualifications, but the
24 fact is that didn't happen until 2001 and the
25 establishment of the independent inspectorate and the

1 workforce regulator, the SSSC, is that right?

2 MS GEANEY: Yes.

3 MR PEOPLES: You're not aware of anything --

4 MS GEANEY: No.

5 MR PEOPLES: -- that really had any statutory requirement?

6 MS GEANEY: No, I'm not aware of anything, no.

7 MR PEOPLES: So in a sense, if we're trying to find out --

8 if the lack of training and lack of qualification was

9 part of the problem, including, for example, just

10 an inability to manage difficult behaviour or to carry

11 out a restraint properly, then to that extent we can at

12 least in part say that there's a responsibility that

13 lies beyond the establishment?

14 MS GEANEY: There is a responsibility that lies beyond the

15 establishment, yes, at that time.

16 MR PEOPLES: Just, again, going back to the past, do you

17 accept that children's specific needs were not properly

18 assessed by Rossie in the past? This is not a criticism

19 just of Rossie, but just generally --

20 MS GEANEY: Yes.

21 MR PEOPLES: -- needs were not properly assessed

22 historically?

23 MS GEANEY: Needs were not properly assessed at that time

24 and when children came into care, no, they were not.

25 MR PEOPLES: Also that even if they were thought to need

1 a certain type of residential care, they didn't always
2 get the care that was required to meet those needs.
3 They were sometimes put into places that were
4 inappropriate for their needs and, indeed, some people
5 in Rossie were placed there who perhaps should have been
6 in different places?

7 MS GEANEY: Yes.

8 MR PEOPLES: Do you accept that?

9 MS GEANEY: I accept that.

10 MR PEOPLES: Again, that maybe was down to a lack of
11 resources and provision?

12 MS GEANEY: I don't know the reason it happened, but I would
13 accept that young people were placed inappropriately in
14 Rossie and did not get the care that they required for
15 multiple reasons.

16 MR PEOPLES: Would you also accept that safeguarding
17 arrangements historically were inadequate and with the
18 consequence that young people were put at risk of harm
19 of abuse both within and, indeed, outside of Rossie,
20 safeguarding arrangements?

21 MS GEANEY: I would definitely accept that safeguarding
22 arrangements were not to the standard that was required
23 at that time and that as a result, you know, children
24 may not have been believed, either when they ran away
25 and went to the police or spoke with their parents.

1 I heard that very clearly from the evidence provided
2 last week. So safeguarding arrangements were not
3 robust.

4 MR PEOPLES: I think that you'll tell us, and we'll find
5 this out in due course, but I think that certainly the
6 impression from the evidence that we've heard is that
7 while children were in care of Rossie and, indeed, in
8 the care of the State, that when they were on leave,
9 they weren't really safeguarded at all. They were just
10 left to their own devices. There wasn't any risk
11 assessment. There wasn't any general safeguarding
12 arrangement for the two days they were on leave, is that
13 not the case? Historically anyway?

14 MS GEANEY: I suppose my response to that is that, you know,
15 I'm looking at this through obviously a different lens,
16 a time lens, to what will have been in place then and
17 what would have been accepted then and seen as
18 appropriate then. But if you're asking me to apply the
19 standards now, would young people leave Rossie without
20 a risk assessment, without support, without contact?
21 Absolutely not.

22 MR PEOPLES: We all know about -- in fact, we heard some
23 evidence last week of child sexual exploitation in the
24 community when they were either on home leave, sometimes
25 when they ran away. But in the past, it would appear,

1 there wasn't very much concern given to what happened to
2 those young people who were still in care during these
3 occasions. That seems to be the general picture.

4 MS GEANEY: That's what was presented last week from
5 different witnesses and I've no reason to disbelieve
6 that.

7 MR PEOPLES: I think nowadays there's more emphasis in not
8 just keeping people safe within an institutional setting
9 or establishment setting, but also to make sure they're
10 safe when they're outside of it, whether on leave or
11 otherwise, is that not the case?

12 MS GEANEY: Absolutely and we have a responsibility to
13 children when they're, you know, maybe like over
14 Christmas when they were visiting their families and in
15 all sorts of different ways, you know, even in terms of
16 medication, if some of our young people are taking
17 medication, you know, my staff make sure that they've
18 got the right medication when they go home and so that
19 they can take that.

20 So absolutely we have a responsibility and a lot of
21 work is done with the young people around child sexual
22 exploitation, since you refer to that specifically.

23 So, yes, we have a responsibility --

24 MR PEOPLES: We heard a bit about it last week from
25 'Murphy', for example. I know some of it was related to

1 other places, but I think the general problem was the
2 same, that they were just -- it wasn't 24/7 care, it was
3 24/5 care?

4 MS GEANEY: Yes.

5 LADY SMITH: Mary, something that struck me separately from
6 the risk of sexual exploitation when away, Rossie seemed
7 to have gone as far as realising children might come
8 back with drugs on their person somewhere.

9 MS GEANEY: Sorry, you have --

10 LADY SMITH: With drugs. Rossie seemed to appreciate
11 children might return after a home leave carrying drugs.

12 MS GEANEY: Right.

13 LADY SMITH: We heard, for example, about why they were
14 strip searched, as it was referred to, because of drugs.
15 But what I didn't hear, if drugs were found, was
16 evidence of any concern to find out what had been going
17 on in that life they were living away in that two days
18 that enabled them to get access to drugs that they
19 shouldn't be bringing back into the home. The concern
20 seemed to stop at the point that there was a risk that
21 they might be bringing drugs into Rossie, and that
22 wasn't a good thing for Rossie generally, but not
23 saying: just a minute, what's been happening to this
24 young person in their absence?

25 MS GEANEY: Are you asking me about current day practice?

1 LADY SMITH: No, no. Do you recognise that that was quite
2 striking, apparently, at that time?

3 MS GEANEY: I would say that that is a form of neglect if
4 young people go home and have access to drugs and when
5 they come back and that's known and nothing is done
6 about it or, you know, they're not questioned as to
7 where they got it, the drugs from, or in terms of if,
8 you know, they need any kind of detox support, because
9 that wouldn't happen now at this point in time.

10 LADY SMITH: The concern shouldn't be that Rossie has got
11 a young person on its hands that's breaching the rules
12 and needs to be stopped, that may be a part of it, but
13 moreover: how is this child being cared for when not
14 within our environment?

15 MS GEANEY: That would be a key focus now and obviously in
16 terms of risk assessments, if we were aware that a young
17 person would have access to drugs, that would inform the
18 decision as to whether they would leave Rossie, you
19 know, for a weekend or whatever, for community access as
20 we call it. That's the language we use now. But that
21 would be a key focus for us now.

22 I just want to make sure this is recorded, I don't
23 recognise the term 'strip searching'. That's never been
24 in place since I've taken up post and I know one of the
25 things -- we were the first secure centre, in Rossie, to

1 purchase an airport scanner so that was a business
2 proposal I took to the board and the board, you know,
3 invested in that. So we were the first secure service
4 and that was all about, you know, being able to scan
5 young people as in the airport, but protecting --
6 respecting their dignity as well.

7 LADY SMITH: Good.

8 MS GEANEY: I just would like that recorded, that strip
9 searching is not something I'm familiar with and it most
10 certainly is not a practice that's happening in Rossie
11 since I've been the CEO.

12 LADY SMITH: Thank you, Mary.

13 Mr Peoples, we'll stop for the morning break just
14 now and I'll sit again in about 15 minutes.

15 Thank you very much.

16 (11.45 pm)

17 (A short break)

18 (12.01 pm)

19 LADY SMITH: Mary, Eddie, welcome back. Are you both ready
20 for us to carry on?

21 MS GEANEY: Yes.

22 LADY SMITH: Thank you.

23 Mr Peoples.

24 MR PEOPLES: Now, Mary, Eddie, I was kind of running through
25 the evolution of Rossie and I'm still sticking with the

1 past, if I may, just to try and deal with that at this
2 stage.

3 I will come to what I call the modern Rossie in due
4 course, so don't worry, I'm not going to forget about
5 that.

6 We had discussed various things that in the past,
7 about qualifications and assessments and safeguarding
8 arrangements, but there's another matter that I think
9 was perhaps a contributor to conditions where abuse
10 could occur, is that for much of the relevant timeframe,
11 I think Rossie, perhaps like other places, similar
12 places, did not have enough staff.

13 The impression I get from reading the minutes of
14 Rossie over time is that staffing was a big issue for
15 the governors. They were always being told: well, we
16 have got a lot of sickness absence for a start. We
17 probably need more staff but the Scottish Government or
18 Social Work Services Group are not always giving us the
19 money we need and they don't always think that we need
20 as many staff as we think we need.

21 That seems to run through as a theme, that staffing
22 was a constant issue at Rossie, the problems. Not just
23 having unqualified staff but not having enough
24 staff/pupil ratio and enough care staff and so forth.
25 Would you accept that for much of the time there wasn't

1 enough staff. I know you say now you think you do have
2 enough staff, I think, although maybe you can never get
3 enough?

4 MS GEANEY: I suppose, you know, the evidence would suggest
5 that the staffing levels with the number of young people
6 who were placed in Rossie, that it wasn't adequate,
7 definitely by today's standards and to, you know,
8 provide support, supervision, care, just watchfulness,
9 if I may use that term, because with young people, your
10 senses have to be alert all the time. There's no
11 downtime with our young people.

12 So the evidence would suggest that to, you know,
13 deal with the large number of children who were in
14 Rossie at that time, that more staff would have been
15 required, particularly by today's standards and forgive
16 me, I keep on coming back to that.

17 MR PEOPLES: I know, but we mustn't be misled by saying just
18 by today's standards, because I think we could find, and
19 I am not going to take you to all of them, but you can
20 find headmasters' reports to the board saying: 'I need
21 more staff and we should try and get', for example,
22 'Social Work Services Group to approve more staff',
23 because they were the paymasters.

24 MS GEANEY: That's right.

25 MR PEOPLES: If they didn't approve more staff, Rossie

1 didn't have the wherewithal to employ more staff and
2 they just had to do their best and sometimes they even
3 had teaching staff doing extraneous duties as care staff
4 at weekends and things like that, just to try and deal
5 with things as best they could.

6 Is that not a situation that is recognised, I think,
7 in the response?

8 MS GEANEY: Yes, in terms of the documents that we went
9 through, yes, the headmaster will have been looking for
10 additional staff, yes.

11 MR PEOPLES: He was making that point because he said he
12 needed more staff to give children proper care?

13 MS GEANEY: Yes.

14 MR PEOPLES: I mean, that was his position?

15 MS GEANEY: Yes.

16 MR PEOPLES: I say he, any of the headmasters who were
17 making that point?

18 MS GEANEY: Yes, that more staff were necessary for the care
19 of the young people, yes.

20 MR PEOPLES: Unfortunately, in the times when a List D
21 school or an approved school were largely controlled
22 financially by central government and central
23 government's purse strings, it wasn't open to places
24 like Rossie just to say: well, if they're not going to
25 pay for it, we will. Because they didn't have that sort

1 of money?

2 MS GEANEY: Rossie wouldn't have had that money.

3 Eddie, I don't know, do you want to come in and make

4 any comment on that?

5 MR FRIZZELL: I mean historically, I don't know what the

6 funding model was, but I infer that once we had

7 approved schools in the thirties and then List D

8 schools, there was certainly central government funding

9 of List D schools until the 1980s, I think.

10 MR PEOPLES: 1986 or thereabouts.

11 MR FRIZZELL: Yes.

12 MR PEOPLES: If I can help you, Eddie, we know that the

13 approved school system and List D system was centrally

14 funded in part, 50 per cent, and the other 50 per cent

15 was made up by -- if it was local authority placements

16 ... not necessarily secure, because secure was funded

17 I think, possibly wholly by the central government, but

18 List D schools in general and approved schools got

19 a grant each year of 50 per cent of their expenditure

20 and the rest came from income from placements, from

21 local authorities. That was the broad funding model, is

22 that the case? I think that's the case.

23 MS GEANEY: Yes.

24 MR FRIZZELL: The model now is it's income from placements

25 from local authorities, but I mean anything that is

1 subject to central government funding will always
2 struggle to get the money it reckons it needs, whatever
3 kind of institution it is.

4 And if you're not at the top of the pecking order,
5 which I would suggest probably establishments like
6 Rossie and so on back then weren't, and probably still
7 aren't, to be candid, if you're not up at the top of the
8 pecking order then you probably are always going to be
9 fighting for every penny.

10 Nowadays, there's still an issue around it, because
11 the Government will be worried about what local
12 government can afford to pay by way of placements and
13 that will colour their view of how much they will allow
14 us to charge.

15 I mean, I sound very weary about this, but having
16 worked in government, that is just the way it is and
17 I don't know any organisation in receipt of government
18 money that ever says it's got enough.

19 MR PEOPLES: We can't downplay the importance of funding,
20 because if in the past, you didn't have money to employ
21 enough staff, if you didn't have enough money to employ
22 qualified staff, and make it an attractive place to
23 work, then you're going to run into problems and if the
24 untrained staff end up inappropriately restraining
25 someone or just losing control or physically assaulting

1 them in the heat of the moment, then you can perhaps
2 point the finger at the people that don't provide the
3 resources to enable the service to be operated in
4 a proper way.

5 You are telling me that there's a danger at times,
6 even today, that if the resources aren't there, the care
7 standards will slip and children might be at risk?

8 MR FRIZZELL: As a general hypothesis, yes, I agree with
9 that. But one should not necessarily assume
10 difficulties over the attitude of people which
11 influences their behaviour and how they deal with young
12 people, should not all be ascribed to a lack of
13 resource. There's a cultural thing that comes into
14 that.

15 As far as the training and everything is concerned,
16 that is a relatively recent invention. You yourself
17 mentioned 2001, the registration with the Social
18 Services Council, that staggered along for quite a while
19 before that could be fully implemented. I remember
20 that.

21 The 'disqualified from working with children' list,
22 relatively recent, I know 25 years ago is quite a long
23 time, but it is relatively recent. So all -- that
24 wasn't around then. I just don't see that historically
25 there would be the societal or political pressure for

1 any of this to change really, because it wouldn't be top
2 of any political risk to say: well, let's start getting
3 highly qualified people into these reformatories, where
4 these young people need sorted out and need a bit of
5 discipline. That was very much the pertaining culture
6 until worryingly recently.

7 MR PEOPLES: I'm not disagreeing with what you're saying,
8 but, of course, that's no consolation to the people who
9 have come to this Inquiry. They want some answers as to
10 why they were not protected, why they were abused, why
11 they were ill-treated, why they were subject to certain
12 types of regime and I think we're here to try and give
13 them some answers and I think you're giving them as
14 well.

15 You're saying that there was a state of affairs
16 where they wouldn't necessarily get the best care, they
17 might get poor care, they might get abusive care,
18 because, for a variety of reasons, it's not the sole
19 reason, money, but resources are a big issue in
20 specialist care and if you don't put in the resources,
21 you don't necessarily get people getting the best
22 service and sometimes they get, I think it's
23 euphemistically called a suboptimal service, but
24 sometimes it can be a lot worse than that for them.

25 I think that's what people who come here perceived

1 and experienced and they kind of want to know, 'Well,
2 why did that happen? We were sent to places of safety.
3 But they weren't places of safety. They were the exact
4 opposite, for us'.

5 LADY SMITH: Could I just interject this at this stage.

6 Mary, I'm picking up, particularly from you,
7 a concern that I might judge what was happening by
8 reference to the standards of today. That's not what
9 we're doing here.

10 We are very interested to try and work out how it
11 was that children ended up being either themselves
12 abused or being in residential care in an abusive place.
13 It may well have been that what was happening accorded,
14 in some respects, with the standards of the day. If
15 that is so, I'm interested. How was it that the
16 standards of the day hadn't been elevated?

17 It's not a fault-finding exercise that I'm doing
18 here, so can you be reassured by that please?

19 MS GEANEY: No, no, thank you, I appreciate that. And
20 obviously, you know, in terms of looking after children,
21 protecting children, you do need the right staff and you
22 do need the right skill set. You do need the right
23 competency. You need the right confidence. You need
24 staff to whistleblow if things aren't going well, if
25 things are going badly. But you need, you know, a basic

1 minimum of staff at all times, be it on a shift or
2 whatever. And if you have a large number of children,
3 as were in Rossie at that time, should there have been
4 more staff? Yes, there should have been more staff,
5 yes.

6 LADY SMITH: And more of the right staff?

7 MS GEANEY: Absolutely more of the right staff from what
8 I've heard in terms of the behaviours and the attitudes
9 and the way some of those staff treated some of the
10 witnesses I heard speak last week.

11 LADY SMITH: And working at establishing and maintaining the
12 right culture?

13 MS GEANEY: Yes.

14 LADY SMITH: Yes.

15 Mr Peoples.

16 MR PEOPLES: Mary, one of the reasons this Inquiry was
17 campaigning for for many years, as we discovered in an
18 earlier case study, was the question: why was this
19 allowed to happen? And people didn't understand,
20 because they only had the experience itself and it was
21 often a bad experience and they're kind of wanting
22 an explanation. They may not like what they hear. They
23 probably won't, but we are trying our best to get
24 an understanding of the factors that may have created
25 the conditions where these experiences occurred. They

1 weren't necessarily the direct cause of them, but if you
2 are in the wrong environment, bad things can happen to
3 you.

4 If you're with people that are not qualified and
5 don't understand why you behave in a certain way, bad
6 things can happen to you and that's, I think, what we're
7 trying to get an understanding of, that perhaps the
8 staff themselves in those days didn't understand.

9 MS GEANEY: I would say that all behaviour and all forms of
10 behaviour, and that includes running away, that includes
11 violence, that's a way of communicating and if young
12 people are behaving in that way, it might also, you
13 know, reflect the trauma they've experienced or the
14 adverse childhood experiences that they've had in their
15 young lives.

16 So that's the way I see behaviour and that's the way
17 my staff currently would respond to behaviour by young
18 people in Rossie today. I appreciate it was not seen in
19 that way historically. I also think there's an element
20 of what I call 'groupthink' to it, so if you've got, you
21 know, a group of staff working as a team, they'll want
22 to support each other and sometimes people can explain
23 things away.

24 MR PEOPLES: Can I just also, just when you have mentioned
25 about how our values and standards have maybe changed

1 over time, I would make this point about it is sometimes
2 said, for example, in your response that as regards
3 corporal punishment, of which we do hear evidence about
4 how it was administered, that that was lawful and,
5 indeed, permitted by the regulations.

6 That is true, but what the regulations didn't permit
7 was excessive corporal punishment or corporal punishment
8 on the bare backside or corporal punishment administered
9 with excessive force and things of that nature. And
10 that's what we are told. We're not told that it was
11 just the fact that the belt could be used. That is
12 true, but I think what we're hearing is something that
13 within what appeared to be a permitted form of
14 punishment, the people who had that power were abusing
15 that power by using it in an unintended way.

16 You have heard plenty of evidence about that last
17 week, I think, about how people were taken to SNR
18 SNR room, bent over the table wearing shorts or
19 bare backside and got six or more of the best, sometimes
20 called 'jump-ups' I think, and how they took a run at
21 it, things of that nature. I think that's a point we
22 have to keep in mind, even if there was a permitted
23 power to use corporal punishment.

24 The other thing I would say is that so far as
25 society is concerned, whatever parents did behind closed

1 doors to some of these children, and it was dreadful in
2 some cases and got them to care, that the law was then
3 that it was reasonable chastisement. It wasn't any more
4 than that.

5 So again, it's a bit like corporal punishment. The
6 general position was reasonable chastisement. It wasn't
7 a right to assault. Again, although we don't allow this
8 now, you have to again put the experiences in that
9 context.

10 It's not just a case of saying: our standards now
11 are different to then. Because I think some of the
12 standards were at least maybe more acceptable. It's
13 just that the people who applied corporal punishment,
14 didn't necessarily adhere to those rules or principles
15 or regulations. Do you follow and accept that point?

16 MS GEANEY: I think that -- yes, I do, and I think that
17 there was excessive force used on occasions. I have no
18 reason, as I say, to disbelieve the witnesses I heard
19 speaking and describing the experiences that they had
20 last week.

21 And I know one of the things that I found
22 particularly difficult, and I thought: why am I finding
23 this so difficult? Was that, you know, our current
24 young people -- and I've said this to Eddie -- our
25 current young people, they've had very traumatic

1 experiences in their lives when they come to us, but at
2 least they have a future ahead of them, they've got
3 hope. But to hear some of the former residents, they've
4 been carrying this for many years and the impact of
5 their experiences and, say, the corporal punishment, the
6 excessive corporal punishment, it's still with them and
7 these are adult men and women in the latter stages of
8 their life and that's horrendous to have to listen to
9 last week. I found that really difficult, and rightly
10 so.

11 MR PEOPLES: Yes. Well, but also everyone -- we get one
12 life and they didn't get much of a life, certainly as
13 a child and often as an adult, because of the
14 consequences of what they experienced. Not just in care
15 but in many cases before care, and that's what we're
16 dealing with and --

17 MS GEANEY: I think that's the point I make, is that their
18 journey in care has contributed to that and here they
19 are at the latter stages of their life and it's still so
20 visceral for them, the way they describe it.

21 MR PEOPLES: Just again sticking with the past, I think you
22 would accept, and certainly on the basis of the evidence
23 we've heard, maybe not so much confirmed by the records,
24 because punishment records ... I take it you would
25 expect would not necessarily disclose breach of

1 regulations. You're never going to see, 'Six strokes
2 permitted but I actually gave eight', are you? It would
3 be accidental if someone said something that contravened
4 the regulations in a punishment book, would you accept
5 that?

6 MS GEANEY: Yes.

7 MR PEOPLES: I think there were also questions, certainly in
8 some decades in the past, that punishment returns, which
9 were sent to central government, were too good to be
10 true.

11 Again, I suspect that common sense tells us that's
12 not necessarily an unsurprising thing, 'We don't
13 punish', or, 'We only had so many punishments this week
14 or month or whatever'. Do you accept that you've got to
15 be careful with records?

16 MS GEANEY: You have to be very careful with records and
17 I'm not surprised by what you're saying, no.

18 MR PEOPLES: I think the Scottish Government did require
19 quarterly returns historically on punishment, maybe
20 still do, but when they saw them, they weren't -- they
21 were at least sceptical, if I can put it that way, at
22 times, about what was being told to them?

23 MS GEANEY: I suppose I'm interested in how they will have
24 explored their scepticism or pursued it, you know,
25 through inspections.

1 MR PEOPLES: Gentle persuasion and encouragement, because
2 they didn't tend to use the big stick, because they
3 didn't close places but don't assume because they stayed
4 open, as I think sometimes is a suggestion here, there
5 was the assumption that if they kept the registration
6 everything was okay.

7 But I think they realised the nuclear option wasn't
8 really an option, you have to try and persuade not to do
9 some of the things they're doing and, indeed, there was
10 a long campaign, I think, to get rid of corporal
11 punishment but it took a heck of a long time and it took
12 a long time to get tighter regulations.

13 I think the 1959 Regulations, we were told, were
14 considerably watered down because of institutional
15 resistance. That tells you quite a lot, doesn't it?

16 MR FRIZZELL: If that's the case, yes, I can well believe
17 it.

18 MR PEOPLES: I think we have heard evidence to that effect.

19 LADY SMITH: Absolutely. In fact, when the legislation was
20 introduced in the 1980s, outlawing, as people say,
21 corporal punishment, if I remember rightly actually it
22 only went as far as saying a state school couldn't use
23 corporal punishment without the permission of the
24 parents.

25 The background to that, I believe, was there was

1 still quite a lot of social pressure to allow it to
2 continue, from some bodies, some parent bodies. They
3 didn't like it.

4 Now, in fact, as you'll know, what happened was it
5 was just regarded as no longer available, because if
6 schools didn't use it, they didn't use it.

7 MR PEOPLES: My Lady.

8 Just going on to the very much, I think, still a hot
9 topic, restraint. The days of corporal punishment
10 permitted by law have gone, but restraint is still
11 permissible. 'Physical intervention', I think, is the
12 term preferred these days --

13 MS GEANEY: Yes.

14 MR PEOPLES: -- to try and maybe take out some of the
15 connotations of restraint.

16 Do you accept, and I think we've heard plenty of
17 evidence to this effect, that staff in the past at
18 Rossie restrained young people and did so without
19 training, until CALM training was introduced?

20 MS GEANEY: Yes.

21 MR PEOPLES: There was often, it would appear on the
22 evidence, a quickness to resort to restraint, at least
23 on the part of some members of staff?

24 MS GEANEY: Yes, that's what the evidence would suggest,
25 yes.

1 MR PEOPLES: Particularly prone restraints?

2 MS GEANEY: Yes.

3 MR PEOPLES: Just in passing, I mean, I'll come to this at
4 some point in the modern situation, but do you still
5 have prone restraints?

6 MS GEANEY: With regard to CALM, prone restraint is
7 a restraint that's permissible, that's legal within the
8 CALM framework.

9 Last September, we stopped using prone. With prone
10 if a young person goes to the floor -- sometimes a young
11 person will go to the floor themselves, because that can
12 actually, you know, I suppose shorten the physical
13 restraint, but with CALM legally, if we use prone, the
14 hands have to be brought down to the side, you know.
15 That's the technique.

16 With regard to removing prone restraint, there's
17 still the opportunity to take a young person in a prone
18 position or to put them in a prone position, but if
19 I was going to fall, for example, I'd put my hands out
20 in front me to protect myself. So if a young person did
21 that, their hands would remain in that position.

22 The requirement is that that's for the least amount
23 of time possible. We report on the physical
24 interventions to our Board of Governors. That's done on
25 a monthly basis in both our secure and residential

1 school. We would also have to, we are required by law,
2 report to the Care Inspectorate as well, any prone
3 restraints.

4 We have invested hugely in CALM over the last number
5 of years. We've increased the number of instructors
6 that we've got, so staff who are qualified instructors
7 on the shift team. The duty manager is a really, really
8 important role. So in terms of hierarchy, we've got the
9 team, we've got a senior practitioner and then the duty
10 manager, who is actually a middle manager grade. All of
11 our duty managers are trained CALM instructors and they
12 will oversee the physical intervention. They'll advise
13 or they'll guide as well.

14 So we still have the opportunity for a prone
15 position, but we're not using the prone restraint.
16 I'm not splitting hairs there, please. I'm genuinely
17 not splitting hairs.

18 MR PEOPLES: I'm not suggesting you are.

19 Just maybe following that up though, the CALM
20 training obviously focuses on de-escalation and any form
21 of physical intervention is meant to be a last resort
22 rather than a first resort?

23 MS GEANEY: Yes.

24 MR PEOPLES: Prone restraint no doubt is to be used in
25 exceptional circumstances. I think that's the aim

1 anyway --

2 MS GEANEY: Yes, well, it's more than an aim. It's an
3 objective and it's an active objective, and we've got
4 the most number of CALM instructors, you know, compared
5 with other centres in the UK, across the UK, that
6 actually use CALM as a physical intervention.

7 But the whole focus, in terms of the theoretical
8 model, is about de-escalation, it's about actually
9 working with the young person through the relationship
10 that the staff will have with the young person and
11 physical intervention should only be used if there's
12 a threat to the young person themselves, in terms of
13 self-harm, or to other children or to the staff or if
14 there's a risk of significant damage to the environment.

15 So there are very clear criteria as to when physical
16 restraint can be used.

17 MR PEOPLES: I think historically, even when CALM training
18 was introduced perhaps to replace the sort of training
19 that police officers get on how to restrain using
20 pressure points or other types of holds, even when that
21 was introduced and people were training, the impression
22 one gets from the evidence is that those that got the
23 training felt that they were just learning new ways to
24 bring people down that were permitted, rather than
25 focusing on the other aspect of the training that you

1 should be avoiding that at all costs.

2 They seemed to think that, 'Well, I've now been
3 trained almost like an army officer or an army soldier
4 to carry out some sort of combat manoeuvre', rather than
5 saying, 'Well, actually what they're trying to tell me
6 here is, yes, if you have to do it, this is the way you
7 should do it, but remember we're trying to teach you not
8 to do it'.

9 Now, there seems to have been in the past that that
10 was the way it was kind of taken or perceived. Do you
11 accept that that may well have been --

12 MS GEANEY: I would accept that probably historically that
13 was the way, but I'm also very confident that that is
14 not the way now. If staff, once they've been trained,
15 they have to be recredited on an annual basis.

16 With every incident, not with any incident, with
17 every incident that happens in Rossie, and there are
18 incidents, those incidents are reviewed, not just by the
19 duty manager who's present, but we've got CCTV and my
20 deputy, who leads on this area of very important work
21 for me, he will review the CCTV. We will use that also
22 with the staff so that they can see their own
23 behaviours. There's a whole review of every incident,
24 so in terms of the lead-up to that particular incident,
25 and could staff have done something different, could

1 they have de-escalated or could they have intervened,
2 you know, in a softer way, by maybe, you know, removing
3 that young person or encouraging that young person to
4 leave, be it the communal area or wherever the incident
5 may occur.

6 MR PEOPLES: Obviously you are telling us something that
7 obviously wasn't done historically, the use of CCTV.
8 I take it this is only in some areas, so if you're in
9 a child's or a young person's room, there won't be CCTV
10 there?

11 MS GEANEY: No, absolutely not.

12 MR PEOPLES: If there had to be a physical intervention
13 there, there wouldn't be that evidence, at least, of
14 what happened, would there?

15 MS GEANEY: If there's a physical restraint -- and I would
16 question why there would be a physical restraint in
17 a child's bedroom, let me just say that -- but there
18 will be three staff, you know, as a minimum with
19 a physical restraint.

20 With the child's bedroom, there are CCTV cameras in
21 the corridor outside the child's bedroom so ... but
22 there would also be a lead-up to an incident.
23 An incident doesn't just happen in isolation. There's
24 always a lead-up, there's always a build-up. I suppose
25 my expectation of staff is that they're -- based on the

1 relationship that they have with the child, with our
2 young people, that they would anticipate an escalation
3 in behaviours.

4 That doesn't always happen, because some of our
5 young people, you know, they can just kick off, but it's
6 the physical restraint should be at the lowest possible
7 level always.

8 MR PEOPLES: I follow that. But if we go back to my example
9 of somewhere a restraint taking place where there's no
10 CCTV footage, I appreciate you can maybe infer things
11 from what you can see on camera before the incident or
12 afterwards, but if you're in that situation, I'll just
13 put this to you:

14 I'm the young person, I'm in my room, a restraint or
15 a physical intervention takes place, there are three
16 members of staff in the room and me and I'm not happy
17 with the way it was conducted. The odds are stacked
18 against me if I complain, because there are three
19 members of staff, if they choose to say, 'Well, that's
20 not the way we did it'.

21 That was the common situation in the past, that
22 people would make a complaint and it was not accepted
23 because there was contrary evidence and they didn't get
24 support. Now, how could they get support if they were
25 in that situation, unless the staff supported them? Can

1 you understand the dilemma?

2 MS GEANEY: I understand. Can I just backtrack a little
3 bit. It would be really exceptional if there were three
4 staff in a child's bedroom. That's the first thing
5 I just want to say.

6 If a young person makes a complaint, we start from
7 the position of believing that child and that child will
8 be interviewed and we've got a contract with Who Cares?
9 Scotland, we've got a participation and advocacy worker
10 and they will support the child through the process. If
11 they felt that they weren't getting the right support
12 from the advocacy worker -- we also, sorry, would have
13 to notify the family and the social worker if there's
14 a physical restraint, with regard to any child at this
15 point in time.

16 But our culture in Rossie now is that we start from
17 the position of believing a child if they make
18 allegations. That matter would be investigated and we
19 would refer it to the Child Protection Committee in
20 Angus.

21 MR PEOPLES: The reason I'm asking this is that historically
22 there wasn't CCTV. It wasn't necessarily restraints in
23 a bedroom, it might have been other areas. If there
24 were a number of staff and just one young person, trying
25 to make a successful complaint was almost impossible,

1 because most of them don't seem to have been upheld.

2 MS GEANEY: Yes.

3 MR PEOPLES: What caused me some concern, as I think you
4 presented some evidence of complaints between 1999 and
5 2014, and quite a large number of those complaints did
6 relate to some form of alleged inappropriate restraint,
7 did they not?

8 MS GEANEY: Yes.

9 MR PEOPLES: I mean, you found that evidence, didn't you?
10 I think the young person's perception was it was either
11 inappropriate or in fact was nothing more than
12 an assault under another name.

13 Now, that's young people in the modern era quite
14 recently making that sort of complaint about restraints
15 in Rossie by certain staff and they're making them at
16 least in significant numbers. The other thing that
17 struck me was, as far as I could tell, most of them were
18 rejected.

19 That's not really going to encourage other young
20 people to make similar complaints, because they'll
21 think, 'There's no way that I'm going to succeed here'.
22 I'm just wondering how you deal with that. That's
23 a trend. There's a trend of it, yet they're all getting
24 knocked back. Why is that?

25 MS GEANEY: Well, the matter will have been referred to the

1 Child Protection Committee. So I can't comment, because
2 I don't know the detail of those cases. You are
3 absolutely right, 2014 is very recent. You know,
4 I started my role in 2016. What I can say is that in
5 terms of the culture and ethos, it's very different. We
6 start from the position of believing the child.

7 When I started in Rossie -- and I'm deviating
8 slightly, so forgive me but it's relevant -- the
9 meetings about the children, so the looked-after
10 children's meetings, the children weren't at those
11 meetings. Managers used to have those meetings. I
12 didn't understand that, it made no sense to me. So
13 I changed that very quickly so the young people, you
14 know, are key to being a part of those meetings, those
15 internal meetings.

16 As I say, 2014, you're right, it's absolutely
17 really, really recent. I don't know why --

18 MR PEOPLES: Maybe though you need to know and maybe others
19 need to know, because is it because are they treating it
20 like a criminal proceeding where there's got to be
21 corroboration and if it doesn't have corroboration and
22 there's no confirmation by the staff who are the subject
23 of the complaint, then it's going to fail, is it because
24 of that?

25 Is it because they lack the supporting evidence or

1 is it because they're disbelieved or both, do you know?

2 MS GEANEY: Well, forgive me, I can't speak up to 2014 --

3 and I'm not being difficult here -- but, you know,

4 currently, if there's any incident like that, and the

5 young person says that the physical restraint was too

6 rough, and I can think of a particular situation, you

7 know, the CCTV evidence is provided to the Child

8 Protection Committee and the police are part of that.

9 And the police will come up and they will interview the

10 young person. As will their social worker speak with

11 them and family members. So that's the current process

12 of procedure.

13 MR PEOPLES: I'll come back to that maybe when we do the

14 modern Rossie part.

15 I've deviated a bit, but just before I finish with

16 what you're telling us about, is there any attempt,

17 which you had to do for this Inquiry, to give us some

18 evidence about the complaints process, is there any

19 system of periodically analysing the trend or pattern of

20 complaints? Because historically what appeared to us,

21 or what appears on the evidence, is that, yes, there

22 were forms, yes, there was a complaints process,

23 perhaps, informal or formal. Something happened. It

24 might have been logged somewhere in a book, but no one

25 actually sat down one day and said, 'Well, I'm going to

1 look at complaints over a six-month/12-month/whatever
2 period and work out, well, are we in a problem situation
3 here and if so why?'

4 Is there something here now?

5 MS GEANEY: I can say absolutely categorically, yes.

6 Currently we've got a new system, BehaviourWatch it's
7 called, where all incidents that happen, they have to be
8 logged, the detail of the incident, what led up to it,
9 how it was managed or how it was not managed.

10 We report to the Board of Governors on an annual
11 basis all child protection matters, so that's an annual
12 report.

13 MR PEOPLES: Do you analyse the stuff? Do you say, 'Well,
14 I'll give you the facts and figures, but this is my
15 conclusion', or, 'I think there's a worrying situation
16 here and we need to do something more than just collate
17 the figures', is that --

18 MS GEANEY: Sorry, maybe I'm not being clear, but we analyse
19 it on a monthly basis. We report to the Board of
20 Governors. We're held to account on a monthly basis.
21 If there's an increasing trend in physical restraint, so
22 it might be that there is an increase, for example, and
23 it might be related to one young person who might just
24 be admitted to Rossie or who might be going through
25 a particularly difficult time.

1 But the Board of Governors absolutely, you know,
2 hold me to account, hold my senior managers to account.

3 Eddie, do you want to come in as the chair of the
4 board?

5 MR PEOPLES: I was going to ask you, I think you had some,
6 when you took over as chair, you thought there might be
7 certain improvements that might be made to presumably
8 data collection, trends analysis, because I think that's
9 an area that you consider important, that you look at
10 patterns, trends, you have the appropriate data to do
11 so.

12 Are you satisfied that at least at Rossie, whether
13 it happens elsewhere, that that sort of quality
14 assurance, data trend analysis and so forth, that there
15 are sufficient arrangements in place or would you like
16 to see more?

17 MR FRIZZELL: Well, I believe in continuous improvement, but
18 there has been improvement. Not because people were
19 negligent before, but I thought it important to be very
20 clear about what the board needed to know about and the
21 more reports you get to a board, the less effective it
22 becomes. So you have to be very clear about what the
23 important things were.

24 On the operational front, which boards are not meant
25 to get into, but which, in an organisation like this,

1 we've got to know about and understand, there are
2 a number of things we get told about and the CALM
3 interventions is one of them. We get that every month
4 and if you see a spike, there is always a question asked
5 and very often it is because of one person. It's not
6 because everybody is being subject to restraint. Very
7 often it's a new person, settles down, then you don't
8 get the spike. So there are questions asked about that.

9 As far as complaints are concerned, I personally,
10 every month pretty well, when I have an outside the
11 board meeting, a one-to-one meeting with the CEO, I go
12 through to the room in which the complaints logs are in
13 folders like this (indicating) and I go back over the
14 year and I look at them. I look at what's been written
15 by the young person, I look at what the complaint's
16 about, I look at whether Who Cares?, who are the
17 advocacy people who come in and help with complaints
18 sometimes, if they've been involved, and I check to see
19 if it's been answered, and by whom, and what the outcome
20 was. I find that very, very interesting to do.

21 If there is a pattern, I come back into the CEO's
22 room and say, 'I see in the complaints there are so and
23 so and so and so, is there something going on here?'

24 And that has happened.

25 MR PEOPLES: Maybe that's down to you rather than saying

1 that it's something that all governors or people in your
2 position do?

3 MR FRIZZELL: Well, the monthly visit by a governor is meant
4 to take in the complaints folders.

5 MS GEANEY: They will do that.

6 MR PEOPLES: Historically, when I looked at some of these
7 minutes, the headmaster would submit a punishment book,
8 or a sample punishment book, for inspection and so as
9 I could see, the same formula was used on every
10 occasion, they had looked at it and approved it. There
11 didn't seem to be any discussion or recorded discussion
12 about whether it was something significant they'd come
13 across. You almost felt it was simply just ticking the
14 box, that we have to input an item on the agenda, and
15 you didn't get any kind of clue, other than they didn't
16 think it was unsatisfactory. That's not really
17 sufficient, is it? You have to be sure that if
18 someone's looking at punishment books over time, that
19 they do the sort of thing you're doing.

20 MR FRIZZELL: Yes, this is not a punishment book I'm looking
21 at --

22 MR PEOPLES: Sorry, if you look at a book that has a trend,
23 a restraints or a complaints, anything, it could be
24 complaints, restraints, punishment, I think the same
25 situation applies. You are looking for -- sorry, I used

1 punishment, I was thinking of the historical thing, but
2 you are looking at it for a purpose --

3 MR FRIZZELL: Yes.

4 MR PEOPLES: -- and to see if there's a trend or a pattern
5 that is revealing and has to be addressed, but that
6 doesn't seem to be something in the past that people did
7 in governing positions?

8 MR FRIZZELL: Probably they didn't.

9 It probably didn't occur to them to do it. It
10 depends on how distant a past you're talking about.

11 I think that began to change in the early 2000s, maybe
12 late 1990s.

13 MR PEOPLES: But that is quite recent.

14 MS GEANEY: It is recent, it is recent. And I suppose
15 I've mentioned the BehaviourWatch system and I think
16 this is an important point for the Inquiry. Each member
17 of staff who's involved in an incident has to make the
18 entry, so their name and the date and the time is
19 recorded. If anybody goes in to change any of that
20 information or to add to it, or -- to add to it really,
21 I suppose I'm thinking, that's also recorded, who's gone
22 in and, you know, we would be asking questions why.

23 I think the other point --

24 LADY SMITH: Just before you go to the other point, did you
25 refer to the system that you called the BehaviourWatch

1 system or what?

2 MS GEANEY: Sorry, it's called BehaviourWatch.

3 LADY SMITH: BehaviourWatch.

4 MS GEANEY: That's just the name. It's actually

5 a school-based system that's operation down south, but

6 we've amended it. We have had it in operation for about

7 18 months but we spent a year just introducing it into

8 Rossie and making amendments to fit Rossie's needs and

9 requirements.

10 LADY SMITH: Thank you.

11 MR PEOPLES: Sorry, I had a point there but it's escaped me

12 now, I will maybe come back to it.

13 MR FRIZZELL: May I --

14 LADY SMITH: Yes, but before I forget. I was going to ask

15 you to look at paragraph 132 of your statement, on

16 page 41, Eddie.

17 It's in the section when you're dealing with CALM.

18 It will be in that red folder. We can also bring it up

19 in front of you. It's a short paragraph. 132, page 41.

20 You are dealing here with something that we have

21 already touched on a few minutes ago. This is the

22 matter of getting a monthly report. But you say, and

23 this is to do with the use of restraint or whatever you

24 are going to call it, you say:

25 'It's one thing getting it every month and being

1 told numbers are down on a previous month, but it is
2 important to have a time series.'

3 What I was interested in exploring with you is what
4 you mean by 'a time series'.

5 MR FRIZZELL: It can be very simple. A running total,
6 12 months, look back over 12 months, okay, that month
7 was up, that was down, but is it going up like that or
8 is it going down like that?

9 LADY SMITH: So you're drawing a graph?

10 MR FRIZZELL: It's basically a graph, and that is one of the
11 things we are making more use of now on a number of key
12 statistics.

13 LADY SMITH: Are you literally looking for a graph to be in
14 that monthly report?

15 MR FRIZZELL: Pretty much, yes.

16 MS GEANEY: But it's also the analysis that goes with that
17 and that analysis is provided to the Board of Governors
18 on a monthly basis and we are asked about it and that's
19 appropriate and that's right and we should be asked, and
20 particularly if there's an increase.

21 Sometimes we can see an increase in a particular
22 house, as opposed to across the service. So again,
23 that's why when the chair said about it could be
24 attributable to one person, one young person, for
25 multiple reasons, but we have to explain that, my senior

1 managers have to explain that to the subcommittee of
2 governors and then, you know, obviously all of the
3 governors get the reports, but the subcommittee do the
4 in-depth scrutiny.

5 I suppose I just would like to say as well in terms
6 of, if I may, and just say this: that in terms of the
7 quality of the reports that are now provided to the
8 board, and I can only speak since my duration, you know,
9 the quality is much, much better. The evidence is much,
10 much better. That allows for greater scrutiny. Because
11 we should be scrutinised. We've got the most vulnerable
12 children in Scotland in our care --

13 LADY SMITH: Indeed.

14 MS GEANEY: -- so I'm very clear on that.

15 LADY SMITH: Just picking you up on saying it could be that
16 part of the analysis is related to the arrival of
17 a particular child. It could also be the analysis
18 discloses that it could be related to the arrival of
19 a new member of staff, couldn't it?

20 MS GEANEY: Erm, no, because -- sorry, a new member of staff
21 on a team initially we've got ... in terms of our
22 induction programme, we've a very comprehensive
23 induction programme. When they join a team, they're
24 supernumerary in the beginning. They have the CALM
25 training, but if any behaviour by a new member of staff,

1 you know, could indicate that, they would be taken aside
2 by their immediate line manager and discussions would
3 take place.

4 LADY SMITH: Mary, I can see that --

5 MS GEANEY: Sorry, I'm horrified to hear the question,
6 forgive me.

7 LADY SMITH: No, but think about it, Mary. It could be that
8 that is what the system should achieve, but surely you
9 should never rule out that what has to possibly be the
10 explanation, or part of the explanation, is that you
11 have somebody new, who may have had the training, may
12 have had the induction, but the way they are applying
13 the CALM training is causing an escalation in the
14 incidence of these incidents.

15 MS GEANEY: They wouldn't be applying the CALM on their own
16 in terms of de-escalation or in terms of physical
17 restraint. Or if they were, sorry, they're doing
18 something wrong. But I take the point you are making,
19 which is if there was a new member of staff, it could
20 impact the child's behaviour negatively, that's the
21 point you are making to me, for whatever reason.

22 LADY SMITH: You should always be interested in that,
23 shouldn't you?

24 MS GEANEY: I'm always interested in everything. I walk the
25 floor regularly. I know all my young people and staff

1 and you'll vouch for that Chair, also.

2 MR FRIZZELL: We'll ask that next month. There isn't

3 a constant procession of new staff, of course.

4 LADY SMITH: No, I see that, and I'm not trying to be

5 flippant, but I would hope to see in the future that any

6 organisation like yours would never rule out the

7 explanation being that 'we've got somebody new on the

8 block', that is the explanation or part of the

9 explanation here.

10 MR FRIZZELL: Should I say, it's not just CALM that we --

11 LADY SMITH: No, that's just an example.

12 MR FRIZZELL: There are other things that we care about and

13 bullying, for example, what's happening with that, what

14 do we know about that. So there's a whole series of

15 things.

16 MR PEOPLES: It depends what basis -- with a restraint, if

17 it's recorded you've got a data that you can analyse and

18 see a pattern of. If you're bullied and it doesn't

19 generate a complaint, because maybe people don't grass,

20 that may still be the norm in childcare establishments,

21 then you won't have the data necessarily. You have to

22 use other means to try and eradicate bullying and

23 sometimes young people in the inspection reports have

24 said that sometimes they were concerned that that issue

25 wasn't addressed, effectively at least. I'm not saying

1 it wasn't taken note of and there wasn't
2 an anti-bullying policy, but it didn't necessarily yield
3 a situation where -- a zero tolerance situation or at
4 least in practice.

5 It's just something to bear in mind. But I think
6 you are at least saying that at least we can be
7 comforted and assured that if there is that form of
8 analysis, then it's something that's a significant
9 improvement on the way things were done in the past.

10 But just on the question of patterns, not just
11 confined to new staff. Do you look out for whether
12 restraints or physical interventions, when used, are
13 being used by particular members of staff to see if
14 there's perhaps a person or persons who seem to be
15 involved more often than others in this type of
16 behaviour?

17 MS GEANEY: Yes, yes.

18 MR PEOPLES: So that you can at least then say, well, you
19 know, why is that?

20 MS GEANEY: Yes, absolutely.

21 Also, we would look at the CCTV to see are physical
22 restraints happening in a particular location on the
23 campus or in a particular location in a house or in the
24 school or whatever. Absolutely. And we would, you
25 know, analyse the trends with particular teams. We

1 break it down by teams, by shifts, by houses, not just
2 with regard to the young people.

3 Sorry, I know we've spoken a lot about the young
4 people but actually we analyse all of that with regard
5 to staff as well and forgive me if I haven't made that
6 clear.

7 MR PEOPLES: No, no, but the important point you're making
8 is that you can't be too superficial in your analysis.
9 You've got to drill down, because sometimes it's only by
10 drilling down that something becomes clearer, that maybe
11 a particular person is not doing the right thing,
12 whether through lack of training or perhaps for other
13 reasons and that's important that you have to do that.

14 Because what concerns me about the complaints period
15 that we looked at, 1999 to 2014, was I think there were
16 occasions when staff were dismissed because of the way
17 they had dealt with restraints. I think there are
18 examples of that. Maybe not so many. But the worrying
19 thing, I think, was that some of them in some cases they
20 had form, if you like, and they had got warnings in the
21 past some time before.

22 Now, my worry would be if I was looking at that
23 situation and saying: well, if that person five or six
24 years ago did that and is doing it again now, to the
25 point that it merits dismissal, what were they doing in

1 the intervening period. And it might not have generated
2 a complaint because the particular person that was
3 subjected to that type of restraint might not have seen
4 fit to say anything.

5 How do you cater for that? Is this just the
6 analysis situation coming into play now that you have to
7 be vigilant?

8 Do you take my point? There were people, I think,
9 in that situation who had form?

10 MS GEANEY: There were. There were. You have to be
11 vigilant all the time and I suppose that's where the
12 supervision of staff comes in. That's where the
13 appraisal of staff comes in. That's also, you know,
14 where the training of staff comes in. If an incident
15 happened and a particular staff member used a restraint
16 that wasn't recognised, that wasn't legal, then they
17 would have to go through CALM reaccreditation again.
18 They couldn't participate in a physical restraint.

19 We run four CALM courses a year on site and then in
20 terms of reaccreditation, we run them -- there are about
21 four to six reaccreditation modules. But there's also
22 a huge focus on the theory of CALM. I think that's
23 maybe a little bit lost at the moment in our dialogue.
24 Because it's all about de-escalation. Yes, you need to
25 know the correct way of holding somebody. But it's

1 actually how you de-escalate so that it doesn't get to
2 that situation.

3 MR PEOPLES: Is that not the point I made earlier? That
4 historically, even if you had training, they took away
5 the wrong message, 'I can put them down, but this is the
6 way I do it so that I don't get into trouble', rather
7 than saying, 'Well, actually, do I need to put them down
8 at all? Is there not a better way?'

9 MS GEANEY: The position somebody should start from is: do
10 I need to have a physical restraint at all? Does this
11 young person need to be physically held. That should be
12 the starting point.

13 MR PEOPLES: Just while we're on the question of the process
14 of recording, which is part of no doubt this whole
15 process of analysis and data. There was some disturbing
16 evidence, I think it actually came on Friday from
17 an ex-member of staff, that incident report forms from
18 the people, the first line, were sometimes changed by
19 the manager for all sorts of apparent excuses and
20 reasons.

21 Now, it seems to me that they might want to disagree
22 or say something different, but what they shouldn't be
23 doing is changing the basic account. That should
24 remain -- that's what we wrote down on the first
25 occasion we had to record it. There might be some need

1 to clarify or get additional information, but you don't
2 want to lose the original account. Yet that seems to
3 have been something that was happening historically at
4 Rossie, and in quite recent times perhaps as well. Not
5 on your watch necessarily. But you heard that evidence?

6 MS GEANEY: I heard that evidence. I was very surprised
7 when I heard that evidence, if I'm honest with you.
8 I was very perturbed when I heard that evidence and
9 I suppose that's why I've made particular reference to
10 our new system, our computer system, our IT system
11 called BehaviourWatch, so that if anybody, you know,
12 attempted to change any of the content, we would be able
13 to track that and that's analysed, you know. All of the
14 incidents are analysed by my deputy and by the senior
15 managers.

16 I would be very concerned if any narrative was
17 changed around an incident.

18 MR PEOPLES: Your systems -- and they're mainly electronic
19 these days, I suppose -- they don't overwrite the
20 original entry?

21 MS GEANEY: No.

22 MR PEOPLES: You have a way of looking at what the original
23 statement was --

24 MS GEANEY: Yes, yes.

25 MR PEOPLES: -- and whether there was changes to that

1 statement over time, either by the person who made the
2 statement or by some other party?

3 MS GEANEY: Yes, absolutely, and it's date stamped and time
4 stamped. Say, for example, somebody tried to make
5 a change, at night for example, we would be able to
6 track that and we've presented our system obviously to
7 the Board of Governors, because they've invested in it
8 for us. So there was a formal presentation, I think it
9 was last year some time, just taking them through the
10 system.

11 LADY SMITH: Mr Peoples, I think what was particularly
12 mentioned on Friday was writing up not just whether some
13 significant incident had occurred, but it was to do with
14 the writing up of the overnight when a member of staff
15 was coming off nightshift and then finding that what had
16 been written had been rewritten.

17 MR PEOPLES: I may have confined it to a situation. Maybe
18 it was broader than that. The general point is,
19 I suppose, you want the version, the original version,
20 because that's a good starting point.

21 MS GEANEY: Yes, yes.

22 MR PEOPLES: The first occasion they write something down,
23 when they haven't had time to reflect necessarily or
24 they're doing something, you don't want someone to be
25 changing the record?

1 MS GEANEY: No.

2 MR PEOPLES: In a way that you don't appreciate, because

3 you're not aware it's been done?

4 MS GEANEY: I don't want a sanitised version of the

5 incident, no.

6 MR PEOPLES: No, because people can put down things and may

7 unwittingly say things that might not be in their best

8 interests and that's maybe a way to sometimes test the

9 incident itself, as to what they've actually put down.

10 That's one way you can test --

11 MS GEANEY: Well, as I say, I was very perturbed when

12 I heard that evidence on Friday afternoon, because it's

13 not something I'd be familiar with.

14 MR PEOPLES: I've kind of deviated a bit to the modern

15 practice, but I'll go back to the historical restraints.

16 I think I'd been talking about prone restraints, but

17 do you also accept that historically -- and we've heard

18 a good deal of evidence about this -- is that there were

19 at times violent, overly physical restraints causing, in

20 some cases, injury both to children and to staff. That

21 seems to be the picture we're getting from the evidence?

22 MS GEANEY: I heard that in the evidence and I've no reason

23 to disbelieve it.

24 MR PEOPLES: Do you accept that historically the approach

25 was essentially one of control and containment, with

1 frequent use of segregation in prison-like cells? That
2 seems to me to be what's jumping out of the evidence.

3 MS GEANEY: Yes, that was reported last week. I heard that.

4 MR PEOPLES: Also, and this is something that was picked up
5 by the Social Work Services Inspectorate evidence and
6 reports in the mid-1990s, for much of Rossie's period
7 that we're interested in, there was no proper complaints
8 procedure for children to use and for the most part,
9 when children did complain or report abuse to a staff
10 member, a social worker, or a police officer or anyone
11 else, even a parent, nothing was done and their abuse
12 continued. That is what they're telling us?

13 MS GEANEY: Yes.

14 MR PEOPLES: What do you make of that? It's unacceptable,
15 isn't it?

16 MS GEANEY: Totally unacceptable and it's neglect.

17 MR PEOPLES: Now, do you also accept that the evidence
18 appears to disclose a general situation of -- and this
19 was something brought out this morning in the statement
20 we had but I think others have said it -- there was a
21 general problem of poor governance and leadership
22 historically? I'm not speaking about the current
23 leadership at the moment.

24 MS GEANEY: That was in the documentary evidence and I know
25 on one occasion there was an effort to remove the

1 headmaster, but that was challenged and he was left
2 in situ. So obviously there have been concerns over the
3 years, yes.

4 MR PEOPLES: Indeed, going back to the days of corporal
5 punishment, it appears that headmasters appeared to have
6 relished using a thick tawse with excessive force,
7 seeing such a punishment as a way of changing
8 challenging behaviours, including what appears to have
9 been the heinous crime of absconding. These were
10 behaviours, the underlying cause of which, they made
11 little or no effort to understand and address. That
12 seems to me to be what's emerging from the evidence?

13 MS GEANEY: Yes.

14 MR PEOPLES: Would you agree?

15 MS GEANEY: Yes.

16 MR PEOPLES: I'm conscious of the time, maybe that's as good
17 a point as any.

18 LADY SMITH: Should we pause at this point?

19 MR PEOPLES: I think so.

20 LADY SMITH: I'll rise now for the lunch break and sit again
21 at 2 o'clock.

22 Thank you very much.

23 (12.59 pm)

24 (The luncheon adjournment)

25 (2.00 pm)

1 LADY SMITH: Welcome back.

2 Mary, Eddie, are you ready for us to carry on?

3 MS GEANEY: Yes, my Lady.

4 LADY SMITH: Thank you very much.

5 Mr Peoples.

6 MR PEOPLES: My Lady.

7 Good afternoon.

8 MR FRIZZELL: Good afternoon.

9 MR PEOPLES: I suppose I was on my journey of the evolution

10 of Rossie and I'm still, I think, stuck in the past, but

11 I will come to look at the present, but we have heard

12 a lot of evidence about the difference between then and

13 now. But I'll come and ask some more questions, if

14 I may.

15 But just continuing with the past, and the evidence

16 we've heard, and also what's disclosed by the review, it

17 appears from the evidence, as a whole, that what was

18 supposed to be historically a place of safety was, for

19 many children over the years, the very opposite and that

20 Rossie, for much of its life, was an environment where

21 there was a culture of violence, where young people did

22 not feel safe, and I think applicants have said that.

23 Some, in fact quite a lot of them, did their best to

24 act like, as some of them said, hard men, not to show

25 weakness and whereas one applicant put it:

1 'But the reality was we were still children.'

2 I think you've heard that sort of evidence and read
3 it. Would you agree that that was the way it was, at
4 least based on what we've clearly heard?

5 MS GEANEY: Yes, based on the evidence, both the written
6 evidence that I've seen, and also based on the evidence
7 that I've heard last week, it was not the place of
8 safety that it should have been for children and young
9 people. It didn't provide the level of care that it
10 should have been providing for young people.

11 MR PEOPLES: I think that again, just to be clear,
12 historically, it would appear that children were not, at
13 all times, kept safe and were not nurtured and
14 protected.

15 I'm thinking of some of the evidence of people who
16 said that they got no nurturing and affection even. You
17 heard some of the powerful evidence last week that one
18 particular applicant said about how his first affection
19 came when he was in his mid-40s. He saw none of that in
20 his family home and he saw none of it in Rossie or in
21 these other care settings.

22 MS GEANEY: Yes, I heard that.

23 MR PEOPLES: It certainly appears that although the current
24 approach to care is: keep safe, nurture, protect, and
25 let them thrive, I think the evidence suggests that that

1 wasn't the way things were, would you agree?

2 MS GEANEY: I think that's what the evidence would suggest,

3 yes.

4 MR PEOPLES: Would it also suggest that often staff failed

5 to treat young people with dignity and respect and

6 instead were belittling and humiliating them, often by

7 very irregular means of control. We've heard a number

8 of the types of things that they were asked to do, that

9 they saw was humiliating, degrading and an exercise of

10 power or control.

11 MS GEANEY: Yes, and I think the evidence last week spoke

12 about the showers. There was no privacy with the

13 children when they were having a shower, and they were

14 demeaned as well on those occasions, yes.

15 MR PEOPLES: It was a time when not just that children

16 weren't always allowed -- they could be seen but not

17 heard, it was a time that, certainly in this

18 environment, they left any rights they had at the door,

19 because what they had was a system of privileges, which

20 could be granted or taken away on a regular basis. So

21 they didn't even have the right to see their family at

22 times, and that could be done as a form of control or

23 punishment, whatever you want to call it, sanction. But

24 that seemed to be the way things were?

25 MS GEANEY: That's what was spoken about last week, yes.

1 MR PEOPLES: If we're trying to see how any historical
2 systemic weaknesses or deficiencies were addressed over
3 the years, there's one question I would like to ask you
4 and I'll maybe give you a list of changes that accompany
5 the question, but the question really is: what would you
6 say have been the most important changes at Rossie over
7 the years?

8 I can maybe give you a list of things that crossed
9 my mind, but you can tell me if there are other things
10 that you think are important for us to understand about
11 change, to where we are now.

12 One of the examples -- I'll take a few of them and
13 just ask you to comment, if I may. One, for example, is
14 that over the years, I think we see that -- and we've
15 seen it from some photographs that were shown last week
16 -- that there's been vastly improved facilities. The
17 living environment is obviously much better than it was
18 historically. You would agree?

19 MS GEANEY: Yes. The living environment is much, much
20 better and we've invested significantly in the
21 environment but our young people have been involved in
22 that as well. I can give recent examples in terms of
23 choosing furniture with us. In terms of choosing
24 different coloured furniture. The board has just
25 approved investment in windows, this may seem like

1 a small thing to some colleagues present, but the
2 bedroom of the young person in secure with the en suite
3 is actually a sealed unit and obviously, you know, they
4 can see out and to the light, but we're actually going
5 to invest in windows that can open, so the young people
6 have natural light, so that investment is going to
7 commence in April. The windows have been measured,
8 ordered et cetera.

9 The environment is significantly important. The
10 young people's bedrooms, that's their personal space,
11 their private space. You know, they can decorate it in
12 the way they like in terms of choosing colours.

13 We're also going to be investing in a thing called
14 a media wall. We've looked at that from the
15 Netherlands, and that's like a big iPad and that will
16 give children access to music they like. They can do
17 their homework as well. Also photographs and a whole
18 range of other things, so we've improved the environment
19 significantly.

20 But also in terms of activities that young people
21 can engage in, 'cause I heard that spoken about last
22 week. We've an indoor gym for young people. We've the
23 outdoor gym. We've the swimming pool, which was there,
24 but obviously we've improved on that. We've a climbing
25 wall. There are lovely grounds that the young people

1 can do activities on. We've got a forest school in our
2 secure care service now. We had one in our residential
3 for about five years, but we've just developed that last
4 year. Again, we're the only secure service with the
5 forest school for children in education in secure.

6 They're just a few examples.

7 MR PEOPLES: Some of the things you are talking about,
8 obviously you have residential units as well --

9 MS GEANEY: Yes.

10 MR PEOPLES: -- on the grounds. Do I take it that some of
11 the things you're talking about, they benefit from as
12 well? There may be differences between secure and open,
13 but are we talking about them having reasonably
14 equivalent facilities?

15 MS GEANEY: The young people in residential, we've got two
16 different categories. So we've got what we call close
17 support and then we've got independent living. So the
18 independent living houses will be very much like --
19 we've got some cottages, or there's a four-bedroomed
20 house with the close support units. That would mean
21 that the ratio of staff to young people would be
22 greater, so it's very much about the ratio of staff.
23 But the furnishings and the fittings and the colours.
24 You know, the young people are actively involved in
25 choosing that with the staff.

1 MR PEOPLES: Can I ask you this, because obviously in the
2 context of what's seen by at least young people as
3 a form of abusive behaviour, maybe things like restraint
4 or getting hit for no reason, but do you think that the
5 existence of the type of facilities you've described
6 reduces the incidence of challenging behaviours, if
7 I can use that broad term? Does it lessen the number of
8 times that a young person kicks off or displays
9 challenging behaviour? I'm not saying that that won't
10 happen, but can you see if there's any correlation
11 between the living environment and how they can furnish
12 it and the incidence?

13 MS GEANEY: I think the living environment is one element of
14 it. But it's actually the whole culture that exists
15 within Rossie and, you know, that relates to our values.
16 So our values are around respect, around dignity, around
17 accountability, that's a very strong theme, and
18 obviously collaborative working amongst all of the
19 different departments within Rossie in the best
20 interests of the child. The child is at the heart of
21 everything we do and then all of the services are
22 wrapped around that young person.

23 So the environment absolutely makes a huge
24 difference in terms of comfort, respect, it's their home
25 for the duration of time that they're with us --

1 MR PEOPLES: You call them 'houses' now, don't you?

2 MS GEANEY: -- but it's not the sole element that will

3 affect change and behaviour.

4 MR PEOPLES: No, no, I'm not for one minute suggesting, but

5 I'm just trying to see what factors can improve the

6 incidents --

7 MS GEANEY: Yes, it adds significantly.

8 MR PEOPLES: -- and also maybe improve the situation for

9 both staff and children and reduce anxiety levels/stress

10 levels amongst staff or young people or both?

11 MS GEANEY: Yes, and you're making a very important point,

12 because the living environment, you know, for the young

13 people is the work environment of the staff, so

14 improvements for both, you know, will improve behaviours

15 all round, yes.

16 It's a good question, yes.

17 MR PEOPLES: While young people now get to make some

18 decisions and participate in how the place is furnished

19 and what's put in the place and so forth, we know

20 historically they effectively were used as maintenance

21 staff.

22 While they do this now and it's a value, you accept

23 that historically it looks like, maybe for financial

24 reasons in part, that young people were used as manual

25 labour and also to maintain the fabric of the place,

1 because they didn't have maintenance staff or couldn't
2 afford them. That seems to have been the way it was?

3 MS GEANEY: The evidence that I heard last week and the
4 written evidence that I've seen would suggest that, but
5 please be assured we do not do that today.

6 MR PEOPLES: No, I'm not suggesting -- I'm just struck by
7 the contrast, it's a different form -- it's not as
8 meaningful an activity as perhaps taking a part in
9 furnishing or decorating your living environment?

10 MS GEANEY: Well, they won't do that. They'll help us
11 choose the colours of the fabrics. It's very different.
12 It's trying to normalise family life.

13 MR PEOPLES: As I think I said just briefly, I'm not sure
14 I got an answer to this, but you've got various places
15 that are named after rivers, is it Beaulieu, Carron and
16 Deveron, is that it?

17 MS GEANEY: Yes.

18 MR PEOPLES: These are your houses?

19 MS GEANEY: They're the houses, yes.

20 MR PEOPLES: The point I want to make was that -- and
21 I don't know how important this is, is the use of
22 terminology. We don't call people 'children in care'
23 any more, we call them 'looked-after children'. We
24 don't call it 'restraint', we call it 'physical
25 intervention' to perhaps take any stigma away with the

1 past. You now call what were 'units', you call them
2 'houses'?

3 MS GEANEY: Yes.

4 MR PEOPLES: Is that a deliberate choice?

5 MS GEANEY: Yes, it's their home, it's the children's home
6 for the time they're with us.

7 MR PEOPLES: Then another change over the years, which
8 I just wonder what impact this had on certainly risk of
9 abuse and actual abuse, is that over time, I think we
10 see from both the records and, indeed, from evidence we
11 have heard, that there was a change from large
12 dormitories to smaller units and then, in more recent
13 times, single rooms with en suite facilities?

14 MS GEANEY: Yes.

15 MR PEOPLES: Given that there was an awful lot of activity
16 spoken about that happened in the dorms at night, either
17 by reason of the night staff or by reason of the fact
18 that a number of boys, some of different ages, were put
19 together, does it follow that that change was actually
20 maybe quite a significant change, because it lessened
21 the opportunities for things to go on, particularly at
22 a time when there weren't many staff?

23 MS GEANEY: I think that was a major change, for the very
24 reasons you set out. I think nighttime is a very
25 vulnerable time. So, yes, I think the changes that have

1 now been put in place make a significant difference and
2 I can speak to what's in the future at a future point,
3 if you want me to.

4 MR PEOPLES: I think that over time the number of night
5 staff and, indeed, the level of seniority changed.
6 I think when we go back even to the days of 1929, there
7 was actually one person on duty for the whole school and
8 it was a big school then. This was in the autobiography
9 that was mentioned. I don't know if you caught that
10 piece of evidence, but someone who was there in the very
11 early days.

12 Even more recently, we have heard evidence about
13 there weren't many night staff sometimes and sometimes
14 they weren't very suitable night staff, according to the
15 evidence.

16 You did hear that evidence --

17 MS GEANEY: Sorry, I didn't hear that evidence.

18 MR PEOPLES: I think there was evidence about sometimes some
19 of the night watchman, as they were called, they weren't
20 necessarily, on that evidence, very suitable and in fact
21 they engaged in various activities. There was talk of
22 removing boys from rooms, making them stand in the
23 corridors --

24 MS GEANEY: Sorry, I did hear that, yes.

25 MR PEOPLES: -- and things of that nature. Some were more

1 sinister than others, but others seemed to be just
2 a regular punishment, but there was a mixture. You
3 recall evidence to that effect?

4 MS GEANEY: Yes, I do, yes.

5 MR PEOPLES: As you say, it's maybe a dangerous time or
6 potentially dangerous time?

7 MS GEANEY: Yes.

8 MR PEOPLES: You have to make sure you've got the
9 appropriate arrangements in place and you've got the
10 appropriate staff in place?

11 MS GEANEY: Yes, and appropriate procedures and checks and
12 balances as well and monitoring, yes.

13 MR PEOPLES: You have touched -- I think this is a very
14 important change, but, broadly speaking, you have told
15 us, I think this morning, there's been a change in
16 culture within Rossie and a change in attitudes of staff
17 towards children.

18 We can see a number of examples in the evidence
19 we've had of how children were spoken to and about in
20 quite derogatory, sometimes humiliating, terms?

21 MS GEANEY: Yes.

22 MR PEOPLES: As if, I think someone said, 'We're like
23 a piece of shit on their shoes'. There was that sort of
24 sentiment that that was the way they perceived that they
25 were thought of by the staff. I think you heard that

1 evidence --

2 MS GEANEY: I did, yes.

3 MR PEOPLES: -- of that type?

4 MS GEANEY: Yes.

5 MR PEOPLES: That perhaps doesn't make a recipe for good

6 relations and possibly the danger that you will have

7 flare-ups or acting out or challenging behaviour and

8 with that comes the risk of ill-treatment or abuse by

9 staff or something that's harmful to the young person

10 and sometimes for the staff themselves. Do you agree?

11 MS GEANEY: I agree, and I think if you ill-treat anybody,

12 there will be a reaction. If you ill-treat children,

13 there will be a reaction, and I would expect that.

14 MR PEOPLES: Then we can see from, I think, more from the

15 evidence you have provided in the A to D response, the

16 written document, that over time there were from time to

17 time changes to the staffing structure, especially at

18 managerial level. Now, I don't know whether you think

19 that that sort of change is significant in terms of risk

20 reduction of ill-treatment or abuse, because you

21 mentioned the example of having a more senior person on

22 at night, for example.

23 Does it make a difference who is there?

24 MS GEANEY: There should always be a manager on site. That

25 could be a middle manager. But they should also have

1 access to a senior manager offsite in case something
2 happened and they needed advice or they needed that
3 senior manager to come on site.

4 MR PEOPLES: I suppose it's important, whatever tier of
5 management you're in, that they work together and each
6 knows what the other is doing and that there's a degree
7 of oversight but equally a degree of supervision for the
8 staff and access to support. These are all crucial,
9 aren't they?

10 MS GEANEY: It's all crucial and I suppose what I would say,
11 if I may, just about current times, there are several
12 what we called handover meetings that take place during
13 the day between staff and definitely between the day
14 staff and the night care staff. So that if anything has
15 happened, if a young person's upset or distressed, that
16 they're aware of that, you know, before the young person
17 goes to bed. So communication is very, very important
18 between the night and the day teams.

19 MR PEOPLES: Now, another change which occurred in the
20 mid-1980s or thereabouts was the admission of girls.
21 Was that to both open and secure units, could girls
22 always be in the secure units?

23 MS GEANEY: Girls came into Rossie -- Rossie took girls in
24 secure in 1986.

25 MR PEOPLES: That was the first time?

1 MS GEANEY: Yeah.

2 MR PEOPLES: That was the first time girls would be resident
3 at all at Rossie?

4 MS GEANEY: Yes.

5 MR PEOPLES: Whether it was open unit or --

6 MS GEANEY: Yes.

7 MR PEOPLES: -- closed?

8 Obviously you heard the evidence of 'Yasmin', who
9 said it wasn't an easy environment to be the sole girl
10 in Lunan unit, I think it was, and how she was subject
11 to certain forms of harassment by the boys in the unit,
12 some older. One example she gave was, I think, the
13 trips to the swimming pool, chained to a party of boys
14 and then what happened on the trip, when they were
15 poking and groping and what happened at the pool.

16 Now, what's your comment on that?

17 MS GEANEY: That it shouldn't have happened and if staff
18 were supervising the group of young people, it wouldn't
19 have happened.

20 MR PEOPLES: Worse still was the comments that were made,
21 because I think she was described as a slut for wearing
22 a swimming costume to go to the swimming pool and
23 a T-shirt. Now, that's not acceptable from staff.

24 MS GEANEY: No.

25 MR PEOPLES: Surely that's sending the wrong signal and

1 giving someone -- what sort of effect is that going to
2 have on their confidence and self-esteem if they are
3 going to be told that?

4 MS GEANEY: It's not appropriate language, no.

5 MR PEOPLES: It doesn't seem to have been a rare occurrence
6 to be talked about in those terms, either directly or
7 indirectly. That seems to have been the way of it in
8 those days, whether they thought it was harmless banter
9 or something a bit more significant. But it shouldn't
10 have happened, should it?

11 MS GEANEY: No, it shouldn't have happened.

12 MR PEOPLES: It's not a standard of the time. It shouldn't
13 have happened then?

14 MS GEANEY: It shouldn't have happened, no.

15 MR PEOPLES: Of course, the other thing is -- I got the
16 impression that she felt really, while girls were
17 admitted and she was the only one, that really it was
18 a place designed for boys. She talked about having to
19 struggle to get hygiene facilities and things she
20 needed, as a young woman growing up. That seemed to be
21 what she was saying. It was quite hard and she had to
22 go and ask for things. That's not really right, is it?

23 MS GEANEY: No, that's not right.

24 MR PEOPLES: It's quite embarrassing as well, if it's male
25 staff you have to go and ask?

1 MS GEANEY: It's not right. It shouldn't have happened, no.

2 MR PEOPLES: You get the impression that certainly in much

3 of the period it was very much a place built for boys.

4 It was very much a male environment, both at staff and

5 pupil level. Obviously it was a boys' school and there

6 was an awful lot of male staff. The balance of male and

7 female was not right, would you agree?

8 MS GEANEY: My understanding is it was predominantly male

9 staff.

10 MR PEOPLES: So it couldn't have been easy for someone like

11 'Yasmin' --

12 MS GEANEY: No.

13 MR PEOPLES: -- coming into that environment.

14 Of course, the other thing she was concerned about

15 was that, as we have said, I know you have talked about

16 the philosophy, that it doesn't matter which route you

17 come by, Rossie treats you on your merits when you get

18 there and you get the same, presumably, general

19 treatment as anyone else, whether you're a runaway from

20 another school that's got a history, or whether you're

21 a serious offender, but she was troubled and felt she

22 was inappropriately placed in that environment where she

23 could be sitting next to someone who might have

24 a conviction for a serious sexual offence.

25 Do you see her point?

1 MS GEANEY: I definitely see her point, but I don't know
2 enough of the details about her case to be able to make
3 an informed comment, if I'm honest with you.

4 MR PEOPLES: No, but just that general point. If you have
5 that situation where you might have people in a mix like
6 that, and also they're not necessarily the same ages,
7 some would say you should just look at -- you don't look
8 at where they come from, but if you have that situation,
9 and that clearly troubled people who said, 'Well,
10 I didn't do anything of the same magnitude to get in
11 this place and yet they put me in with ...', I mean,
12 I'm just saying what they said.

13 MS GEANEY: Yeah, yeah.

14 MR PEOPLES: 'They put me in with these people and I was
15 afraid, I was on tenterhooks, I was terrified. Some
16 were older. Some had serious offences to boot and yet
17 we mixed and I didn't feel protected'.
18 She said she had to have a guard outside her
19 washing. She had two boys who protected her.
20 How do you deal with that?

21 MS GEANEY: I suppose what -- my response to that is that,
22 you know, in terms of the current numbers within Rossie,
23 that situation wouldn't occur. There's also the privacy
24 of the en suites. If any young person was frightened we
25 would pick up on that very quickly, the staff would pick

1 up on that very quickly. I did say at the beginning
2 that in terms of identifying somebody, either through
3 the route they've come into us, be that through the
4 court system or the care system, that would cause me
5 concerns to separate somebody, because in terms of
6 culture, you could end up with subcultures.

7 Now, that said, that doesn't mean we won't monitor
8 our current structures, our current arrangements. We're
9 in an evolving situation at the moment with the changes
10 in legislation. Not all of the sections of the
11 legislation have been commenced. And in the future, we
12 don't have a timeline. Young people who reach their
13 18th birthday will be able to stay on, you know, up to
14 19.

15 Now, that means that we'll have young people with
16 adults. So again, we'll have to do a lot of work around
17 that with the government, with the Care Inspectorate as
18 well. They need to be an active partner in this. So
19 while this is our current position, that doesn't mean
20 it's fixed in stone and we most certainly will be
21 looking at research and we most certainly will be
22 listening to our young people.

23 MR PEOPLES: I think maybe historically, before these
24 changes, that one of the things that sometimes comes up
25 was what could happen when you have the mix of older and

1 younger people and you're going to have an older
2 population as part of your population as well as -- the
3 youngest person in the secure unit now could be as young
4 as what, in theory?

5 MS GEANEY: The youngest person we have in Rossie at the
6 moment is actually 11, an 11-year-old boy and the oldest
7 we have, he's 17. He'll be 18 in [REDACTED], but again it's
8 about the mix in the houses and I referred earlier to
9 the matching process and matching criteria that the Care
10 Inspectorate have developed and we've contributed to
11 those criteria.

12 MR PEOPLES: That's the youngest you have at the moment.
13 How young can they be? Is that the youngest you can
14 take or 10?

15 MS GEANEY: 10 is the youngest we can take.

16 MR PEOPLES: I mean, that's below the age of criminal
17 responsibility?

18 MS GEANEY: Yes.

19 MR PEOPLES: So they didn't get there by committing
20 an offence?

21 MS GEANEY: No, that was on welfare grounds.

22 MR PEOPLES: So you're mixing young people that are there
23 on, say, welfare or care and protection grounds, with
24 people who are much older, who have a history of serious
25 offending, perhaps a number of convictions?

1 MS GEANEY: I think my earlier comment to you that I said
2 was that I believe that all of the children who are
3 placed in Rossie are in need of care and protection and
4 that's the way we approach the care of the young people
5 who are placed with us.

6 MR PEOPLES: You closely monitor obviously --

7 MS GEANEY: Absolutely.

8 MR PEOPLES: Because of the dynamics and the difference --

9 MS GEANEY: Our young people are monitored daily throughout
10 the day. We carry out risk assessments on a regular
11 basis. If there's any bullying, that's attended to,
12 that's dealt with. There's high visibility of all
13 staff. Staff, I think -- I heard you mention last week
14 about the relational aspect of care within Rossie.
15 That's the baseline, if you like, or that's the
16 foundation rock on which our care of young people is
17 built.

18 MR PEOPLES: I'll come to that. I'll make sure that we
19 understand the current approach.

20 Obviously you made the point, and I've made the
21 point, that historically Rossie's well used to taking
22 young people who have committed very serious offences,
23 it's not a new phenomenon. They've had to deal with
24 them in the past. We've been given instances in the
25 applicant evidence. Names have been mentioned as well,

1 but I'm not wanting to go to names. But they've had to
2 house people who were very young, who had committed very
3 serious offences?

4 MS GEANEY: Yes.

5 MR PEOPLES: I think one applicant has told us that there
6 was a boy who had murdered a 2-year-old girl.

7 MS GEANEY: Sorry, I don't --

8 MR PEOPLES: It's in the evidence. It's in the evidence.
9 I mean, it's one of the statements that we have?

10 MS GEANEY: Sorry, I can't --

11 MR PEOPLES: I'm not expecting you necessarily, I'm just
12 giving you an --

13 MS GEANEY: Yes, an example.

14 MR PEOPLES: -- an example. I'm not trying to make play out
15 of that. It's just to show perhaps the spectrum of
16 young people --

17 MS GEANEY: Yes, and I appreciate the point.

18 MR PEOPLES: -- that can be in the same environment and the
19 question is: is that something that increases the risk
20 of abuse or harm, either from someone within the group,
21 or creates more tensions that lead to violence or abuse?

22 I don't know whether there's a lot of research on
23 that, but no doubt you have regard to that, don't you,
24 if there is?

25 MS GEANEY: I suppose all I can say is what I said earlier,

1 that we're in an evolving situation and obviously, you
2 know, the historical circumstances were not ideal. The
3 evidence that, you know, the woman gave last week, it
4 wasn't very pleasant to hear. And I'm sure it must have
5 been extremely difficult for her in a predominantly male
6 environment.

7 MR PEOPLES: I suppose it does point up this, I mean, apart
8 from getting the balance of male and female in the same
9 environment and if there's a difference of ages, it's to
10 make sure that you have the staff with the appropriate
11 skills, qualifications and understanding to make that
12 mix work and maybe historically, for all the reasons
13 we've gone into already, about lack of training and lack
14 of understanding, that just wasn't the situation, that
15 they didn't have the skills?

16 MS GEANEY: No.

17 MR PEOPLES: And they didn't have the skills to deal with
18 children with serious disturbance or mental health
19 issues or complex needs, because I think historically it
20 wasn't a specialist service in that sense, it was
21 a national resource but it didn't have the specialist
22 skills to deal with a certain type of boy, if you like.
23 That was a historical problem, a real problem, was it
24 not?

25 MS GEANEY: I don't disagree with you.

1 Do you want to come in?

2 MR FRIZZELL: Could I just add something here? What you
3 have raised has been the subject over the last couple of
4 years of quite a lot of discussion between Mary and me,
5 around the implications of having 17-year-olds, who
6 would otherwise have been in the young offenders
7 institution, coming in. I was pointed to academic
8 research that suggests that those in young offender
9 institutions have got exactly the same adverse childhood
10 experiences as those coming to Rossie but at a younger
11 age and in the care system at a younger age. I could
12 say if you did that academic research among the adult
13 prison population, you would find exactly the same.

14 That doesn't mean that they all behave in the same
15 way in certain circumstances and I wouldn't want you to
16 think that we're not aware that there are certain
17 challenges posed -- I think this has to be said -- by
18 regularly now, if it happens, taking say from the courts
19 a number of 16-year-olds or 17-year-olds. Because they
20 are different -- in size, if nothing else -- from
21 11-year-olds.

22 So there are going to be certain challenges and, as
23 Mary has said, it's an evolving situation. We're
24 adjusting to it. It remains to be seen whether
25 sheriffs, who know now that there's an alternative to

1 the young offenders institution but it is a custodial,
2 start sending numbers to the four secure centres. That
3 does remain to be seen.

4 My feeling is that in due course we will see
5 an increase in the numbers and even from the panels, we
6 may see a bit more of a willingness to send young people
7 to a custodial environment.

8 So there are definitely challenges and I take your
9 point that there is the age difference and there's a big
10 difference between a six-foot, 17-year-old/going on 18
11 and an 11-year-old and that can lead to certain
12 consequences we've got to be very alert to, and which
13 Mary and the staff have discussed and been very alert
14 to.

15 MR PEOPLES: Because we've heard evidence in this Inquiry
16 before, just even taking the group from 11 or 12 to 16,
17 that there was evidence of a historical hierarchy,
18 groups, gangs, top guys, which you had that sort of
19 culture anyway. There's always a danger if you have
20 people of different ages, whether it's in a boarding
21 school or a prison, or a secure unit or a children's
22 home for that matter, that you'll get that issue of --
23 that problem, the problem of the weaker ones getting
24 preyed upon by the stronger. The older preying on the
25 younger, things of that nature.

1 So there is a real challenge there, is there not?

2 MR FRIZZELL: I think there is a real challenge there and

3 I don't think we should imagine that we won't have to
4 deal with that challenge at some point.

5 On the other hand, the young offenders institution
6 population up until 1 September was 16-year-olds to
7 nearly 21-year-olds, and there's a bit of a difference
8 there too.

9 My view is that the difference between the
10 20-year-old and the 16-year-old, streetwise 16-year-old,
11 is a bit different from between the streetwise nearly
12 16-year-old and the 11-year-old. So that is something
13 we're very alert to and we're all going to have to be
14 alert to that.

15 MR PEOPLES: There's maybe something that needs to be better
16 researched generally, to give people assistance and
17 guidance, as to just what the impact of that sort of
18 arrangement or structure would be, would you agree? It
19 would be good to make sure that someone applies their
20 mind fairly deeply to that sort of --

21 MR FRIZZELL: Well, the more research you can get, the
22 better. The research that has been done -- I think it's
23 important not to be too reassured by research that says
24 they've all had the same adverse childhood experiences,
25 their reaction to the adverse childhood experiences and

1 subsequent experiences may differ.

2 The other issue you raised was about -- I know one
3 of the persons giving evidence raised this one. We
4 shouldn't have people who are getting sent to these
5 places for plunking school in with people who have
6 actually committed a serious offence.

7 I think there is a point there actually. I'm not
8 sure people are getting committed now for plunking
9 school, I don't think that arises now, but there is
10 still a difference in the kind of reason that somebody
11 will be there.

12 MR PEOPLES: I think historically, you could get to Rossie
13 by a number of routes, but one familiar route was that
14 you were skipping school, you were seen as beyond
15 parental control, so you were stuck in a place like
16 Rossie, perhaps another approved school first, because
17 maybe Rossie was the school of last resort, because it
18 was seen as the last-chance saloon in the care system
19 and that boys were transferred there just to make sure
20 that they would conform or improve their behaviour.

21 That's one category, and then there is the ones that
22 were constantly running away. If the only way you can
23 stop them running away is detain them in secure
24 conditions, because an approved school was never meant
25 to be a closed unit. It was a school?

1 MR FRIZZELL: Yes.

2 MS GEANEY: Yes.

3 MR PEOPLES: The problem is, as we've heard, these young
4 people, when you put them in a locked environment, their
5 perception is, 'I'm in a prison', and historically,
6 unfortunately, the rooms they were put in at times,
7 either their own room or often the segregation cell,
8 were like prison cells. That's what they thought and
9 they were stripped of their belongings at times.

10 I don't suppose now removal of belongings is
11 something, from a room, whatever the risks might be,
12 you're not going to take their room apart and disturb
13 their private space, are you?

14 MS GEANEY: Well, I suppose I'm just thinking if there's
15 [REDACTED] in the young person's room and if there was
16 a risk to the young person harming themselves or, you
17 know, [REDACTED] and then harming themselves, then
18 obviously [REDACTED] would be removed. So I don't want to
19 give a blanket response, because we'd have to look at
20 the situation, the risk --

21 MR PEOPLES: But you're not going to stick them in a bare
22 windowless cell or a room that they see as a cell that's
23 got nothing it?

24 MS GEANEY: Oh, no, no, oh God, no, no. We don't have
25 a segregation --

1 MR PEOPLES: You have not got a segregation cell any more?

2 MS GEANEY: No.

3 MR PEOPLES: But you do still practice single separation?

4 MS GEANEY: And I'll come on to that, but there's just
5 something very important that I want to say, you know,
6 in support of what Eddie is saying.

7 And that is that in terms of the young people -- and
8 this will influence as well the profile and the needs
9 and risks and the age profile. The local authorities in
10 line with the Children (Care and Justice) Act, they're
11 also meant to be developing a whole range of early
12 intervention programmes, preventative programmes, work
13 with families. If they do that, then a lot of the
14 younger children that we are getting at the moment will
15 probably be taken out of the system, and then we'll have
16 a different cohort of young people coming in. Because
17 the intention is that 16- and 17-year-olds, because
18 they're now children, will be dealt with by the
19 Children's Hearing Panels.

20 They're not ready for that yet, because there's
21 still some legacy cases -- my language -- being dealt
22 with through the criminal justice route, through the
23 court system, and there's still recruitment process in
24 place for the Children's Hearing Panels to increase the
25 numbers. So I think where we are now and I think where

1 we'll be say definitely in two years' time will be quite
2 different in terms of the profile of the young people
3 who will be living with us.

4 MR PEOPLES: You are hoping to have less younger people
5 going through the system, because of the preventive
6 measures at an early age to address in the community --

7 MS GEANEY: Yes, if you were to ask me to project forward,
8 that would be my expectation, and I'm basing this on my
9 experience from other jurisdictions, but that would be
10 my expectation, that we'll have very few young children
11 placed with us and it actually will be older children --

12 MR PEOPLES: When you say 'young', what is your prediction
13 about age, how young?

14 MS GEANEY: Well, I've mentioned we've got an 11-year-old
15 boy with us at the moment. I would expect that the
16 majority of our young people will be 15, 16, 17. That
17 would be my expectation, as I say, just based on my
18 experience in other jurisdictions, but I just wanted to
19 come back just to, you know, reinforce what Eddie is
20 saying about that.

21 MR PEOPLES: But they wouldn't all go through the Children's
22 Hearing, because even if they have to go to secure care,
23 the courts will deal with serious crimes --

24 MS GEANEY: Yes, yes.

25 MR PEOPLES: -- but what the courts will do in way of

1 disposal will not be to send them to a young offenders,
2 they'll order them to be detained in some secure
3 accommodation?

4 MS GEANEY: That's right, yes.

5 MR PEOPLES: But on that, if this is the future --

6 MS GEANEY: Sorry, that's my perspective.

7 MR PEOPLES: Yes, you have made that clear and I don't want
8 to hold you to it, but that's the prediction business,
9 but at the moment, if this is going to make a difference
10 to the sort of population that's going to be in secure
11 accommodation going forward, and there's maybe a concern
12 that more courts will send more people of a certain age
13 to secure units, then there may be a need for more
14 places.

15 At the moment, as we understand it, there used to be
16 a number of secure places. ESS, Edinburgh Secure
17 Services, closed in 2022.

18 St Mary's, I think at the moment, is under a ban, is
19 it, on new admissions, unless it's been lifted?

20 MS GEANEY: They can take up to 12.

21 MR PEOPLES: 12 new admissions?

22 MS GEANEY: No, no, sorry, they're capped at 12.

23 MR PEOPLES: At the moment they're capped?

24 MS GEANEY: Yes.

25 MR PEOPLES: There are 12 places for them and you've got 18?

1 MS GEANEY: 18.

2 MR PEOPLES: So 30 places?

3 MS GEANEY: There are 36 in the other two centres.

4 MR PEOPLES: 18 and 36.

5 LADY SMITH: 54.

6 MR PEOPLES: 54, it's been a long day.

7 54 places. I think there used to be something like

8 84 or something and ESS had a certain number and there

9 were other places. There are now four units basically

10 in operation?

11 MS GEANEY: There are four secure centres in Scotland at the

12 moment.

13 MR PEOPLES: None of them are state run, none are local

14 authority controlled?

15 MS GEANEY: No, that's just the four that I've mentioned.

16 MR PEOPLES: The only one that used to be -- and we will

17 probably get a bit of evidence about this during this

18 chapter -- was Edinburgh Secure Services. That was the

19 only state- or local authority-run --

20 MS GEANEY: Local authority, yes. Local authority, yes.

21 MR PEOPLES: -- secure accommodation service?

22 MS GEANEY: But that's closed.

23 MR PEOPLES: Yes, it has.

24 MR FRIZZELL: Could I just say: they're not all full yet.

25 Yet. They are not all full yet, and government policy

1 is going to be very important in this regard. Mary
2 referred earlier to this Reimagining Social Care.
3 There's been work under that rubric going on for some
4 time in a unit at Strathclyde University, which has come
5 up with proposals that have been sent to the Scottish
6 Government. That could determine then what the demand
7 will be, because it seems to envisage a very different
8 model from now.

9 All these different models and if the local
10 authorities develop these models for the young children,
11 that's a big if, because all of these models require --

12 MS GEANEY: Money.

13 MR FRIZZELL: -- the kind of money that the money tree has
14 not provided up 'til now and may not provide in the
15 future. So that's all got to be thought about and the
16 government has yet to take a position on this policy
17 document, but it's one that the Inquiry may want to be
18 aware of, Reimagining Social Care is the rubric and
19 I think --

20 MS GEANEY: Secure Care, Reimagining Secure Care.

21 MR FRIZZELL: Secure Care, Reimagining Secure Care.

22 MR PEOPLES: Can I say this: we have history to guide us,
23 because historically, List D schools were not meant to
24 survive until the mid-1980s. The idea of the Social
25 Work (Scotland) Act 1968 was to make a rapid transition

1 to it becoming effectively just part of the local
2 authority provision.

3 The local authorities resisted that and also the
4 other thing they didn't do, whether through lack of
5 resources or otherwise, was to create alternative
6 resources to List D schools so you got people put into
7 List D who were not really -- it wasn't the right place
8 for them.

9 We have that, as an example of where there is
10 an intended model, but it doesn't always work as planned
11 and eventually what happened with Rossie and others in
12 1986 was, having failed to persuade a local authority to
13 take over Rossie, and it was a time of crisis for
14 Rossie, Rossie was told, 'You're on your own, mate'.

15 Is that not what it came to at the end of the day?
16 You had to survive and it was quite difficult until you
17 secured some form of service-level agreements with
18 authorities to take certain places and you had to simply
19 balance the books?

20 MS GEANEY: Yes.

21 MR PEOPLES: That challenge might face you again, if there's
22 still not a full capacity at Rossie, you still have to
23 balance the books. What do you do? Did you not at one
24 point to balance the books take children from other
25 jurisdictions?

1 MS GEANEY: Yes.

2 MR FRIZZELL: Yes.

3 MR PEOPLES: From down south and Ireland?

4 MS GEANEY: Down south.

5 MR PEOPLES: Perhaps? I don't know. Ireland historically,

6 I've seen reference to that, but down south, yes, just

7 because -- to make ends meet?

8 MS GEANEY: Well, it's a little bit more than that. I mean,

9 obviously income is important, but it's also about the

10 fact that we're a national charity and when we received

11 referrals of children who were in need of our care, who

12 were in need of our services, then we were in a position

13 to offer them a placement with us.

14 So it's not just about the money and I wouldn't want

15 you to think that we're monetising children. That was

16 language that was used in the Independent Care Review,

17 which upset me greatly, but, you know, we have taken

18 children from down south but the young people have done

19 very well when they've been in our care. I would say

20 that wouldn't I? Forgive me, I don't mean to sound

21 defensive.

22 MR PEOPLES: This is again how you're very much at the whim

23 of policy and changes, because there was a time when

24 Rossie was proclaimed by government as a national

25 resource and then there came a time when they were

1 wanting to perhaps rid themselves of direct
2 responsibility. They said: well, just try and sort out
3 some arrangement with a local authority or a group of
4 them and very much concentrate on people from your local
5 area. Let the Glasgow boys be sorted out in Glasgow and
6 so forth.

7 Now we seem to be coming back perhaps to a situation
8 where Rossie is now going to be seen increasingly again
9 as a national resource, because it's like a Polmont
10 Young Offenders for people across Scotland. Is that
11 a possibility? I know the five boys from Polmont or
12 five people from Polmont went to --

13 MS GEANEY: Central belt.

14 MR PEOPLES: -- central belt. But, you know, it looks to me
15 that again it will just be seen that: well, there's
16 something that's now a replacement for a young offenders
17 institution, it's situated in Montrose but it's
18 a national resource. It's not going to cater just for
19 boys from the local area, or girls?

20 MS GEANEY: We have some boys and some girls from different
21 parts of Scotland, not just from the north-east region.
22 We're not a replacement for Polmont. I really would
23 like that on the record --

24 MR PEOPLES: Sorry, I'm not saying it in that sense. Sorry,
25 I have put it badly and forgive me. I just meant that

1 the people that might have been in Polmont could end up
2 now, under the legislation, in Rossie or perhaps
3 St Mary's?

4 MS GEANEY: Or other secure centres, yes.

5 MR PEOPLES: Sorry, I put it badly. My apologies.

6 MS GEANEY: Yes, is the answer. Yes, we will be taking
7 young people who would historically have gone to
8 Polmont.

9 MR PEOPLES: Obviously we've looked a bit at the present
10 again, but going back to the past, I was asking you
11 about important changes and that kind of -- that spawned
12 from some discussion about some of the things that we
13 know have happened over the years.

14 There was another significant change -- and
15 I've touched upon it just moments ago -- that Rossie
16 ceased to be an approved and then List D school, it was
17 closely controlled by and dependent for funding upon
18 central government, at least to a substantial degree.

19 I'm just wondering what the significance of that
20 was. Was it a good or bad development, particularly
21 from the point of view of the treatment of children,
22 because you had more control over the purse strings?

23 MS GEANEY: I couldn't comment, I'm sorry. I couldn't
24 comment.

25 MR PEOPLES: I'm just wondering if you have any thoughts

1 whether that -- it caused problems at the time, because
2 there was an uncertainty what would happen to places
3 like Rossie when they lost the direct grants, but I just
4 wonder if it turned out to be a blessing in disguise?

5 MR FRIZZELL: That's a really difficult question to answer,
6 and I don't know whether anyone has done some research
7 on that but, I mean, basically the transfer was from
8 central funding to -- there was a transfer of resource
9 went to local government. When you do that kind of
10 thing, somebody loses out always and, I mean, there's
11 been lots of to-ing and fro-ing in that kind of area.

12 Usually the money that gets transferred isn't quite
13 enough, or if it is enough, it gets syphoned off for
14 something else. So I don't know. I don't think it
15 would have made the financial position any easier and
16 I suspect the motivation for getting rid of it was it
17 was becoming quite a substantial burden on central
18 government --

19 MR PEOPLES: I think they wanted --

20 MR FRIZZELL: -- we are talking 1980s here, remember.

21 MR PEOPLES: I think they wanted to distance themselves from
22 direct responsibility for these matters, particularly
23 when they were trying to sell the idea that care
24 provision, particularly if List Ds were to become part
25 of the local authority provision, was a matter for the

1 local authorities. Devolved government, if you like,
2 rather than central government and they seemed to want
3 to be rid of the direct responsibility.

4 Whether that position has changed over time and they
5 want to assume more responsibility, I don't know, but
6 you may be better placed than I?

7 MR FRIZZELL: It's difficult to say. I mean, there may
8 well -- I don't know the detail of that. There may well
9 have been, although I did work in the financial
10 division, I think, in the Scottish Office then, but it
11 wasn't my bit of it. There probably was a good policy
12 argument for this. But there would be a financial
13 benefit potentially, if you transfer the money and the
14 cost to somebody else, then any further increase is
15 their responsibility, not yours.

16 It's possible.

17 MR PEOPLES: I don't suppose governments and government
18 officials do these things unless they feel that it
19 benefits central government?

20 MR FRIZZELL: It what?

21 MR PEOPLES: I don't think changes like that happen unless
22 to some extent it's seen as benefiting central
23 government to move the direct funding arrangements?

24 MR FRIZZELL: Yeah, probably, yes. But you say are we
25 changing our view? I don't know. That remains to be

1 seen. The Reimagining Secure Care proposals may reveal
2 what central government thinks about all of this now.

3 I mean, you described the classic kind of wave cycle
4 of how policies change. You go from children should not
5 be locked up ever, to well, we have to lock up some.
6 You move from they're better staying at home with their
7 family until terrible things happen to them in their
8 family, so then maybe they're safer in residential care.
9 We go through this all the time and it's very difficult
10 to see a stable policy that lasts for a long number of
11 years. It's just been the experience.

12 MR PEOPLES: I think the problem for a place like Rossie is
13 that you don't have your fate in your own hands. It's
14 policy reactive. Because if national or local authority
15 policy changes, as it did no doubt in the times of
16 Strathclyde, who didn't like residential homes in the
17 1960s, large residential homes, you are very much
18 sensitive to those changes and have to adapt to them --

19 MS GEANEY: Yes, yes.

20 MR PEOPLES: -- and that can create uncertainty and it might
21 create uncertainty within the staff, uncertainty in the
22 people that are resident as well, and just generally
23 an unsatisfactory state of affairs. If there's no
24 stability in terms of the policy position, if you're
25 constantly having to be reactive. Is that not a real

1 challenge?

2 MR FRIZZELL: I think it is a real challenge. I mean,
3 I think you asked: is it beneficial to have central
4 government funding? In my experience, no, it probably
5 isn't.

6 MS GEANEY: Sorry, may I just come in? I suppose I would
7 say -- you are talking about being 'reactive'. I'd like
8 to use a different term and say that we're being
9 responsive and, you know, since I've been in Rossie --
10 and again I'm not splitting hairs, 'cause there is
11 a difference -- since I've been in Rossie, we've had to
12 adapt and be responsive to change in policy since
13 I've been there. In this world, you know, of young
14 people, we have to improve. We have to change. We have
15 to learn from different situations, different incidents
16 and we have to be responsive to policy.

17 Just an example, if I may, with regard The Promise.
18 We've been lucky enough to secure some funding to
19 promote relationships between brothers and sisters, so
20 we'll have a new brother and sisters' activities
21 project. We've got X amount of money from The Promise
22 fund and the board has also, you know, given Y amount of
23 money, not quite to match fund it, but to make
24 a significant investment.

25 So we're always responding, we're always looking out

1 on the horizon what's coming. How can we do better, how
2 can we be better, so --

3 MR PEOPLES: The system has -- I don't disagree with what
4 you're saying in principle, that you have to be able to
5 be responsive to certain changes, particularly if you
6 agree with the changes and the policy direction, but it
7 can create tensions and problems for the organisation
8 and that no doubt has a knock-on effect to the staff and
9 the people who are the service users.

10 That's the point I'm making. I'm just trying to see
11 how all of these things might play into a situation
12 where people have a bad experience. That's my
13 direction, I'm not trying to take the wider question of
14 how you reform the care system, because that's not our
15 remit.

16 MS GEANEY: I suppose that's our job to manage those
17 tensions and, you know, the young people wouldn't be
18 aware of any of that, nor would staff, you know, who
19 would be lower down the hierarchy, and I don't mean that
20 to be discourteous.

21 MR PEOPLES: Well, you say that, I mean when there was some
22 concern about the future of List D schools, I beg to
23 differ. I think you'll find from your own records that
24 there were staff that were considerably worried about
25 their future and where it was going to be and then

1 whether there was a real threat of closure or not. No
2 doubt in the end, as it turned out, it was happy ending.
3 It wasn't a closure situation, but these are real
4 concerns?

5 MS GEANEY: And I'm not minimising what you are saying, but
6 I can only speak about the present situation. Where we
7 are at the moment, with regard to Rossie, our secure
8 care contract, which we had to bid for, you know, nobody
9 gave it to us, we had to bid for it, in terms of quality
10 of service and value for money, we were awarded that
11 originally for four years and that's been extended to
12 five.

13 Now, we thought we'd have to bid for that in
14 January, but it's likely that that will be deferred to
15 later in the year because the new specification hasn't
16 been designed, but in terms of our residential contract,
17 we've been awarded that for six years, so that's up
18 until September 2028.

19 So the point I'm trying to make is that staff have
20 security of tenure. They see we're a sustainable
21 organisation and I'm not saying that won't change.
22 I'm not naive enough to say that won't change, but, you
23 know, that's my job, and with the board and with senior
24 managers, to work on that --

25 MR PEOPLES: I just ask, Mary, when you are saying that, it

1 was a good point and it's something I did want to raise
2 with you, is at one stage I think the situation was that
3 you didn't have any kind of guarantees of user
4 authorities taking places and paying for them, even if
5 they weren't used. But you're now in a situation where
6 you have got some sort of secure care contract, that,
7 I think, involves all local authorities, and you have
8 agreed terms and conditions of use?

9 MS GEANEY: Yes.

10 MR PEOPLES: Agreed price for the service?

11 MS GEANEY: Yes.

12 MR PEOPLES: Per resident?

13 MS GEANEY: Yes.

14 MR PEOPLES: Does that mean even if you're not fully -- you
15 don't have full capacity at any one time, you get paid
16 for the beds? Is that like a block-booking system or do
17 you still have to fill the bed to get paid?

18 MS GEANEY: Absolutely. You know, we will only get paid if
19 the bed is full, so that's absolutely right.

20 MR PEOPLES: It does harmonise -- or it standardises the
21 conditions across the local authorities that might use
22 your services, but you have to compete with places like
23 St Mary's?

24 MS GEANEY: Well, but I like to compete with other
25 centres --

1 MR PEOPLES: I am just trying to understand it, I'm not
2 suggesting --

3 MS GEANEY: So how it works is that we have to submit
4 a response to the invitation to tender, as do the other
5 centres as well. And we're appraised on quality of
6 service and on price and then that information is shared
7 with the local authorities, so I actually don't know
8 what daily rate or weekly rate the other centres have.
9 I don't know that. I'm not privy to that information,
10 but I know our rate obviously, and the local authorities
11 will know that rate as well.

12 MR PEOPLES: The point I'm making is that it's not
13 a guarantee that you will --

14 MS GEANEY: No.

15 MR PEOPLES: Because you can't just lay off staff because
16 you have got a half-full establishment, because you
17 might need them the next week?

18 MS GEANEY: No.

19 MR PEOPLES: So you still have to try to balance the books?

20 MS GEANEY: Yes.

21 MR PEOPLES: With this contract, are you still free to, for
22 example, take a placement from England if there's
23 an enquiry? You are not barred from taking people from
24 other jurisdictions if there's a space, are you?

25 MS GEANEY: Well, if I may just come back. It's also

1 about -- and this is an important point when I started
2 in Rossie -- while the occupancy level wasn't as high as
3 it could have been, that was actually very much down to
4 some of the senior managers, who were making decisions
5 on what children would come in and what children would
6 not come in, in other words whom they'd accept. So that
7 required a culture change and for people to better
8 understand the links between occupancy, service
9 improvement, service development and money. You know,
10 you can't have one without the other.

11 So, you know, that took some time to change.

12 MR PEOPLES: You have to fill the beds.

13 MS GEANEY: Pardon me?

14 MR PEOPLES: You do have to fill the beds, if you can,
15 because otherwise it's a recipe for disaster --

16 MS GEANEY: Of course, yes.

17 MR PEOPLES: -- so they all interlink?

18 MS GEANEY: I'm not disagreeing with you on that.

19 MR PEOPLES: Obviously we have a better understanding now,
20 but going back to some of the factors or changes over
21 the years and their significance, certainly from our
22 perspective of whether they reduced the risk of abuse or
23 not. I think this is an obvious one, but no doubt
24 you'll tell me if I'm wrong, that one major change is
25 the using of staff with qualifications, appropriate

1 qualifications.

2 Now, just to be absolutely clear to look at the
3 present situation, I think in your A to D response you
4 say you have adequate staffing numbers, which is maybe
5 not something that could be said of the past, that you
6 have sufficient staff?

7 MS GEANEY: We have sufficient staff, but obviously with
8 staff perhaps going sick or with annual leave, sometimes
9 we will also use staff on a casual contract or we will
10 use agency staff. That also depends on the profile and
11 the need and the risk of the young people who are with
12 us at any one time.

13 MR PEOPLES: But that's not satisfactory, because you don't
14 really want to have that as the norm, which I think
15 historically was the case when you had long-term
16 sicknesses and permanent staff off and you had relief
17 cover or sessional workers, because the problem there,
18 from the child's point of view is, if you're wanting to
19 build stable relationships, trusting relationships and
20 trying to reduce challenging behaviours by dialogue and
21 so forth, is that if you keep bringing in different
22 people every day, then the young person is not going to
23 be able to forge the relationship that you want, is that
24 not true?

25 MS GEANEY: I hear your point. I suppose what I would say

1 to you is that we have sufficient staff in terms of the
2 core staffing levels, but sometimes we'll need
3 additional staff because of annual leave or, as I say,
4 if somebody was sick.

5 However, what we've done with the agency staff is
6 that we require to have the same agency staff come in so
7 that our young people will know them.

8 And similarly -- when I say 'casual staff', they are
9 our staff really but they work on a casual contract but
10 they're consistent. That's one of the areas that the
11 Care Inspectorate will assess us against in terms of
12 consistency of staff.

13 MR PEOPLES: I understand, and I understand the need for it,
14 if looking at it from the child's perspective, one of
15 the things that jumps out again of applicant evidence is
16 the need for consistency, to have some stable
17 relationships in your life.

18 MS GEANEY: Yes, yes.

19 MR PEOPLES: The problem is that many of them, particularly
20 when they're talking about the external social worker,
21 will say, 'They changed far too often and sometimes they
22 didn't tend to come to see me anyway because I was from
23 Glasgow and I was up in Montrose'. But the problem was
24 that it was only the ones who found a consistent social
25 worker that they trusted, that they often got more out

1 of it.

2 MS GEANEY: Yes.

3 MR PEOPLES: The same could be said of staff in

4 an establishment, that if you don't have that stability

5 and consistency, then what's the young person going to

6 do, are they really going to respond if --

7 MS GEANEY: I agree with you totally and what I would say is

8 that at moment our retention rate -- and I'm not

9 complacent -- our retention rate is 90 per cent. We

10 review that all the time. There are monthly reports

11 presented to the board on all HR matters and that will

12 also include sickness, short-term sickness/long-term

13 sickness and the strategies that we have in place to

14 address that. So there's also requirement on staff with

15 the SSSC, that if there's a deterioration in their

16 health for any reason, and that will impact on their

17 ability to do the job, they must notify the SSSC. It

18 isn't just our responsibility, it's their responsibility

19 as a registered worker.

20 But you're absolutely right, you must have

21 consistency of staff so that the children can build

22 a relationship with them and trusting relationships with

23 them and also that they know that staff care about them.

24 I totally agree with you.

25 MR PEOPLES: Otherwise your relationship approach will not

1 work?

2 MS GEANEY: Yeah, it won't work.

3 MR PEOPLES: I think that's maybe a good time to have a

4 short break.

5 LADY SMITH: I usually take a short break at this stage in

6 the afternoon. Would that work for you two if we did

7 that now.

8 MS GEANEY: Yeah, thanks very much. Thanks.

9 LADY SMITH: Thank you very much.

10 (3.02 pm)

11 (A short break)

12 (3.12 pm)

13 LADY SMITH: Mary, Eddie, are you all right if we carry on?

14 MS GEANEY: Yes.

15 LADY SMITH: Thank you.

16 Mr Peoples.

17 MR PEOPLES: My Lady.

18 Just going back to the question of important changes

19 and maybe their impact on risk of harm and whether it

20 reduces the chances of the sort of things happening that

21 applicants have spoken about.

22 The next one that I think -- we've talked about

23 staff with qualifications. I meant to ask you just one

24 question on that. I think I asked about the staffing

25 complement at present, but am I right in thinking that

1 all of your care staff now have appropriate
2 qualifications or are some in the process of obtaining
3 them?

4 MS GEANEY: Yes, the care staff have to get an SVQ in care
5 of young people, that's a Level 3. Then the managers
6 will have to have a Level 4 SVQ qualification.

7 Obviously staff in different departments, like our
8 specialist intervention department, they'll have
9 different qualifications. So we've got assistant
10 psychologists, we've got social workers in there as well
11 and we've got staff who will have been specially trained
12 in, say, dealing with violence or doing assessments
13 et cetera. We've obviously got an education department
14 as well, but within the care team, I think that's your
15 question, that's the expectation --

16 MR PEOPLES: Expectation or the actuality?

17 MS GEANEY: Oh, no, no, sorry, no, a requirement, no,
18 a requirement. What I was going to say was that the
19 SSSC --

20 LADY SMITH: Sorry, Mary, what is the requirement?

21 MS GEANEY: It's a requirement for registration that staff
22 must acquire this qualification. The point I was going
23 to make was --

24 LADY SMITH: Hang on, hang on. It's a very simple question.

25 MS GEANEY: I beg your pardon. Sorry.

1 LADY SMITH: You have spoken about two different
2 qualifications, Level 3 and Level 4 SVQ. Which
3 qualification is the minimum?
4 MS GEANEY: It's a requirement. Both of those, so if you're
5 a care worker --
6 LADY SMITH: Do they have to have both?
7 MS GEANEY: No, if you're a care worker you must have SVQ 3.
8 LADY SMITH: Thank you. That's what I wanted to know.
9 MS GEANEY: If you're a manager you must have SVQ 3 and
10 SVQ 4. But what I was going to say is that the SSSC is
11 now allowing staff a five-year window in which to gain
12 that qualification. It used to be three. I have some
13 reservations about that.
14 MR PEOPLES: A five-year window -- so someone can still be
15 employed and as long as they embark on the required
16 qualification, they have five years to work towards it?
17 MS GEANEY: They'd be working towards getting --
18 MR PEOPLES: So they are working for five years without the
19 appropriate qualification?
20 MS GEANEY: Well, they'll be obviously, you know, submitting
21 modules. They'll be assessed, but to complete it -- and
22 that's the point I wanted to make to the Inquiry --
23 I find that too long. Personally I just think three
24 years is too long but --
25 MR PEOPLES: If you take teachers, maybe I'm out of touch,

1 but I thought teachers went through a teachers' training
2 programme before they got to teach. Why can't the same
3 be true of care workers, that they have to have the
4 qualification or, maybe in your case, you would say at
5 least get it within a much shorter period of time?

6 MS GEANEY: It's applied learning, and I would think that
7 the requirement of five years, I'm saying to the
8 Inquiry, I think it is too long. I thought three years
9 was even very generous, if I'm honest, but that's the
10 new --

11 MR PEOPLES: Just in the case of Rossie then, you give
12 current staff numbers in your A to D response. There's
13 quite a lot of staff overall. 120 or that order?

14 MS GEANEY: We've now a little shy of 200 staff, but that's
15 all disciplines.

16 MR PEOPLES: If I can just ask then, the total staff are
17 around 200. If we just focus on care staff and
18 particularly frontline care staff that have to have
19 SVQ --

20 MS GEANEY: The frontline care staff must have an SVQ 3.

21 MR PEOPLES: How many care staff do you have at the moment,
22 and how many have got the actual qualification, and how
23 many are in the five-year process?

24 MS GEANEY: Yes, may I come back to you on that? Just so
25 that I don't give misleading information.

1 MR PEOPLES: No, no, that's fine, but am I right in thinking
2 then that we -- it can't be said and you probably know
3 this at least, that we can't say that 100 per cent of
4 your frontline care staff have got an appropriate
5 qualification at the moment?

6 MS GEANEY: I would say, yes, you are correct in saying
7 that.

8 MR PEOPLES: That's fine.

9 MS GEANEY: But they're working towards getting that
10 qualification.

11 MR PEOPLES: I follow what you're saying.

12 In terms of qualifications, I'll move on to another
13 change, which as it appears that certainly in recent
14 times, there was the introduction of what I would term
15 structured training programmes, including restraint or
16 physical intervention training, whereas in the past the
17 impression one gets from the minutes and other things is
18 that training opportunities sometimes came up, people
19 might apply for them, but there was no structure to the
20 training programme and this was a fairly recent
21 introduction, this form of structure, to have a proper
22 programme that all staff are part of, is that right,
23 basically?

24 MS GEANEY: What I can say with regard to physical restraint
25 and CALM, since I've been in Rossie, that arrangement,

1 that structure was in place before I came to Rossie,
2 about the CALM training. We've increased it, we've
3 enhanced it, the frequency of it, so that would be
4 number one.

5 In terms of the qualifications for staff, sorry, but
6 I can't remember the date when that was a requirement.
7 The SVQ 3, but I am assuming that started --

8 MR PEOPLES: I think it's 2005. I think initially it was
9 generic social workers had to have a qualification and
10 then I think residential care workers, the SSSC, began
11 to insist on at least working towards the qualification.
12 I think that maybe was 2005 or thereabouts, I can stand
13 corrected.

14 MS GEANEY: Yes, it predates me. But what we've also got in
15 Rossie is that we've got an annual CPL calendar for all
16 staff, so that's staff across all disciplines and
17 I think that's a very important point to make, because
18 when I started in Rossie first, there was a lot of
19 investment in training staff, in care, in education and
20 specialist interventions, but not so much say around the
21 maintenance staff or the administrative staff, IT staff,
22 household staff and they need to be just as informed
23 about child protection as any other staff group and
24 staff cohort.

25 MR PEOPLES: I suppose though, again looking at it from the

1 angle of the reducing the risk that children could be
2 ill-treated or abused, particularly with structured
3 training rather than sort of ad hoc training which
4 doesn't necessarily meet the same aim, with structured
5 training you get the education and understanding and the
6 hope is that that's embedded and it's applied in
7 practice. That's the theory, isn't it?

8 MS GEANEY: Yes.

9 MR PEOPLES: Obviously, if you don't have that training, the
10 risk is that you don't have the requisite education or
11 understanding of the vulnerable children you're dealing
12 with and you can make mistakes or you can do things
13 which give them a bad experience, whether deliberately
14 or otherwise?

15 MS GEANEY: Yes. I would agree with you.

16 MR PEOPLES: That's the situation that appears to me to have
17 been the general position in the past, that you hadn't
18 had a staff group who had structured training. They
19 didn't have the necessary education skills or
20 understanding and things happened?

21 MS GEANEY: Yes.

22 MR PEOPLES: Now, obviously, I suppose, the abolition of
23 corporal punishment, which could be used legitimately or
24 inappropriately, presumably was a significant change, in
25 the sense that it reduced the opportunity for someone

1 under the guise of corporal punishment and authority to
2 administer an inappropriate or excessive punishment
3 because we have heard about that happening?

4 MS GEANEY: Yes.

5 MR PEOPLES: So that reduced the risk?

6 MS GEANEY: Yes.

7 MR PEOPLES: You still had the risk, that, 'Well, I can't
8 punish them with a belt but I can restrain them, I can
9 assault them under the guise of restraint or I can use
10 excessive force'. We've still got that risk --

11 MS GEANEY: Yes.

12 MR PEOPLES: -- but we have removed one potential area that
13 would facilitate the possibility of abuse?

14 MS GEANEY: Yes.

15 MR PEOPLES: That's a change that's probably for the better?

16 MS GEANEY: Yes.

17 MR PEOPLES: I'm not sure that staff or the teachers or the
18 headmaster in the schools necessarily approved of it at
19 the time. I think they thought it was a necessary
20 weapon or tool, but that's happened?

21 MS GEANEY: Yes.

22 MR PEOPLES: So that's a significant change?

23 MS GEANEY: A positive, yes.

24 MR PEOPLES: Then we have another change, which I think
25 probably dates more to the 1990s. There was the UN

1 Convention on the Rights of the Child 1989, the Children
2 (Scotland) Act 1995, and we are beginning to get to the
3 era where there's a general recognition that children
4 have rights, some being fundamental rights, rather than
5 being young persons who must, through doing as they're
6 told, earn privileges, including contact with their
7 family.

8 That's quite a significant development --

9 MS GEANEY: Yes.

10 MR PEOPLES: -- because it's giving them the respect and the
11 recognition, as long as you do respect and recognise it,
12 I mean, I think we've heard instances where they
13 probably did have rights but they didn't necessarily
14 know them and they were sometimes not adhered to, but at
15 least that's a step in the right direction?

16 MS GEANEY: Yes, absolutely.

17 MR PEOPLES: Would you agree?

18 MS GEANEY: Absolutely.

19 MR PEOPLES: Whereas before that, I think basically, as
20 I've said before, they left their rights at the door --

21 MS GEANEY: Yes.

22 MR PEOPLES: -- as far as the staff and the establishment
23 were concerned, in the way that they were treated.

24 Another change which -- I don't know whether there's
25 any figures on this, but obviously we've had in more

1 recent times a statutory vetting system in the 2000s?

2 MS GEANEY: Yes.

3 MR PEOPLES: For vetting people who deal with vulnerable

4 persons?

5 MS GEANEY: Yes.

6 MR PEOPLES: In 2003 and then 2007?

7 MS GEANEY: Yes.

8 MR PEOPLES: I suppose allied to that, and it may be part of

9 that, we have more robust recruitment processes these

10 days. I think you tell us about some of them in your

11 response?

12 MS GEANEY: Yes.

13 MR PEOPLES: I think generally that's been a development?

14 MS GEANEY: Yes.

15 MR PEOPLES: I mean, the rough and ready, when you have met

16 someone in the pub and gave them a job or you promoted

17 a janitor to be a care worker within the organisation or

18 some member of their family got to join, these days,

19 I would like to hope, are past?

20 MS GEANEY: They're past, absolutely.

21 MR PEOPLES: These, one would like to presume, would reduce

22 the risk but not eliminate the risk of having

23 an unsuitable person looking after children. We've got

24 the 'disqualification from working with children' list

25 as well. These are all safeguards, but they're not

1 guarantees --

2 MS GEANEY: No.

3 MR PEOPLES: -- because as you have given us instances,

4 there's been staff, when these things have been in

5 place, who have acted inappropriately and may have been

6 dismissed because of the way they treated children?

7 MS GEANEY: Yes.

8 MR PEOPLES: It's not a guarantee, but again is that a move

9 in the right direction, that that's a significant change

10 in terms of lessening the risk?

11 MS GEANEY: It's an absolute move in the right direction and

12 if I may just say with the PVG checks, we carry those

13 out -- we pay for those for staff but we also carry them

14 out on the Board of Governors and they're done then

15 subsequently every three years on a rolling programme.

16 And there's also a requirement on staff, in line

17 with our own handbook, that if anybody commits

18 a criminal offence, is charged, they must notify me and

19 also with the SSSC, they must notify the SSSC.

20 MR PEOPLES: Just on the question of recruitment, I probably

21 didn't think about this but I maybe should ask it, that

22 historically I think there was a concern, certainly

23 within central government, certainly in the 1960s and

24 possibly beyond, about the governance of List D schools

25 and approved schools and how well qualified and capable

1 boards of management were.

2 Now, and also another feature was that many of the
3 board were there too long, far too long. They didn't
4 have any childcare experience. There wasn't
5 a diversity. They were just the great and the good in
6 the local community who were willing to serve but not
7 necessarily people that would be able to really do the
8 sort of things in the way of monitoring that were
9 required and often SNR [REDACTED] got a free rein.

10 Certainly that seems to be the position with two
11 SNR [REDACTED] at Rossie; Mr HBT [REDACTED], in the good old days,
12 [REDACTED] Mr LLY [REDACTED], who was a [REDACTED]
13 SNR [REDACTED], but who came to the attention for some of
14 the wrong reasons to the Scottish Office I think in the
15 1960s. I think he was written about internally and
16 privately, so the public didn't know this.

17 So that was a problem. But has that changed in the
18 sense that we now understand, from what you have said
19 this morning, that the board deal far more with the
20 issues like complaints, welfare issues. There's much
21 more understanding, there's much more information given
22 and if you're a conscientious chair, you'll analyse, and
23 take it home, and study it, and come back with hard
24 questions and ask difficult questions.

25 Has Rossie attempted to get a diverse board of

1 management? Because in the good old days, as I say, we
2 can probably see maybe someone that was retired, a bank
3 manager or a military person or someone that was just
4 one of the respected elders in the community of some
5 sort. What is the situation now, Eddie? Are we moved
6 on?

7 MR FRIZZELL: It would be wrong to say that we have got it
8 absolutely buttoned down now as a more diverse board,
9 but it's more diverse, I think, than it was.

10 I would have to say, one should not underestimate
11 the difficulty of getting people to serve as a trustee
12 of a charity -- well, as a trustee of almost any
13 charity, but as a trustee of a charity like Rossie.

14 We don't get many people coming up volunteering and
15 certainly at the point I arrived on the board, in 2021,
16 it was largely -- up to that point I think it had been
17 largely about did anybody know anybody who might be
18 interested in doing this.

19 LADY SMITH: Eddie, am I right in thinking that there are
20 two aspects to the challenge for you. Part of it is the
21 subject matter. What it is that Rossie does may not
22 appeal to some people.

23 Separately, on a practical level, a place up near
24 Montrose that you're expected to go to regularly can be
25 really difficult, I'm sure.

1 MR FRIZZELL: Yes. I mean, you are probably looking at
2 a relatively local pool of potential trustees.

3 I was recruited by a recruitment agency, because my
4 predecessor got board agreement to go beyond the
5 traditional way and to get a recruitment agency to do it
6 and, as it happens, that agency is run by a young man
7 who was the Deputy President of the Students'
8 Association at Abertay University while I was a chair at
9 Abertay University. He phoned me up out of the blue and
10 said there was this potential vacancy, was I interested.
11 He said in particular they are looking for somebody who
12 knows something about prisons, because they're in
13 discussion with the Scottish Government about young
14 people coming from Polmont into the care system, which
15 I didn't really believe were serious discussions, I may
16 say, at that point. I thought they would never happen.

17 So anyway, that's how it came about and I was
18 recruited that way and two other people were recruited
19 in that same process, both of whom lasted, was it
20 two years?

21 MS GEANEY: A year and two years respectively.

22 MR FRIZZELL: One for a year and one for two years, which is
23 a bit of a pattern sometimes, because it turns out that
24 it's actually quite demanding. It can be quite exposing
25 and you never know when something will go terribly wrong

1 and your name will be in the newspapers, so, you know,
2 there are certain risks associated with being on the
3 board of an organisation like Rossie. So that's how
4 I came to be there.

5 There was a sort of mix then of recruiting after
6 that, of tapping people on the shoulder, who were local
7 people, and all good people, and there was another
8 attempt to use a recruitment agency that didn't deliver
9 anybody suitable.

10 Then, when I took over as chair a year ago, almost
11 exactly a year ago, I got a recruitment consultancy in
12 Scotland to find -- I think it was three senior board
13 members and to try and spread the net a bit more widely.
14 But it couldn't be spread too widely. I mean, I was not
15 impressed to get suggestions about people who lived in
16 Stewarton and Ayrshire, how they were going to get to
17 a meeting in Montrose, and it can't be done all online.
18 I'm not willing to have that on the board. We do some
19 online stuff, but we're not going to have board meetings
20 online. If we want to do the job properly, we need to
21 go and be there.

22 But anyway, I got four people and that's made it
23 a bit more diverse. It's not diverse in the now
24 currently accepted sense and the gender balance isn't
25 what it was before, which I do want to rectify. One of

1 those people has already resigned, because they found
2 out that, although he'd told us solemnly that he could
3 do it and would have time to do it and he could come to
4 Montrose for meetings, he found he couldn't, so he
5 finally said he couldn't and he didn't come. So I think
6 I've still got three of them, haven't I?

7 MS GEANEY: Yes.

8 MR FRIZZELL: Yes.

9 MR PEOPLES: Following that up, just so I'm absolutely clear
10 about this: board members, unlike staff, do not require
11 any form of childcare qualifications or experience and
12 there's no requirement for the board to have anyone with
13 X qualifications on the board, they can be anyone, and
14 am I right in thinking, although Rossie vets the board,
15 if you like, there's no statutory requirement for them
16 to do so?

17 MR FRIZZELL: We have to get PVG.

18 MS GEANEY: Yeah, absolutely.

19 MR PEOPLES: You do have to?

20 MS GEANEY: Yes, absolutely. Absolutely.

21 MR PEOPLES: You will have contact because you'll have
22 visits?

23 MR FRIZZELL: Oh, yes.

24 MR PEOPLES: So the vetting system applies across the board,
25 yes?

1 MS GEANEY: Yes.

2 MR PEOPLES: If you're talking about people who have
3 appropriate expertise, if you were going to have
4 a working party on secure care, you would normally
5 perhaps choose someone with some kind of background or
6 experience to chair it or to be a member of it.

7 Now, you have got a board who could have no prior
8 experience of these matters, they just have an interest
9 or an inclination or whatever. Is that a weakness?

10 MR FRIZZELL: Is it a weakness? I don't think that begs
11 a yes/no answer. It is not necessarily a weakness, but
12 I would agree that you do want some relevant experience.

13 Good practice for a board is that you have a skills
14 matrix, a little register of the skills you've got and
15 the experience you've got and you identify where you
16 could do with filling in gaps in that experience and we
17 have a skills matrix --

18 MR PEOPLES: Can I give another suggestion. What about --
19 and maybe this happens -- but do board members get any
20 form of training as part of a structured training
21 programme so that they get an understanding of the place
22 that they're running and managing, so that they're
23 equipped? Is that voluntary not compulsory?

24 MR FRIZZELL: No, they're expected to have -- there is
25 an induction, that's good practice --

1 MR PEOPLES: It's an expectation?

2 MS GEANEY: No, they do it. The governors have -- I've met
3 with them and my different senior managers and other
4 staff will have met with them as well as part of the
5 induction.

6 MR PEOPLES: But the regulations that apply to secure care
7 don't require anything like that?

8 MR FRIZZELL: They don't. No, they don't, they don't.

9 MS GEANEY: They don't, no.

10 MR FRIZZELL: On the other hand, the Care Inspectorate's
11 legal requirement on residential school boards sets out
12 a number of things that I think you probably need some
13 experience to be able to contribute to fulfilling.

14 MR PEOPLES: To meet the regulation's requirements for the
15 secure care regulations, you have to have certain
16 attributes?

17 MR FRIZZELL: Well, you've got to be able to -- well, to be
18 fit to provide the service, there is a general
19 requirement. So I think if you know something about the
20 organisation, that's a good idea before you start.
21 I think some governance experience, if you can have it.
22 I don't think that's essential actually. That's not the
23 most important experience that you've been on a board
24 somewhere else, because you have to start somewhere.
25 That's not the most important.

1 If you have got experience of young people, either
2 through education or the care system or whatever, that's
3 all helpful and we have people with appropriate
4 backgrounds --

5 MS GEANEY: Hearing panels. Oh, we have, absolutely.

6 MR FRIZZELL: Absolutely we do, who have either been in
7 Children's Panels, been associated with the youth
8 justice system.

9 MS GEANEY: Yeah, yeah, education.

10 MR FRIZZELL: Or further education for example and is well
11 tuned into the skills.

12 MR PEOPLES: I suppose historically, for example, I suppose
13 it's who you choose, because even inspectors of prisons
14 used to come from the former governors and things, or
15 they were seconded, so they had an expertise and
16 therefore they were judging institutions they had some
17 knowledge of.

18 Now, that's a dangerous line as well, because you
19 might just accept the norm and habits that you're used
20 to, but at the same time you don't really want a board
21 that's got no kind of background or experience but it's
22 how you achieve that and whether you have to achieve it
23 through regulation and requirement or it can be achieved
24 simply by some other means such as what you're trying to
25 do. You're trying to find people that would represent

1 a good fit and balance to --

2 MR FRIZZELL: If you can, induction is important and
3 continuing development opportunities. I mean, there are
4 development opportunities. It's not always easy to get
5 people to do it, because, as we've discussed, they're
6 all volunteers and they have got limited time. So
7 I can't compel a board member to go on a course on how
8 to be a governor or how to understand the youth justice
9 system, I can't do that.

10 But they get there and if they take seriously the
11 monthly walking round and there are other opportunities
12 to engage with people, then they can become familiar
13 with it.

14 MR PEOPLES: The danger of that system is that you very much
15 hope that you get the right people in the right place.
16 You might get it right from time to time. St Mary's --
17 sorry, I shouldn't say St Mary's because I don't know,
18 but any other equivalent secure unit might not get the
19 right board at the right time. You won't necessarily
20 get a board that are all of the same quality and value
21 or experience to run a place as best they can.

22 Is that not just a fact of life if that's the way it
23 operates?

24 MR FRIZZELL: It's a fact of life, but if you have got
25 a skills matrix and you reckon there are certain skills

1 that you need -- I mean, I do need somebody on the board
2 who has got a good finance background, by definition.
3 I mean finances are very important.

4 MS GEANEY: And we have that. We have that.

5 MR FRIZZELL: And I have that, I've got two now for the
6 moment. And there's always a debate about do you need
7 somebody who knows something about the law or whatever.
8 But remember, the board's not there to do the jobs that
9 the operational people are doing. I mean, there are HR
10 people who know about employment law for example, but --

11 MR PEOPLES: You want people that are prepared to be curious
12 and ask questions?

13 MR FRIZZELL: Yes.

14 MS GEANEY: Absolutely.

15 MR PEOPLES: And be able to make sure that they get the
16 information and interrogate it as necessary, don't you?

17 MR FRIZZELL: Yes.

18 MR PEOPLES: You don't want them just to be sitting there
19 and turning up and just accepting uncritically what
20 they're being told by the chief executive?

21 MS GEANEY: I can speak to that, if I may.

22 The board -- Rossie's board is very active and I
23 welcome that. I welcome the scrutiny, the challenge,
24 the accountability that's required of me. When the
25 governors do a visit, it's unannounced during the month.

1 They'll also prepare a report of that visit and when
2 they find particular issues, that's discussed at the
3 main board. I have to respond to that. I have to
4 explain different things or if any concerns are raised,
5 so I welcome -- it's more than welcome. I expect it as
6 part of my role, given the responsibility that we have
7 for the young people.

8 MR PEOPLES: It's to be hoped that all boards then operate
9 that way and all chief executives operate that way, but
10 I'm not sure you would be able to -- I don't want you to
11 comment on competitors, but that's what you have to
12 achieve if you want things to work?

13 MS GEANEY: Yes. And just if I may as well, Eddie and I, we
14 were talking over lunch about boards and should boards
15 be recruited differently or should remuneration be
16 involved and we don't have an answer to that, but we
17 were just having the conversation.

18 LADY SMITH: Two things, Mary and Eddie.

19 First, the way you describe it, it sounds as though
20 you would agree that the healthy way to regard the
21 scrutiny is that it provides a level of management
22 consultancy-type scrutiny and advice to you. People who
23 are outside, although they have board responsibilities,
24 and can analyse what's going on and ask the right
25 questions to help you do your job better, yes?

1 I've heard it described as a type of management
2 consultancy and that description then being projected
3 onto, for example, a Care Inspectorate. If you have
4 a healthy curious attitude that you need, you'll welcome
5 what they do for you.

6 MS GEANEY: Well, I'd be very concerned if my chair and my
7 board, you know, didn't question what I take to them on
8 a monthly basis. You know, Eddie has mentioned already,
9 we have a formal monthly meeting with an agenda, which
10 we both contribute to, which is minuted and associated
11 actions, but we've a really important job and I'd be
12 very disappointed, sir, if you didn't hold me to
13 account.

14 I don't need that noted, but I'm just saying that
15 it's a really important job that we do and that I have,
16 and I don't know how else to answer it.

17 LADY SMITH: The second thing, and you haven't mentioned
18 this, when you're looking at members of your board, is
19 don't you need people who really appreciate what they're
20 taking on in terms of charity responsibilities?

21 You'll fall apart if OSCR decides that you're not up
22 to stuff with your charitable implementation of your
23 duties. I'm not suggesting they all need to know
24 charity law inside out, but they do need to realise it's
25 a serious matter, don't they?

1 MR FRIZZELL: Yes, they absolutely do.

2 I mean, I might be accused of being a bit of
3 an anorak on best practice in governance, because
4 I've done quite a lot of it and I have a standing
5 presentation on it, which the Rossie board has had at
6 least twice and it explains what corporate governance
7 is.

8 In relation to charity governance, it's very
9 important that they understand legal obligations and in
10 any case, I think, certainly when you become a chair,
11 you get a threatening letter also from Companies House
12 about how you have got to submit your report in time,
13 all this stuff, so it's a serious and important
14 obligation, with legal obligations as a charity trustee.

15 MR PEOPLES: Yes.

16 Obviously there is this legal framework that you
17 have to operate within, but at the end of the day, you
18 have to choose your people.

19 I just want to know how it worked and how it works
20 at Rossie, whether that would be the same elsewhere. We
21 don't know the answer but are you willing to share
22 a copy of the presentation with us?

23 MR FRIZZELL: Yes, I can do that.

24 MR PEOPLES: That would be very kind of you. Not today.

25 MR FRIZZELL: The one I brought with me is for new trustees

1 coming onto the other charity that I chair --

2 MR PEOPLES: Whatever version you want to send us, that
3 would be very kind, thank you very much.

4 If I just go on -- I only have a few more things
5 that crossed my mind in my checklist of things that were
6 changes, whether they were significant, whether they
7 reduced the risk to young people in secure settings or
8 residential settings.

9 We've already discussed that over the years that
10 perhaps the improved safeguarding arrangements,
11 particularly, perhaps, risk assessments that have been
12 taken, both for children that might have to go into the
13 community but also children, when they're admitted, to
14 see what their needs are, what the risks are to try and
15 eliminate or reduce challenging behaviour because of
16 an ignorance of their particular needs, background and
17 behaviours.

18 So that must be a step that at least in principle
19 reduces the risk of something going wrong?

20 MS GEANEY: Yes.

21 MR PEOPLES: Would you agree?

22 MS GEANEY: Yes.

23 MR PEOPLES: It's a much more sophisticated exercise than
24 just simply getting a boy in a car or a train, taking
25 them to Rossie and handing them over without any form of

1 proper assessment and then, when they get there,
2 sticking him in a unit without carrying out a thorough
3 assessment as part of the introduction?

4 MS GEANEY: Yes. We get as much evidence about a young
5 person and information about a young person as we
6 possibly can, and it's a holistic assessment that's
7 carried out. Not just the care needs, but education
8 needs. Health needs, that's a big one, and any other
9 information about medication, behaviours, what
10 distresses them, et cetera, et cetera.

11 When young people come into Rossie, we handle that
12 very carefully, very sensitively, because obviously we
13 have to make sure they're not bringing in any prohibited
14 items on their person. So I think I referenced earlier,
15 we have an airport scanner, so they go through the
16 airport scanner but if they're not ready to do that,
17 we've got a very nice soft lounge area and the staff
18 would take the young person in there, just to settle
19 them down, because they can be very distressed.

20 MR PEOPLES: The idea is that there is this initial process
21 of assessment, it's a multi-disciplinary team assessment
22 as well --

23 MS GEANEY: Yes, yes.

24 MR PEOPLES: -- you've got specialist input, you're trying
25 to work out their needs, their behaviours --

1 MS GEANEY: Yes.

2 MR PEOPLES: -- and then devise a care plan, a management
3 plan --

4 MS GEANEY: Yes.

5 MR PEOPLES: -- all these sort of plans and a planned
6 programme of activities --

7 MS GEANEY: Absolutely.

8 MR PEOPLES: -- or education to suit that need?

9 MS GEANEY: Absolutely.

10 MR PEOPLES: That's what you're doing?

11 MS GEANEY: Absolutely, yes.

12 MR PEOPLES: In that way, you're hoping that you are
13 reducing the potential for that young person to have
14 problems or to act out or to challenge or at least to be
15 given something that's going to address the underlying
16 causes?

17 MS GEANEY: Yes.

18 MR PEOPLES: Which was perhaps something that was never
19 thought of historically, is that the aim?

20 MS GEANEY: Yes, that's the intention, yes.

21 MR PEOPLES: I don't want the detail but I just want
22 an understanding.

23 MS GEANEY: Yes, I understand.

24 MR PEOPLES: You're carrying out a thorough assessment
25 process?

1 MS GEANEY: Yes. But it's more than assessment. You have
2 already alluded to that. There has to be
3 an intervention plan, a care plan, you know, with
4 particular outcomes that we're trying to achieve.

5 MR PEOPLES: And a more sophisticated system of risk
6 assessment as part of this whole exercise and continual
7 review of the plans?

8 MS GEANEY: Yes, absolutely.

9 MR PEOPLES: That's how it will operate in practice?

10 MS GEANEY: Yes.

11 MR PEOPLES: Does it operate that way in practice?

12 MS GEANEY: It does operate like that in practice.

13 MR PEOPLES: And this maybe touches on another change that
14 I was going to refer to, but in a way it's linked to
15 what I've just been discussing: the use of specialist
16 support services such as psychologists.

17 I think in the past we get a tendency in this
18 evidence to see that schools were very protective and
19 closed institutions. They didn't welcome input from
20 psychologists or other professionals. There was some
21 sort of wariness about them and maybe they felt that
22 someone was watching over them and that they should be
23 allowed to just run their own show. Has that been
24 a significant development as well?

25 MS GEANEY: That has been a significant development in

1 Rossie and we've got an external consultant, forensic
2 and clinical psychologist, who also does direct work
3 with some of our young people and we've also got
4 an assistant psychologist and we're recruiting another
5 assistant psychologist.

6 MR PEOPLES: You have within your staffing a specialist
7 nurse --

8 MS GEANEY: Yes.

9 MR PEOPLES: -- with mental health expertise --

10 MS GEANEY: Yes.

11 MR PEOPLES: -- to also cater for the sort of population
12 that's coming in, because they have got complex needs?

13 MS GEANEY: They have, they have got complex needs, and in
14 terms of medical needs, some of our young people, you
15 know, might have epilepsy for example, they may need
16 medication on a daily basis. Staff are trained to
17 deliver that and we've also got the eMAR system, which
18 is the Boots system, and Boots staff have trained my
19 staff in using that. So there's a record, but very
20 importantly, there's a photograph of the child to make
21 sure that it's the right person who is getting the right
22 medication.

23 LADY SMITH: Sorry, Mary, you said staff are trained to
24 deliver this system and it is the something?

25 MS GEANEY: Sorry, eMAR, it's the electronic medication

1 administration record.

2 LADY SMITH: Sorry, you used a word that sounded like

3 'boot'?

4 MS GEANEY: Sorry, it was devised by Boots chemist.

5 LADY SMITH: Oh Boots, the chemist. Thank you.

6 MS GEANEY: Sorry, I will speak more slowly. When I get

7 excited or enthusiastic I speak more quickly, but so

8 we've had a pharmacist train our staff on that and if

9 any medication errors are made, because errors do

10 happen, staff -- there's an investigation into that. We

11 have to notify the Care Inspectorate. We notify the

12 board obviously and then staff would have to go through

13 a retraining programme.

14 MR PEOPLES: On the staff, just checking what you were

15 saying, I think the specialist nurse is part of the

16 Special Intervention Service, SIS nurse.

17 MS GEANEY: Yes.

18 MR PEOPLES: Which is something that you have introduced,

19 was that in your time or before?

20 MS GEANEY: No, that had started before my time. It was

21 called something different, but we've just altered the

22 name. That was in existence before me, but we've

23 enhanced it.

24 MR PEOPLES: That person is a full-time member of staff?

25 MS GEANEY: We've got two part-time nurses. So we've got

1 nursing cover for the full seven days.

2 MR PEOPLES: It's a full-time equivalent, there were two

3 part-time.

4 MS GEANEY: Yes, yes, and we've got healthcare assistants as

5 well, and they work on a rota.

6 MR PEOPLES: You've also got a forensic psychologist. Is

7 that a full-time post?

8 MS GEANEY: Psychologists are like hen's teeth, so we've

9 tried to recruit a full-time person on several

10 occasions, but we've got somebody who is very reputable

11 and they work with us four days a month and they also

12 supervise the staff and they also supervise the

13 assistant psychologist.

14 MR PEOPLES: When you say four days a month, is that

15 sessions four days a month?

16 MS GEANEY: No, two full days on site, two days off site, so

17 that will be also doing the assessments, it will also be

18 supervising staff. They can do it remotely using

19 technology.

20 MR PEOPLES: But this sort of multi-disciplinary team

21 approach, particularly if you've got this now specialist

22 service on site, again would you say that that, to some

23 extent, is an attempt to perhaps tackle what I call the

24 needs and underlying problems and therefore, if you can

25 make headway there, you're reducing the chance of the

1 tensions and the challenging behaviour --

2 MS GEANEY: Yes. Yes.

3 MR PEOPLES: -- and if you've got the trained staff, you've

4 got the understanding and hopefully, if they have got

5 the CALM training, they know how to deal with that, so

6 that's the whole idea?

7 MS GEANEY: That's the whole idea.

8 MR PEOPLES: That's very different to what you've heard

9 about last week?

10 MS GEANEY: What had been there before, yes.

11 MR PEOPLES: The other thing, and I think you have answered

12 this, but this must have been a significant moment in

13 the history of Rossie, when you ceased to have

14 a segregation suite or punishment cell, as it's been

15 described. That must have been a milestone?

16 MS GEANEY: There is no segregation suite or cell in Rossie

17 being used.

18 MR PEOPLES: The point I'm making is we've heard it was

19 used, and perhaps used inappropriately on many occasions

20 for the wrong reasons, and people were sent there

21 perhaps for flimsy reasons, but it's gone. Do you know

22 when it went?

23 MS GEANEY: Erm, I think maybe early 2000s. I'm not sure,

24 but I think early 2000s.

25 MR PEOPLES: It was quite recent in terms of timescales?

1 MS GEANEY: It's in recent memory, yes.

2 MR PEOPLES: You have told us already that while you no
3 longer have the sort of segregation suite or punishment
4 cell, whatever one wants to call it, that you still have
5 at times single separation.

6 Can I just understand, the essence of single
7 separation is that the young person is basically told to
8 go to their room, is it, or have I got that wrong?

9 MS GEANEY: Well, it varies, and I mean, on some occasions
10 a young person might elect to go to their room because
11 they don't want to be in the communal group or sometimes
12 staff will see that behaviours are escalating and
13 they'll have a conversation with them, you know, and
14 suggest to go to their room.

15 MR PEOPLES: What if they don't want to go?

16 MS GEANEY: Well, what if -- they're not forced to go to
17 their room, let me just say that. Obviously if it then
18 escalated, which is the subtext to the question, if it
19 did escalate, there could be a physical restraint.

20 I'm not going to say there couldn't, but the intention
21 always is to de-escalate, diffuse, but if a young person
22 is in their room, they're checked, they're not left
23 isolated. Staff will check them, you know, every five
24 minutes, but any child --

25 MR PEOPLES: Are they locked?

1 MS GEANEY: Pardon?

2 MR PEOPLES: Are they locked in their room?

3 MS GEANEY: The door could be locked or not, depending.

4 MR PEOPLES: So there are still locks that can be used --

5 MS GEANEY: Sorry?

6 MR PEOPLES: There are locks that can be used on the

7 bedrooms?

8 MS GEANEY: I didn't catch that, sorry.

9 MR PEOPLES: In the rooms that the young people have, are

10 there locks that can be locked from the outside?

11 MS GEANEY: Oh, yes, the young person could be locked in

12 their room, but they're not always locked in their room.

13 Again, it depends on the reason for the separation. But

14 what I was going to say was that any time a child is

15 secluded or separated, we have to notify the Care

16 Inspectorate within 24 hours, we have to notify the

17 social worker, and we have to notify the parent or

18 carer.

19 MR PEOPLES: Maybe I asked you this earlier, but I just want

20 to be clear: at nighttime in the closed unit, secure

21 unit, are young people locked in their rooms?

22 MS GEANEY: Yes, at nighttime in the secure care service,

23 young people are locked in their bedrooms at night.

24 That's part of the registration that we've been given by

25 the Care Inspectorate and obviously we've been

1 designated as a secure care provider by ministers as
2 well.

3 MR PEOPLES: Because, I mean, it's already secure. There
4 will be doors that will be locked that lead to the
5 bedroom areas and there will be doors that are locked on
6 the outside, but what about Mr Ritchie's evidence about
7 the point about fire, if there was a fire?

8 MS GEANEY: Well, I suppose again that's where the skill of
9 the staff come in. We've obviously got fire alarms,
10 smoke alarms. They've just been updated again as
11 recently as this summer gone. Staff -- they have the
12 phones, the Ascom phone system, and, you know, staff
13 have to check on children in their bedrooms every five
14 minutes if they're a high risk -- deemed high risk or
15 high vulnerability, or every 15 minutes, so there are
16 constant night checks and we've also engaged with
17 a private company around technology, where we've put
18 sensors into the bedroom area and also into the en suite
19 area, so that if any child became distressed or say they
20 were epileptic and, you know, they fell to the ground or
21 something or they were in [REDACTED] trying to
22 self-harm, there would be an automatic alert so the
23 staff would check on that.

24 So we've got a lot of checks and balances. The
25 night manager -- the staff walk around the campus all

1 the time. We've also got another manager who is doing
2 sleep in duty, if you like, so that if anything did
3 happen and they needed additional support, they're on
4 call.

5 MR PEOPLES: Okay. As far as the changes are concerned,
6 just a couple more things and then I'll just try and
7 round off -- I'm conscious of the time.

8 I suppose one thing that one would like to hope was
9 a significant change over time is better record keeping,
10 because I think historically -- I know some records were
11 missing and you explain the reason for that, that there
12 was some sort of SWSG circular that suggested you could
13 destroy children's records after five years, and I think
14 that was some time ago. So that's hampered your
15 review --

16 MS GEANEY: Yes.

17 MR PEOPLES: -- but so far as record keeping in general is
18 concerned, I think inspectors in the past have commented
19 on the variable quality of record keeping and reports.
20 Has that significantly improved?

21 MS GEANEY: Yes.

22 MR PEOPLES: Because that's important, is it not?

23 MS GEANEY: Yes, yes. It's significantly improved in Rossie
24 and if I'm honest, I feel very ashamed when former
25 residents contact Rossie looking for records and all

1 they get is what we've got is a summary sheet, one
2 sheet, which gives their name, date of birth, the date
3 of admission and the date they've left Rossie and the
4 name of their parent perhaps, their father and mother,
5 and that's -- somebody's life shouldn't be on one page.

6 MR PEOPLES: Absolutely not.

7 Also, I suppose, insofar as there's any form of
8 information, I think we've been told and we've seen
9 examples where, generally speaking, it's usually of
10 a negative nature, that this person has got some bad
11 qualities or bad attributes, rather than talking up the
12 positives?

13 MS GEANEY: Yes, and that's a very important point and that
14 relates very much into The Promise and the care review
15 that was carried out about the language in care. We've
16 started work on that. Are we where I'd like us to be?
17 No, we need to do better, to acknowledge -- we are
18 developing a focus very much on the strengths of the
19 young person rather than just recording bad behaviour,
20 poor behaviour, if I might put in parenthesis.

21 MR PEOPLES: We have moved from a situation where
22 historically the young people were talked down. You're
23 now trying to talk them up?

24 MS GEANEY: Yes.

25 MR PEOPLES: Both in records and generally, in dealing with

1 them, to emphasise the strengths, their potentials?

2 MS GEANEY: Absolutely.

3 MR PEOPLES: In the hope that that will give them

4 confidence?

5 MS GEANEY: Yes.

6 MR PEOPLES: Will help them address any underlying issues

7 and move forward and thrive, is that --

8 MS GEANEY: Yes. There's also something that we've

9 introduced, which our psychologist has introduced,

10 called formulations. In simplicity, it basically is the

11 story of the young person's life, how he or she has got

12 to here, you know, what's kind of led to the behaviours,

13 what their hopes are for the future. The young person

14 inputs into that as well and that's presented at the

15 review or at a court hearing and it goes with the young

16 person when they leave us as well.

17 MR PEOPLES: So that's a sort of life story --

18 MS GEANEY: Yes, it's a positive. It's a positive.

19 MR PEOPLES: They can take it away with them?

20 MS GEANEY: Yes, absolutely, absolutely.

21 MR PEOPLES: Does it have any of the negatives?

22 MS GEANEY: Pardon me?

23 MR PEOPLES: Is it realistic in terms of saying: well, yes,

24 you did lots of good things but occasionally you did

25 some bad things?

1 MS GEANEY: Well, I think it's a balanced review of their
2 time when they're with us, but there are lots of
3 successes that our young people have and I think it's
4 important that they are recorded, rather than just focus
5 on incidents.

6 MR PEOPLES: Just on that question of success, I think I
7 happened to have a look at your website and I think you
8 do your best there to publish news about Rossie, good
9 news stories, not just bad news stories, what your young
10 people have achieved.

11 I think I saw one example, the Oor Wullie project in
12 2019, where they had to do designs for a project to put
13 -- I think is it sort of sculptures of Oor Wullie in
14 various cities --

15 MS GEANEY: Yes, Oor Wullie in Dundee City Library.

16 MR PEOPLES: -- and they had to explain why they were giving
17 certain designs, what it meant to them?

18 MS GEANEY: Yes.

19 MR PEOPLES: I think you and, indeed, the person responsible
20 for it were very impressed with what they produced?

21 MS GEANEY: We still have Oor Wullie in our boardroom, so
22 he's come back from Dundee Central Library to our
23 boardroom.

24 MR PEOPLES: It was an example if you give people a chance,
25 and give them a chance to express themselves, including

1 the feelings they have and they produce this as their
2 manifestation of those feelings, you can tell quite
3 a lot?

4 MS GEANEY: Yes.

5 MR PEOPLES: They have got quite a lot to offer?

6 MS GEANEY: Yes, absolutely. Some of our young people,
7 we've put them forward for awards as well and they've
8 won awards, and we've got plaques on our wall in Rossie
9 recognising these.

10 MR PEOPLES: I suppose that's better than teaching them how
11 to dig a trench and fill it back in again? You've heard
12 that evidence?

13 MS GEANEY: I've heard that.

14 MR PEOPLES: That was pretty useless and pointless, wasn't
15 it?

16 MS GEANEY: It's not something I'd endorse.

17 MR PEOPLES: I think we've touched on this, and I don't want
18 to take very long about it, quality assurance systems.
19 I'm assuming that you have these systems. Obviously you
20 have got the presenting information to the board and
21 there's a degree of analysis of trends and patterns.

22 Beyond that, have you got any other sort of quality
23 assurance system or people responsible directly for
24 quality assurance of the work of others, so that they
25 can check whether complaints are being handled right or

1 incident forms are being completed or been notified to
2 the appropriate people and so forth and
3 investigations -- do you have a person that's dedicated
4 to do that?

5 MS GEANEY: I've got a dedicated quality assurance and
6 improvement manager. That's a post that I created last
7 year and she reviews all of the incident reports to see
8 if all of the relevant sections have been completed, if
9 the lead up to the incident, you know, if that's been
10 entered and if all of the people involved in the
11 incident, if they've also made the recording, that's
12 just one example.

13 MR PEOPLES: Yes, because I think it's all very well to say
14 that you have got external scrutiny from the Care
15 Inspectorate for example, but they only come
16 occasionally and they can only get a snapshot. But what
17 you perhaps need and what you seem to have done is to
18 put in place someone whose job it is to make sure that
19 everyone is complying with the policies, procedures and
20 processes and doing it in quite a thorough and
21 methodical way --

22 MS GEANEY: Well, that's just the one dedicated person, but
23 I've also got a deputy and that's his responsibility to
24 oversee the quality assurance of, you know, children's
25 plans and what's happening in education and also the

1 hierarchical management structure for my senior people
2 who report to him.

3 MR PEOPLES: Is that the Head of Operations or someone else?

4 MS GEANEY: I beg your pardon?

5 MR PEOPLES: Is that the Head of Operations or someone else?

6 MS GEANEY: It would be similar to the Head of Operations
7 but, no, in the submission it was Head of Operations.
8 That individual has since left Rossie. He's retired.
9 So I've recruited a new person. They were the senior
10 manager for secure originally and now they've been
11 promoted to the position of Deputy CEO.

12 MR PEOPLES: Lastly, in terms of changes and last but not
13 least, I would probably say, is has the existence of
14 this Inquiry been an important factor in causing you to
15 obviously carry out an extensive review of your own
16 records to see what they reveal, to reflect not only the
17 past but also you have to then compare it with the
18 present and explain the present.

19 Is that an exercise which maybe should have been
20 done long before, to say: well, let's just delve into
21 our history more. Because it seems organisations
22 generally have records but they don't make much of them,
23 and yet they're quite revealing at times?

24 MS GEANEY: I think that's a very interesting question and
25 I know when I was reviewing the records, I learned a lot

1 about Rossie and Rossie's history. While I would have
2 known about the history of reformatories, industrial
3 schools, approved schools et cetera theoretically, to
4 actually be now working in a centre, which was involved
5 in part of that history I found that very distressing,
6 if I'm honest, and to hear about the abuse of children
7 who were placed for care and protection. I'm really
8 sorry, you know, to all former residents that that's
9 happened -- sorry.

10 (Pause)

11 But one of the things I'm very proud about with my
12 board is that we're the first and the only -- sorry,
13 Eddie, secure centre in Scotland to actually sign up to
14 the Redress Scheme. So that, I think, shows the gravity
15 with which we're treating the Inquiry, because we want
16 to be part of the national endeavour to make things
17 better, so that's an important point I want to make to
18 the Inquiry.

19 MR PEOPLES: Yes, I follow that. Obviously you know Redress
20 is a separate scheme --

21 MS GEANEY: I appreciate that.

22 MR PEOPLES: -- but you're basically making the point that
23 Rossie has embraced the concept and has participated in
24 it and is contributing towards it, I suppose, I assume?
25 I don't know. Maybe I shouldn't press too far on that.

1 But you support it as at least one means to assist and
2 support survivors?

3 MS GEANEY: Yes.

4 MR PEOPLES: You want to support them if they want to access
5 records, if you have them, and things of that nature and
6 you're offering an apology for abuse that has happened?

7 MS GEANEY: Yes, and there's an apology on our website by
8 the previous chair as well when we signed up to the
9 Redress Scheme. But in terms of former residents, we
10 have had requests from former residents for information,
11 I think I've already alluded to that, and, you know, as
12 much information as we have will fit on one page. And
13 we deal with those requests for information speedily. I
14 have got a dedicated administrative manager who deals
15 with that, because of the importance of it, you know,
16 for previous residents, for former residents.

17 So I take that very seriously.

18 MR PEOPLES: I was just going to say, although you maybe
19 found some value in the review exercise itself, I was
20 also thinking that there is a value in people taking
21 time to read the statements and the transcripts to
22 actually get -- there's a lot of information in there
23 about experiences and how things were and it's not
24 something that should just be sort of consigned to
25 history. It should be used as a rich source for people

1 to reflect on and consider and make sure that the same
2 things don't happen again. Do you not agree with that?
3 MS GEANEY: I don't disagree but I welcome clarification on
4 that because I know with all of the documents that have
5 been provided to me, and to the chair, and my PA, we
6 have had to sign confidentiality agreements that we
7 won't share any of those documents --
8 MR PEOPLES: No, sorry, I think you misunderstood me. We
9 have on the public website, we publish certain evidence
10 as it's brought out and the transcript.
11 MS GEANEY: Oh, right, I beg your pardon, of course.
12 MR PEOPLES: What I'm saying to you is that it's a good idea
13 for people, particularly people who have got
14 responsibilities for children in these settings --
15 MS GEANEY: To read that, yes.
16 MR PEOPLES: -- just to make sure they read it and maybe
17 read it not just once, but keep reminding themselves of
18 what it was.
19 MS GEANEY: Yes, yes, I agree with that. I think it should
20 be read.
21 MR PEOPLES: Because obviously these records you looked at,
22 a lot of them hadn't been read for a very long time,
23 I suspect, the ones you looked at in your records, so we
24 don't want the same to happen to the public record of
25 this Inquiry, do we?

1 MS GEANEY: No.

2 MR PEOPLES: Just lastly, I'm just -- I think we have
3 covered a lot of the modern era as we've gone along.
4 Can I just be clear, there are fewer restraints
5 these days?

6 MS GEANEY: Yes.

7 MR PEOPLES: You've told us about the use of qualified
8 staff. While prone restraint isn't a thing of the past,
9 it's not something that you encourage and it's something
10 you try to keep to a minimum. Segregation in a cell is
11 a thing of the past. Single separation not, but to be
12 used sparingly, I suppose, if you need it?

13 MS GEANEY: And we have to report on that to the Care
14 Inspectorate.

15 MR PEOPLES: Yes. You now have measures to protect against
16 exploitation when outwith Rossie, including risk
17 assessments and so forth. You --

18 Can I just ask about the independent inspectorate
19 and workforce regulator that were established in 2001.
20 Maybe this is a hard question for you, but do you think
21 they've reduced the risk of abuse of young people at
22 Rossie and places like Rossie because of their creation,
23 or is that hard to tell?

24 MS GEANEY: I suppose maybe we both need to answer that.
25 I take the Care Inspectorate's role extremely seriously

1 as our regulatory body and there are requirements placed
2 on us appropriately to notify them of different
3 incidents, you know, in terms of physical restraint, in
4 terms of seclusion and we do that.

5 I suppose what I would welcome from the Care
6 Inspectorate is maybe a better sharing of knowledge
7 about good practice in other centres, so that rather
8 than people having to work in isolation, re-invent the
9 wheel, and it would save time. We couldn't necessarily
10 transpose good practice from centre A to centre B, but
11 we could actually maybe modify it to work in our
12 particular area.

13 MR PEOPLES: I think they have powers to produce things of
14 guidance?

15 MS GEANEY: Absolutely.

16 MR PEOPLES: And codes of practice?

17 MS GEANEY: Oh absolutely.

18 MR PEOPLES: You would like to see more perhaps that sort of
19 collates the information across the board?

20 MS GEANEY: Yes.

21 MR PEOPLES: And tries to spread good practice?

22 MS GEANEY: Yes. I mean, they can place requirements on,
23 you know, a registered provider.

24 MR PEOPLES: Sorry to stop you there. We do know obviously
25 how it operates in that, but just you feel that perhaps

1 there could be other things that might assist. I mean,
2 there's a plethora of guidance. The problem is you can
3 have too much at times. Maybe we have to go back to the
4 good old days of Angus Skinner and his eight principles,
5 but you feel at least some guidance at least for people
6 at your level would be of value?

7 MS GEANEY: Absolutely.

8 I think the other thing that I welcomed recently in
9 the last year is that the Care Inspectorate, our lead
10 inspector for secure, we are now having engagement
11 visits, so that's visits every kind of two to three
12 months whereby they want to see progress, or not as the
13 case may be, or if there are complaints they can come in
14 and investigate complaints. I welcome that. I actually
15 welcome them coming in to, you know, investigate
16 complaints if complaints are made.

17 MR PEOPLES: I'll ask you this, the latest Care Inspectorate
18 report, I'm not sure what date that is, did that give
19 Rossie a clean bill of health or are there areas of
20 concern or identified areas for improvement? Are there
21 any significant areas of concern that were raised?

22 MS GEANEY: We are due an inspection actually this week, if
23 not next week, so let's see how that goes.

24 I think the main area that they looked at for us at
25 the time would have been about seclusion and if we were

1 isolating young people, you know, too often and
2 obviously physical restraint is a constant. I know with
3 this inspection seclusion, that's a theme across each of
4 the four centres.

5 MR PEOPLES: You have talked about the child-centred
6 approach. I am not going to spend too much time on it,
7 it's in your Part A. But essentially, apart from
8 talking them up rather than talking down, you use
9 a relational approach which essentially involves talking
10 to young people, building relationships, understanding
11 their backgrounds and past behaviours and then trying to
12 address the causes of the problems with planning and
13 review and so forth --

14 MS GEANEY: Yes.

15 MR PEOPLES: -- and programmes, intervention programmes,
16 that suit that particular person's particular needs?

17 MS GEANEY: Yes, yes.

18 MR PEOPLES: Using your specialist services. Of course
19 I think -- I don't know if you were there when
20 Jane Carmichael gave evidence last week, but as she put
21 it, and maybe this is something that maybe wasn't
22 grasped in the past, you have to have an understanding
23 that every child's behaviour is a communication and
24 display of some unmet need. I think you would probably
25 agree with that?

1 MS GEANEY: Yes.

2 MR PEOPLES: It's a communication?

3 MS GEANEY: Yes, it is absolutely, yes.

4 MR PEOPLES: It's maybe their way of communicating?

5 MS GEANEY: Yes.

6 MR PEOPLES: Just as self-harming could be?

7 MS GEANEY: Yes.

8 MR PEOPLES: You have talked about more robust recruitment

9 processes and procedures and quality assurance systems.

10 You say you have now got a culture, which I'm assuming

11 you are saying does encourage staff to report bad

12 practice or poor practice or instances of what they

13 believe ill-treatment. Do you think that culture now

14 exists among your staff?

15 MS GEANEY: I believe that culture exists and I know the

16 staff are fully aware of the whistleblowing policy.

17 MR PEOPLES: And can I ask you this: are you satisfied that

18 children at Rossie feel safe?

19 MS GEANEY: I'm satisfied that children at Rossie feel safe.

20 I'm confident of that, but I would also say you can

21 never be complacent. It's a 24-hour job. That's why

22 we've got staff on 24 hours a day and the different

23 disciplines. Things can always dip and that's why it's

24 so important to be visible. Not just me -- I am very

25 visible in walking the floor -- but also my senior

1 managers and that we also attend to staff and that we
2 need to note if staff are not operating to the standards
3 required and take appropriate action.

4 Lady Smith asked me earlier, you know, in terms of
5 a young person's behaviour, if a new member of staff
6 could actually trigger that, and I gave an inappropriate
7 answer because I was so shocked at the thought that
8 a new member of staff could have that impact, but
9 absolutely, we have to be vigilant all the time.
10 There's no downtime in a facility such as Rossie.

11 MR PEOPLES: Do you regularly ask children whether they feel
12 safe?

13 MS GEANEY: Yes, we do, yes.

14 MR PEOPLES: Do they say all of the time, most of the time,
15 some of the time, or is it a variety of answers?

16 MS GEANEY: It would be a variety of answers, depending on
17 the mix of the young people in the house at any one
18 time, or depending on what's active or what's live in
19 the house at any one time, or it could also reflect, you
20 know, maybe they've had a difficult phone call with a
21 family member. There are multiple reasons that would
22 influence that.

23 MR PEOPLES: There was one matter, you might want to comment
24 on this, because you obviously heard 'Stan's' evidence
25 about the fact that he didn't receive regular

1 supervision and appraisal over time. He had a couple of
2 sessions over, I think, an 18-year period was his
3 evidence if I recall it?

4 MS GEANEY: I heard that.

5 MR PEOPLES: I'll just give you the opportunity to try to
6 come back on that, because I think you have tried to
7 explain that you have a system which does or should
8 involve, in practice, the regular supervision,
9 appraisal, support and all the things that perhaps to
10 some extent were missing in the past.

11 Have you got any response to what he said?

12 MS GEANEY: First of all, I was quite surprised, if
13 I'm honest, when I heard that, on a number of fronts.
14 He, 'Stan', will have been a middle manager in Rossie, so
15 he'll have had supervisory responsibilities for staff,
16 so that raised the question for me, what was happening
17 with the staff.

18 We have to record evidence for the Care Inspectorate
19 about staff supervision and staff appraisals and that's
20 also presented to the board on an annual basis, so I was
21 quite surprised, if I'm honest.

22 MR PEOPLES: Have you got a record showing that either in
23 your time or before, because it would have spanned
24 a period going further back as well as your time as
25 chief executive, have you got any records that would

1 show that there is some record of regular supervision
2 being given and regular appraisals or not?

3 MS GEANEY: There's a database, which has to be completed,
4 which provides evidence on the supervision that will
5 take place of staff, the annual appraisal and
6 supervision isn't just one-to-one, it can also be
7 a group supervision or it could be what we call
8 a debrief after an incident happened. So there are
9 multiple definitions --

10 MR PEOPLES: But can you produce the record that would show
11 that from 2016 to 2024 he did, in fact, receive regular
12 supervision and appraisal, have you got a record?

13 MS GEANEY: You mean about the particular --

14 MR PEOPLES: The particular individual.

15 MS GEANEY: I haven't got that to hand.

16 MR PEOPLES: No, I'm not asking you to have it to hand,
17 I'm just asking does it exist?

18 MS GEANEY: I don't know with regard --

19 MR PEOPLES: Could you maybe have a look --

20 MS GEANEY: I most certainly will have a look with regard to
21 this individual.

22 MR PEOPLES: Let us know, because it's important just to see
23 if there's any record.

24 LADY SMITH: Or, indeed, any record of the period before
25 then, because I think he started working at Rossie in

1 1998.

2 MS GEANEY: I can't say for sure what will have happened
3 but, you know, I hear the question and I hear the point
4 being raised, so I most certainly will look into it and
5 I'm also very happy to make sure that you see records of
6 what's in place now. I suppose I can speak with more
7 authority about now rather than what will have happened
8 and the changes, you know, may have been slower than we
9 would liked at times.

10 MR PEOPLES: These are my questions. I've kept you for
11 quite a long time today and probably asked you a lot of
12 searching questions. I just would like to thank you for
13 being patient and answering today and coming today to
14 give this evidence.

15 Before I finish, we usually give an opportunity if
16 there is anything else that you would like to add.
17 I don't want to rehearse lots of things that we have
18 heard before, but if there is anything in particular you
19 feel that we haven't brought out or something that you
20 want to say.

21 I think we have covered, for example, the Redress
22 issue, which I think you wanted to make a point about,
23 and obviously we have had a contribution about selection
24 of trustees and so forth, which I think is important
25 that we understand, and also the political realities of

1 life and resources, but are there any things that you
2 want to say while we're still here today?

3 MS GEANEY: I suppose the only comment -- and I know you
4 want to come in as well -- the only comment I'll make is
5 that in a facility like Rossie, we've a responsibility
6 towards the young people, we've a responsibility to our
7 staff. There can never be complacency. There can
8 never, ever be complacency, because even though you will
9 screen staff, you'll do everything possible to make sure
10 the PVG checks are done, references, et cetera, there
11 can always be staff who will behave in a way that you do
12 not want and then it's about the systems and processes
13 that you put in place, you know, to deal with that
14 member of staff, be that through child protection or if
15 they're charged or then through dismissal. So I think
16 that's a key message I would say to the Inquiry. There
17 can never be complacency. There can never be
18 complacency.

19 MR FRIZZELL: Well, thank you.

20 I absolutely agree with that. You did ask about
21 regulation and so on. I would just say that I think
22 there have been great strides in the regulation in the
23 last, what, 20 years or whatever, and that's what
24 differentiates the period now as far as officialdom is
25 concerned and government is concerned, from what went

1 before.

2 What I would say, however, and I don't wish to be in
3 any way critical of the Care Inspectorate, particularly
4 as they're coming to inspect us, but I wouldn't want to
5 be critical of them because they do the job to the best
6 of their ability within the remit they've been given,
7 but what I have learned in another -- with a different
8 hat is you can't regulate, legislate or inspect your way
9 to culture change.

10 That's about what I said earlier, attitudes and
11 behaviours and values, and that's a different matter.

12 MR PEOPLES: Did we not have this discussion earlier, if I
13 seem to remember, in Chapter 4, how you bring about
14 culture change?

15 MR FRIZZELL: Exactly. Well, it's about leadership and
16 having the right values. That's what it's about.

17 MR PEOPLES: So you are making the same point again, but --

18 MR FRIZZELL: I just think it's important to emphasise that,
19 because an awful lot of the historical stuff in the
20 documentation is about the regulatory changes and so on.
21 It's not the solution on its own. It's an important
22 thing, but it won't do it for you. It is about
23 leadership. And, well, there you go.

24 MR PEOPLES: Thank you very much indeed.

25 LADY SMITH: Could I add my thanks to both of you, to you,

1 Mary, and to you, Eddie, for coming here today and
2 allowing yourselves to be what I suspect at times was
3 feeling as though you were being grilled. We certainly
4 didn't intend that, but you'll appreciate how much we
5 want to learn and we've learned from you and your
6 contributions, so thank you for that.

7 Safe journey back. Thank you.

8 (The witnesses withdrew)

9 LADY SMITH: Well, that's it for today. We'll start again
10 tomorrow morning at 10.00am, I think with a witness in
11 person at 10.00am.

12 MR PEOPLES: Yes, I've been reminded. It's been a long day,
13 so I better get it right.

14 LADY SMITH: That is a witness who again we have heard from
15 in an earlier case study?

16 MR PEOPLES: Yes, that's correct.

17 LADY SMITH: Thank you very much. Thank you.

18 (4.23 pm)

19 (The Inquiry adjourned until 10.00 am on
20 Wednesday, 15 January 2025)

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