

1 Thursday, 23 January 2025

2 (10.00 am)

3 LADY SMITH: Good morning to Chapter 12 of Phase 8 of our  
4 case study hearings and we move to the penultimate  
5 witness in person, I think, Mr Peoples. Do I have that  
6 right?

7 MR PEOPLES: Yes, the first and only witness today is  
8 Pauline McKinnon, who is ready to give evidence.

9 LADY SMITH: Thank you.

10 Pauline McKinnon (affirmed)

11 LADY SMITH: Pauline, thank you for coming along this  
12 morning to help us with evidence in relation to your  
13 role with the council, in particular Edinburgh Secure  
14 Services.

15 I'm really grateful to you for having providing the  
16 documentation you have and also the statement that  
17 I have from you, that I was able to look at before we  
18 started this morning. It's really good for me to have  
19 had that, but very good for me to have you here to be  
20 prepared to answer questions about it.

21 You'll appreciate we're not going to go into every  
22 detail of all the information we now have about these  
23 matters, there are particular things we'd like to focus  
24 on with you.

25 Can I also say that I do understand that doing what

1       you're doing this morning isn't straightforward for you  
2       and it could be quite stressful to go back to the work  
3       that you did, that we want to talk to you about.

4           If you need a break at any time, just say. That's  
5       not a problem. If you need us to explain anything  
6       better than we're doing, it's our fault for not being  
7       clear, not yours, so do speak up or if you just have any  
8       other questions or you think we're missing something  
9       that we should be asking you, don't hesitate in letting  
10      us know about that too.

11           If you're ready, I'll hand over to Mr Peoples and  
12      he'll take it from there.

13   A.   Thank you.

14   LADY SMITH:   Thank you.

15           Mr Peoples.

16   MR PEOPLES:   My Lady.

17                       Questions from Mr Peoples

18   MR PEOPLES:   Good morning, Pauline.

19   A.   Morning.

20   Q.   Can I perhaps begin just to put something into the  
21       record, because we will be referring to these two  
22       documents in particular today. You prepared a report  
23       which I may at various times call the McKinnon report or  
24       the ESS report, but you'll know what I mean. I'll just  
25       give that reference for the purposes of the transcript.



1       The report itself can be found in EDI-000000802.

2       I think you probably have a copy of that in the red

3       folder, if I'm not mistaken?

4   A.   Yes.   Yes.

5   Q.   The other document I can perhaps just deal with at this

6       stage is that you have also provided a statement to the

7       Inquiry, and I'll just give the reference for your

8       statement, it's WIT-1-000001534.  Again, I hope you have

9       a copy in the red folder.

10  A.   Yeah.

11  Q.   It will also come up on the screen in front of you if

12       it's referred to and you are welcome to use either or

13       neither as you see fit.

14       Just on the statement though, if I can just take

15       from you at this stage, if we could turn to the final

16       page of your Inquiry statement, can you confirm for me

17       that you have signed and dated your statement on the

18       final page, page 19?

19  A.   Yes.

20  Q.   That you also say at paragraph 72 on the final page:

21       'I have no objection to my witness statement being

22       published as part of the evidence to the Inquiry.

23       I believe the facts stated in this witness statement are

24       true.'

25  A.   Yes.

1 Q. I think you provide that statement on 28 November 2024?

2 A. Correct.

3 Q. Now, I'll come back perhaps to parts of that statement

4 today in due course, but I propose to start by trying to

5 get some general background to how this matter arose.

6 Can you just tell me, before we get into the report

7 and how you came to be involved, what was your position

8 within Edinburgh Council at that time?

9 A. At that time I was a quality assurance officer working

10 within the quality, governance and regulation service.

11 Q. Did that service sit within children and families or was

12 it a broader service?

13 A. It did sit within children and families, yes. However,

14 it did occasional work for other departments.

15 Q. When did you join Edinburgh Council, can you recall?

16 A. Er, well, at the point of my retirement I had been there

17 for 25 years, so 1998 I joined the council.

18 Q. I think you retired last year --

19 A. Yeah.

20 Q. -- around about May, is it?

21 A. Yes, I did, yes.

22 Q. During that time, generally speaking, was it all in the

23 area of quality assurance that you were involved?

24 A. No, I was a social worker, so I worked in health and

25 social care for much of my career, so I was a social

1 worker and then I was a planning and commissioning  
2 officer. Then I moved from health and social care into  
3 children and families when I got the quality assurance  
4 job.

5 Q. In your earlier roles, did that involve commissioning  
6 for children and families or more social care?

7 A. It was commissioning social care services, yes, for  
8 health and social care. I really didn't have much to do  
9 with children and families at that time.

10 Q. I may have asked you; when did you in fact become the  
11 quality assurance officer then within children and  
12 families prior to 2020?

13 A. So I got the job in -- I left in 2024 and I'd been there  
14 for five years, so --

15 Q. 2019?

16 A. 2019, yes.

17 Q. That's fine, I don't need precise dates.

18 Against that background, can I just try and  
19 understand the sort of broad sequence of events at this  
20 stage. You tell us in your report, the ESS report, that  
21 there was a whistleblowing disclosure in 2020. I think  
22 it would be termed a complaint or disclosure --

23 A. Yes.

24 Q. -- I don't think the terminology is terribly important  
25 at this stage. There was a disclosure in 2020 to

1 a senior official in City of Edinburgh Council relating  
2 to Edinburgh Secure Services. I'll just call it ESS at  
3 times. Essentially, the disclosure or complaint raised  
4 numerous practice and conduct concerns, is that correct?  
5 A. Yes.  
6 Q. The disclosure focused on 11 young people, seven male  
7 and four female, who had been looked after at ESS  
8 between 2010 and 2019 and for whom the  
9 City of Edinburgh Council had acted as corporate parent?  
10 A. Correct, yes.  
11 Q. These young people were persons who had been  
12 accommodated in both the secure and close support units  
13 within ESS; is that right?  
14 A. That's correct, yes.  
15 Q. We've heard that ESS within that period comprised at  
16 various times two places, Howdenhall and St Katharine's?  
17 A. Yes.  
18 Q. Which were very close to each other geographically?  
19 A. Yes.  
20 Q. I think for some of the time there was a secure unit in  
21 one place, but I think it eventually closed --  
22 A. Yes.  
23 Q. -- and that was Howdenhall, I think, was it?  
24 A. Yes.  
25 Q. In 2016 perhaps?

1 A. Yeah.

2 Q. Then the secure unit thereafter was only in  
3 St Katharine's; is that right?

4 A. Yes. I think -- it's been a long time since I --

5 Q. Don't worry, we can look at the report, I just want to  
6 get the broad picture. I think before then, as we've  
7 heard from other evidence, that both Howdenhall and  
8 St Katharine's did have secure accommodation?

9 A. Yes, yeah.

10 Q. We also heard that historically maybe around 2003 what  
11 was called the old Howdenhall became the new Howdenhall,  
12 I don't know if that's something --

13 A. I'm not clear about that. I don't think I had that in  
14 the report.

15 Q. You can take it from us, that that was around the time  
16 that what I'll call the new Howdenhall was established  
17 and replaced the old Howdenhall on a slightly different  
18 site.

19 A. Right. Okay.

20 Q. Now, going back to the disclosure, I think, and you can  
21 perhaps confirm, there were, as part of this disclosure,  
22 various matters raised, including allegations of  
23 malpractice, I think was the term used, which included  
24 physical, verbal and emotional abuse. There was also  
25 something described as the existence of a toxic work

1 culture within ESS?

2 A. Yes.

3 Q. Also concerns, which were said to have been voiced by

4 young people themselves, about the treatment of their

5 complaints?

6 A. Yes.

7 Q. Now, this whole matter at that time was referred to

8 an organisation called Safecall?

9 A. Yes.

10 Q. Which, I think, is an independent body that was then

11 used by the City of Edinburgh Council to deal with

12 disclosures under the whistleblowing policy. Is that,

13 in broad purposes, its purpose?

14 A. Yes, that's correct.

15 Q. That an individual called Dennis Shotton was appointed

16 as independent investigating officer in the first

17 instance?

18 A. Yes, correct.

19 Q. I don't want to go into the detail of this, but due

20 largely to COVID restrictions at the time you were

21 brought in, following a request to Edinburgh by Safecall

22 to have someone to assist with the investigation into

23 the concerns, is that how it happened?

24 A. That's correct, yes.

25 Q. I think subsequently in reality you became the

1           investigating officer?

2    A.   Yes, that's correct, I did.

3           Initially, my manager told me that I would simply be  
4           looking through some computer files, you know, on the  
5           client database to look for information about each of  
6           the 11 cases, but when I spoke to Dennis Shotton, he  
7           said, no, they'd been clear, they wanted  
8           an investigating officer and I was it.

9    Q.   That's the sort of function that I think -- there was  
10          a process like that, that did operate in  
11          City of Edinburgh Council in the past, that there were  
12          people called investigation officers who would look into  
13          complaints and other matters, is that right?

14   A.   Yes, yes, that's correct.

15   Q.   Just at that stage, had you had any prior experience of  
16          acting as an investigation officer for  
17          City of Edinburgh Council or elsewhere?

18   A.   Yes, yes, I had. I'd already did quite a large  
19          report -- when I first came into the quality assurance  
20          team, I was asked to investigate a stepdown unit in  
21          health and social care for older adults, which revealed  
22          abuse at that point. Erm, so, yes, and that was a large  
23          investigation, large report. So, yes, I'd done that.

24          I'd also been involved in disciplinary  
25          investigations and also the Chief Social Work Officer,

1 Michelle Miller, had involved me in finding information  
2 for various sort of investigations. So, yeah, I was  
3 accustomed to it, yeah.

4 Q. One matter, because I think I just want to check that  
5 this quality assurance service that you have referred  
6 to, that you were a member of from 2019 or thereabouts,  
7 can you help us as to when that service or department  
8 was established before -- you obviously came into it,  
9 but do you know when it was first established?

10 A. I don't know when it was first established, but I worked  
11 there for five years and it had certainly been  
12 operational in the, I would say, maybe eight years  
13 previous to that. It's described as being the vehicle  
14 of the Chief Social Work Officer, so you would assume  
15 that there's a degree of authority to those posts, but  
16 I'm not entirely sure of the date when it was started.

17 Q. Operational responsibility ultimately was with the Chief  
18 Social Work Officer at that time?

19 A. Yes, yes.

20 Q. Am I right in thinking at that time the Chief Social  
21 Work Officer was also the Director of Children and  
22 Families, or am I wrong about that?

23 A. No, the Chief Social Work Officer -- so in the  
24 structure, you would have the chief executive --

25 Q. Of the council?



1 A. Of the council, sorry, yes. The Chief Social Work  
2 Officer would sit under him, with the Director of  
3 Children and Families, you know, they were on a line  
4 under the chief executive.

5 Q. Yeah. I think maybe someone called Alistair Gaw was the  
6 Director of Children and Families?

7 A. Yes, yes, that's correct.

8 Q. So Michelle --

9 A. Well, Michelle Miller had left and then Jackie Irvine  
10 took over that post, so while I was writing the ESS  
11 report, it was Jackie Irvine who was the Chief Social  
12 Work Officer.

13 Q. How long did Alistair Gaw remain as the Director of  
14 Children and Families?

15 A. After Sean Bell's suicide, erm, and at the point of the  
16 Tanner investigation, he left, along with Andy Jeffries  
17 who had been a senior manager in children and families.

18 Q. We're talking about around 2020/2021, is that right?

19 A. Yes, yeah.

20 Q. It was a bit after --

21 A. So Sean Bell suicided in September 2020 and then it was  
22 shortly after that that Alistair Gaw and Andy Jeffries  
23 both left.

24 Q. Andy Jeffries would be -- his line manager would be  
25 Alistair Gaw?

1 A. Yes, yes, so Alistair Gaw was the line manager for  
2 Sean Bell, Andy Jeffries and Scott Dunbar.

3 Q. They were all what we might describe as external  
4 managers with responsibilities for, among other  
5 services, Edinburgh Secure Services?

6 A. They were senior managers in children and families and  
7 Scott Dunbar had the responsibility for  
8 Edinburgh Secure Services.

9 Q. So the direct responsibility rested with Scott Dunbar.  
10 Was he then the Senior Manager for Looked-after and  
11 Accommodated Children?

12 A. Correct, yes.

13 Q. But the other two would obviously have an involvement  
14 and did have an involvement?

15 A. Yeah, I think they sort of cross-fertilised the right --  
16 they would have been involved in each other's work.  
17 They were a very close-knit unit, I would say.

18 Q. You mention Sean Bell taking his own life, I think you  
19 said September 2021?

20 A. 2020. 2020.

21 Q. I think another individual we have spoken about,  
22 Scott Dunbar, also took his own life?

23 A. Yes.

24 Q. When was that, roughly?

25 A. That would have been in 2021, I think. I'm not entirely

1       sure of the date.

2   Q.   Was it after you had completed your report?

3   A.   Yes.  It was -- I think it was -- he'd been suspended  
4       and I think it was probably -- it was after my report  
5       had been published.

6   Q.   I think at the same time as you were doing your report,  
7       or around the same time, Edinburgh commissioned  
8       Susanne Tanner to carry out two sorts of investigations,  
9       one into Sean Bell and one more generally into the  
10      culture within particularly children and family?

11  A.   Yes, that's correct.  Can I say at this juncture, that  
12      I don't think it was a coincidence.  So Sean Bell  
13      suicided, then the Tanner report was commissioned.  So  
14      when Sean Bell suicided in September 2020, the  
15      whistleblowing complaint about ESS was submitted in  
16      October 2020 and I don't think that that was  
17      a coincidence.

18       I think the whistleblower could see that that  
19      regime, the senior management regime, had broken down  
20      and I think that they thought at that point that perhaps  
21      the concerns would now be taken seriously about ESS and  
22      Tanner -- so we had Sean Bell's suicide in the  
23      September, the whistleblowing complaint in October, and  
24      then Tanner commenced I think around that time in the  
25      October.

1 Q. As far as your investigations are concerned, after you  
2 were brought in to the investigation, I think you  
3 produced what I think were termed in your report -- or  
4 at least in the documents -- as an initial findings  
5 report, is that right?

6 A. Yes, that's correct.

7 Q. That was around 7 December 2020?

8 A. Yeah. It was delivered in around  
9 December 2020/January 2021.

10 Q. Okay, and I think that particular report was shared with  
11 Police Scotland?

12 A. Yes.

13 Q. Moving on to 2021, just to get the sequence of events,  
14 on 21 January 2021, following an analysis of relevant  
15 previous reports of significant case reviews, inquiries  
16 and so forth, I think you raised concerns about progress  
17 in relation to what are described as improvement actions  
18 arising from the Gordon Collins significant case review,  
19 which was, I think, around 2017?

20 A. Yes.

21 Q. And conducted by Stella Perrott and others?

22 A. Yes, I don't know who conducted the significant case  
23 review, but what I was looking at was an action plan  
24 that had come from a review of the review. So it was  
25 a review to look at what had actually been achieved

1 following the significant case review and the action  
2 plan came about as part of that review.

3 Q. I think, just to try to understand this, because I think  
4 we find there's an awful lot of reviews and action  
5 plans, but maybe not so much action, but Gordon Collins'  
6 review resulted in some form of initial action plan?

7 A. Yes, it did.

8 Q. Then, are you telling us, that subsequent to that, was  
9 it a colleague of yours that was charged with  
10 responsibility of looking at progress for that plan?

11 A. No, my colleague, Heather Smith, actually drew up the  
12 plan. She carried out a review and then drew up the  
13 action plan.

14 Q. The Gordon Collins's action plan?

15 A. Yes, yes.

16 Q. Did she do that around 2017?

17 A. Yes, that's correct.

18 Q. I think, in your report, you tell us that the same  
19 individual, Heather Smith, who was a quality assurance  
20 officer as well, maybe in September of that year was  
21 highlighting a lack of progress in relation to a number  
22 of areas of improvement, which had been agreed in  
23 response to the significant case review, is that the  
24 position?

25 A. No, no, so she drew up the action plan, but while she

1       was collecting the evidence for the action plan, she  
2       found eight cases that concerned her in terms of abuse  
3       at ESS.

4             Do you want me to tell you the background to that  
5       and what happened?

6   Q.   Yes.

7   A.   What happened was she went with the -- she was a quality  
8       assurance officer at that point, she went with the two  
9       managers from quality assurance to see Andy Jeffries,  
10       Scott Dunbar and Sean Bell to tell them of her concerns  
11       that she had found around these, I think it was eight  
12       cases.

13            Nothing was done about that, it was never followed  
14       up by either quality assurance or children and families.  
15       When I then came to do the ESS report, I found some of  
16       those cases independently and then spoke to  
17       Heather Smith and realised that these had already been  
18       highlighted, but they went into my ESS report as well.

19            In terms of the action plan, she went ahead and drew  
20       up the action plan and it was given over to the Lead  
21       Officer for Adult Protection, I believe, to take forward  
22       and monitor and review. It wasn't until I was doing the  
23       ESS report and asked about the action plan, that  
24       I realised that nothing had been implemented and that  
25       basically it had stagnated.

1 Q. So the eight cases -- we'll come to the number of cases  
2 you have looked at, I'm not going to go to them in  
3 detail but you looked at 30 cases ultimately?  
4 A. Yeah.  
5 Q. Although 11 cases had been flagged up in the  
6 disclosure --  
7 A. Yes.  
8 Q. -- in 2020, but you looked at 30 in the end and we'll  
9 come to why that was the case.  
10 Of the 30, are you saying that they included the  
11 eight cases that Heather Smith had identified?  
12 A. Correct.  
13 Q. You were including these cases in 2020/2021?  
14 A. Yes.  
15 Q. She had highlighted this in 2017?  
16 A. That's correct, yes.  
17 Q. I think you suggested, in your report, that if the  
18 improvement plan, the Gordon Collins plan, had been  
19 completed timeously, several of the incidents of concern  
20 in the whistleblowing disclosure would either not have  
21 happened or would have been properly investigated and  
22 dealt with at the time?  
23 A. Yes, if there had been an investigation into those eight  
24 cases of concern in 2017, along with a myriad of other  
25 missed opportunities, then I think what was happening at

1           ESS would have come out much sooner.

2   Q.   Yes, because I think your report does deal with a number

3           of missed opportunities and I'll come back to this one,

4           but one particular missed opportunity was the

5           Kirsten Adamson report in 2013.

6   A.   Yes.

7   Q.   You can take it we've heard from Kirsten Adamson about

8           her report yesterday --

9   A.   Yes.

10   Q.   -- so we are familiar with it --

11   A.   Mm-hmm.

12   Q.   -- and what she reported and recommended.

13           I think you say, in broad terms, that many of the

14           issues she flagged up for requiring urgent attention

15           were matters that you had to address --

16   A.   Yes.

17   Q.   -- again?

18   A.   Yes, eight years later, yeah.

19   Q.   Just following through the sequence of events, on

20           26 February 2021, senior officers within

21           City of Edinburgh Council were advised that Police

22           Scotland would not be taking further action in relation

23           to matters that had been investigated by them following

24           the sharing of information; is that right?

25   A.   Yes.



1 Q. So in a sense you had a free hand then? That's one way  
2 of putting it perhaps?

3 A. Yeah, yeah.

4 Q. Because you would have had to have been mindful that  
5 there was a live review or investigation by the police?

6 A. Well, I think -- I recall being told at that time that  
7 my investigation was separate to that investigation. My  
8 role in terms of the police investigation was just to  
9 pass information to them or to collate information for  
10 them. But I was told to carry on with my investigation  
11 and don't pay any heed to that, that was something else  
12 that was going on over here.

13 Q. But there might have been a degree of overlap then?

14 A. Yes, yes.

15 Q. You are not clear perhaps what exactly was considered by  
16 the police?

17 A. No.

18 Q. But they seemed to be related in a broad sense?

19 A. Oh, yes, yeah. Well, basically they'd taken information  
20 from my initial findings report, yeah.

21 Q. Then just following matters through, in March 2021,  
22 arrangements were put in place for you to scrutinise  
23 archived restraint and single separation records in  
24 relation to matters that -- sorry, to scrutinise these  
25 records and that was an exercise which, I think, took

1           you several weeks to complete?

2   A.   Yes.  I requested 64 boxes of archive material from Iron  
3       Mountain and went through it systematically.  It  
4       contained -- it was everything.  It was any paperwork  
5       that had been completed at ESS, so there were minutes of  
6       meetings or, you know -- but the main bulk of the  
7       contents of the boxes were incident reports, timeout  
8       logs, erm, but there was other information in with that  
9       as well.  The daily records for each individual young  
10      person were filed there as well, so it was a gamut of  
11      information.

12  Q.  I don't think I need to take you to your statement, but  
13      the background to this, you tell us in your statement,  
14      is that you felt by then that you were facing, what you  
15      describe in your written statement to the Inquiry at  
16      paragraph 21, that a situation of evasion and lack of  
17      co-operation from managers, that you asked to have 64  
18      boxes of archive material delivered to you and, as you  
19      have told us, the material contained further information  
20      about the disturbing things that you had been  
21      uncovering --

22  A.  That's correct.

23  Q.  -- at that point?

24  A.  Yes.

25  Q.  That was the background to: 'I want to see this

1 material'?

2 A. Yes.

3 Q. I'll maybe come back to that when we look at your

4 statement.

5 Maybe just picking up one other point. You tell us

6 in your statement at paragraph 22 -- I think you tell us

7 you spent possibly a month looking through this

8 material, trying to piece together various cases --

9 A. Yes.

10 Q. -- of interest. As you have put it, I think, there, the

11 documents were very chaotically filed?

12 A. Yes.

13 Q. Just again, maybe picking up what you tell us in your

14 statement at this point, you were saying that, for

15 example, there were incident records known as pink

16 forms, I think, which staff were obviously filling out,

17 you tell us, and passing to their managers, only for

18 them to be sort of immediately shelved?

19 A. Yes. The pink forms were supposed to be signed off by

20 an ESS manager and then to a senior manager. What I was

21 finding was that they would be signed off and then there

22 would be a comment from a senior manager, you know, 'I

23 don't understand why this restraint ...',

24 I'm paraphrasing here, but it would be along the lines

25 of, 'I don't understand why this happened, that

1       restraint shouldn't have been used', other comments like  
2       that, but there was never any follow-up. It appeared as  
3       though that was it, the pink form then just got filed.

4   Q. There was maybe evidence of a signature from the  
5       manager --

6   A. Yes.

7   Q. -- then they were archived basically?

8   A. Yes, yes, yes.

9   Q. Whatever they were saying?

10   A. Yes.

11   Q. As you tell us in your written statement at paragraph 22  
12       on this matter, nothing that came up in the incident  
13       records that you saw ever appeared to you to have been  
14       actioned or taken forward, is that really the position?

15   A. That's correct, yeah.

16   Q. During your investigation, you considered cases within  
17       a 12-year period, 2008 to 2019. I know you say it's  
18       11 years, but it's because you found one year where you  
19       didn't find anything of concern, 2016?

20   A. Well, 2016 I really couldn't find any information, so  
21       when I went through the archive boxes, 2016 seemed to  
22       have disappeared --

23   Q. Oh, I see --

24   A. -- there didn't seem to be anything.

25   Q. -- it wasn't because there was nothing of concern, you

1           couldn't find anything?

2   A.   No, I couldn't find any information, yeah.

3   Q.   But the broad period was 2008 through to 2019?

4   A.   Yes, yes.

5   Q.   That's why you talk about an 11-year period and not

6           a 12-year period?

7   A.   Yes, yes, yes.

8   Q.   I think that during your investigation you found

9           evidence of concern to you in relation to 45 separate

10          incidents relating to 30 young people?

11  A.   Yes.

12  Q.   Including the 11 cases that the whistleblower had

13          referred --

14  A.   Yes.

15  Q.   -- or mentioned? These were incidents which involved

16          both, I suppose, frontline staff and ESS managers?

17  A.   Yes.

18  Q.   Internal and external at times, or not?

19  A.   Erm, well, in terms of the actual abuse being

20          perpetrated, that tended to be one particular -- well,

21          yes, managers, yes, yes, managers and the staff group.

22          But in terms of external managers, it was more the

23          turning of the blind eye to what was going on at ESS.

24  Q.   Although you did say that an awful lot of the incident

25          reports never seemed to get beyond --

1 A. Yes, yes, yes, yes.

2 Q. I'm not going today to go through the 30 cases in  
3 detail, you'll be pleased to hear. We can read those  
4 for ourselves in your very comprehensive report.

5 Broadly speaking, if my arithmetic is correct, they  
6 can be broken down into various categories of case and  
7 my numbers don't add up to 30, but it's just the sort of  
8 matters that these cases gave rise to that you discuss.

9 I'll just give you the list and you tell me if  
10 I have the list pretty accurately. There were what  
11 I would term restraint cases, involving various aspects  
12 of restraint. I think I totalled that 18 cases involved  
13 an issue of restraint?

14 A. Mm-hmm.

15 Q. Then there's also cases involving physical assault  
16 outwith restraint, and I think I counted seven of those?

17 A. Mm-hmm.

18 Q. There was also cases involving controlling behaviour by  
19 staff, and I think I counted up to five of these.

20 A. I've got 11, sorry.

21 LADY SMITH: Where are you in your report?

22 A. At section -- oh, gosh, if you look at section 5.3, it  
23 says:  
24 'Categories of alleged abuse.'  
25 Then it breaks it down.

1 MR PEOPLES: Well, we'll take your one -- obviously yours is  
2 more accurate than mine. I was trying to get a broad  
3 picture of the type of matters. You have a different  
4 figure. Some of the cases I'm saying dealt with both.  
5 A. Yes, yes, yes.  
6 Q. I'm just trying to say that one case might have dealt  
7 with restraint and controlling behaviour?  
8 A. Yes.  
9 Q. Another might have simply been focused on controlling  
10 behaviour?  
11 A. Yes.  
12 Q. So that's maybe where I get my numbers?  
13 A. It's quite complicated.  
14 Q. Yes, but I'm just trying to get a flavour of the type of  
15 thing that you identified. Another type of case was the  
16 use of single separation?  
17 A. Yes.  
18 Q. I'd better not give you my number, because I'm just  
19 going to confuse matters here. Then other cases  
20 involved verbal abuse?  
21 A. Yes.  
22 Q. There were other cases involving viewing of pornographic  
23 images?  
24 A. Yes.  
25 Q. There were other cases involving staff attitudes towards

1           young people?

2   A.   Yes.

3   Q.   There were other cases involving injuries to young

4           people?

5   A.   Yes.

6   Q.   There was also cases involving goading of young people

7           by staff?

8   A.   Yes.

9   Q.   And I think there was at least one case of denial of

10          food?

11  A.   Yes.

12  Q.   There was maybe one by a residential care officer, which

13          was broadly described as 'treatment of children'?

14  A.   Do you mean medical treatment?

15  Q.   Well, I'm not sure actually now, I think I've just got

16          it noted. We don't need to worry, we can look at that.

17  A.   Yes. You have covered the gamut of abuse as I found it.

18  Q.   Yes, the spectrum of the sort --

19  A.   The spectrum, yes.

20  Q.   No, that's fine. We can obviously look at them in more

21          detail if we require, but I don't think we'll do that

22          today unless you feel it's necessary.

23  LADY SMITH: Just a small point on verbal abuse. I see that

24          you've detailed two types of verbal abuse; goading as

25          well as shouting, screaming and swearing.



1 A. Yes.

2 LADY SMITH: Did you include goading because, on reading the  
3 information, that occurred to you to do that?

4 A. Yeah, I included goading because there were instances  
5 where young people alleged that while they were being  
6 held in restraint, erm, managers or staff might whisper  
7 something in their ear, you know, to make a volatile  
8 situation more volatile, yeah.

9 MR PEOPLES: So that would be a typical example of what you  
10 describe as a goading case?

11 A. Erm, that, as well as a manager sitting outside a young  
12 girl's room with the door open, sort of intimidating  
13 her. So I would class that as goading as well.

14 Q. That's not controlling behaviour, or it might be both  
15 actually?

16 A. Well, the goading was very much about just trying to  
17 increase an already volatile situation through actions  
18 or words.

19 Q. So that sort of action without words might well have  
20 provoked a further reaction in the young person,  
21 seeing --

22 A. Yes, yes, or for a staff -- for the young person being  
23 held in prone, which is face down, saying that they  
24 couldn't breathe and the staff member then saying,  
25 'I don't care', and holding them for, you know,

1       15 minutes or whatever. Erm, so goading was very much  
2       about winding up the child or the young person into more  
3       challenging behaviours.

4   Q. So there was evidence of cases that seemed to involve  
5       that situation, that you were finding in the records?

6   A. Yes, yes.

7   Q. Because what you were doing was reviewing conduct and  
8       practice within ESS over quite a substantial period,  
9       2008 to 2019?

10  A. Yes.

11  Q. That enabled you to do something that it appears ESS and  
12       its managers didn't do, to identify patterns and trends?

13  A. Yes. I would say it wasn't just ESS. It was the wider  
14       council, so, yes, the council failed to do any sort of  
15       analysis of forms or paperwork or, you know, incident  
16       reports, anything, that could have identified these  
17       patterns and trends at a much earlier point.

18  Q. I think we have heard evidence, and you can maybe tell  
19       us if this is in accordance with your recollection of  
20       how things were, that the complaints process did involve  
21       putting complaints, formal complaints, to an external  
22       manager --

23  A. Yes.

24  Q. -- to consider and determine how to handle them, is that  
25       right?

1 A. Yeah, they would act as the investigating officer for  
2 a complaint.

3 Q. If it was a formal complaint and if it got outwith  
4 ESS --

5 A. Yes.

6 Q. -- if the form went to --

7 A. If it actually -- if it actually went outside ESS, what  
8 tended to happen would be that the young person would  
9 want to put in a formal complaint and then a manager  
10 would be sort of appointed, an internal ESS manager, to  
11 investigate that complaint and then would, I call it,  
12 talk the young person into not submitting it as a formal  
13 complaint, which would have gone outwith ESS, but to  
14 have it managed as a frontline resolution, which meant  
15 that ESS could manage it in-house within five days.

16 Q. That type of situation or scenario which you came across  
17 would not have got to the department as a formal  
18 complaint?

19 A. No.

20 Q. In this review of records, did you ever find examples or  
21 suggestions of recording of complaints being destroyed  
22 or ripped up?

23 A. I never -- I didn't find information about that, but  
24 there was information, both in the whistleblowing  
25 complaint and in documentation that I read, where young

1 people said that they were very reticent to make  
2 complaints because they knew they wouldn't go anywhere  
3 or there would be recriminations from the staff group if  
4 they did make complaints.

5 Q. I mean, as far as someone wanting to make a complaint is  
6 concerned, and say they went to the stage of completing  
7 the relevant complaint form within ESS -- did that have  
8 a colour by the way?

9 A. Erm, no, I don't think it did.

10 Q. Just checking. No matter.

11 Suppose that's the scenario and they're persuaded,  
12 I'll just put it broadly, to withdraw the formal  
13 complaint before it gets to headquarters or Social Work  
14 Department eyes, did you have any idea of what the  
15 procedure was in that situation, whether the complaint  
16 itself should still be retained as part of the records?

17 A. Yes, the complaint should have been. The problem was  
18 that quality assurance systems were disjointed. So when  
19 that complaint was made, if that was a complaint against  
20 a staff member, which they very often were, there were  
21 policies and procedures that should have been followed.  
22 Child protection procedures should have been instigated.  
23 That never happened and the complaint would either  
24 disappear or it would, if it went to a formal complaint,  
25 it would take an inordinate amount of time for that

1 complaint to be resolved, during which time quite often  
2 the young person became so fed up with the lack of  
3 action that they would withdraw the complaint and  
4 I began to see a pattern that if complaints were  
5 ignored, they would go away, you know.

6 Q. These were the external managers that were sitting on  
7 the complaints?

8 A. Yes.

9 Q. Basically?

10 A. Yes.

11 Q. You are talking about delay, are we talking serious --

12 A. Yes, well, SPSO standards say a frontline resolution has  
13 to be resolved in five days and a formal complaint has  
14 to be resolved in 20 days. Some of these complaints  
15 were taking 90 days, 80 days, 100 days, so there was  
16 an inordinate amount of time, and I know from  
17 a complaints colleague, who told me at the time of  
18 writing the report, that there was an industry around  
19 complaints officers going to Scott Dunbar's desk to ask  
20 him to sign off the investigation reports, and there was  
21 always an excuse about why he couldn't do it.

22 Q. Now, just going back to the sequence of events, because  
23 we'll come back to your findings and I'll ask you about  
24 your general findings shortly. Your report was,  
25 I think, finalised or completed around 3 August 2021, is

1           that right?

2   A.   Yes.

3   Q.   Then just under the process that was being used at the

4           time, I think your report was then, can I put it this

5           way, assessed by Mr Shotton of Safecall, there was

6           a form of assessment?

7   A.   Yes, yes, it went to Safecall and I assume it was

8           discussed with legal.

9   Q.   I'll just help you here.  According to the

10          documentation, I think it's probably in the document

11          that contains your report, I think it's Mr Shotton's

12          overview report, or something of that nature, described

13          your report as:

14                'Of a high quality standard, providing a robust and

15          thorough examination of the concerns raised and, from

16          an independent perspective, it was characterised as

17          unbiased, objective and methodical in approach and

18          attention to detail.'

19                So that was his assessment?

20   A.   Yes.

21   Q.   You'll tell us there were a few problems during the

22          report, but I'll come to that, but that's what he said

23          after you submitted the report?

24   A.   Yes --

25   Q.   I don't know if you knew that?

1 A. -- I only saw that document recently, but yes.

2 Q. It seems to be complimentary, at least at that point?

3 A. Yes.

4 Q. We may just come and touch on this, I think you have

5 also seen a statement given to the Inquiry by

6 Amanda Hatton, and I think she is also complimentary of

7 the work you did?

8 A. Yes.

9 Q. And doesn't seek to in any way challenge your findings

10 or conclusions or recommendations.

11 A. No.

12 Q. You have seen that?

13 A. Yes, yes, I have seen that, yes.

14 Q. She also gives you some insight into cultural

15 difficulties that she's encountered, as well as the ones

16 that you, I think, will tell us about today?

17 A. Yes.

18 Q. I'll just give a reference for that statement, in case

19 I don't come back to it --

20 LADY SMITH: For Amanda Hatton's statement?

21 MR PEOPLES: Yes. It is WIT-3-0000005799.

22 I think I can say that the relevant sections that

23 I've been referring to, I think you have seen those, are

24 114 to 123 and 136 to 140. One of these sections is

25 a comment on Pauline's statement and report, and the

1           other one is a more general section dealing with culture  
2           within City of Edinburgh Council, and I think you're  
3           aware of what has been said --

4   A.   Yes.

5   Q.   -- in that statement?

6   LADY SMITH:  She pays tribute to your hard and diligent work  
7           in that statement, Pauline, and expresses her gratitude  
8           for what you did.

9   A.   Yes.

10  MR PEOPLES:  You have actually seen what was written?

11  A.   Yes, I have, yes, I have, yes.

12  Q.   Your report identified a number of significant failings  
13           on the part of ESS and the managers.  I use that term  
14           broadly, both internal managers and external managers.  
15           These were significant failings over the period 2008 to  
16           2019.

17           The report itself, I've already given the reference,  
18           the findings which, I think, were summarised at  
19           paragraph 5.10 of your report, are in fact conveniently  
20           set out, I think, at pages 4 to 5 of EDI-000000802, if  
21           I'm correct.  If we can bring that up.

22           Section 4.1 is where your main findings are set out.

23  A.   Yes.

24  Q.   I think we are told in the report where we can find the  
25           specific findings in the body of the report.  I think



1       it's sufficient for me to take these findings and if, in  
2       going through them, you want to give us any examples,  
3       illustrations, of the issues that gave rise to these  
4       findings, then please do so.

5             The first finding is that the standards and guidance  
6       provided by policies, procedures, report recommendations  
7       and training, appear to have been poorly implemented or  
8       ignored.

9             So that seems to be a finding that there was  
10       a departure from relevant standards and guidance?

11    A.   Yes.

12    Q.   If you want to give any examples, it's up to you, or  
13       we'll just carry on.

14    A.   Well, I think in terms of 4.1.1, it was in terms of ESS,  
15       they just didn't seem to be following any council  
16       policies and procedures and things like, erm, I didn't  
17       really find evidence of staff training or development or  
18       sort of checking people's CALM registration, you know,  
19       for carrying out restraints. So I think just across the  
20       board there was a lack of following either council or  
21       in-house policies and procedures.

22    Q.   I suppose if you're carrying out an audit or  
23       an inspection like the Care Inspectorate does, there is  
24       a danger that you are told there are lots of systems,  
25       policies and procedures --

1 A. Yes, yes.

2 Q. -- but that doesn't necessarily answer the question: are  
3 they followed in practice?

4 A. Yes. I mean, you can have all the policies you want or  
5 procedures that you want, but unless people are actually  
6 adopting them properly, you know, implementing them  
7 properly, then, you know, anything could be happening  
8 and certainly, I did find a big disjoint between what  
9 should have been happening and what was actually  
10 happening.

11 For instance, no proper use of the significant  
12 occurrence notification procedure, which should have  
13 been instigated as soon as there was any harm or injury  
14 or allegations by a child. Child protection procedures  
15 not instigated appropriately.

16 And certainly, erm, in terms of child protection  
17 procedures, IRDs, interagency referral discussions, if  
18 these were instigated, the onus was on the child or  
19 young person to prove their allegation, which often  
20 meant the child or young person, because of their  
21 vulnerabilities and their challenging behaviours, were  
22 quite often unable to carry through what was expected of  
23 them and then it would just be closed as 'no evidence'.

24 So I certainly found that there wasn't  
25 an appropriate application of policies and procedures.

1 Q. You, of course, are carrying out a comprehensive review  
2 and you are seeing that picture?

3 A. Yes.

4 Q. The danger with either someone doing a snapshot  
5 inspection or not doing the sort of analysis over the  
6 period of time you did, is that they potentially could  
7 miss it. If they're doing the analysis at all, but in  
8 some cases you didn't find any evidence that they were  
9 doing the analysis?

10 A. No, there was no analysis at all and really the quality  
11 assurance service should have been monitoring these, you  
12 know, what was going on in children's houses and doing  
13 things like looking at the number of incident reports,  
14 so doing an analysis of incident reports, how many of  
15 them translated into Care Inspectorate notifications or  
16 significant occurrence notifications, and right away,  
17 you would have seen that there was a mismatch.

18 Q. That was your service?

19 A. Yeah.

20 Q. I think you are critical, because you did make  
21 a recommendation that there needs to be a --

22 A. Yes.

23 Q. -- review of quality assurance systems.

24 A. Yes.

25 Q. So you weren't happy with your own service?

1   A. No, I wasn't happy with the leadership in that service.  
2       When I joined that service, it was a great team and the  
3       good people left because of the frustrations that they  
4       felt due to bullying, a sort of toxic culture and poor  
5       leadership and management and, erm, certainly the  
6       quality assurance service should have been more  
7       assiduous about doing analysis of documentation in  
8       children's houses and things like complaints and should  
9       have been chasing up complaints that were taking 89 or  
10      90 days.

11       But instead, because of that old boys' network, that  
12      old friendship network, erm, it was -- and also a fear  
13      of the managers in children's services, children and  
14      families, as it was at that time, these things didn't  
15      happen. As soon as there'd be pushback, that was it, it  
16      was dropped.

17       And an example of that, I mean, what I was going to  
18      say was the people that we should have been asking about  
19      the service were the people using the service who were  
20      the children and young people and when I proposed that  
21      we do that, that we go into ESS and ask the young people  
22      themselves about the level of service, my manager and  
23      I went to see Sean Bell who basically, and I apologise  
24      for my language, said to my manager:  
25        'It's a piss poor idea and it ain't fucking

1           happening.'

2           And my manager just said, 'Okay'. There was no  
3           professional pushback there to say, 'We are the vehicle  
4           of the Chief Social Work Officer. We have authority to  
5           do this and we're going in', it was all just dropped.

6   LADY SMITH: Pauline, you used an expression 'the children's  
7           houses' a few times, what do you mean by that?

8   A. Erm, well, in the days when I was writing the report  
9           they were called units, young people's units, but now  
10          they've changed that to ... they want units to be more  
11          homely because they are, they're the children's homes,  
12          their houses, so I believe that the terminology now is  
13          'children's houses'.

14   LADY SMITH: I thought that was what you meant, but I just  
15          wanted to confirm it for the transcript. Thank you.

16   A. So we've never asked young people about the service.

17   MR PEOPLES: Well, I was going to put to you a document, to  
18          see if you have been shown it or come across it. Can  
19          you just have a look at EDI-000005688.

20          I'll just put it up, just to see if anyone drew it  
21          to your attention. It's a young people's focus group on  
22          experience of Edinburgh Secure Services, which seems to  
23          have been an attempt in the spring of 2010 to canvass  
24          views of young people on a number of themes, including  
25          restraint, being locked in a bedroom, time out of group

1           and other matters.

2           Is that a document you've ever seen before?

3   A.   I don't recall it.

4   Q.   It would have been useful to see, I suppose?

5   A.   Yeah.

6   Q.   Possibly it would have been another missed opportunity

7           --

8   A.   Yes, yes.

9   Q.   -- to add to the many that you mention in your report,  
10       because this is 2010. It does appear that seven former  
11       residents of ESS were participating in this exercise and  
12       shared experiences, looking at page 1, of various  
13       themes, including restraint and being locked in  
14       a bedroom.

15       I'll just maybe briefly take you through that.

16   A.   Yeah, okay.

17   Q.   Because you might say that some of this is familiar --

18   A.   Yeah.

19   Q.   -- from your exercise. It says on admission, at page 2:

20       'Feelings on being admitted are commonly  
21       disorientation, anger and despair, comparisons between  
22       secure and jail were expressed by a number of young  
23       people. This was the same for boys and girls, older  
24       adolescents and younger adolescents, young people who  
25       may present as more mature or tougher felt similar fear

1 to younger residents.'

2 So on admission they're saying that the feeling is

3 one of fear --

4 A. Yes, mm-hmm.

5 Q. -- and lack of preparation for this experience. They

6 say, in the third paragraph:

7 'Young people's experience of staff on admission

8 identified that large male staff are perceived as

9 frightening.'

10 So that's the perception?

11 A. Yes.

12 Q. They do say reading on, two paragraphs further down:

13 'Other young people, contact with staff once

14 admitted, and having the situation explained to the

15 young person helped provide greater comfort.'

16 So there's a suggestion that things would improve

17 once they'd settled in, but then you see in the next

18 paragraph:

19 'Being locked in a bedroom was negatively commented

20 on by 66 per cent of young people. This on occasion was

21 for lengthy periods and young people retain a sense of

22 the injustice of this.'

23 Then towards the foot of that page, the final

24 paragraph:

25 'All young people saw contact with their family as

1           the single most important factor that would have helped  
2           them.'

3    A.   Yes.

4    Q.   There appears over the page to be something described as  
5           an 'action plan', to maybe address some of these  
6           concerns from the young people themselves and this looks  
7           like another example of an action plan that maybe didn't  
8           see the light of day?

9    A.   Yeah.

10   Q.   If we go on in the document before you to a page that's  
11          headed: 'During your time here', which says in the first  
12          paragraph:

13               'There were a number of identifiable factors  
14               emerging. A number of young people did not feel safe on  
15               admission to secure.'

16               We have seen that already:

17               'The reasons behind this ranged from not knowing  
18               where they were, not being aware it was a secure unit  
19               prior to admission and the lack of information of how  
20               long they would be there. However, these feelings  
21               quickly changed and young people began to feel safe when  
22               they began to build relationships with staff and young  
23               people and felt they were being given information by  
24               staff.'

25               It's only seven people by the way, so it's not



1 a large number, but they're trying to capture their  
2 views.

3 Then it actually says towards the foot of that  
4 section, headed 'During your time here':

5 'Young people commented on the fact there was very  
6 little bullying, and any that there was, was quickly  
7 dealt with, was another factor in making young people  
8 feel safe within the secure environment.'

9 I suppose one way that might have been used to  
10 address bullying was possibly physical intervention?

11 A. Yes, restraint probably.

12 Q. Restraint. Maybe this isn't the perspective of the  
13 person being restrained, whether through bullying or  
14 perceived bullying or not.

15 They say that and then they say at the foot of that  
16 page, as to, 'What helped you manage', it says:

17 'Reflecting back on what they saw as their negative  
18 behaviours and the impact this had had on themselves and  
19 their family members was seen as a positive piece of  
20 work that had helped young people manage their time in  
21 care.'

22 I suppose that's the theory, that you do have to try  
23 and engage, build relationships, work on the underlying  
24 causes that cause them to display challenging behaviours  
25 and so forth, is that --

1 A. Mm-hmm.

2 Q. That's perfectly sound theory, as it were, in practice?

3 A. Yes, if it was put into practice, it would be great,

4 yeah, yeah. Can I go back to what you are saying about

5 single separation and timeout, so when a young person

6 was locked up, because certainly when I did my

7 investigation --

8 Sorry.

9 LADY SMITH: Sorry, go on.

10 A. Because certainly when I did the investigation, in

11 single separation a young person shouldn't be locked up

12 for any more than three hours in a 24-hour period, but

13 certainly ESS; I was finding evidence where timeout was

14 being used to extend periods of single separation or

15 young people were just being locked up for long periods

16 of time. I found forms had been retrospectively

17 Tipp-Exed and times changed. So certainly in terms of

18 locking young people up, ESS did utilise that, you know.

19 MR PEOPLES: I think they do say something about this in the

20 document.

21 A. Right, okay.

22 Q. No, just do interject if you think there's something

23 that actually relates to what you were finding as well.

24 A. Yeah.

25 Q. If we go on to the following page, the second paragraph,

1       it says:

2           'Young people enjoyed having their days full and  
3       planning ahead. A frustration within this was felt to  
4       be the timescale it sometimes took staff to organise  
5       activities.'

6           We have heard general evidence about St Katharine's  
7       and Howdenhall and certainly, to some extent before the  
8       period you looked at, and the pressures caused by staff  
9       shortages, due to various factors like sickness absence  
10      and the need for temporary staff or people having to  
11      cover for colleagues for one reason or another and this  
12      putting a strain on the service.

13          Perhaps some things are casualties and maybe this  
14      might be an explanation for that?

15   A.   The activities?

16   Q.   The failure to organise them or do something meaningful?

17   A.   Yeah. I can't comment on that, because I didn't find  
18      evidence of activities or meaningful activity that I can  
19      recall now. So, erm, yes, young people should have  
20      activities obviously, you know, they should be out --  
21      I know that they're in secure but they could be taken  
22      out. Erm, I can't really comment on that, because  
23      I didn't really find evidence of activities.

24   Q.   You see that young people themselves that were consulted  
25      on this occasion came up with various ideas on how their

1       time in secure might be more meaningful. Now, the  
2       implication there is that perhaps they didn't have these  
3       opportunities to the extent they wanted, but you see  
4       there they do say things like having more focused work.  
5       That may be a one to one on the things that led them  
6       into secure, that's one thing that they felt would have  
7       made their time more meaningful.

8           Another is being given more information by staff  
9       instead of being made to feel that information is being  
10      withheld as the young people are here to be punished.  
11      That is something they're telling us.

12           Then they're saying when staff are aware a young  
13      person is feeling scared, then they're suggesting staff  
14      could spend time with them as they feel this would help  
15      to alleviate their anxiety. Again, it would appear this  
16      group are maybe feeling they don't get enough time with  
17      these feelings --

18   A.   Mm-hmm.

19   Q.   They're also saying that something else that would have  
20      helped their experience was being involved in planning  
21      activities and feeling that their ideas are being  
22      listened to and acted on regarding this was seen as  
23      important.

24           Again, maybe there is a feeling that their views  
25      were not really being heeded or listened to, certainly

1 at that time.

2 Then there is also another suggestion that staff  
3 being aware of the feeling young people have of always  
4 walking on carpet and consider how they may feel if  
5 unable to go out. Being taken to a wide open space was  
6 suggested as a helpful way to counter these feelings.

7 Then we have:

8 'Young people would like staff to be more aware of  
9 the negative impact that staff being too busy with other  
10 duties to take part in a planned activity with a young  
11 person has.'

12 There is a range of, I think, matters which are --  
13 they're making positive suggestions, but the reason  
14 they're doing that, it would appear, is because they  
15 weren't getting these things?

16 A. Yes, yes. You would imagine that they would be giving  
17 examples of 'when Jim takes me to the football' or  
18 when -- but they're not. This is aspirational stuff.  
19 This is what they would like to happen and it quite  
20 evidently wasn't.

21 That actually has just pricked my memory to somebody  
22 in the report, whose pseudonym is 'Aaron', who went to  
23 army cadets, so he went and he was, you know, really  
24 enjoying army cadets and the thing that I couldn't  
25 quite -- erm, there was a dissonance, because he went to

1        army cadets twice a week and behaved perfectly well at  
2        army cadets, but in all the documentation I was reading  
3        about him from ESS, it said that he was out of control,  
4        his behaviour, you know, had to be challenged all the  
5        time. I couldn't quite put those two boys together as  
6        the same person.

7            So activities were most certainly helping 'Aaron',  
8        and I think this just illustrates that children in ESS  
9        were being labelled as one thing, when actually they  
10       were perfectly able to control themselves and were  
11       behaving in other settings.

12    Q. There is another action plan suggestion there as well,  
13        maybe suggesting that they'd do well to have more  
14        focused work with young people --

15    A. Yeah.

16    Q. -- and maybe try and remove the perception that  
17        information's being withheld.

18            Moving on to the next page, just if I can stick with  
19        this document for a moment: 'Experiencing time out of  
20        group'. It is said there that:

21            'Being locked in their bedroom was seen as unjust  
22        and unfair by the majority of young people. It created  
23        feelings of increased anger, frustration, feelings of  
24        being targeted by particular staff and an opinion that  
25        it suited staff to have young people locked in rooms.

1       Young people felt they were not all treated the same.'

2       Then it goes on:

3       'The anger felt appears to have been highlighted by  
4       young people's confusion as to the reason they were put  
5       in their room, the timescales stated were not adhered to  
6       and the feeling of a lack of control in their life that  
7       this created.'

8       Then they say:

9       'Although young people feel it is fair to be removed  
10       from the group and locked in a room when it is in the  
11       interests of safety of all, they feel this should not be  
12       used for trivial reasons. Also, when applying this  
13       method, the age and stage of the young person should be  
14       taken into account.'

15       That's a fairly clear expression of what they think  
16       about being locked in their own rooms?

17   A. Yes, and certainly in the whistleblowing complaint,  
18       there was an example of a young man telling his social  
19       worker that he had been locked up for not finishing the  
20       milk with his cereal, which appears to be very punitive.  
21       So I think that's right. Young people could be locked  
22       up for the most trivial of reasons or even if there  
23       weren't enough staff on or staff wanted to watch TV or  
24       whatever, I think they would probably -- I found  
25       evidence that there would be maybe goading or, you know,

1       challenging young people, causing something to kick off,  
2       so that the young person could then be locked up and  
3       then staff would be, you know, free to do whatever.

4   Q.   They're giving their feelings about that situation?

5   A.   Yes, yes.

6   Q.   Particularly if it's for trivial reasons?

7   A.   Yes.

8   Q.   Then if we go on to the next page, there's a section on  
9       experiencing restraint and the question is asked: 'How  
10      did you feel about being restrained?', and they say:

11       'The views from young people on being restrained are  
12      very mixed. Several of the group had never been  
13      restrained. Witnessing a restraint on another young  
14      person was described as scary, although a female young  
15      person described being more upset for the staff member  
16      involved than the young person. One person did not like  
17      the fact that staff waited until the last second to  
18      restrain, yet another felt staff tried to de-escalate by  
19      talking but then acted too quickly to restrain.

20       'On reflection a female young person felt restraints  
21      should be used if necessary and positively, another  
22      commented they never felt frightened of staff during  
23      a restraint.

24       'The advice the young people spoken to had for other  
25      residents was to try and avoid a situation escalating to



1       that stage. If it did reach that point, they would then  
2       advise the young person not to struggle and just deal  
3       with it. Some young people felt some staff were more  
4       likely to restrain than others and advised young people  
5       to avoid these staff.'

6       Well, there is a variety of views there and it may  
7       be a council of perfection to say 'if you are being  
8       restrained, don't struggle', given these are situations  
9       where, by definition, the youngster's often out of  
10      control and disturbed?

11     A. Yes, I mean, restraint should only be used if the young  
12      person is a danger to themselves or a danger to others  
13      and certainly CALM position T1, which is known as prone,  
14      should only be used in very, very extreme circumstances,  
15      but the staff appeared to be inured to the use of prone  
16      at ESS and it was used regularly, and quite often,  
17      I would say, inappropriately.

18      I mean, I can give you an example of that. A young  
19      woman who had taken a legal high and staff had been  
20      warned that she should not be restrained because of the  
21      danger to the heart, and they carried on restraining her  
22      in prone, including out in the garden in snow. You  
23      know, they had her sort of face down.

24      Erm, so certainly I would say that the staff at ESS  
25      were inured to using prone and other forms of restraint.

1 Q. So you were finding a lot of prone restraints --  
2 A. Yes, yes.  
3 Q. A lot of restraints and a lot of prone?  
4 A. Yes, yes.  
5 Q. And --  
6 A. And I also, sorry, I also think that restraint, I think  
7 abuse was covered up within 'restraint', so I think  
8 a lot of the physical abuse was explained away as, you  
9 know, the person was out of control and we had to  
10 restrain them. So if it was a headbutt or their arm  
11 twisted up their back or lying -- I mean, there's  
12 nothing sexual in my report, but I did obviously find it  
13 very disturbing that grown men were lying on top of  
14 young girls, you know, and this was classed as  
15 restraint.  
16 Q. If restraint in principle should only be used as a last  
17 resort and only when the safety of the person restrained  
18 or others is at real risk, should the documentation not  
19 show the assessment and spell out whether that was the  
20 situation, so as to be clear why they believed restraint  
21 was appropriate?  
22 A. Yes. Yes, it should have.  
23 Q. Were you finding that?  
24 A. Erm, I was finding that incident reports were quite  
25 sparsely completed, so you were never quite sure of the

1 full story and, of course, a person could write anything  
2 they like on a report if they know it's going to be  
3 signed off. If the staff group is feeling bullied, they  
4 were just going along with what the manager or the  
5 person who had carried out the restraint was saying.

6 I did find documentation that could refute, you  
7 know, at a later date another piece of documentation  
8 would be completed that would show that the person who  
9 had backed up the staff member had not told the truth.

10 So you had to take the incident reports at face  
11 value, is what I would say.

12 Q. It sounds as if -- well, it's already an unequal  
13 contest --

14 A. Yes.

15 Q. -- because restraints would often involve more than one  
16 member of staff?

17 A. Oh, yes, it was groups.

18 Q. CALM should involve perhaps three?

19 A. Yes.

20 Q. So by definition --

21 A. But -- but, sorry, Jim, there was also instances of  
22 singleton restraints, which should never be carried out.

23 Q. No, I follow that, but just taking the ones which  
24 involved multiple members of staff, the difficulty for  
25 the young person, when they make a complaint, is that

1           they're outnumbered in terms of what happened and if the  
2           staff stick together, the complaint's not going to  
3           succeed?

4   A.   Yes.   Yes.

5   Q.   How often did the complaints succeed?

6   A.   Erm, I can't remember, but not many times.  They tended  
7           to be not upheld in the majority of cases.

8   Q.   Just going back to the document briefly, I'm not going  
9           to spend much more time on it, but under CALM it says:  
10           'The majority of young people felt that CALM worked.  
11           They commented it was painless and they could not get  
12           out of the holds.  The one negative comment was that it  
13           was brutal, but this was not elaborated on.'

14   A.   What was the point of carrying out the consultation,  
15           I would ask?

16           What I would say particularly on that point is that  
17           in two cases where young people had been regularly  
18           restrained at ESS, and also at other secure units, you  
19           know, in other parts of Scotland, the two people put in  
20           the complaints because they said that the ESS restraint  
21           was different from other restraints that they had  
22           experienced and that they felt unsafe in those  
23           restraints and that the restraint was not being used  
24           appropriately.

25   Q.   Now, just lastly, if I go to the final page of that

1 document, which is in a section headed 'Overall'.

2 It says there:

3 'Young people were asked what would make a world of  
4 difference and those things identified appear as simple  
5 as they are poignant. For young people, staff to listen  
6 more and have a deeper understanding of why they are in  
7 secure.

8 'Younger people say having a bigger say in their  
9 care plan and more decisions being made by young people  
10 with staff.'

11 So again, the implication there is that they weren't  
12 listened to enough. Staff who were dealing with them  
13 didn't have a deep enough understanding of why they were  
14 in secure, whether through lack of training or  
15 otherwise, and that young people didn't really have  
16 an appropriate say in care planning and decisions  
17 affecting them directly?

18 A. Yes.

19 Q. That's the message?

20 A. Yes. I would also say that one of the recommendations  
21 that I put into the report, the ESS report, was the use  
22 of child friendly language, because young people were  
23 often -- or young women predominantly, were often  
24 described as 'feral', 'predatory', 'manipulative', and  
25 some of the jargon, the language, that was used on pink

1 forms was actually disturbing, of what they thought  
2 about young women, and so you think, well, if they're  
3 writing that on a form, how are they actually relating  
4 to them on a day-to-day basis?

5 Q. It's quite redolent of a particular staff attitude to  
6 young women who are --

7 A. Challenging.

8 Q. Challenging and placed in their care?

9 A. Mm-hmm, yeah.

10 Q. Now, can I go back to the report, to the findings. We  
11 were looking at pages 4 to 5. We had looked at the  
12 first one, 4.1.1.

13 The next major finding you made was in relation,  
14 I think, basically to the environment itself. You say  
15 there was a lack of a nurturing, therapeutic environment  
16 and no apparent use or understanding of practice models  
17 which would have contributed to positive communication  
18 with and support of young people?

19 A. Well, I just didn't find any sort of positive practice.  
20 I didn't see any indication of relating theory to  
21 practice or specific models being mentioned in anything.

22 Erm, I mean, it was quite apparent to me that ESS  
23 did not have -- I couldn't get a mission statement or  
24 any sort of documentation that detailed what the point  
25 of secure was and how they were going to improve things

1 in these young people's lives and so therefore I didn't  
2 find any indication of what is mentioned at 4.1.2.

3 There seemed to be no understanding of ACEs, which  
4 is adverse childhood experiences. They couldn't relate  
5 ACEs to how that young people was behaving at that time.  
6 You know, there just didn't seem to be any theoretical  
7 framework around the work at ESS. It was basically  
8 a daily record, so: 'Jim had cereal for his breakfast.'  
9 That's what it would say. There was nothing about -- if  
10 they talked about their behaviour it would be  
11 negatively. There was nothing to suggest: 'Well, the  
12 young person has a children's hearing at the end of the  
13 week, so I can understand that that's stressful and that  
14 could be why he's behaving the way he's behaving'.

15 There was nothing -- the staff were not looking at  
16 the reasons for why the kids were there or why they were  
17 behaving the way that they were behaving and it was  
18 a perfunctory job. It was about making sure that the  
19 child had breakfast cereal, got off to school and was  
20 back at 3.30 pm.

21 Q. It was really quite a superficial, negative type of  
22 record?

23 A. Yes. It didn't display -- as a social worker, it didn't  
24 display to me anything relating theory to practice or  
25 any sort of therapeutic environment that was looking at

1       the needs of each individual child.

2   Q.   Again, we can go back to the danger of finding documents  
3       that would appear to contain statements or functions or  
4       objectives or mission statements and I think there are  
5       examples going back in time of such documents, and they  
6       were required by the regulations from 1987, but  
7       I suppose the point you're making there is that it's  
8       a bit like the processes and procedures, you've actually  
9       got to look at what's happening on the ground in  
10      practice?

11  A.   Yes, yes.

12  Q.   You can draft a wonderful mission statement to get  
13      people in the door, but that doesn't mean that you're  
14      going to live up to those ideals?

15  A.   Yeah, exactly.  However, I couldn't get any sort of  
16      information like that from managers at ESS and I think  
17      if I'd had that, it might have helped me -- I don't  
18      know, it might have helped me explain what was going on  
19      at ESS a bit better, but I had no benchmark, so I had  
20      nothing to bench mark.  I just had to go primarily on  
21      what was written in records.

22  Q.   I can take this short, because I think you have covered  
23      it with your answers to the second major finding, it's  
24      the next one at 4.1.3, that you record that there was no  
25      apparent understanding of how trauma and adverse child



1 experiences informed young people's behaviour. So you  
2 have covered that with us.

3 A. Yes.

4 Q. Then you address the culture, if you like, in the next  
5 section or next finding at 4.1.4, it says that you state  
6 and find:

7 'Across the period [that you looked at] there is  
8 evidence that a toxic, dysfunctional workplace culture  
9 was normalised within ESS and that this was noted as  
10 a cause for concern by professionals in other agencies,  
11 such as Police Scotland.'

12 A. Yeah, there were three examples at different time  
13 periods. Police Scotland wrote in a child welfare  
14 concern form that they were concerned about the staff  
15 attitude at ESS towards the police and also towards the  
16 young person.

17 At a professionals' meeting, the professionals put  
18 in a complaint about the key worker's attitude towards  
19 the young person, who was the focus of the meeting.

20 The third one, it was in a disciplinary  
21 investigation. The investigating officer wrote in the  
22 report that she had found -- he or she had found it  
23 difficult to carry out the investigation because of the  
24 toxic, dysfunctional workplace at ESS.

25 Q. These three examples you have given us, they were

1           between 2008 and 2019 in the records that you saw?

2    A.   Yes, yes.

3    Q.   You go on to deal, I think, with really the knowledge of

4           what was going on -- sorry, knowledge or ignorance of

5           procedures and you say:

6           'ESS staff do not appear to have been familiar with

7           policies and procedures which would have assisted them

8           to make disclosures about malpractice.'

9           You say:

10          'It's unclear whether some staff were so inured to

11          the prevailing culture within ESS that they were unable

12          to recognise poor practice when they encountered it or

13          whether they were unwilling to challenge other managers

14          and staff for fear of potential repercussions.'

15          So whatever the reason, people weren't being

16          challenged?

17   A.   No, people were not being challenged.

18   Q.   There are two obvious reasons why that might be so?

19   A.   Mm-hmm.

20   Q.   That they just thought that what they were seeing was

21          perfectly acceptable --

22   A.   Yeah.

23   Q.   -- and normal for this unit, or that they were unwilling

24          to challenge other managers and staff because of

25          repercussions?

1 A. Yes, because I believe there was bullying in the staff  
2 team. What I would say about that, is that in the  
3 Adamson report from 2013, the Care Inspectorate had gone  
4 in, in 2013, and said: 'Oh, yes, the staff recognise  
5 the whistleblowing policy and they are very willing to  
6 use it'. Kirsten Adamson actually spoke to staff and  
7 staff said: 'We wouldn't use the whistleblowing policy'.  
8 You know, they were frightened.

9 Q. I think we heard evidence to that effect from her  
10 yesterday, that there was a fear when the matter was  
11 explored?

12 A. Yeah. There were also other policies that were not  
13 being used, such as the allegations of abuse against  
14 staff members policy, they could have been using that to  
15 whistleblow, but I don't think many people in the  
16 council were actually very well aware of that policy.  
17 It seemed to be a sort of dead policy.

18 It was resurrected recently so that's -- you know,  
19 but there were policies that people could have been  
20 using, but I think they chose not to.

21 Q. Do you think the existence of those policies was  
22 sufficiently drawn to their attention?

23 A. Probably not, no.

24 Q. That might also be another factor --

25 A. Yes, so three -- yeah.

1 Q. You go on to deal with management and leadership in your  
2 next finding, you say:  
3 'There appeared to be an absence of effective  
4 management and leadership at all levels, which affected  
5 the appropriate supervision of staff and defensible  
6 decision-making.'  
7 Then you go on:  
8 'The principal of ESS and the Looked After and  
9 Accommodated Children Service Manager appeared to be  
10 absent from involvement with the effective day-to-day  
11 running of the service. There is evidence to suggest  
12 that managers were aware of problems, but it's unclear  
13 what, if any, action was taken. Two unit managers and  
14 four assistant unit managers were explicitly named as  
15 main protagonists in 25 cases, and it was intimated that  
16 a unit manager may have covered up an incident of  
17 physical abuse.'  
18 A. Yes, that was from one of the eight cases that  
19 Heather Smith had found. That particular unit manager,  
20 that related to that. Yes, yes. Do you want to ask me  
21 a question about that or shall I just --  
22 Q. Well, if you want to comment further. I've set out the  
23 finding. If you would like to add something, please do.  
24 A. Yeah, okay. Yes, there did appear to be an absence of  
25 effective management. I just found that the principal

1 of ESS and the LAAC service manager were absent. There  
2 didn't seem to be any follow-up to issues that I, as  
3 a manager, would have been, you know, concerned by. It  
4 just seemed as though people were just turning a blind  
5 eye.

6 I think, erm, there was a comment from  
7 Peter McCloskey, the manager at ESS, which sticks in my  
8 mind, which was when a staff member, who's implicated in  
9 my report for carrying out two nasty restraints, he  
10 actually resigned and Peter McCloskey made a comment:  
11 'We've had issues with this worker for ten-plus years',  
12 and I thought, well, why did you never do anything about  
13 it? You know, why was nothing done until the guy  
14 actually resigned when he was about to face  
15 a disciplinary? So they did know that there were  
16 problems, but just chose to do nothing about them.

17 Now, in terms of that, can I just talk about the  
18 culture that I think led the LAAC service manager to be  
19 turning a blind eye?

20 Q. By all means.

21 A. There was certainly a feeling that in terms of children  
22 and families senior management team, which was  
23 Andy Jeffries, Sean Bell and Scott Dunbar, it was an old  
24 boys' network, I think it was very collusive, but it  
25 went beyond children and families. You know, there were

1 friendship networks that went beyond children and  
2 families and everybody knew everybody and were pals.

3 I think what happened in terms of Scott Dunbar,  
4 I don't think that the turning a blind eye was done  
5 maliciously. Scott Dunbar was not a malicious person,  
6 he was a very nice person. However, I think what  
7 happened was he was promoted into a post that I think  
8 was beyond his capabilities. Erm, I think he was  
9 promoted through a friendship group. I did hear later  
10 that there were concerns about his appointment to that  
11 post, because there had been other people who were far  
12 more qualified who could have got that post.

13 I think when he went into post, by that point ESS,  
14 the behaviours, everything, were so inured in that  
15 service that I just think he probably thought: 'I don't  
16 know how to manage this. It's beyond me, of what I can  
17 do about this'. I think he then started to ignore  
18 things, which then snowballed and, as you know, once it  
19 snowballs, one little fragment breaks away and the whole  
20 lot just, you know, everything would then be known and  
21 there would be consequences to that and I think what  
22 happened was Andy, Sean and Scott sat on stuff, and then  
23 when Sean Bell suicided, that's when Pandora's box  
24 opened and everything was then known about. That's why  
25 I say it's no coincidence that the whistleblowing

1 complaint was put in at that point.

2 MR PEOPLES: That's a good time perhaps to stop and we can

3 resume after the morning break.

4 LADY SMITH: Yes. I normally take a break just now. Would

5 that work for you?

6 A. Yes, yes.

7 LADY SMITH: Let's do that then.

8 (11.30 am)

9 (A short break)

10 (11.55 am)

11 LADY SMITH: Welcome back, Pauline. Are you ready for us to

12 carry on?

13 A. Yes.

14 LADY SMITH: Thank you.

15 Mr Peoples.

16 MR PEOPLES: My Lady.

17 Pauline, we were looking at your key findings before

18 the break and I'd just like to go back to those. I

19 think they're on the screen.

20 The next one I think that is there, and to some

21 extent I think you have covered this, but we'll just go

22 through it in case you want to add things, you say:

23 'Allegations and/or concerns do not appear to have

24 been robustly investigated by managers at all levels and

25 it appears that child protection procedures were not

1           appropriately implemented.'

2           You have already told us, I think, that some matters  
3           never went beyond ESS itself?

4   A.   Yes.

5   Q.   Other matters sat in Scott Dunbar's office and that  
6           there were records you saw which indicated that child  
7           protection procedures were not implemented when, on the  
8           face of it, they should have been and matters of that  
9           kind.

10           Is there anything you want to add in relation to  
11           this particular finding at this stage?

12   A.   I think the only other thing that I would add concerns  
13           the missed opportunities and the years of missed  
14           opportunities that there were. In particular, I think  
15           that the Young -- well, it's the Young People's Service  
16           now, but it was the Youth Offending Service at that  
17           time, should be commended for their endeavours to try  
18           and have ESS investigated.

19           To that end, the Chief Social Work Officer at that  
20           time, Michelle Miller, had promised that there would be  
21           a root and branch review of the service and I think at  
22           that point it was felt that cognisance was being taken  
23           of concerns by, you know, someone in a senior position,  
24           which I think it was at that point that she left the  
25           organisation and then nothing happened.



1           So I think the point that I just really want to  
2           drive home is that the council had a number of years of  
3           opportunities in which to investigate ESS and nothing  
4           ever came of those opportunities.

5   Q.   Can you put an approximate date to this commitment to  
6           a root and branch review and the departure of  
7           Michelle Miller?

8   A.   I think that was around 2017, yeah.  There are  
9           interviews that were carried out with people who had  
10          stayed at ESS who are actually in my report, who had  
11          been abused, and some years later they were repeating  
12          the allegations that they'd made when they were younger.

13  Q.   That was obviously a number, and we've already mentioned  
14          and I'll come back to the Adamson report in 2013, and  
15          arguably, I think, from the document you saw this  
16          morning, there might have been an opportunity there --

17  A.   Yes.

18  Q.   -- to explore the sort of issues you identified in 2021?

19  A.   Yes.  That document -- I don't know who wrote that  
20          document or who carried out that consultation, but again  
21          it sort of smacks of lip service to me, because it  
22          was -- they carried out -- they did the activity of  
23          speaking to people but then didn't take it beyond that  
24          to look at the quality issues of what these young people  
25          were actually bringing up so in terms of quality

1           assurance, it was a dead document. It didn't achieve  
2           anything.

3   Q. Well, in the sense of -- it was window dressing to say:  
4       'Well, we've consulted, here's our proposed action  
5       plan'. But, of course, what you want to see then is the  
6       action?

7   A. Yes.

8   Q. You haven't seen anything like that?

9   A. No.

10   Q. Across the period?

11   A. No.

12   Q. Your next finding at 4.1.8, I think it is, in the  
13       document we've been looking at, EDI-000000802, it says:

14           'There was deficient handling and management of  
15       complaints, including timescales for resolution, there's  
16       evidence that the advice and complaints service  
17       continually pursued managers for identification of  
18       investigating officers, sign-off of investigation  
19       reports, and resolution of complaints. In some cases,  
20       the long periods of time it took to resolve complaints  
21       led to their withdrawal by young people, with the  
22       potential implication that complaints were ignored in  
23       the hope that they would go away.'

24           Now, I think you have covered quite a lot of ground  
25       on that. Again, is there anything else you feel you

1           want to add or have we really --

2   A.  Erm, no, I think I've made the points about the

3       complaints.

4   Q.  Then again, and this to some extent has been covered

5       with your recent answers and earlier, 'Missed

6       opportunities'.  You have got a finding:

7       'A series of opportunities were missed that could

8       have identified the issues of ESS much earlier.  This

9       might have prevented the occurrence of a number of

10      disturbing incidents and would have assisted in keeping

11      young people safe and protected.'

12      Again, you have given an example of the root and

13      branch review that never happened?

14  A.  Yes.

15  Q.  The Adamson report, which didn't appear to be actioned

16      --

17  A.  Yes.

18  Q.  -- as two particular examples of the point you're

19      making?

20  A.  Yeah, can I also add to that?

21  Q.  By all means.

22  A.  Can I say that all the information that was included in

23      my report was obtained from written council records,

24      which were written by council officers and were

25      available any time for audit and analysis so again that

1       wasn't -- simple quality assurance processes were not  
2       being followed.

3               Yeah, the lack of appetite by senior managers to  
4       actually investigate anything that struck them as odd or  
5       inappropriate, the ignoring of council policies and  
6       procedures and writing off concerns based on young  
7       people's challenging behaviours, using young people's  
8       vulnerabilities to hide the abuse. So blaming the young  
9       person, it was always the young person who was at fault.

10              The review by Michelle Miller, the St Katharine's  
11       report, the cases of concern taken to senior managers in  
12       2017, the lack of robust investigation into young  
13       people's complaints and the lack of audit analysis,  
14       monitoring and involvement of young people and other  
15       stakeholders by the quality assurance service.

16   Q.   There was an ample number of ways or opportunities to  
17       address these issues?

18   A.   Yes.

19   Q.   Over quite a long period of time?

20   A.   Yes.

21   Q.   Indeed you say even if someone had just said, 'I'll do  
22       a routine audit', in a proper and professional way, with  
23       the sort of analysis required, then that could have been  
24       a way of addressing these issues?

25   A.   Yes.

1 LADY SMITH: When you refer, Pauline, to 'all the  
2 information', this is information in the 64 boxes that  
3 had been archived, is it?

4 A. Erm, no, not just that information. There was a whole  
5 plethora of other information, which I've actually  
6 listed in the reports, all of the information -- the  
7 resources where I got the information.

8 LADY SMITH: I had the impression from you earlier that  
9 routinely important information just got put for  
10 archiving without it being acted on?

11 A. That's how it appeared to me from what I pieced  
12 together.

13 LADY SMITH: Thank you.

14 MR PEOPLES: It sounds a silly question, but is there a way  
15 or was the system set up in such a way that someone  
16 could be able to tell when documents, for example, were  
17 sent to archive or when certain actions were carried  
18 out? Was there a system that would allow that to be  
19 done.

20 A. I contacted Peter McCloskey and I asked if I could look  
21 at archive material. He said, 'Yeah, just speak to my  
22 admin officer', who then -- she organised the delivery  
23 of the archive boxes to Waverley Court, erm, and so she  
24 had a sort of log, if you like, so there was a log of  
25 the archives.

1 Q. Was there a date for when the documents went to  
2 archives?

3 A. Yes, yes, yes. I think there was, if I remember  
4 correctly. But when I opened the boxes they were quite  
5 haphazard, so they didn't -- they would have something  
6 written on the outside of them saying it covered the  
7 period from, you know, whenever, but when I opened it up  
8 actually there would be other information contained  
9 within it. So it wasn't -- that's what I mean by  
10 'chaotically and haphazardly filed'.

11 Q. It wasn't the sort of filing system you would expect?

12 A. No, no, it wasn't. It wasn't appropriately filed, no.

13 Q. Presumably NRS would be horrified if they saw this sort  
14 of cataloguing and filing system?

15 A. Yeah, just stuff shoved in a box, yes.

16 Q. I don't know if you are familiar with their processes,  
17 but I think they do seem to be able to catalogue in  
18 quite a systematic way?

19 A. Mm-hmm. No, they weren't catalogued systematically. If  
20 I was looking through a specific document, I had to  
21 trawl through however many boxes to find it, you know  
22 ...

23 Q. One point I think Kirsten Adamson made when she gave  
24 evidence yesterday was that -- and it was  
25 a recommendation of hers in 2013 -- was to have a single

1 place where you could find the complaints records, so  
2 that you didn't have to search around with all the  
3 various forms and documents. So you could just look for  
4 one place to get from start to finish all the relevant  
5 paperwork and the outcome. I think she was recommending  
6 that should have been done in 2013, because it wasn't in  
7 place in 2013?

8 A. Yes. There was an ESS complaints log, but, again,  
9 I wouldn't say that the cataloguing of complaints on  
10 that was very efficient either.

11 Q. You weren't able to find outcomes?

12 A. No, no, no. There was no outcomes. There was no  
13 follow-up. It didn't tell you -- did it say that it was  
14 not upheld? I can't remember if it told you the status  
15 of the complaint, but it certainly didn't provide me  
16 with any great information.

17 Q. There's not much point in saying it's not upheld without  
18 knowing the reasons?

19 A. Yes, exactly.

20 Q. If you're doing it properly?

21 A. Exactly.

22 LADY SMITH: Pauline, I have the impression, both from  
23 Kirsten Adamson's evidence and yours, that although  
24 largely you are both talking about practices well into  
25 the 21st century, none of this was digitised?

1 A. No.

2 LADY SMITH: Not capable of being electronically searched,  
3 for example?

4 A. No, but the current complaints, the formal complaint  
5 system currently at the council is not capable of doing  
6 that either. That really needs to be reviewed urgently,  
7 because it's held on an old database, erm, and you're  
8 just -- there's one person who runs the current  
9 complaints service, and it is one single point of  
10 failure.

11 So if I was looking for information, he would just  
12 send me all of these emails with individual pieces of  
13 information in it and I would have to trawl through all  
14 of the records trying to find what I was looking for.

15 So I would hope that given the review that's  
16 underway at the moment in children's services, I would  
17 hope that the complaints service is quite high up the  
18 list of departments that are currently under review,  
19 because it's not fit for purpose.

20 LADY SMITH: Even now if you wanted, for example, to search  
21 in the complaints documentation for anything about  
22 restraints, you couldn't do that electronically?

23 A. No, you couldn't do it. You couldn't do it.

24 LADY SMITH: That might be a very helpful search to be able  
25 to make.



1 A. Yes, you couldn't do it. The person who's in charge of  
2 the complaints would say that he would need the name of  
3 the complaint, but then what he would do is he would  
4 just send you the whole lot of information in individual  
5 emails, which in this day and age is crazy.

6 LADY SMITH: Which may have attachments that you then have  
7 to open?

8 A. Yes, yes, they've all got attachments. You have to open  
9 them. They're not properly filed, catalogued, they  
10 don't have proper naming.

11 Part of my job as a quality assurance officer was to  
12 assist the complaints department to upgrade, to look at  
13 different, you know, to give them an action plan,  
14 an implementation plan to work to, a very thorough  
15 implementation plan, and they couldn't do it. So the  
16 cataloguing, nothing went as it should.

17 LADY SMITH: Thank you.

18 MR PEOPLES: When you did your report in trying to retrieve  
19 information for the period 2008 to 2019, for the whole  
20 or part of that period were there electronic recording  
21 systems in operations such as ... one that I'm thinking  
22 of is SWIFT?

23 A. Yes.

24 Q. What was that?

25 A. So SWIFT is the client social work client database, so

1 everyone who comes into social work contact is given  
2 an identifying number. So basically you would go into  
3 SWIFT, put in the identifying number, and the person's  
4 record should come up and it shows you all of the  
5 contacts that they've had with social work, be it, you  
6 know, health and social care or, you know, children and  
7 families.

8 Q. Was that in place for the whole of the period?

9 A. Yes. SWIFT has been in place since the nineties and it  
10 too is very outmoded, and I understand that they are  
11 replacing that with a more up-to-date model.

12 Q. I was going to say, you are anticipating what I was  
13 about to put to you, that my understanding is that we'll  
14 be told that the present council recording system that  
15 you have described, SWIFT, is accepted to be outdated  
16 and not child-centred and that they have commissioned  
17 a new system called Mosaic.

18 We will be told that the system is used in most  
19 other local authorities. The advantage of that system  
20 is that all of the children's information is stored in  
21 one place and it also means, I'm told, that we are able  
22 to obtain much more up-to-date performance information.  
23 The system also has a complaints module, so all of the  
24 complaints information is in one place.

25 Now --

1 A. Hooray.

2 Q. Well, I was going to say, when you left, that system  
3 wasn't in place?

4 A. No.

5 Q. That's the sort of system you wanted to be put in place,  
6 perhaps a lot earlier than 2024?

7 A. Yes. It would have made my job a lot easier.

8 Q. Well, as you say, that's good news, if it does come to  
9 pass.

10 A. Yes.

11 Q. I should maybe add at this point, so we don't lose sight  
12 of it, that Mosaic apparently allows you to audit who  
13 has accessed a child's record and when. You will also  
14 be able to tell if something is missing or has been  
15 deleted much more easily, which, it is said, will be  
16 a significant improvement on the current system. I  
17 suspect you echo that?

18 A. Yes, yes.

19 Q. That would have been good?

20 A. That would have been good. That would have made my  
21 job -- not just in terms of the ESS investigation, but  
22 my job as a quality assurance officer and the different  
23 projects I was involved with, much easier. So I'm very  
24 heartened -- I'm heartened to hear that, that there is  
25 a positive, you know, implementation of a better system.

1 Q. I did want to give you some good news apart from what  
2 was said about your own report, so that's more good news  
3 hopefully for you.

4 A. Yes, thanks.

5 Q. Now, going back to your findings, if I may. You also  
6 have a finding, I think at 4.1.10, we have dealt with  
7 missed opportunities, and you found that:

8 'The prevailing culture within ESS encouraged the  
9 abuse of power and control. The evidence strongly  
10 suggests that physical, verbal and emotional abuse were  
11 the normalised behaviours of some staff working there.  
12 It appears that a punitive regime existed which  
13 inflicted further trauma on young people and contributed  
14 to their adverse childhood experiences.'

15 I think you have said things to that effect, but  
16 that's the finding itself?

17 A. Yes.

18 Q. Again, is there anything you would like to add when  
19 we're discussing this particular finding or does it  
20 speak for itself?

21 A. I would just like to say that when I was carrying out  
22 the ESS investigation, as a social worker, but also as  
23 a human being, I was very disturbed by what I found in  
24 terms of, er, yes, the abuse of power and control by  
25 staff, you know, erm, young people being dragged off of

1       beds, dragged downstairs, faces, you know, hit off the  
2       floor or off the walls, punched. So when I took it on  
3       I was charged with finding out: was there an abuse of  
4       power and control and malpractice? And that is  
5       certainly what I found. It went above and beyond  
6       anything that I thought that I would find. What I was  
7       finding in, as I say, the council's own written records,  
8       and also within the whistleblowing complaint.

9   Q. In this Inquiry, we have heard evidence from different  
10       people about restraint and we get different perspectives  
11       about it. We sometimes get a staff perspective. We get  
12       an applicant perspective. It's obviously an area where  
13       there's scope for different perceptions. We even saw  
14       that in the feedback document we looked at this morning.

15       From what you saw, against a background where  
16       I think we know that at least some staff at ESS would  
17       not have had appropriate qualifications for the task  
18       they were entrusted to do, did it seem to you that this  
19       culture was in part due to ignorance through lack of  
20       education and training, or was it deeper than that?

21   A. I would say it's a combination of both. I don't  
22       think -- I didn't find any training records ... there  
23       was a CALM register. So you could check when people had  
24       had their, you know, their upgrade to their CALM  
25       training, but just because someone was trained in CALM

1        didn't mean that they would carry it out as per, you  
2        know, CALM's instructions and, as I've already stated,  
3        there was an overuse of T1 prone position. That just  
4        seemed to be the go-to restraint.

5            One comment that really disturbed me, was when  
6        a young man, the side of his face was badly carpet  
7        burned because he'd been held down in prone. That went  
8        untreated. The manager wrote on the incident note this  
9        was a nasty -- this was, you know, a nasty thing that  
10       happened, but didn't go on and investigate any further  
11       how that boy's face could have become like that and  
12       a staff member made the comment, 'Well, if the council  
13       gives us nylon carpets, people's faces are going to get  
14       marked when we hold them down'.

15           That was disturbing to me, that a staff member was  
16        so inured to what was going on in that unit that they  
17        blamed the council's choice of carpet for that person's  
18        injury.

19        Q. I suppose, looking also at the reasons for normalised  
20        behaviours of the type that you describe in this  
21        finding, I mean, I'm just trying to get some sense of  
22        what were the contributing factors.

23           Clearly if someone comes in without training,  
24        appropriate training, not just training, appropriate  
25        training, to this environment, then there is a risk that

1       they'll just instinctively do something that is  
2       inappropriate or that they'll follow something that they  
3       see other more experienced members of staff doing?  
4   A.  Yes, yeah, and if your manager -- if you see your unit  
5       manager behaving in a way, erm, and you don't have the  
6       power to rail against that or to complain about that,  
7       then do you just fall in with it?  You know, I felt that  
8       a lot of the staff team were very -- you know, were  
9       bullied and probably just fell in with what was going  
10      on, because it was easier.

11       All through this report the main issue has been that  
12      people turned a blind eye and either ignored it or  
13      thought it was someone else's job to do something about  
14      it.

15   Q.  Can I ask you, I think I have a memory from seeing the  
16       report that there were those in the council who perhaps  
17       made valiant attempts to do something, particularly  
18       about certain incidents.  I think do you not instance in  
19       your report, was it a social worker before they left  
20       trying to draw attention to matters of concern?

21   A.  Yes.  That was the Youth Offending Service, which is now  
22       the Young People's Service.  They valiantly tried to  
23       have concerns noted.  There were also trusted adults of  
24       young people who were in secure, families, significant  
25       others in young people's lives, who tried to do

1 something to draw people's attention to what was going  
2 on, to the complaints and quite often, you know, unless  
3 they were really, really vociferous, they would be just  
4 fobbed off as well.

5 A social worker and a trusted adult took a picture  
6 of a really nasty carpet burn on a young man's leg and  
7 sent it to Scott Dunbar and said, 'There is a problem.  
8 Look at the injury'. They photographed it and sent it  
9 and nothing else ever happened after that.

10 Q. So there were people trying?

11 A. Yes, there were, and the council can't say that it  
12 didn't know or managers within the council can't say  
13 that they didn't know, because people were trying to  
14 bring their attention to get them to take cognisance of  
15 what was going on, and it was brushed under the carpet.

16 Q. They were getting nowhere despite these persistent  
17 efforts?

18 A. Yes.

19 Q. I think the social worker we're talking about, one  
20 example, did he not write something before leaving?

21 A. He wrote -- I mean, a lot of my report is taken up with  
22 an emailing back and forward between Dermot Ferry, who  
23 was the social worker, and Michelle Miller and senior  
24 managers like Andy Jeffries. There's just pages of  
25 emails, where the guy is trying to get them to -- you



1        know, he's really pursuing it and it was at the point  
2        that he left that Michelle Miller had agreed to the  
3        review, and then it didn't go anywhere.

4    Q.   So we can point it to about that time?

5    A.   Yeah, 2017.

6    Q.   He got some success, but in the event, the root and  
7        branch review didn't take place?

8    A.   No, no.

9    LADY SMITH:   Pauline, the photograph of the carpet burn on  
10       a young man's leg you mentioned, is that a photograph  
11       that you saw that was in the records?

12   A.   No, I didn't see it, but it was written in the young  
13       man's SWIFT case notes by the social worker.   If  
14       I remember correctly.

15   LADY SMITH:   Thank you.

16   MR PEOPLES:   Just really to draw things together --

17   A.   Sorry, sorry, Jim, I didn't quite fully answer what you  
18       had asked me.

19        I think I've already explained about Scott Dunbar.  
20        I think it was just it was easier to ignore things that  
21        were going on.   However, I do think there were people  
22        working at ESS who were malicious and who got a kick out  
23        of what was going on in the unit.   That was the  
24        overriding feeling that I had when I was writing the  
25        report.

1 Q. We know now from the Tanner report that Sean Bell wasn't  
2 just someone who sat on things?  
3 A. He was dangerous.  
4 Q. He was dangerous, a predator?  
5 A. Yes.  
6 Q. That's now become apparent?  
7 A. Yes, yes.  
8 Q. I suppose if anyone's attempting to seek the views of  
9 young people in the unit, as you suggested, would be  
10 a good idea and he was pooh-poohing it as it were?  
11 A. Yeah.  
12 Q. Then that is a possible reason why he might not want too  
13 much to be discussed with young people?  
14 A. Yes, because he knew that -- as I say, it felt like the  
15 management team were sitting on Pandora's box and if  
16 we'd got in there, that would have opened it and, you  
17 know, things would have come out.  
18 I think then of course the Youth Offending Service  
19 would probably have reiterated their concerns from 2017  
20 and I think there was a realisation that things would  
21 start to unravel and then other things might come out.  
22 Q. And they did?  
23 A. They did, when Sean Bell suicided, yeah.  
24 Q. What I think you eventually conclude generally, rounding  
25 all of these findings together really, when you go to

1 4.1.11, you say this:

2 'When taken as a whole, the deficiencies in practice  
3 within ESS meant that the human rights of young people  
4 were disregarded, and their safety and well-being were  
5 compromised.'

6 A. Yes.

7 Q. Now, I'm not going to go through these in detail, but  
8 I want to just bring out, your report made 44 detailed  
9 recommendations?

10 A. Yes.

11 Q. The location of these is given at page 6 of  
12 EDI-000000802, where they can be found within your  
13 report. I'll again take this broadly, just so we get  
14 a flavour for the sort of areas you were recommending  
15 change.

16 I think you have eight recommendations in relation  
17 to physical intervention, I hope my arithmetic is right  
18 this time. You have two in relation to promotion and  
19 training in relation to the reporting of staff concerns  
20 procedure. You have two in relation to promotion and  
21 training in relation to the whistleblowing policy. You  
22 have two in relation to the use of single separation and  
23 timeout. You have four in relation to poor recording  
24 practices. You have ten in relation to management of  
25 incidents and practice issues, supervision of staff and

1 service culture. You have five in relation to handling  
2 and management of both formal complaints and those  
3 managed at ESS unit level.

4 The report, I think, recommended a review of quality  
5 assurance mechanisms, systems and processes. I don't  
6 think I have dealt with them exhaustively but I think  
7 that's the bulk of the recommendations.

8 A. Yeah, I mean, obviously with 44 I can't remember them  
9 all individually, but I'll take your word that that's  
10 the correct number. There's 44, yes.

11 Q. That's the number. I think that's the breakdown of the  
12 areas that were the subject of recommendations?

13 A. Yes.

14 Q. I think they tie in with the findings that you made and  
15 were based on the findings?

16 A. Yes, yes, they were, yeah.

17 Q. I think we can read for ourselves the detail, although  
18 I think, so far as you were concerned, when you left the  
19 council, it certainly appeared to you that the  
20 recommendations, despite becoming part of an improvement  
21 plan, hadn't been implemented?

22 A. No.

23 Q. That was your perception?

24 A. Yes. So I delivered the report in 2021, and when I left  
25 the council in 2024, nothing was happening apart from

1 a year-long development of an all-singing all-dancing  
2 traffic-lit spreadsheet, but no actual -- well, from  
3 what I could see, no actual implementation of any of the  
4 actions in the plan.

5 That may well have changed now, but certainly when  
6 I left, there didn't seem to be much going on.

7 Q. I think when Amanda Hatton does give evidence, she'll  
8 tell us what did happen following your report, although  
9 I think you get a sense from the bits you had seen in  
10 advance of giving evidence today that her position is  
11 that things were happening, although she agreed with you  
12 about the original attempts to put together a plan and  
13 the time it took was unacceptable?

14 A. Yes.

15 Q. It was overcomplicated?

16 A. Yes. Can I also say they had a group looking at it led  
17 by the new senior manager for looked-after and  
18 accommodated children.

19 I would like to just say that one of the managers  
20 who was taken on to work under the new manager, he had  
21 been one of the managers at ESS, who would not robustly  
22 investigate complaints and who tended to talk the young  
23 people into making them into frontline resolutions  
24 rather than a formal complaint.

25 When he was taken on on a temporary basis, I wrote

1 an email to Steve Harte, the new manager, stating my  
2 concerns at having this manager and was told, well, it's  
3 only temporary, but then he was taken on permanently.  
4 So he is part of that group who is supposed to be  
5 implementing the action plan, which is one of the  
6 reasons why I'm not filled with confidence that anything  
7 is actually happening with it.

8 Q. Well, obviously we'll hear from the council and what is  
9 happening and will be happening, although can I say that  
10 clearly, as you'll have seen and I'm not going to go to  
11 the statement other than to refer to the paragraphs that  
12 you have seen I think, paragraph 116.

13 It's recorded by Amanda Hatton in the statement to  
14 this Inquiry that:

15 'It's disappointing to hear your view that you  
16 didn't receive regular supervision while undertaking  
17 your work on the report. You should have been receiving  
18 regular supervision and support from line managers.'

19 You are complimented that your investigation was  
20 thorough and resulted in a report to full council, and  
21 it's helped uncover many of the concerns which have come  
22 to light.

23 She tells us that the council have now established  
24 an independent investigation team, and I think that's  
25 something you did know about?

1 A. Yes, yes, that was in place just as I was leaving.

2 Q. Also that she can identify with how you felt during your  
3 investigation. We'll deal with this a little bit more,  
4 but she says:

5 'As a female who has come into the  
6 City of Edinburgh Council and has tried to change  
7 practice for the better, I can say it's extremely hard  
8 at times. It can still be very challenging to get  
9 information out of people. I personally have  
10 encountered a lot of resistance.'

11 That's familiar to you, isn't it?

12 A. Yeah, yes.

13 Q. She does say, and perhaps this is more good news for you  
14 if, it can be considered such, at paragraph 119:

15 'We have had a number of people who have left their  
16 posts or who have been supported to leave during my time  
17 at CEC [which I think is from 2021]. However, in some  
18 quarters there is still a reluctance to have practice  
19 open to scrutiny and change, getting audits done in some  
20 parts of the organisation can be an absolute battle.  
21 I'm saying that as the executive director. I can only  
22 imagine what that would have been like for someone in  
23 Pauline's position.'

24 That's yours. She says in relation to your concerns  
25 about the improvement plans:

1           'I can understand Pauline's comments around the ESS  
2           improvement plan. I agree with her that an industry  
3           grew up around it, it became far too complicated.'

4           She says:

5           'However, I consider that the action plan and the  
6           steps taken to implement it have been effective.  
7           I asked Heather Smith, one of Pauline's former  
8           colleagues, to undertake a review of the action plan and  
9           to look at the evidence underneath that. Heather is  
10          comfortable now that the changes which were said to have  
11          been made have been made and that we're seeing notable  
12          change.'

13          So you may not be familiar with that exercise, but  
14          it does appear to suggest that a person who was  
15          concerned before seems to be more comfortable that  
16          things are happening?

17   A. I'm not very comfortable myself with the term  
18          'comfortable', as it's not quantifiable. I think --  
19          well, the proof is in the pudding. When you interview  
20          Amanda Hatton then if she can produce material evidence,  
21          you know, not just words but actual material evidence of  
22          the changes that are taking place, I think that would  
23          give me more confidence.

24   Q. Going on --

25   LADY SMITH: Evidence and examples.



1 A. Yes.

2 MR PEOPLES: We know that changes to key positions have been  
3 made. Now, that in itself can be a significant change  
4 if you get -- if the people who were in the old boys'  
5 network are removed and replaced by someone suitable,  
6 that can be in itself quite a significant change.

7 A. Yes, as long as they're committed to the change.

8 Q. No, I follow.

9 She says she broadly agrees with your comments about  
10 the culture within City of Edinburgh Council and she  
11 says:

12 'The Tanner Inquiry laid bare some of the cultural  
13 issues within children and family in particular. I also  
14 agree that quality assurance was not operating as it  
15 should have been. The senior manager in that service  
16 was supported to leave the organisation.'

17 I think they've left?

18 A. Yes.

19 Q. 'We have been supporting Pauline's former line manager  
20 to become more professionally assertive in his role.'

21 The term 'professionally assertive' is, I think, one  
22 you use in your report, that you feel that many of these  
23 people in key roles lacked what you termed professional  
24 assertiveness to do a robust and fearless and  
25 independent and thorough investigation?

1 A. Yes. Yes, to do an investigation, but also, I mean  
2 I've already quoted the example of trying to get into  
3 ESS and Sean Bell thwarting that in no uncertain terms.  
4 I think it should have been up to my manager at that  
5 point to say, 'Well, we are the vehicle of the Chief  
6 Social Work Officer, we are going in', but that's what  
7 I mean about the lack of professional assertiveness. As  
8 soon as there was pushback, 'Oh, that's okay then', and  
9 then nothing would happen.

10 You know, the point that I really would like to make  
11 is that these managers, the ones that have gone, the  
12 ones that are still there, they're all taking generous  
13 salaries from the public purse and they're expected to  
14 do their jobs properly and appropriately. So, erm, you  
15 know, they're not doing us any favours by, you know,  
16 upping their game. They should be doing the job  
17 properly from the off.

18 Q. Just again, just to go back to Amanda Hatton's  
19 statement, she says:

20 'I can understand when [she] arrived that [you]  
21 Pauline felt that things become more chaotic ...'

22 LADY SMITH: That is when she, Amanda Hatton, arrived?

23 MR PEOPLES: Yes, yes, in 2021:

24 'In order to make changes to the organisation, we  
25 had to support a number of people to leave. We had to

1 challenge and change practice. There was a great deal  
2 of change happening for longer-term benefit. I can see,  
3 however, in the short term it may just have seemed like  
4 an increase in chaos.'

5 We do have to hear from her, but I think she's  
6 saying that there's clearly been a long-standing  
7 problem?

8 A. Yes.

9 Q. And it had to be sorted out and there were certain  
10 people who had to be moved on or supported to leave, to  
11 use her expression?

12 A. Yes.

13 Q. And that that is not necessarily a straightforward  
14 process, because I think we all know from experience of  
15 the public sector and the sort of union involvement, it  
16 can be quite difficult to get rid of senior personnel,  
17 unless you can persuade them to leave on acceptable  
18 terms. You must know that?

19 A. Mm-hmm. I mean, we're talking about senior members of  
20 staff there, but there are still staff employed at ESS  
21 who are implicated in my report, you know. So  
22 I understand that it is -- and they've been investigated  
23 by the police and, you know, there's been no evidence to  
24 prosecute. So I do understand that in terms of  
25 employment, it is very difficult to move people on or to

1 dismiss them, if you can't find any evidence, you know,  
2 against them.

3 However, what I do think they do need to do is be  
4 implementing a properly robust performance management  
5 framework, that then there is a model that people have  
6 to follow and if they're not following that, then that  
7 is your opportunity, you know, to dismiss or move on.

8 Q. Just again, going back to what she's telling us, is that  
9 she accepts that there was a dysfunctional work culture  
10 historically in the children and families directorate of  
11 the Social Work Department and that Sean Bell was Head  
12 of Service for that department. She says:

13 'I have staff group who are traumatised by what has  
14 happened and this affects them in different ways. We  
15 have had to work to find a way to improve our overall  
16 organisational culture, which has been to bring our  
17 focus to what difference are we making for children and  
18 how do we know.'

19 She says, although it's prior to her time:

20 'The Tanner report highlights a culture of misogyny.  
21 There was what was regarded as an old boys' network in  
22 the children and families. It is my experience that  
23 there is still a lasting culture of misogyny within some  
24 parts of the organisation. My own experience is that  
25 there are some deep-rooted cultural issues within the

1 Social Work Department at City of Edinburgh Council. As  
2 a woman who has tried to implement improvements in  
3 practice, I have found myself on the receiving end of  
4 a number of whistleblowing complaints, all of which have  
5 been investigated by external lawyers and none of which  
6 have found any case to answer. It's recognised by the  
7 organisation that I and others [I think she's including  
8 you here] who have driven change or tried to have done  
9 so at a significant personal cost.'

10 You can associate yourself with those feelings?

11 A. Yes, yes, I can.

12 What I would like to say in that regard, is that  
13 while I was doing the ESS investigation and report,  
14 I did have a feeling that I was the enemy, I was sort  
15 of, you know -- there was a scandal coming I think and  
16 people would rather have brushed that under the carpet.

17 Tanner was very much about allowing people the  
18 opportunity to whistleblow if they were feeling bullied  
19 or if there was anything that needed to be, you know,  
20 out in the open, anything that they could whistleblow  
21 on.

22 There were supposed to be new policies and  
23 procedures brought in to help people do that and  
24 unfortunately, at the point of my retirement -- which  
25 was, what, two years after Tanner or a year and a bit

1 after Tanner -- unfortunately I wasn't afforded those  
2 new policies and procedures, you know, and the lip  
3 service that was paid to the Tanner inquiry, because  
4 I was bullied out of my job, and that's why I retired  
5 early. I had no intention of retiring at 60 and the  
6 particular issue, bullying issue that I had was  
7 mishandled by the council, by the Chief Social Work  
8 Officer and by HR. So I actually don't set any store by  
9 the lip service to Tanner, because I don't think -- they  
10 set up an investigation team and I think that was about  
11 it.

12 Q. Just picking up maybe some of these things as well by  
13 reference to your own statement, which you have given to  
14 the Inquiry, I'll just maybe try and pick up some of the  
15 concerns you had when you left the service. We have  
16 already discussed that during the investigation ...

17 Can we perhaps turn to the statement, sorry, it's  
18 WIT-1-000001534, if we can put that on the screen.

19 We have already discussed that you encountered  
20 I think what you described as evasion and lack of  
21 cooperation from managers at paragraph 18, if we go back  
22 to that. I'm not going over that again, because you  
23 have told us about that, although you give us examples  
24 of the sort of responses you were getting, along the  
25 lines of: 'I don't have this', or, 'It would take us

1           too long to look for that information'.

2           That was perhaps part of the reason you sought the  
3           64 boxes, as you've told us earlier?

4   A.   Yes.

5   Q.   That is said at paragraph 21.

6           You have told us that the documents were chaotically  
7           filed, at paragraph 22.

8           You have told us about state of the incident  
9           records, this is paragraph 22, that they didn't appear  
10          to have been actioned or taken forward in the expected  
11          manner.

12          You tell us at paragraph 23, if I can carry on --  
13          perhaps I'll just look at that and just read out what  
14          you tell us there. You have dealt with this a bit, but  
15          I would just like to say:

16          'Complaints handling was a major area of concern for  
17          me. Some complaints were taking an inordinate amount of  
18          time to be resolved ... effective resolution either did  
19          not happen or the response was inadequate. In some  
20          cases, submitting the complaint and the inadequate  
21          response further traumatised young people or they  
22          withdrew the complaint when they realised that nothing  
23          would come of it. Complaints investigations would be  
24          undertaken by ESS managers, who did not carry out  
25          thorough investigations and did not question the issues

1       raised. There appeared to be management collusion in  
2       the deliberate ignoring or delaying of resolutions. For  
3       example, investigation reports would sit with  
4       Scott Dunbar without sign-off for lengthy periods.'

5             That, I think, sums up what you have told us earlier  
6       today; is that right?

7   A. Yes.

8   Q. Then you say at paragraph 24 you were critical --  
9       I think you have covered this -- of the person in charge  
10      of the complaints service at Edinburgh City Council.

11            You say, in relation to that person who was in  
12      charge of the complaints service:

13            'There was a lack of professional assertiveness on  
14      his part about ensuring that complaints were resolved  
15      timeously, appropriately and that any issues arising  
16      from the complaints were investigated fully. All he was  
17      ever doing was just sending very sweet emails saying  
18      things like, "Scott, do you think you could get round to  
19      signing this off?" [As you put it] The whole response  
20      was inappropriate, totally unprofessional, chaotic and  
21      collusive.'

22            Does that really sum up --

23   A. Yes.

24   Q. -- how things were?

25            Then just turning to the next paragraph as regards



1 an awareness of what was going on at ESS. You say this  
2 in your written statement to the Inquiry:

3 'In my opinion, children's services managers,  
4 including those working at ESS, were very much aware of  
5 what was going on at ESS. The Tanner inquiry uncovered  
6 deficiencies in the overall management of children's  
7 services, and there was a feeling that the director [you  
8 have named him already] Alistair Gaw, along with  
9 Andy Jeffries, Sean Bell and Scott Dunbar were sitting  
10 on a number of issues that they hoped would never see  
11 the light of day. [You say that] Mr Gaw and  
12 Andy Jeffries were allowed to retire at the commencement  
13 of the Tanner inquiry and unfortunately both Sean Bell  
14 and Scott Dunbar have suicided.'

15 I think we have covered all of that.

16 Then, just looking at your statement, at  
17 paragraph 28, by way of an example of a record stating  
18 very clearly there was a problem, you give us an example  
19 there, an investigating officer's report which stated:

20 'I have found this an extremely difficult complaint  
21 to follow up, because the atmosphere in the place is  
22 toxic. There is toxicity in the staff group and  
23 toxicity in the care of kids ...'

24 Or words to that effect, I think is how you recall  
25 it?

1 A. Yeah.

2 Q. You say that:

3 'The report should have been submitted and signed  
4 off by Scott Dunbar. The manager of ESS should have  
5 seen the report and it should have been discussed within  
6 the management team, but it was never followed up.'

7 You say:

8 'That is only one instance of many things that  
9 I read that should have been ringing alarm bells.'

10 A. Yes.

11 Q. As regards progress with the Gordon Collins, I'm not  
12 going to go through that, because I think you have  
13 discussed how it evolved and what you understood to be  
14 the progress or lack of progress, but you cover that at  
15 paragraphs 29, 30 and 31, so I'll just mention that in  
16 passing.

17 The next thing I would just like to touch upon and  
18 I think I'm getting towards the end, if it's any  
19 consolation to you, that I want to ask you, because you  
20 deal at paragraphs 37 through to 41 with the Adamson  
21 report, about which we heard evidence yesterday.

22 First of all, I think in paragraph 37 you say  
23 that -- we know the background to this, because we have  
24 heard from the author of the report, but you do say  
25 there the outcome of the Adamson investigation mirrored

1           what you then found five or six years later in the ESS  
2           report?

3   A.   Mm-hmm.   Yes.

4   Q.   You then say, at paragraph 38, that you remember  
5           Kirsten Adamson asking you, Pauline, to look after  
6           a hard copy of her report.   Can you remember when she  
7           did that?

8   A.   I can't remember the timescale.   I was still working in  
9           health and social care at that point and we were both  
10          working as planning and commissioning officers, but  
11          I just have a very vivid memory of her coming and  
12          handing me the report and saying that it had either  
13          disappeared off the system or not been put on the  
14          system.   I can't now quite remember.   This was the only  
15          hard copy and would I look after it for her and then she  
16          asked -- I think I remember she asked for it back --  
17          I gave it her back at some point anyway, I think just as  
18          she was leaving the council.

19   Q.   I think she told us she left in 2019.

20   A.   So it was maybe about 2017 maybe, something like that.  
21          I think it was a year or a couple of years before she  
22          went.

23                Oh, no, she wrote the report in 2013, so she must  
24          have come to me around that time, 2013/2014, something  
25          like that.

1 Q. She asked for it back when she left and she took it with  
2 her?

3 A. Yes, yes and -- sorry --

4 Q. When you gave her it back, you hadn't at that stage read  
5 it?

6 A. I didn't read it. I had nothing to do with children and  
7 families at that point. She didn't tell me the content  
8 and I didn't read the report. I put it in a file and  
9 held on to it for her. So it wasn't until I was doing  
10 the ESS report that I remembered, you know, that  
11 incident and I contacted her and she still had the  
12 report, which I think is quite telling, how many years  
13 after she'd left the council and she was able to send me  
14 a copy of it.

15 Q. Perhaps of significance in what you tell us in your  
16 statement at paragraph 39 is that having had a memory of  
17 this report and its possible significance, you say you  
18 contacted Peter McCloskey and Scott Dunbar and asked for  
19 a copy of the St Katharine's review report by  
20 Kirsten Adamson. You tell us in paragraph 39:  
21 'They came back to me and said they had never heard  
22 of it and didn't know anything about it.'

23 A. Yes.

24 Q. I think we were told by Kirsten Adamson that she sent  
25 an email to Scott Dunbar and attached her report.

1 A. Right. I don't know that.

2 Q. Well, that's what she told us.

3 A. Yeah, sorry, I wasn't party to that information so ...

4 Q. No, no, but I'm just giving you the evidence that she

5 gave us and also she did tell us in advance of

6 submitting her report she had had meetings with various

7 people, including Scott Dunbar on the matter, and also

8 I think she had a meeting with Peter McCloskey at one

9 stage before the report as well.

10 A. Yes. I do have to say I was very surprised when they

11 came back and said they'd never heard of it. Sorry,

12 Lady Smith, are you --

13 LADY SMITH: No, no, it's just more of the same really.

14 A. Yes.

15 LADY SMITH: You'll appreciate now that the complaint that

16 had been made that prompted the Adamson report is very

17 much in line with some of your findings.

18 A. Yes. In fact, that complaint was included in my report.

19 That young man's mother was one of the very vociferous

20 advocates who really tried to get things recognised at

21 ESS, the culture and what was happening to children and

22 young people.

23 MR PEOPLES: I think she was described in the records as

24 'difficult'.

25 A. Yes, yes, difficult -- I mean, yes, but actually she

1       took a complaint that had not been upheld to  
2       a complaints review council and had it partially upheld.  
3   Q.   You can take it we did find the background and she was  
4       partially successful, but even then there was at least  
5       a concern that caused a commissioning of the Adamson  
6       report?  
7   A.   Yes.  
8   Q.   But it appears that, like many things in this story,  
9       nothing happened --  
10  A.   Yes.  
11  Q.   -- and the report couldn't in fact be found?  
12  A.   Yes, and then some years later, eight years later, or  
13       whatever, I was being told that they'd never heard of  
14       it.  
15  Q.   The only reason you were able to become aware of what  
16       was in the report was by getting a copy provided by  
17       Kirsten Adamson that she had taken away with her?  
18  A.   Yes, and she was working in Orkney at that time.  So she  
19       had to send me photographs from her mobile phone.  So  
20       I had to blow them up and read the report.  
21  Q.   You saw that as an example of a significant missed  
22       opportunity, but also I think you concluded that it  
23       certainly appeared, from the information and  
24       circumstances, that the whole matter was just brushed  
25       under the carpet and that then subsequently people who

1           were involved claimed to know nothing about the matter  
2           years on when you were asking them some questions?

3   A.   Yes.

4   Q.   Now, I just have a couple of matters that maybe I want  
5           to just cover with you. You have told us you had a lack  
6           of co-operation and you had to get the boxes. Did you  
7           encounter any difficulties in accessing relevant  
8           records, other than that they weren't easy to find? Did  
9           someone try to say, 'No, I don't want to give you that',  
10          or anything, or, 'You don't need to look at that'?

11  A.   No, apart from the Gordon Collins's action plan. Apart  
12          from that, no, no, it was just, oh, it was always very,  
13          erm, 'Oh, we don't have that ...', laissez faire  
14          I suppose is the terminology I would use, 'Oh, I don't  
15          think we've got that, I don't really know what you're  
16          asking for'.

17                You know, it wasn't that people were saying, 'Oh, no  
18          you're not looking at that', it was just they claimed  
19          not to have it or they didn't understand what I was  
20          asking for.

21  Q.   I think you tell us -- hopefully I can take this fairly  
22          short, because you deal with this at paragraphs 44 to 52  
23          and to some extent at 54 of your statement to the  
24          Inquiry -- that during the investigation, you considered  
25          you were really being put under some pressure to steer

1 clear of the action plan, the Gordon Collins action  
2 plan, and the issue of whether it was being progressed  
3 or not. That seemed to be what was coming across to  
4 you, following a meeting with --

5 A. Yes, I had a meeting with Dennis Shotton and a member of  
6 the council's legal team and it was made very clear to  
7 me that there was an annoyance around me looking at the  
8 Gordon Collins action plan, because I think perhaps at  
9 that point, although council officials had been being  
10 reassured that, you know, it was in train, I think  
11 people were beginning to realise at that point when  
12 I started looking at it, that it had stagnated and that  
13 nothing was happening with it.

14 Q. Your position, if I'm right, is that you stuck to your  
15 guns and said, 'It's relevant and therefore I do want to  
16 pursue it', and I think ultimately you were allowed to  
17 pursue it?

18 A. I was allowed to pursue it, but only -- the meeting that  
19 I had was on a Friday afternoon and I actually removed  
20 myself from the meeting because of the attitude of both  
21 the legal representative and Dennis Shotton.

22 I then spent the weekend writing a two-page email to  
23 Dennis Shotton, and I think I sent it to legal services  
24 as well, detailing why I felt it was appropriate to be  
25 looking at the Gordon Collins action plan, given that



1        what I was investigating was abuse.

2            Erm, so I sent that email off and then I received  
3        a very kind of sweet response on the Monday that --  
4        well, indicating really that I'd misconstrued the  
5        meeting, when quite evidently I hadn't. Because I think  
6        for a council's legal representative to sit in a meeting  
7        and say to me that it wasn't as if 'Nick Smith was  
8        coming round to bash my head in with a baseball bat' is  
9        completely inappropriate, and I think indicates the  
10       culture that was going on in the council at that time.

11    Q.    You say at paragraph 50 of your statement that your  
12       belief was that this -- if I could put it, pressure, at  
13       this meeting was because you were digging too deep and  
14       uncovering too much and that, as you put it, it was  
15       becoming a bit of a scandal and that they just wanted  
16       the report to be completed as quickly as possible so it  
17       could be brushed under the carpet?

18    A.    That was how I felt at that time. I was given four  
19       weeks to pull together all the information, whereas  
20       previously I'd been told I had as much time as I needed.

21            And then, after I had sent that two-page email, erm,  
22       that four-week deadline was rescinded but there was  
23       still pressure on me to get it finished.

24            I think the difficulty with the action plan was it  
25       was going to be embarrassing, because the Chief Social

1       Work Officer had been assuring council officials that it  
2       was all singing, all dancing and it was being  
3       implemented. Then I came along, it was a bit like the  
4       emperor's new clothes, I came along and said,  
5       'Basically, there's nothing happening. This has  
6       stagnated. Where's the material evidence that any of  
7       this has been implemented?', and the person responsible  
8       for it had taken Scott Dunbar's word that everything was  
9       operational and being implemented, without looking for  
10      proper evidence that that was the case.

11    Q. I think at paragraph 54, if I can just read it out, what  
12      you were feeling at the time is:

13           'I thought when I began the ESS investigation I was  
14      actually going to be doing something good and I was  
15      going to improve the lives of young people in the care  
16      of ESS. In contrast, I was left feeling like I was the  
17      enemy. I was digging stuff up that people didn't want  
18      me digging up. I was drawing attention to things that  
19      senior managers didn't want me drawing attention to.  
20      I did feel that I could be thrown under the bus at any  
21      moment. I felt as though I was in a really precarious  
22      position. I felt that when I submitted the ESS report,  
23      the council would try to say that I had misrepresented  
24      the evidence and there would be some sort of payback.  
25      That didn't quite happen, but I was waiting for it.'

1           That was how you felt?

2   A.   Yes, that was how I felt. I was extremely isolated in  
3       the whole process. I really didn't have any contact  
4       with legal or Dennis Shotton, who were supposed to be my  
5       main points of contact. I had no supervision across the  
6       nine months that it took me to do the investigation and  
7       the report and I was told that I wasn't allowed to speak  
8       to anybody about it, because it was highly confidential.

9           So basically I was on my own and that is how I felt  
10       after that meeting with Dennis Shotton and legal.

11   Q.   So you didn't really feel you received the support  
12       during the investigation --

13   A.   No.

14   Q.   -- that you should have received?

15   A.   No.

16   Q.   I think that's acknowledged now, is it, by Amanda Hatton  
17       in her statement?

18   A.   Yes, yes, that was acknowledged.

19   MR PEOPLES: I think these are all the questions I want to  
20       ask you today. I think you have covered all the areas  
21       I would like to cover with you, but I know that you  
22       would wish to make a short statement of your own at this  
23       stage and I wonder if you could just perhaps do that.

24   LADY SMITH: Please go ahead, Pauline, when you're ready.

25   A.   Okay, thank you.

1 I have read the statement provided by the council  
2 which thanks me for my diligence in carrying out the ESS  
3 investigation and the report. The fact is that children  
4 and young people were being abused over a long period  
5 and I find the statement the council's usual attempt to  
6 make excuses and to pay lip service to improvements,  
7 when, at the point of my retirement in May 2024, this  
8 was some three years after I delivered the report,  
9 nothing was being done.

10 The Inquiry should request that Amanda Hatton  
11 provides material evidence which demonstrates that real  
12 and meaningful improvements have in fact been  
13 implemented. I note that quality assurance officer  
14 Heather Smith is 'comfortable that improvements are  
15 underway'. In what way is the term 'comfortable'  
16 quantifiable? This is the kind of woolly language used  
17 by the council to fend off challenge and difficult  
18 questions.

19 Also, I note that my former line manager is being  
20 supported to become 'more professionally assertive'.  
21 What this tells me is that in practice the incompetence  
22 and ineptitude continues. This was precisely the  
23 culture that led to the abuse at ESS.

24 Until such time as the council is actually prepared  
25 to implement a robust performance management framework

1 to properly manage those who lack the necessary  
2 professional skills, the negligence and risky practice  
3 will persist.

4 Suitably qualified staff and proper use of joined-up  
5 quality assurance processes are urgently required.

6 I would like to take this opportunity to acknowledge  
7 those people for whom the council acted as corporate  
8 parent who were subjected to horrendous trauma and abuse  
9 at ESS. All of the information contained in the ESS  
10 report was taken from the council's own written records.  
11 Council officials were alerted on various occasions that  
12 abuse was being perpetrated, but they refused to take  
13 action.

14 Regrettably, from my own personal experience of  
15 working for the organisation, I cannot have confidence  
16 that such abuse will not recur. Lessons were not  
17 learned from the 1991 inquiry, the Gordon Collins  
18 significant case review or, it would appear, the more  
19 recent Tanner inquiry.

20 I do not have confidence that those children and  
21 young people currently being looked after by  
22 City of Edinburgh Council are safe, nurtured and  
23 protected.

24 Thank you.

25 MR PEOPLES: Thank you very much for coming today and giving

1           your evidence. I think we can now let you go and  
2           perhaps go and relax now.

3           Thank you again.

4    A. Thank you.

5    LADY SMITH: Pauline, thank you very much for everything you  
6           have given us in terms of your evidence and for the  
7           dedication you have given to this very, very difficult  
8           task that you undertook.

9    A. Thanks very much.

10   LADY SMITH: Please go, and as Mr Peoples said, try to relax  
11           for the rest of today.

12                               (The witness withdrew)

13   LADY SMITH: Well, I'll stop now for the lunch break and at  
14           2 o'clock we'll do some read-ins I think, yes?

15   MR PEOPLES: Yes, I'm not sure there were any names that  
16           were mentioned. I don't think there were.

17   LADY SMITH: I'll double check over lunchtime but I don't  
18           think there were.

19   MR PEOPLES: I don't think there were.

20   LADY SMITH: Thank you.

21   (12.58 pm)

22                               (The luncheon adjournment)

23   (2.00 pm)

24   LADY SMITH: Ms Forbes.

25   MS FORBES: Good afternoon, my Lady.

1 Ian Watson (read)

2 MS FORBES: The read-in is from an applicant who has waived  
3 their anonymity. His name is Ian Watson. The reference  
4 for his statement is WIT-1-000001075.

5 My Lady, Ian tells us he was born in 1959 and talks  
6 about his life before going into care between  
7 paragraphs 2 and 8 of his statement.

8 He says he was born in Edinburgh and he lived with  
9 his parents [REDACTED]  
10 [REDACTED] His  
11 dad had been in the army but then moved to work on  
12 a farm and that's where his family was born and he grew  
13 up, right next door to the farm, and they all worked on  
14 the farm [REDACTED].

15 Ian tells us life at home was okay. They never had  
16 much but the family did okay. He went to primary school  
17 and then in 1969, his dad had a heart attack in front of  
18 him and died, and he says he was age 9 at the time and  
19 he was the only one in the house when it happened.

20 He says he went back to school after that, but  
21 couldn't concentrate, had problems reading and writing  
22 at school and was getting bullied. He then started  
23 skipping school and the social work got involved.

24 He says [REDACTED] pretty much took over at  
25 that time because his mum was struggling, and he ended

1 up in front of the Children's Panel in Edinburgh.

2 It was decided he would go to a school for disabled  
3 people. That didn't work, so they sent him to another  
4 one, but he had to get there on a bus and make his own  
5 way there, which he didn't do half the time so he ended  
6 up back in front of the panel and it was recommended he  
7 be sent to an assessment centre before finding  
8 a long-term place. He says he thinks he was asked why  
9 he was skipping school and he couldn't tell the panel at  
10 the time.

11 Ian tells us he never did anything criminal when he  
12 was skipping school. But he was taken from the panel  
13 hearing, he says, to Howdenhall Assessment Centre, and  
14 he says he was aged 12 when this happened, in 1971 or  
15 1972.

16 My Lady, we don't have records from Howdenhall but  
17 we do have records from where he went to from  
18 Howdenhall, which was Oakbank. We know he went there on  
19 6 September 1973, so he would have been 13 and he tells  
20 us he was only in Howdenhall for two or three months.  
21 So he would have still been 13, I think, so he would  
22 have been a bit older, I think, than he thinks he was.

23 He then tells us about Howdenhall between  
24 paragraphs 9 and 54. He gives us information about the  
25 layout and we've heard some evidence about that before,



1       so I won't go through that.

2           At paragraph 10, he talks about the headmaster being  
3       in charge and the headmaster lived on site in a house  
4       [REDACTED]. He remembers a Mr LWI ,  
5       who was SNR [REDACTED] and ex-military. He says at  
6       paragraph 10 about Mr LWI :

7           'He'd tell you what he wanted done and if you didn't  
8       do it, he gave you a clout.'

9           He also mentions a teacher there called  
10       Mr GQH , who worked in the classrooms.

11          He says at that time Howdenhall was for boys only  
12       and he tells us there was a boy there who was only 9 or  
13       10 and was there because his mum had died and he was  
14       left on his own and that was the only place they had to  
15       put him.

16          Ian says at paragraph 12 he didn't know how long he  
17       was going to be there for and everyone he spoke to  
18       talked about leaving at 16 and he didn't understand what  
19       an assessment centre was for.

20          He said that Mr LWI , SNR [REDACTED] , ran one of the  
21       houses and that there were two houses for boys.

22          At paragraph 14, Ian says:

23          'Other boys in Howdenhall were in the same situation  
24       as me. A lot were caught breaking into houses or shops.  
25       They'd been shoplifting. You had to be in there for

1 something to be the big man and the one who'd done the  
2 biggest job. That's what they spoke about. They were  
3 in trouble with the law and I'd just been playing  
4 truant.'

5 He then tells us about his routine at Howdenhall  
6 from paragraph 15. He talks about a social worker  
7 dropping him off at the door and leaving him and he says  
8 he felt like he'd be flung into a burning fire. He had  
9 no possessions with him. At paragraph 15, he says:

10 'I knew from the minute I walked in the door that it  
11 wasn't a nice place and I could see the people who were  
12 in there. I was told what I was to do and what I wasn't  
13 to do by the headmaster in his office, and it was mostly  
14 about what I wasn't to do. It felt intimidating and he  
15 didn't do anything to put me at ease.'

16 Then he says he was shown to his dorm upstairs and  
17 shown his bed.

18 Paragraph 16, he says:

19 'There was a couple of older laddies hanging about  
20 the dining hall, and just looking at them I knew I was  
21 going to be in for a hard time. When I came down from  
22 looking at my bedroom I was told to wait in a seating  
23 area. There were residents sitting there and they asked  
24 where I came from. That was when bullying started  
25 coming from right away.'

1           He says where he was from and where another boy was  
2           from, and he says:

3           'Back then there was a gang culture.'

4           He mentioned this boy, he says:

5           'He was older than me by a couple of years. He gave  
6           me a hard time throughout my time in Howdenhall. He  
7           came over and skelped me. The staff didn't see it  
8           happen.'

9           He names him.

10          He says that at that time they had individual rooms  
11          in a corridor and the rooms had glass partitions so  
12          staff could see in, but it used to be a dormitory and  
13          they'd partitioned the rooms off and he says that he had  
14          no real privacy.

15          At paragraph 18, he says:

16          'Mr LWI was in charge of the boys in my group and  
17          he woke us up early in the morning. We had to make our  
18          beds, clean our room, stand at the door and the staff  
19          checked our rooms. If your room was okay, you'd go down  
20          for breakfast. Then we had to stand in a line at the  
21          top of the stairs and Mr LWI would shout if there was  
22          something found in a bedroom that shouldn't have been  
23          there. Then he'd take you into the room and give you  
24          a shouting at. We had to fold our bedclothes in  
25          a certain way and if you didn't, he'd shout and tell you

1       how stupid you were.

2       'One of the other residents had shown me how to fold  
3       them and he'd been told to show me what to do. His room  
4       was always perfect. He'd been in Howdenhall for a good  
5       while and he knew how to do it. We were told that's how  
6       we had to be before we went anywhere and if you weren't  
7       you'd get skelped.

8       'We were locked in our bedrooms at night. If you  
9       needed the toilet in the night you had to ring a bell  
10      for a member of staff to come and let you out.

11      'I wet my bed and I didn't want anyone to know.  
12      Staff made a loud announcement about it. When I went  
13      down for breakfast the other boys knew about it and  
14      they'd pass remarks and call me names. The staff said  
15      if they did that it would make sure I wouldn't wet the  
16      bed again. We were punished by having to take our  
17      sheets off to put in the washing basket. Mr **LWI** used  
18      to make me carry the sheets up to the laundry area in  
19      front of everyone. I had to say in front of everyone  
20      "I won't wet the bed again". He physically punished us  
21      too, with a slap over the head or on the jaw or  
22      a punch.'

23      He talks about the food being like school meals, but  
24      he says he was always hungry. There wasn't enough food  
25      and part of the punishment was to be hungry, but he

1       never saw any force feeding.

2           He talks at paragraph 23 about showering and he says  
3       they got a shower at night and Mr LWI supervised them  
4       getting washed, but there was no privacy.

5           He talks about being given clothes to wear and his  
6       own clothes being taken away and put in a box. He then  
7       talks about schooling from paragraph 25 and says:

8           'After breakfast we got sent to the classrooms.  
9       That's when I met Mr GQH. Mr GQH was the  
10      teacher. He called me a dumbo in front of the rest of  
11      the class. He was trying to get me to write things and  
12      because I couldn't do it he slapped me and gave me the  
13      belt. That was on the day after I arrived. That was  
14      how he ran the classroom. He didn't just do it with me,  
15      he did it to other boys too. I thought I was going to  
16      get help with reading and writing.

17          'Mr GQH used the tawse. He treasured it. You  
18      had to stand in front of the class and put your hands  
19      out. They'd get three or four on each hand. I got  
20      a few on that first day in class. Then you went back to  
21      your desk and I couldn't hold the pencil after the  
22      belting on my hand. The teacher had no time for me. He  
23      just put me at the back of the class with some  
24      plasticine and told me not to annoy anyone. There was  
25      no effort to try to help me.'

1           He then talks about there being a break for lunch  
2           and then going back to the classroom in the afternoon  
3           and sometimes it would be activities like going to the  
4           gymnasium.

5           He tells us he had a kidney issue prior to this and  
6           says that there was an assault course at Howdenhall and  
7           you were made to run around the gym, but he couldn't do  
8           those kind of things and he says at paragraph 27:

9           'I was forced to do exercises in the gym and people  
10          laughed at me when I couldn't do those kinds of things.

11          'I couldn't do the assault course and I couldn't  
12          throw a medicine ball like the other boys could. The  
13          home should have known I'd been in the hospital and the  
14          social worker knew about it. I told the staff about it  
15          too. The PT guy was another one from the army and he  
16          shouted as well and he'd make us run about and sometimes  
17          I felt like I was going to die.'

18          He talks about going on a minibus sometimes for  
19          a drive and then he tells us about leisure time from  
20          paragraph 32 and tells us again about the square outside  
21          and he says:

22          'After PT in the afternoon we all got put outside in  
23          the square. The teachers would sit and smoke and drink  
24          tea in the dining room and they could watch us through  
25          the window. All the boys were out together and we used

1       to sit about the square. Other boys were always wanting  
2       to fight and the teachers could see that. There was  
3       a gang culture. People kept to themselves and they  
4       didn't want to say where they were from.'

5       He says:

6       'After our evening meal we were sent to our rooms  
7       and there was no activity for us.'

8       He goes on:

9       'At the weekend a retired priest came and took us  
10      out on an assault course. There was a football pitch at  
11      the side of the assessment centre that was fenced off.  
12      He used to take us out there and made us play murder  
13      ball with a big medicine ball. We had to run with it  
14      from one side of the pitch to the other no matter what  
15      and you weren't allowed to lose the ball. The other  
16      boys could get the ball off you by any means, by  
17      punching, kicking and biting.'

18      He then talks about the fact that the field and the  
19      assault course was part of the assessment centre, but  
20      other than that activity at weekends, he'd be locked up  
21      in his room.

22      At paragraph 35 he says:

23      'Nothing was laid on for us to do. I spent more  
24      time in my room than I did outside. Just to get outside  
25      was brilliant. There was nothing to read or to play

1 with. There was no television. We were just told to  
2 stay in our bedroom and we were locked in at night.

3 'We weren't allowed any personal possessions and if  
4 you got caught with a pencil out of the classroom they'd  
5 throw you into a room. They put that kind of fear in  
6 you that if you were caught with anything you'd spend  
7 time in the room or you went to SNR  
8 office and got put over the chair. Getting belted over  
9 the bare backside wasn't a one-off. Other people had it  
10 as well.'

11 He then talks about his mum visiting him and said  
12 that they had to sit by the head's office with two  
13 chairs facing each other and the head would be in his  
14 office with the door open and it meant they couldn't  
15 speak freely.

16 He then tells us about his social worker coming  
17 a couple of times. He says at paragraph 39:

18 'I saw her by myself. I told her about Howdenhall  
19 and what it was like and getting belted. She said it  
20 was just how the place was run and I wouldn't be there  
21 for long as I was going somewhere else soon. She  
22 thought it was a legitimate way to treat me.'

23 He then tells us that he ran away --

24 (Pause)

25 MS FORBES: My Lady, Ian goes on to tell us about running



1 away from paragraph 41, he says:

2 'I ran away a couple of times.'

3 He says the police caught him three days later in  
4 his mum's house, took him back to Howdenhall. The  
5 police handed him over and then he goes on to tell us at  
6 paragraph 41:

7 'SNR [REDACTED] told me to take my trousers off and  
8 bend over a chair. I had to take my pants off too. SNR [REDACTED]  
9 SNR [REDACTED] hit me on the bare buttocks with a belt.  
10 Mr LWI [REDACTED] was also in the room.

11 'SNR [REDACTED] told me I wouldn't run away again.  
12 I was pretty sore for a while until I ran away again for  
13 a couple of days. I got the same treatment the next  
14 time. The police picked me up again and took me back.  
15 The police asked me why I ran away and I told them I was  
16 going to get hit with a belt if I went back, but they  
17 just handed me back over. Back then the belt was legal  
18 and that was the way of the world.'

19 He then talks about abuse at Howdenhall from  
20 paragraph 43:

21 'After I got the belt for running away, I was stuck  
22 in a room upstairs with no clothes on. I was left there  
23 for two or three days with no clothes. It was part of  
24 the punishment. They did it to a few people. It wasn't  
25 just me. It was used as a punishment and it wasn't just

1       for running away.

2           'It was a square room at the end of the dormitories  
3       with a glass window for the staff to look in at us. It  
4       was like a prison cell. I was locked in there by  
5       Mr **LWI** and the secure door was banged shut. There were  
6       scratches on the back of the door and writing on the  
7       wall. There were bars on the window. I had to take all  
8       my clothes off and leave them at the door of the cell.

9           'I slept naked in that locked room for two or three  
10      days. There was no mattress and I was given one  
11      blanket. I was let out when they'd finished punishing  
12      me for running away. I got some food that the staff  
13      brought me. It was just basic stuff like a sandwich.  
14      That happened after the both times I ran away.

15          'They started doing that with me when I got back to  
16      the dormitory. I had to leave my clothes at the door as  
17      I wasn't allowed clothes in my room. That was because  
18      I'd run away. I had to strip my clothes off in front of  
19      everybody and go back into my room. I had to strip in  
20      front of other boys. I didn't have pyjamas to wear.

21          'I was put in that secure room a couple of times for  
22      fighting and it wasn't even my fault. It happened to  
23      other boys too. I heard them screaming. I heard them  
24      being battered or hit by the staff. That could be by  
25      any member of staff.

1           'There was a model of the assessment centre in the  
2           classroom. I moved one of the pieces on it. The  
3           teacher took me outside and gave me a lecture on what  
4           I'd done. He had long, dark hair in a bowl cut. We  
5           used to take the mickey out of him as he used to try to  
6           look like one of the Beatles. I can't remember his  
7           name. He was about to walk back into the classroom and  
8           turned round and said "I'll make sure you don't do it  
9           again" and punched me straight in the face.

10           'I could see white stars and I fell down in the  
11           toilet. I got up and was taken back into the classroom.  
12           My front teeth were sore and they were slanted back.  
13           I asked a different member of staff if I could see  
14           a dentist. They said they didn't have the facilities.  
15           I didn't tell staff how it had happened and just that my  
16           teeth were sore. If I had said a member of staff did it  
17           I would have ended up getting punched again. When  
18           I went to Oakbank School later on that was one of the  
19           things that I had to go to was the dentist because of my  
20           teeth. I ended up losing my front two teeth.

21           'If boys were caught fighting they were taken to the  
22           gymnasium and given boxing gloves. They told us to  
23           fight each other. If you refused to fight, the PT  
24           teacher put the gloves on his hands and he punched you  
25           about the head and the body and told us to fight back.

1           'One time when I was caught fighting, the PT teacher  
2           sent the other boy away and took me into the bit where  
3           there used to be mats for when we climbed on the wall  
4           bars. He told me to take my trousers off and play with  
5           myself while he watched. I didn't do it. He was a man  
6           in his 40s, ex-military, with a beard and he looked  
7           a bit like Peter Sutcliffe, with the same shaped face.  
8           He was ruthless.

9           'I knew he did it to other boys as they talked about  
10          it. He took them into the bottom cupboard area in the  
11          gymnasium to do it. He punished me for not doing what  
12          he told me to do. That could be a punch there and then  
13          or I ended up in the room upstairs. Other boys said  
14          they didn't do what he told them to do it, but some of  
15          them did it. They said the PT was standing there and  
16          touching their private parts as well. I didn't see it  
17          happen, but other boys told me it happened.

18          'The PT teacher did night watchman duty. He used to  
19          come into your bedroom when you were lying on your bed.  
20          He tried to touch me. I jumped up and out of my bed.  
21          I made him aware I wasn't going to do what he wanted.  
22          I think a lot of the kids who did what he told them  
23          didn't understand. I just knew it was wrong. He  
24          punched me for not doing what he wanted. I didn't tell  
25          the social worker [and he names her] about this, as

1 I didn't see her again. If I told the wrong person and  
2 it got back to the staff member I'd be in for trouble.  
3 I just tried to get through it with my head down.

4 'Boys were in fear of something happening to them.  
5 The first time I saw it was in the showers. Two boys  
6 were doing sexual things with each other. I saw them do  
7 that and got a fright. Then I saw it happening among  
8 the boys in the gymnasium and then the PT instructor.  
9 I can't remember any other abusive behaviour.'

10 He tells us he was in Howdenhall for two or three  
11 months before being moved to Oakbank, and he says he  
12 found out that morning that he was moving and he was  
13 pleased to be leaving as he knew two boys from  
14 Howdenhall had been put in prison and that was his fear.

15 We know from his records, my Lady, that he was moved  
16 to Oakbank on 6 September 1973, when he was aged  
17 14 years, and he stayed there until 3 September 1975,  
18 when he would have been 16.

19 He tells us about Oakbank from paragraph 57, and  
20 that evidence was read in on 3 October 2024, which was  
21 Day 480 of the Inquiry.

22 Just in summary, he talks about physical assaults by  
23 staff, sexual and physical assaults by older boys and  
24 physical assault by boys on an occasion where he  
25 received an injury and had to go to hospital. He says

1       he saw another child being sexually abused.

2           He says he was in Oakbank until he was 16, this is  
3       from paragraph 110, my Lady, and that's borne out by his  
4       records. He says that he was on home leave for two  
5       weeks before he was getting out of Oakbank and he had  
6       an injury on his back at the time, because he'd been  
7       assaulted by older boys. He showed his mum and he said  
8       that he didn't go back to Oakbank after that and he  
9       managed to stay away until the day of the panel.

10          He told them, the panel, that he didn't want to go  
11       back, but he didn't tell them what had been happening.

12          He then talks about his life after being in care  
13       from paragraph 15 and he says that after the panel  
14       hearing, he walked round the corner with his mum and got  
15       himself a job. He ended up getting a job delivering  
16       furniture and did that for two or three years. He  
17       stayed with his mum. He still had a social worker who  
18       came to see him and he told him about Oakbank, but he  
19       said that he thought it was terrible he'd been sent  
20       there at the time but couldn't do anything about it.

21          He says he tried to make the most of what he had.  
22       He didn't have a good education. He took the jobs he  
23       could get and skipped about a bit. He ended up involved  
24       with drugs and in prison. He got into trouble, was  
25       committing crime. He ended up being an alcoholic and

1 taking drugs.

2 He then tells us about some work he did in  
3 restaurants and training as a chef. He did that for  
4 a while and then he says when he was 22 or 23, he met  
5 his now ex-wife and they had a son and daughter together  
6 and he has three grandchildren.

7 Again, he talks about working as a kitchen porter on  
8 a day shift, but says that the job was hard and  
9 stressful. He worked in the building trade and learned  
10 plastering.

11 Then this part has been read in before, my Lady, so  
12 I won't go through it, but this is where he ended up  
13 being bitten by a bat and lost his legs so he has  
14 an electric chair to get around and hasn't been able to  
15 work. He has PTSD from that.

16 In relation to impact, again some of this has been  
17 read in before. He talks about that from paragraph 124,  
18 but says his experiences in care took a lot away from  
19 him and he missed out on a lot.

20 In terms of education, at the end of paragraph 124,  
21 he says:

22 'Howdenhall and Oakbank didn't address the issues  
23 I had with reading and writing.'

24 He tells us about dyslexia and says he's never been  
25 formally diagnosed, but he's been told he has that by

1 a teacher.

2 He talks about wanting to join the army at 16, but  
3 they wouldn't take him when he said he'd been in  
4 a List D school. He says he's had issues with trusting  
5 people and he goes on to say that when people found out,  
6 this is from paragraph 129, where he'd been he felt  
7 ashamed and he told his ex-wife about things that had  
8 happened to him and she used to call him 'queer'.

9 He tells us then some more about being in Oakbank  
10 and felt he was being punished for something he hadn't  
11 done.

12 He then talks about lessons to be learned from  
13 paragraph 135, and says:

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

18 Then hopes for the Inquiry:

19 'I heard about the Inquiry and what it was involving  
20 and I thought if I came forward to tell them about my  
21 part in it maybe somebody else will come forward and the  
22 tell the Inquiry about the same thing. It might help  
23 find the people who abused children and get them  
24 arrested for what they've done and I can get on with my  
25 life. Perpetrators are not getting away with so much



1       now, as they're not getting left alone with children  
2       like they used to.'

3               He has signed his statement and it's dated  
4       12 September 2022.

5                       'Mack' (read)

6   MS FORBES: My Lady, the next statement then is from  
7       an applicant who is anonymous and is known as 'Mack'.  
8       The reference for 'Mack's' statement is  
9       WIT.001.001.6102.

10           My Lady, 'Mack' tells us he was born in 1963 and  
11       talks about his life before going into care from  
12       paragraph 2.

13           I think he seems to have been born in England and  
14       his mother and father broke up and his mum moved up to  
15       Edinburgh with a boyfriend and he had a sister and  
16       an older brother.

17           He says that there was difficulty with the boyfriend  
18       in the house. He struggled with the break-up of his  
19       parents' relationship. He went to primary school, but  
20       ended up only going there for about less than a year.  
21       His mother never had much money and he stood out with  
22       the clothes that he wore and the fact he had a bit of  
23       an English accent. He was picked on and skipped school.

24           He didn't want to go home at night and sit with his  
25       mum and her boyfriend and found that difficult. He

1 started hanging about with people at night and got into  
2 trouble. This was climbing on the school roof and petty  
3 theft. The social work and the police started to become  
4 involved and he went to a panel.

5 He agreed that he would go to school and come in at  
6 night, but he didn't do that. There was another panel  
7 hearing then and his mum said to the panel that she  
8 couldn't handle him any longer and he thinks that's the  
9 reason they decided to send him to Liberton.

10 He says he remembers the shock of being told he  
11 wasn't going home and he wasn't told how long he was  
12 going to be there for and he says next thing he knew, he  
13 was taken in a car to Liberton, he thinks by a social  
14 worker.

15 He then tells us about --

16 LADY SMITH: By 'Liberton' he means Howdenhall.

17 MS FORBES: Yes. I think he explains, my Lady, at  
18 paragraph 8 that he just referred to it as Liberton, but  
19 I think he knows it was Howdenhall Assessment Centre.

20 We know from his records, my Lady, that he was  
21 admitted there on [REDACTED] 1976 and he was there until  
22 [REDACTED] 1976 the first time. So he was aged 12 and  
23 turned 13 whilst he was there. He had a birthday, so he  
24 was there the first time just over three weeks.

25 I think he thinks he was younger and he thinks he

1 was there longer, but he does know he was there on more  
2 than one occasion and he says that he was put into the  
3 junior section of the centre.

4 He says at paragraph 10:

5 'We didn't have watches or anything like that. We  
6 just did what they told us to do. That was really the  
7 structure in place. It was a horrible place. All  
8 I remember is grief and hardship in there. My  
9 experience in the other places I went to after Liberton  
10 were completely different. They were nothing in  
11 comparison.'

12 He tells us about staff and he says Mr McKiernan was  
13 the headmaster. He was Irish and had big white teeth.

14 At paragraph 13, he mentions MTM [REDACTED], and says  
15 he was a big guy who looked after them and that 'MTM [REDACTED]  
16 was his nickname, [REDACTED]. He thinks he was  
17 called that because of his stature and because he was  
18 a [REDACTED]. He also mentions a PTI instructor  
19 there.

20 At paragraph 15, he says:

21 'Mr EWA [REDACTED] was another staff member. I didn't know his  
22 name when I was there. I later found out that he was  
23 called EWA [REDACTED]. I learnt that when I reported him to  
24 the police. He was an evil man. He could have been my  
25 allocated member of staff. He seemed to be the member

1 of staff who paid the most attention to me throughout my  
2 stay.'

3 He says he doesn't remember any staff offering him  
4 support after he became tearful or emotional, but he  
5 says at paragraph 16:

6 'Mr EWA did do that, but I know now that there were  
7 other motives there.'

8 He says:

9 'You were dependent on the other boys for help.  
10 There was a lot of bullying came off of the back of  
11 that. The bullies would ask for your pudding or your  
12 sweeties or something in return for helping you out.'

13 He talks about his arrival at Howdenhall and the  
14 routine from paragraph 18 and says that the doors when  
15 he arrived was locked behind him and he remembers the  
16 noise. He says:

17 'Everybody was shouting. It was like walking into  
18 a hall where there was noise everywhere. I was quiet  
19 and timid when I went in. I went to see the headmaster.  
20 I was then shown around. I think it was the headmaster  
21 who did that. It was a man in a suit. My social worker  
22 was there. I was introduced to the staff. The social  
23 worker then said "I'm away" and that was kind of it.  
24 I was told I would get tea later on and shown to my  
25 room.'

1           He talks about being tearful on his first night and  
2           trying to keep quiet because there were other people in  
3           the room and being wary of what was going on.

4           He talks about getting up in the morning and says  
5           that MTM would open the door and shout, 'Right'.  
6           Then he tells us about the routine there and then he  
7           says later on in the day someone would should, 'Right,  
8           bed', and they all had to go to bed and they'd be in  
9           their dorms and the door would be locked and lights  
10          would be out at a certain time.

11          He talks about the dormitories being upstairs. He  
12          says they were all juniors and they had to make and  
13          change their own beds and they had to be made the way  
14          that they wanted them to and to be kept tidy.

15          He tells us that the food was okay, but he says at  
16          paragraph 25:

17          'They used you to force you to eat the veg. I never  
18          like brussel sprouts as a kid. I remember bowking as  
19          they tried to make me eat them. If you didn't eat them  
20          you would get a slap across the head and forced to  
21          finish it.'

22          He doesn't remember getting any schooling there. He  
23          says there was no education, it was mostly just tidying  
24          up and activities.

25          At paragraph 28, he says there was no timetable.

1       You were told where to go and what you'd be doing and he  
2       can't remember any lessons or classroom. It was  
3       football and gym and things like that. He says that you  
4       would do jobs like sweeping the carpets.

5             He says he remembers going out in the van before he  
6       left Liberton. He thinks he was taken to another boys'  
7       home, maybe to play football.

8             Then he says there was a games room, at  
9       paragraph 32, with a pool table, tennis table and games,  
10      there was a gym, there was a TV. He doesn't remember  
11      any books or reading there.

12            He talks about visits from paragraph 34 and says  
13      there was always a member of staff watching when they  
14      had visits and that his mum would visit once or twice  
15      a week and he was tearful when she visited. The social  
16      work didn't come to see him much.

17            He says that visitors would sometimes bring sweets.

18            He says at paragraph 39:

19            'I remember going up to ask for my sweeties after my  
20      mother had visited. I was told that there was nothing  
21      there by Mr EWA. I complained. I told Mr EWA and he  
22      just smirked at me. He said that he could stop that.'

23            He remembers a doctor coming in to do checkups and  
24      he says that was around the time that Mr EWA was on his  
25      case.

1           He says at paragraph 40:

2           'If I went to the doctor or nurse when there were  
3 marks on me, Mr EWA would just say to them that I had  
4 been fighting or something like that. He covered up  
5 everything. I don't know whether that is in my medical  
6 notes.'

7           He says:

8           'I got chickenpox when I was in there. There were  
9 a few of us got it. We were taken up the stairs to have  
10 a bath. That was unusual because we only usually got  
11 showers. I remember Mr EWA coming in and inspecting us.  
12 I wasn't well. He asked me to stand up. He came close  
13 up. I asked him to get away from me. I remember  
14 screaming, "Just leave me alone". I was distressed. He  
15 then became violent to me. He grabbed me around the  
16 back of the neck. He was strong. I grimaced and just  
17 wanted to curl up. It was sore. He then left.'

18          He talks about bed wetting at paragraph 42:

19          'The boys who did it would get humiliated by the  
20 other boys, they would be called "peed the bed" and  
21 things like that.'

22          He then talks about abuse from paragraph 43:

23          'If you did something wrong you got the belt. The  
24 headmaster would give you that on the bum. I got that  
25 a few times during the first time I was in Liberton.

1 I got it once after I absconded. I just accepted it.  
2 There was no one to tell me why I was getting punished.  
3 I accepted it as the norm. I normally got disciplined  
4 by the headmaster because of accusations Mr EWA had made  
5 up.

6 'You could get your privileges taken off you. You  
7 wouldn't be allowed out in the gardens or anything like  
8 that. You wouldn't be allowed your sweeties. You got  
9 treated like crap when you had your privileges taken off  
10 of you.

11 'You could be told to stand up and be humiliated.  
12 That sort of thing went on. You would become the focus  
13 of whatever had gone on. The television could sometimes  
14 be turned off if you were misbehaving. If that  
15 happened, all the other boys would blame you and you  
16 would get kicked, punched and slapped off of them.

17 'Mr EWA tried to make me the focus of things like  
18 that quite a lot. I felt if I was good to him then he  
19 wouldn't allow that to happen.

20 'If nobody was about you would get slapped about by  
21 the staff. You got backhanders and things like that.  
22 I mostly got that from Mr EWA. It was a scuff around  
23 the head. You thought that was acceptable at the time.  
24 You thought that that was just the regime of where you  
25 were at the time. Nowadays I know that that wasn't



1 acceptable.

2 'If there was a fight, the staff would step in.  
3 They did boxing in the gym. They would take the boys  
4 down there to sort it out between themselves. The PT  
5 instructor would supervise. That happened once with me  
6 after I had had an argument with another chap and ended  
7 up fighting.

8 'When people were fighting they could be taken away  
9 and put in a room. It was like an isolation room. The  
10 room had a plastic window on it so the staff could see  
11 inside. At one point I started thinking that if I got  
12 into trouble I would be taken away to this room and  
13 avoid being around Mr EWA. I thought that he would not  
14 be able to get near me if I got sent up there.'

15 Then he tells us about Mr EWA from paragraph 50:

16 'On one occasion I was crying after my mum had  
17 visited. I don't know whether I stuck out of the crowd  
18 because I was tearful. Mr EWA came up to me. He put  
19 his hand on the back of my neck and squeezed it. I went  
20 up to my room. He came into the room and asked me  
21 whether I was okay. He tried to be my friend. He tried  
22 to be this sort of fatherly figure. He asked me whether  
23 I wanted to help him tidy up and do this and that.  
24 I thought he was trying to be good to me.

25 'There was an incident with one of the seniors,

1 I ended up getting bullied. The bullies were asking me  
2 to give them my sweeties. I went to speak to Mr EWA.  
3 I spoke to him in the bedroom. He gave me a cuddle. He  
4 then said, "Come on, you need to go back down the  
5 stairs". I thought because of that, he was okay.

6 'Another time my mother came to visit. I asked her  
7 when I was going to get out. She said that she didn't  
8 know. I was crying. I went to the toilet. Mr EWA came  
9 in. He gave me a cuddle. I felt something. I know now  
10 that he was aroused. I froze. I then just moved away  
11 I left the toilet. After that he would look at me.  
12 I tried to stay away from him.

13 'One day I was fighting with one of the other boys.  
14 I got taken up to the isolation room by Mr EWA. I was  
15 struggling. That was the first time Mr EWA was violent  
16 with me. He picked me up. As he was picking me up, he  
17 put his hands around my testicles and squeezed them. He  
18 then threw me. I ended up being kept in the isolation  
19 room for a while. I was supposedly kept in there until  
20 I calmed down.

21 'Later on, after I had been punished for absconding,  
22 Mr EWA told me to help him to tidy up. I was still in  
23 the shorts and sandals. I thought it was a punishment.  
24 He took me up to this cupboard. We went in to get the  
25 brushes. He then shut the door and tried to feel me and

1 stuff. He also made me clean the bathrooms on my own.  
2 I think he was doing that to try and isolate me.  
3 I think he was trying to keep me separate so that he  
4 could do things to me.

5 'There was an older boy that came up to me and said  
6 "You better start being good to EWA". That was when  
7 I just wanted to get out of there. It was coming from  
8 all angles. I don't know whether this was the boy who  
9 was getting the sweeties out of my bag.

10 'Mr EWA was just drawn to me like a magnet. He  
11 never raped me, but he was "touchy-feely". At times he  
12 wanted me to touch him and things like that. Every  
13 chance he got he grabbed me in the same way. That was  
14 his power thing. I never saw Mr EWA doing things to  
15 anybody else. He isolated me. He knew exactly what he  
16 was doing. He would put his foot against the door and  
17 get you alone in the room.

18 'Mr EWA knew exactly what was happening at the  
19 children's hearings. Somebody in the home must have  
20 been sharing that information with him. I remember him  
21 knowing my home address. I remember him saying to me,  
22 "I see that your mum was at the hearing with you". He  
23 would say that he knew what was being said. He also  
24 said, "I see that they were going to give you the chance  
25 to go home, but you're not getting to go home because

1       you're not behaving in here. You could behave in here  
2       and do what I say". I didn't trust the children's  
3       hearings because it was all coming back to Mr EWA. The  
4       only person I trusted when I went to those hearings was  
5       my mother.

6       'I think that the way that the place was set up  
7       meant that Mr EWA didn't rape me. I think that if he  
8       had had the chance he probably would have done that.  
9       I think that to this day.'

10       He then says that things that were getting on top of  
11       him because of what was happening with Mr EWA and he  
12       absconded and he went over the fence. He got back to  
13       his mum's house and climbed in the back window, but then  
14       his mum came back and then left and phoned people at the  
15       assessment centre and a van came out to get him with two  
16       members of staff.

17       At paragraph 60, he says:

18       'There were two members of staff in the van. One  
19       was in the front and the other was in the back. I think  
20       it was the PT instructor in the back and MTM in  
21       the front. There was also a senior boy in the back of  
22       the van.'

23       He tells us the name he thinks it was:

24       'I assume he was brought along to catch me if  
25       I tried to run off again. The boy hit me in the back of

1 the van. He told me that he was missing a football  
2 match on the TV or the radio. That was a punishment  
3 that was dished out to me. I was expected to take it.

4 'When they took me back they put me in the isolation  
5 room. Mr EWA gave me shorts without pockets and plastic  
6 sandals. They used to give you those sandals so that  
7 you couldn't run away again. I wouldn't put the shorts  
8 and sandals on. Mr EWA then ripped my clothes off me.  
9 He put his hands around my testicles. He squeezed me  
10 like you wouldn't believe. He was vicious. I remember  
11 wetting myself because I was scared. I then put on the  
12 clothes.'

13 He says:

14 'I think I must have been in those plastic sandals  
15 for about a month.

16 'The next day I was taken to see Mr McKiernan. He  
17 gave me the belt across my bum. It was five or six  
18 hits. After I was given the belt by the headmaster  
19 I went back to my room. Mr EWA came in. He said  
20 "You've got bruises, I need to check". He said he had  
21 to check to see that I wasn't cut. I had to pull my  
22 shorts down.

23 'I think I tried to abscond on one other occasion.  
24 I threw a brush handle at a window. The window didn't  
25 break though.'

1           He says then towards the end of his time at Liberton  
2           the social work came and he told them that he was going  
3           to run away again and he says that he thinks after that  
4           they started the process of trying to get him into  
5           another home.

6           He went to another children's hearing and he says  
7           that at that point, this is at paragraph 65, he says:

8           'I went to see the panel at the same place again.  
9           I am not sure whether it was held for any specific  
10          reason but it was held when things were getting a bit  
11          more severe with Mr EWA. It was constant at that point.  
12          He was touchy-feely and all the rest of it. After the  
13          hearing, I went to run away. Someone stopped me. They  
14          caught me at the bottom of the stairs. I remember my  
15          mum saying "No" [and using his name] and I stopped and  
16          looked at her. I wanted to say then and there that  
17          I was being really badly treated. I went back to the  
18          assessment centre after that hearing.'

19          He then says he was taken to Kibble and to see  
20          Balrossie. He says he wanted to get away from Liberton.

21          Then there was another children's hearing and they  
22          decided to place him at Balrossie. He was taken from  
23          the hearing there. He tells us about Balrossie from  
24          paragraph 68. He thinks he was there in 1974 or 1975,  
25          but we know that he was admitted to Balrossie on

1        [REDACTED] 1976, so a little bit later.

2            This hasn't been read in before, my Lady, but he  
3        says that it was a totally different regime at  
4        Balrossie, it was relaxed. He had a different life and  
5        he was able to progress there, he felt part of  
6        something. He was given a purpose and he got to do  
7        things. The staff were nice compared to Liberton. But  
8        he says that he would cringe away from any male staff  
9        member who came close to him at Balrossie, because of --  
10       sorry, when he went to Balrossie, I think he says he  
11       struggled to get close to the male teachers because of  
12       what had happened to him at Liberton.

13           He says he got schooling whilst there and he says  
14        that after about six weeks he got to go home for visits.  
15        He did abscond, he says, from there.

16           He says at paragraph 79 that the final children's  
17        hearing, the panel said he could go home and he didn't  
18        really understand what they were saying. He remembers  
19        being excited.

20           We know, my Lady, from his records that he was  
21        discharged home on [REDACTED] 1976 for a trial period  
22        until [REDACTED] 1977. So that was the period that he was  
23        at home. I think he thinks he was home for a lot longer  
24        than that and he says during that time, he tried to go  
25        to school again, but he was still at the back of the

1 class struggling with reading and writing and he was  
2 skipping school and there was another Children's Hearing  
3 and he was sent to Liberton.

4 I think we know from his records, my Lady, that he  
5 got in trouble for minor offending and he ended up back  
6 at the assessment centre. He was admitted there on  
7 [REDACTED] 1977.

8 He was 13 years old at that time but he was only  
9 there until [REDACTED] that year, so he was only there  
10 for six days. So he thinks it was three months, but he  
11 tells us that he was in the senior section this time,  
12 from paragraph 82, and everything was the same.

13 He says he would fight and resist people and he got  
14 the belt quite a few times off of Mr McKiernan and put  
15 into the isolation room as well. He says it was the  
16 same staff. Mr EWA was still there and it was exactly  
17 the same as the first time.

18 He tells us that he decided to channel himself into  
19 PT to get away from Mr EWA and if he was doing that kind  
20 of thing then he could avoid Mr EWA getting a grip of  
21 him.

22 He doesn't remember getting any schooling again the  
23 second time.

24 At paragraph 89, he says:

25 'Mr EWA was a lot more "on me" the second time. He



1 had more access to me because I was a senior. I was in  
2 the gardens and things like that. He just did the same  
3 stuff again. He intimidated me. The nastiness happened  
4 again. It was the same touching and feeling. It was  
5 like it had never stopped. I still had a fear of Mr EWA  
6 like you wouldn't believe.'

7 We then know from his records, my Lady, that he went  
8 to Balrossie. He doesn't talk about going back to  
9 Balrossie in his statement, but we know he went back on  
10 [REDACTED] 1977 and that was from Howdenhall and he was  
11 aged 13 and he was there until [REDACTED] 1978, so I think  
12 that was around his 15th birthday.

13 I think then his section on Balrossie deals with the  
14 period, but there were two different periods at  
15 Balrossie.

16 Then after that second period at Balrossie, he was  
17 admitted to Wellington Farm and he was admitted there on  
18 [REDACTED] 1978, when he was 15, and he was there until  
19 [REDACTED] 1979, so he was 16-and-a-half when he left.

20 That's from his records. Again, he thinks he was  
21 a bit younger when he went there.

22 He tells us about Wellington from paragraph 91 and  
23 he talks about there being a structure there, being  
24 treated as an individual, treated with a lot more  
25 respect compared to Liberton and Balrossie, but there

1       were no incidents in terms of abuse.

2       He then says that he was due to get out of  
3       Wellington. He felt safe there and felt okay, but ran  
4       away because he wanted to stay there longer. But he  
5       says that that didn't work. He says he was approaching  
6       16 and he had to leave, but I think we know he was  
7       16-and-a-half when he actually left.

8       He got an interview for a job and he says he was  
9       told that when he went there there was an opening for  
10      a car cleaner and he thought he would do that, so that's  
11      what he did.

12      We know, my Lady, his supervision requirement was  
13      terminated on [REDACTED] 1979.

14      He then tells us a little bit more about Howdenhall  
15      and reporting of abuse from paragraph 103. He says he  
16      found it difficult to say to anybody what had happened  
17      to him. He said he thought it would just get back to  
18      Mr EWA, so there was a fear factor.

19      At paragraph 104:

20      'I remember going to see the headmaster about the  
21      time that Mr EWA was giving me grief. I told him that  
22      I was behaving and Mr EWA was constantly on my case.

23      'I told MTM [REDACTED] about the way I was being  
24      treated. I told him that Mr EWA was being really bad to  
25      me. I remember the look off of him. I then didn't see

1       MTM       for a couple of days. I don't know whether  
2       he was off or something. Mr EWA then came up to me. He  
3       said to me, "What have you been saying about me? I hear  
4       everything". MTM       must have told him what I  
5       had been saying. The abuse continued afterwards.  
6       Mr EWA came back at me with a vengeance.'

7       He talks about there being a lady coming in who was  
8       nice to him and he felt like telling her what had been  
9       going on, but he ended up not doing that.

10       Paragraph 107, he says:

11       'After the check-up I had with the doctor, Mr EWA  
12       came up to me and asked me what I had said to the  
13       doctor. He thought I had said something to the doctor.  
14       I hadn't. Anybody who spoke to me, he wanted to know  
15       what I had been saying.'

16       He tells us that after he absconded from Howdenhall  
17       and was punished by the headmaster and Mr EWA, his mum  
18       visited and he told her he was being treated badly.

19       Paragraph 108:

20       'I told her that I was getting hit and treated  
21       horrible. She said, "Just keep your head down, son".  
22       I didn't want to say to my mum, "Mum, I'm being abused  
23       here". I couldn't tell her about the sexual stuff.  
24       Maybe if we were more on our own I might have said  
25       something. I don't know. If I had said something to

1 her she probably wouldn't have wanted to rock the boat  
2 anyway.'

3 He talks about saying to his social worker that he  
4 was being bullied, but he saw him as being connected to  
5 the system and didn't say anything else to him.

6 He says that he kept what had happened to him in  
7 Liberton in when he was in Balrossie and his trust had  
8 been blown through his experiences in Liberton.

9 He told his brother's girlfriend what had happened  
10 in Liberton and he thinks she just said, 'Keep your head  
11 down' or something like that.

12 He then talks about seeing a counsellor at  
13 paragraph 114 later in life in relation to something  
14 that had happened at work, and she asked him whether he  
15 would like to go back a few years and talk about when he  
16 was younger and he says that during a later session, he  
17 told her about what had happened to him and she told him  
18 that what he'd experienced was abuse.

19 He says at paragraph 117 that he had been sitting in  
20 his car when he heard about the Scottish Child Abuse  
21 Inquiry, an advert on the radio, and he says at  
22 paragraph 117:

23 'If I hadn't been sitting in the traffic, I may  
24 still be sitting with all of this inside me today. It  
25 was just something that clicked with me that day.

1 I started thinking that I might not be the only one out  
2 there. At that point, I thought that Mr EWA was still  
3 alive. Maybe I wanted revenge. I don't know.'

4 He says that after he spoke to the Inquiry, the  
5 police came to see him and they wanted to talk about  
6 Mr EWA. He says they had a chat with him and they asked  
7 him about MTM. He says that it felt awkward  
8 speaking to these men and he struggled and was tearful.

9 He says he doesn't know if it would have been  
10 different if one of the officers had been a woman. Then  
11 he says that later that year, a police officer phoned  
12 him and told him that Mr EWA had passed away and that he  
13 was "a horrible man".

14 In paragraph 120, he says the police officer told  
15 him:

16 'He told me that Mr EWA had been really, really  
17 nasty to other people as well.

18 'Hearing that Mr EWA was dead made me feel good, in  
19 the sense that he was no longer able to abuse anybody  
20 else. However, I do feel robbed of seeing justice done  
21 to that man. I started thinking, "Maybe if I had talked  
22 to someone back then he may have not been a position to  
23 do anything to anybody else". However, I'd always felt  
24 as if I was just on my own. I felt alone back then.  
25 There was nobody there I could have spoken to.'

1           He talks about life after being in care from  
2           paragraph 122 and he says when he left Wellington, he  
3           moved into his mum's. He did the car cleaner job for  
4           a month, was offered an apprenticeship as a spray  
5           painter, which he accepted.

6           He then moved in with his girlfriend in 1982. He  
7           taught himself how to read and write and went on to  
8           college later.

9           He says he worked in a drop-in centre as a crisis  
10          intervention worker with the [REDACTED]. He worked  
11          with the homeless.

12          He's now a senior support worker, he's an outreach  
13          worker and he says he works with former homeless people  
14          who are now in a tenancy or have just got a tenancy and  
15          he helps them through the period when they're getting  
16          used to it all.

17          In relation to impact, he talks about that from  
18          paragraph 125 and says:

19          'It has affected me most of my life. I have gone  
20          through some bad times. To this day there is a fear  
21          factor. There is an anger that is within me. Sometimes  
22          it comes back. I thought about it all on my wedding  
23          day. It was all good and then I had a drink at night.  
24          It came back. My mother passed away in 2011. It all  
25          came back then as well. I just tried to tuck it away.

1           'Mr EWA has shaped my life for so long. He caused  
2 me to run away. He made me think of bad things when  
3 things were good. He has ruined the moment. He has  
4 done that over the years.'

5           He talks about being very protective of his children  
6 and the people he works with today and says that it has  
7 affected his relationship. He gets on more with females  
8 and motherly figures than males. He talks about being  
9 put on anti-depressants and they've helped. He says  
10 he's had to do self-help, and at paragraph 131, he says:

11           'I know today that I need to get it all out. That  
12 is why I decided to speak to the Inquiry. I needed to  
13 get the secret that has been with me for all of that  
14 time out.'

15           He tells us about some other information from  
16 paragraph 133 and says that nobody asked him why he was  
17 running away in the children's hearings. There should  
18 have been more focus on why he wanted to run away from  
19 those places and he thinks there should have been  
20 someone independent who he could talk with, who he could  
21 have built up trust with. He talks about the Care  
22 Inspectorate and that being there nowadays.

23           He would have preferred if he was left alone to  
24 speak with his mother and might have found that easier  
25 to say things to her.

1           At paragraph 137, he says:

2           'I only know what happened to me whilst I was there  
3           under their regime. I don't know whether things could  
4           have been done better by the people who were overseeing  
5           Liberton. I don't know whether they could have made  
6           things easier for me. To me, they were a law unto their  
7           own. They could do what they wanted to do to you after  
8           those doors were closed. They were in control.

9           'I just want to break the curse of what he has done  
10          to me. I've got to try and get it all out. Maybe then  
11          I can just "let it go", like a balloon.'

12          'Mack' has made the usual declaration and he has  
13          signed his statement, it is dated 26 October 2017.

14   LADY SMITH: Thank you.

15          Well, we'll stop there for the afternoon break and  
16          more read-ins after that, yes?

17          Thank you.

18   (3.00 pm)

19                               (A short break)

20   (3.10 pm)

21                               'Diane' (read)

22   MS FORBES: My Lady, the next statement is from an applicant  
23          who is anonymous and is known as 'Diane'.

24          The reference for her statement is WIT.001.001.4344.

25          'Diane' was born in 1964 and then tells us about her



1       life before going into care from paragraph 2 onwards.  
2       She said that she had a really good life. She had  
3       siblings. Her parents were together until she was 6.  
4       Her dad travelled around as a stonemason and then met  
5       someone else and left her mum.

6           Things were okay with her mum for years. She said  
7       her mum was really protective of them, but they had  
8       a really good life, but then things started to get  
9       different when she was about 10 and her mum had some  
10      kind of mental block or something, she describes it as,  
11      and she says that her mum wasn't looking after the  
12      house, doing the washing or replacing clothes. All of  
13      a sudden she was going to school with holey tights,  
14      people commented on it and she would get upset and argue  
15      with her mum.

16           Then mum turned against her, she says, and she  
17      started thinking that she was bad. She was going out  
18      and buying gold crosses to protect them for some reason  
19      and then she said that she slept in the same room as her  
20      mum when her dad left, but then, when her mum changed,  
21      she moved into the lounge to sleep, so that she wasn't  
22      beside her and she would come in one night and speak to  
23      herself and was punching and hitting the door. She said  
24      that she then started laughing and attacked her and she  
25      ran out of the house to the police box.

1           She then said that her mum took her back in when the  
2           police took her back and then things just went downhill  
3           from there. Her mum wouldn't let her in the house when  
4           she was out and said that she was the devil. She would  
5           climb up the drainpipe to get in and then hide in the  
6           bathroom until her mum came in and then run out of the  
7           door and walk in as if she had just got home. Then her  
8           mum greased the drainpipe so she couldn't do that any  
9           more.

10           She then started being outside, hanging around with  
11           a rough crowd of kids at night, kids that she hadn't  
12           been able or allowed to play with before. She says that  
13           at first these people bullied her and got her to do  
14           things for them, like stealing, and then she ended up  
15           becoming one of them and got more and more involved with  
16           them.

17           She started skiving school. She went on to  
18           secondary school and she says it was really noticeable  
19           that she was a mess. She was embarrassed. She went  
20           then to another school without permission to be with the  
21           people she hung about with, but then they realised she  
22           shouldn't have been there and she got put out.

23           She says she felt out of place at secondary school  
24           and different from everyone else. She wasn't as clean.  
25           She says one morning the police came to the door and

1       said they had to take her away. She says she didn't  
2       even think she had a social worker at that time and her  
3       mum was shouting, 'You can't just take her', and they  
4       said they had to and she was taken away to Liberton  
5       Assessment Centre.

6       She says she was in two main places in care and she  
7       says also Cornton Vale for two weeks when she was 14.

8       My Lady, she does talk about the different places  
9       but I think it's probably best just to say from what we  
10      know from the records just now.

11      She went to the assessment centre, Liberton, on  
12      three separate occasions. The first was on  
13      [REDACTED] 1977, she was 13. She stayed there for just  
14      under a year, until [REDACTED] 1978, when she was 14.

15      She then ended up back in the assessment centre on  
16      [REDACTED] 1978, again aged 14, and she was there until  
17      [REDACTED] 1979. She was aged 15 by the time she left  
18      and she was there for four months.

19      She then went to Tynepark from the assessment  
20      centre, so in [REDACTED] 1979, and she was there until  
21      [REDACTED] 1979, just under five months.

22      Then she was back to the assessment centre from  
23      Tynepark on that date, [REDACTED] 1979, and she was there  
24      for five weeks, until [REDACTED] 1979, before she went  
25      back to Tynepark again.

1           That last time in Tynepark, she was there until  
2           ██████████ 1980, when she turned 16, and she was there about  
3           11 months. I think it was her 16th birthday that meant  
4           that she went to stay with her grandparents.

5           Just with that as the dates for the background, she  
6           then tells us about Liberton.

7           She talks about the first day there from  
8           paragraph 13. She says:

9           'I was taken to this place that was all locked up.  
10          It was horrendous. You had to wait until they came to  
11          let you in with the keys.'

12          She then says she was strip searched and she thinks  
13          she was 11 or 12, but I think we know from the records  
14          she was older. She does comment that she'd never  
15          stripped in front of anybody in her life. She says she  
16          was the only girl and she was kept separate from the  
17          boys there. She was very frightened, had to have a bath  
18          in front of staff and a woman washed her hair for her  
19          and said she had to check over her body. Her clothes  
20          were taken from her and she was taken into a room and  
21          given their clothes and you couldn't even wear your own  
22          underwear but they struggled to find clothes for her  
23          because she was so small and she had to wear big  
24          trousers until they brought some that fitted.

25          She talks then at paragraph 14 about meeting the

1 other girls who were mostly older than her. She says  
2 she was just thrown into a room and told to take a seat  
3 and introduce herself. She says that a girl who was  
4 older than her, about 15, who had special needs, ran  
5 over and assaulted her with an annual. She hit her over  
6 the head with an annual and kept doing this. She said  
7 she sat there thinking: what's happening? Everybody was  
8 laughing and the staff didn't do anything.

9 This is at paragraph 14:

10 'I could feel the tears running down my face. She  
11 kept doing it, so I jumped up and hit her. That was the  
12 only way I was going to stop it. Nobody else was  
13 helping me. I was punished, but she wasn't.'

14 She says her mum came and visited her and couldn't  
15 understand why she was wearing these horrible clothes  
16 and that her mum demanded that she put her clothes on  
17 and that they were going home, but she told her that she  
18 had to stay there.

19 She says that her mum tried to take her away and  
20 that they were in like a prison visiting room with  
21 a little table and chairs.

22 At paragraph 16, she says:

23 'She dragged me to the door and tried to get out,  
24 but it was all locked. She started kicking at the  
25 window to get out. She was freaking out. They took me

1       away, but I saw my mum attacking a member of staff and  
2       they took her up to the cells and I could hear her  
3       screaming. They took me away and I never saw her for  
4       another week. She was arrested and put in Cornton Vale  
5       Prison.'

6       She says that she went to a panel, but she doesn't  
7       know if her mum was just frightened but every time she  
8       went to one, her mum said she wasn't ready to come home  
9       and this happened every time and she couldn't speak for  
10      herself.

11      Then she tells us she was in the assessment centre  
12      for about two or three years, but I think it was on and  
13      off in various intervals as I've outlined, my Lady.

14      She says at paragraph 18 that there was a big basket  
15      with pants, socks and bras in it:

16      'No matter what your size was, you had to hunt in  
17      this basket. If there were 30 girls, there were 30 sets  
18      of underwear. You had to be quick, if you were last you  
19      had to wear what was left, tiny or big. Your clothes  
20      were rolled in a ball in a big bread basket.'

21      She talks about then queueing by the sinks to get  
22      ready with the other girls and getting dressed together.

23      At paragraph 20 she says that they would be given  
24      a cup of tea with a roll with jam or butter or cereal or  
25      porridge for breakfast and that the tea had bromide in

1       it, and she says that they told them that.

2           She says she went to education after breakfast,  
3       which she says was of a primary standard, not for older  
4       kids.

5           She says at paragraph 20:

6           'The bell went and the ones going to education went  
7       there, the rest were all cleaning the floors, the  
8       bedrooms and toilets. I went to the education to start  
9       with and as I was there longer, I had to do the cleaning  
10      because they couldn't educate me any more.'

11          She tells us at dinner time there was no talking  
12      while you were eating.

13          She says at paragraph 21:

14          'If you spoke, there was a man, Mr HWG, who was  
15      SNR or [REDACTED] who had a big bunch of keys  
16      and he threw them at your head for talking.'

17          She says that they would go back to the common room  
18      and sit and write letters to family or play the two or  
19      three records that were there on a record player and  
20      that was it basically. There would then be a shower  
21      after dinner. There was no choice. You had to have one  
22      and you had to have a shower every day. She says:

23          'The showers had no curtains and you stood in  
24      a queue with only a hair towel. There were no bath  
25      towels, so you showed your front or your backside [and

1       then] ... you had to hand your towel out to a member of  
2       staff ... so everyone saw you naked ...'.

3           And you had to wash in front of everybody. She says  
4       you came out naked in front of everyone and you had to  
5       wash your hair twice a week.

6           She talks about after tea just sitting about. They  
7       would watch TV for an hour or an hour-and-a-half or just  
8       sit writing.

9           They got to go outside, if the weather was okay, to  
10      exercise, there was a small yard and they just walked  
11      around in circles for an hour.

12          She says she was in a room of her own at first, but  
13      then another girl was put in beside her, then she was  
14      put into a dormitory. There was no privacy. If you  
15      needed the toilet you had to ask, you couldn't just go.  
16      There was no furniture in the bedroom, just the bed.

17          There was a flimsy nightie that was see through they  
18      were given. The windows had bars on them and you had to  
19      put your clothes outside rolled up in a basket and your  
20      underwear in the wash.

21          Paragraph 26:

22          'I was a weakling and people would take a loan of  
23      me. I was told not to get too friendly with the staff  
24      or I would get called a "grass".'

25          She goes on at paragraph 28 to tell us about some of



1 the staff she remembers; Mrs [REDACTED] who [REDACTED] the place,  
2 Mrs Easton the matron. She says there was also someone  
3 called -- sorry, there was Mr MTQ [REDACTED] SNR [REDACTED],  
4 someone called PAS [REDACTED], Mrs PAR [REDACTED], Mr PAQ [REDACTED] and  
5 EWA [REDACTED].

6 At paragraph 29, she says:

7 'After I'd been in a while I got to know the other  
8 girls there. There was a hierarchy. I eventually got  
9 to the top of this when I'd been in a long time.  
10 I wasn't a bully, but you've got to stick up for  
11 yourself. In general I got on with the other girls  
12 okay, but I kept myself to myself. I realised I had to  
13 do this if I wanted to survive.'

14 She says she didn't know why she was there and she  
15 was too frightened to ask and she didn't understand what  
16 was happening. She says going to the panels she was  
17 frightened and her mum would always say, 'I think she  
18 needs more time'.

19 She says at paragraph 32 that she thinks she missed  
20 most of high school and her schooling was like primary  
21 education. They got art, which she liked, and she was  
22 making belts and pictures and things like that, but she  
23 wasn't there for long because she started doing the  
24 cleaning.

25 At paragraph 34, she says:

1            'If you ran away you were put into different  
2            clothes. These were like old men's trousers that they  
3            had cut the legs off, so they came down to your knees.  
4            This was so that everyone would know you ran away and to  
5            stop you doing it again.'

6            She says that she ran away a few times. She got out  
7            at Christmas holidays and went home, and she says that  
8            she went home another time and found out that her mum  
9            had lost her house and then she didn't get home after  
10           that for about a year.

11           She says that they'd go on outings to the graveyard  
12           over the road to look at the baby graves. She says she  
13           got visited by her mum and her gran, a visit two days  
14           a week, and you sat at a little table with people  
15           watching over you.

16           After she realised that she wasn't going to get out  
17           after her mum lost her house, she started running away  
18           and she would go to friends' houses in the Tollcross  
19           area, where she stayed or sleep in stairs and normally  
20           the police would find her and take her back.

21           She found out that her brothers had had to sleep in  
22           the Blackford Hills and that they lost all their clothes  
23           after her mum lost her house and she said that nobody  
24           believed her, but I think it is reflected in the  
25           records, my Lady, about her mum leaving her house and

1       there being issues then with her brothers.

2           She then talks about abuse at Liberton from  
3       paragraph 42:

4           'I'll tell you how bad it was there. I went to  
5       prison when I was 14 and it was brilliant compared to  
6       Liberton Assessment Centre.'

7           My Lady, there isn't a record of her going to prison  
8       specifically in the records, so I don't know if this was  
9       something that happened after she had run away on one  
10      occasion but it isn't specifically recorded.

11          She says:

12          'Some of the staff were okay, some quite nasty.  
13      There was a woman called PAS, who was really bad. If  
14      you swore or spoke back to staff you'd get dragged to  
15      the cells by the hair or the arms up your back. If they  
16      attacked you and you hit back, you'd get the cane and  
17      then taken back up to the cells. You could be in there  
18      for days. You had to call them by their title, like  
19      Mrs PAR.

20          'PAS loved to hurt you. She was a big woman and  
21      she'd get you down and put all her weight on you with  
22      your face on the ground, arms up your back. There were  
23      plenty of other staff to help her so she didn't have to  
24      do it.

25          'One time we went to a camp place at Loch Doon. It

1        was way out in the hills. We stayed in bothys.  
2        Mrs PAR lost her keys for the centre and we didn't  
3        know about it, but she thought somebody had taken them.  
4        She was frightened that someone would find out. There  
5        was no hot water there, but she said she was going to do  
6        something nice for us and give us all a bath and wash  
7        our hair, because we'd been there about five days.  
8        'She took us in one at a time. I was the last one  
9        taken in and the bath was full of cold water. She took  
10       hold of me and forced my head under the water again and  
11       again. I thought I was going to drown. She kept asking  
12       me where her keys were. I didn't know. I asked the  
13       other girls and I was the only one she had done it to.  
14       She eventually found them in the place where she got the  
15       coal. She never apologised to me. To this day, I hate  
16       my head underwater, even at the hairdresser.  
17       'The last week I was at Liberton I had run away and  
18       when I got back I asked to go to the toilet. A woman  
19       took me and I must have answered her back in a certain  
20       way and she grabbed me and I pushed her. She shouted  
21       for help and Mrs PAR came and they dragged me away  
22       with my arm up my back. I was taken to SNR  
23       office to be caned. I wouldn't take my trousers down to  
24       get caned on the back of my legs, so I got it over the  
25       face.

1           'I was dragged to the cell. I don't know how many  
2           days I was there. There was a window in it, but it was  
3           really high so you couldn't see outside. I heard  
4           a fight going on outside involving my friend and another  
5           girl that I didn't like, so I shouted support to her.  
6           I was overheard. Mr PAQ [REDACTED] came in and got me to  
7           stand up and he slapped me right in the face. I would  
8           fall onto the mattress and he kept telling me to get up  
9           and slapped me again. He was a big man. I wouldn't cry  
10          and it was annoying him, so he kept on slapping me. He  
11          was either SNR [REDACTED] or [REDACTED].

12          'That night or the next, I was sleeping in the cell  
13          and I was wakened up and I remember getting pulled up by  
14          my nightie and he buggered me. It was Mr PAQ [REDACTED].  
15          All I remember him saying was "Bitch" and that I wasn't  
16          to say anything. I put it out of my head for so long.  
17          I didn't even know you could do that sort of thing when  
18          I was that age.

19          'I actually thought I'd done something wrong and  
20          I was embarrassed about what had happened. I couldn't  
21          tell anyone. I was kept in the cells and a few days  
22          later an old teacher from my List D school came and  
23          asked to see me. She spoke to me and I told her I had  
24          to get out of the assessment centre. She took me away  
25          and I never went back. I never got into trouble again.

1 I never done a thing.

2 'I always knew things like that happened there,  
3 because it's what everybody tells you. I never thought  
4 it would happen to me. I thought I looked after myself  
5 enough. I thought I'd shout out. I only spoke up about  
6 it five years ago.

7 'I heard rumours about another member of staff,  
8 Mr EWA, who was another man in authority in the  
9 place. It was a well-known fact that he was doing  
10 things with the young boys from about 8 to 12 years old.  
11 We knew whose turn it was as he would sit them on his  
12 knee and bounce them up and down, cuddling them.

13 'If you were speaking in the dormitory or doing  
14 something wrong and no one owned up to it you'd all be  
15 taken downstairs and have to stand on your tiptoes with  
16 your arms out and two fingers touching the wall. This  
17 could be for hours. Eventually they'd let you go  
18 because no one would ever own up.

19 'The cells were a frequent punishment for doing  
20 small things wrong. I couldn't count how many times  
21 I was in them. Not in the beginning, at the latter end  
22 of my time there. You also had to scrub the floors with  
23 toothbrushes. They would stop you going on visits and  
24 stop you seeing your family when they came to visit.  
25 I didn't see any of this as a punishment. It was all

1 I knew. You weren't allowed to swear, you had to speak  
2 to the staff like teachers, calling them Mrs PAR or  
3 Mrs .

4 'There was this other thing that went on called  
5 "grabbing", which was like in the programme "Life with  
6 gypsies". It was the senior boys in there who carried  
7 it out. You could just be walking past and they'd grab  
8 you and pull you into a cubbyhole or something and grope  
9 you. There was only a couple of them that could do it.  
10 If you went to the gym, there was a bit there they'd  
11 pull you under so no one could see you and under tables  
12 and things. That happened quite a lot. More so as  
13 I got older and you'd have to fight away from them and  
14 they'd just be groping you.'

15 She goes on to say:

16 'They would hide and grab you or they'd wait on  
17 girls making the toast at supper time. They'd watch  
18 them going then grab them.'

19 Then she says at paragraph 57:

20 'I was late to start my periods, I was 14. You had  
21 to ask for pads if you needed them. They were huge.  
22 Mrs told Mr PAU that I was a lady now and he put  
23 me on his shoulder and smacked and patted my backside.  
24 It was like he was putting me on show. I was really  
25 embarrassed.

1            'In the assessment centre, if you had pierced ears  
2            the staff put thread through your ears so that you  
3            didn't wear earrings. You didn't have any of your own  
4            property there. Not even a hair clasp.'

5            She then tells us about Cornton Vale and says she  
6            was 14 and she had run away with older girls and was  
7            arrested by the police for shoplifting and didn't want  
8            to go back to the assessment centre, so gave the police  
9            the wrong name and age.

10           She thinks she told them she was 16 and then she  
11           says that she was put in cells until a prison van came  
12           and took her away to Cornton Vale. She talks about  
13           being put into a box there and told to strip off and  
14           jumping up and down and to spread her legs.

15           She says that they must have known she was 14  
16           because they got a teacher in to teach her every day and  
17           she said that they kept her away from the adults, but she  
18           could hear them and she said everybody was okay with  
19           her. She was there a couple of weeks. She says she  
20           can't remember if she went back to court or straight  
21           back to the assessment centre.

22           She says it was better at Cornton Vale as she wasn't  
23           watched all the time, she could smoke, she could have  
24           a shower with nobody watching her and it was more  
25           relaxed.



1           She says there you were taken to buy cigarettes,  
2           tuck and toiletries and you had no toiletries at the  
3           assessment centre.

4           She then talks about going to stay at her granny's  
5           at paragraph 64, and I think we know from the records  
6           that this was after the first time at the  
7           assessment centre, so in between the first and second  
8           time, she was there for about nine or ten weeks. She  
9           says her mum was there -- I think this was the time her  
10          mum had lost her house, but she says that everything was  
11          too much for her. She would get put out the house quite  
12          a lot and she ended up asking friends' parents to let  
13          her stay the night or sleeping in stairwells. Her  
14          grandad called the police and said he didn't want her  
15          there and she ended up back at the assessment centre.

16          She said that she had visited a few List D schools,  
17          but they wouldn't take her because they said she was too  
18          much trouble and eventually says Tynepark took her on  
19          and she says she went there, but it was completely  
20          different to what she was used to. She had been used to  
21          being locked up.

22          She tells us about Tynepark from paragraph 67. She  
23          does mention in the following paragraphs about the  
24          World's End Murders and running away during the time  
25          when that happened and SNR [REDACTED] having to view one

1 of the bodies, because they fitted her description, but  
2 I think we know from the records that she would have  
3 been in the assessment centre at the time of the World's  
4 End Murders, so it may be that she is getting mixed up,  
5 but she says that when she came back from running away  
6 on that occasion, she was slapped across the face by SNR  
7 SNR there.

8 She says there was bullying there, but she got on  
9 fine in general.

10 She talks then from paragraph 80 about getting out  
11 of Tynepark on her 16th birthday and moving into her  
12 granny's. She says that it didn't work out. She went  
13 to the social work to see about a flat, but they offered  
14 her a hostel and she says that she would rather sleep on  
15 the streets, so she moved from friend to friend.

16 She'd work but lose her job because she had nowhere  
17 to stay and she'd end up getting in trouble.

18 She then tells us about life after being in care  
19 from paragraph 81 and says she never felt like she had  
20 anybody because she was taken out of her family.

21 She says her mum became a bag lady in the street and  
22 she talks about getting attention from her friends' dads  
23 from the age of about 12 and when she was on street, it  
24 got worse.

25 She was living on the streets and she ended up being

1 on drugs. She said her friend got a flat and she was  
2 there with her, but she started sniffing glue. She  
3 didn't want to live and the landlord put her out and she  
4 moved from bedsit to bedsit or out on the streets and  
5 even stayed in a graveyard for months.

6 She moved back and forward to London and was on  
7 drugs. She says she got off drugs when she was in jail,  
8 but she ended up having a habit when she had her son and  
9 she said she had to go to hospital to get methadone to  
10 get her off drugs.

11 Then she was mistakenly told on one occasion she had  
12 AIDS when she was pregnant, but that wasn't correct.  
13 She said then that she came off drugs and eventually the  
14 council gave her a flat and she always had in her head  
15 that the social work would want to take her kids from  
16 her, so she didn't ask for help.

17 She said that when she heard the health visitor was  
18 coming, she got in her head that the social work would  
19 take her kids away, so she would get up and scrub the  
20 floors.

21 Her lack of education stopped her from getting jobs.

22 Then she goes on to tell us about impact from  
23 paragraph 95 and says that she's never had relationships  
24 because of what happened to her and doesn't trust men.  
25 She has two kids.

1           She says that she had kids to a friend and can never  
2           have a relationship with him or let him stay with her  
3           because of her problems. She says she's always felt  
4           beneath everybody.

5           Paragraph 97, she says her life is ruined and she  
6           says:

7           'My kids' lives are ruined because of it. I kept  
8           them locked up in case they were abused. I am scared  
9           when they are out. If they aren't home in time, I am  
10          worried that they have been in an accident. My kids are  
11          28 and 26 and I'm still overprotective.'

12          She talks about having a granddaughter. She says  
13          she started going to get help because of her daughter  
14          and said that she had seen marks on her granddaughter  
15          when giving her a bath and that she was very upset about  
16          that and thought something had happened to her and  
17          realised that she needed to get help and she went to  
18          a place called Willow and they explained to her how her  
19          mind had been trained and they helped her, she says, to  
20          see other ways of doing things. It's taken a long time,  
21          but she's getting better.

22          In relation to lessons to be learned, at  
23          paragraph 103, she says:

24          'I hope that nothing like this happens again to  
25          other kids. That they get help when they come out of

1       care. I think I would have had a better life if  
2       I'd just had somewhere to go. They should get help with  
3       bedsits or flats and help on how to pay rent and things  
4       like that. I had nothing like that.'

5       'Diane' has signed her statement, she's made the  
6       usual declaration as well, and it's dated  
7       25 January 2018.

8                'Alexander' (read)

9   MS FORBES: My Lady, the next statement then is from  
10       an applicant who is anonymous and is known as  
11       'Alexander'.

12       His reference for his statement is WIT-1-000001014.

13       My Lady, 'Alexander' was born in 1964 and he talks  
14       about life before care between paragraphs 2 and 17. He  
15       was born in Glasgow, then they went to East Kilbride.  
16       His parents divorced when he was about 4 or 5. He was  
17       brought up by his mother and grandmother until 1972 and  
18       then his stepfather came along.

19       He had two brothers and two sisters. His  
20       stepfather, he says, [REDACTED]. They were getting  
21       threats. He ended up in Galway in Ireland for two years  
22       and he says he returned in 1975 and the rest of the  
23       family came back in 1976.

24       He and his oldest brother after two years, went to  
25       live with the aunt and the grandmother. He says he was

1 10 or 11 when he returned from Ireland. He says he was  
2 a punchbag for his stepdad, both he and his mother were  
3 alcoholics. His aunt tried to adopt him but his mum and  
4 stepfather didn't allow it.

5 The first year of high school, the social work got  
6 involved. He went to a Children's Panel and he was  
7 taken to Howdenhall on care and protection grounds. He  
8 told the social work what was happening with his  
9 stepfather and he says he was taken to Howdenhall from  
10 the second panel, and that was on [REDACTED] 1977. He  
11 would have been 12 years old at that time.

12 He had two spells in Howdenhall. The first one was  
13 from [REDACTED] 1977 to [REDACTED] 1977, for five months.  
14 Then again, the second time was [REDACTED] 1977, and he  
15 was still 12, and he was there until he went to  
16 Dr Guthrie's on [REDACTED] 1978 and he was 13 by that time.

17 My Lady, he tells us about Howdenhall from  
18 paragraph 18 onwards and tells us that unfortunately he  
19 got EWA [REDACTED] as his care worker and he says that when  
20 he first arrived, he was taken to the assessment centre,  
21 taken upstairs, showered and changed into his uniform  
22 and then told to sit in the common room. He says that  
23 nobody told him anything, except showing him his room  
24 and to do as he was told.

25 He says he was told where he was sleeping and if he

1        didn't do what he was told he would get the belt or be  
2        locked up.

3            He talks about boys being in their own little  
4        cliques, this is at paragraph 23, he says:

5            'I kept myself to myself constantly.'

6            He talks about being locked up overnight at  
7        paragraph 24. If you needed the toilet, you banged on  
8        the door and just hoped the janitor was around.

9            He says that the junior boys would be in one part of  
10       the dining room, the girls in another and the senior  
11       boys in another and they never mixed.

12           He talks about going to classrooms after breakfast  
13       and then after break time, going to a common room and  
14       then back to classrooms, like a normal school day, and  
15       then again after lunch going back to class and then  
16       common room to wait for dinner.

17           There would be some activities if you behaved. He  
18       says there was nothing in the dorm except your bed. No  
19       TV, no radio, you weren't allowed to speak.

20           He says, this is at paragraph 25 at the end:

21           'That's when the abuse started from EWA [REDACTED].'

22           He tells us then that there was nothing in the  
23       common room except a TV, no games. There wasn't  
24       a leisure time. It was just the time you weren't at  
25       school. The place was completely secure and there was

1 a small yard where you could exercise in the middle of  
2 the place. He says it was literally like a young  
3 offenders' place.

4 'Alexander' says the food was bulk cooked with no  
5 flavour and no taste, it was bland. There was a tuck  
6 shop but the money had to come from your parents so he  
7 didn't have any money to buy anything from his mum.  
8 Sometimes he would get money from his aunt and uncle  
9 when they visited.

10 He talks about there being a long row of showers,  
11 five or six cubicles without dividers. There was no  
12 privacy and a member of staff would stand at the door  
13 and you couldn't have a shower when you wanted. It was  
14 in the morning and at night. There was a uniform, he  
15 talks about. You didn't get to wear your own clothes  
16 and the education was more like watching nature  
17 programmes on TV than doing normal schoolwork.

18 He tells us at paragraph 32 in relation to trips,  
19 that at weekends staff would pick their favourites and  
20 take a group in the minibus to a bothy up near  
21 Loch Leven and he went up there two or three times. He  
22 would walk in the hills and the weekends were good  
23 there, because you weren't locked up at night and you  
24 could watch TV in an actual living room.

25 He says that Mr HBQ picked him to go to the



1 bothy and it was him and his wife. He says at some  
2 point they just clicked and they were always nice when  
3 they were speaking to him.

4 He said that at the weekends, to break the boredom,  
5 you could volunteer to sweep the floors and mop the  
6 corridors, but you didn't have to do it. He talks about  
7 one of the teachers being a Bible basher and trying to  
8 preach religion. He then says that on one occasion he  
9 went home for Christmas and given a kite by his mother,  
10 but it was taken off of him when he got back and you  
11 weren't allowed anything of your own.

12 He says he thought he saw a social worker about  
13 three times over his two spells in Howdenhall, this is  
14 paragraph 37.

15 He says he never tried to run away. He wasn't  
16 interested in that and he certainly wouldn't have went  
17 home.

18 Then he talks about abuse from paragraph 41, and he  
19 says:

20 'If you were caught swearing or were being  
21 mischievous you would get the belt from SNR  
22 or you would be locked in a cell. It happened to me.  
23 I was a normal teenager. I got belt about twice. You  
24 had to go to his office to get it. I think it was three  
25 or four times over the hands. The cells were literally

1       like a police cell. A wooden bench, a mattress,  
2       a pillow and a blanket. There was a toilet in the  
3       corner. The longest I was in the cell was a week.  
4       I spoke to the psychologist about the abuse I was  
5       suffering and he told SNR [REDACTED] and I was told to  
6       shut my mouth and put in a cell. My meals were brought  
7       to me and I was taken for a shower after everybody else  
8       had been. I was put in for the night a few times for  
9       doing things like being cheeky to staff members. I went  
10      in for the week during my first time in the  
11      assessment centre. It was SNR [REDACTED] who put me  
12      there. I couldn't tell you his name. Him and his wife  
13      stayed in the house on site. I was 12 years old. The  
14      younger ones were put there at times too.

15            'If you were caught talking in your dorm at night  
16      you were dragged out into the corridor and made to stand  
17      there, spreadeagled against the wall, for maybe half  
18      an hour. You were then put back into your room.  
19      Various members of staff would do this. I think it came  
20      from one person and then they all started doing it. It  
21      was EWA [REDACTED] who started it.

22            'I don't know EWA [REDACTED]'s first name. That's all we  
23      knew him by. It was "Mr EWA" to his face. He was in  
24      his 30s or 40s. He was fat and stinking of alcohol.  
25      A typical middle-aged fat guy. He worked different

1 shifts on a rota. He was a care worker and in charge of  
2 me and a few other boys. If he was on at night, maybe  
3 working until about 10 o'clock, he would creep along the  
4 corridor once the lights were out and listen to hear  
5 anyone talking. He would come in, drag the boy out into  
6 the corridor and make them stand spreadeagled against  
7 the wall for half an hour. This is where the sexual  
8 abuse started. It wasn't only myself he did this to.  
9 He would only ever bring one boy out at a time. All the  
10 boys knew about it and would say, "You don't want to be  
11 taken out by him at night, you know what will happen".'

12 You stood spreadeagled at the wall, he would make  
13 you take your pyjama top off and start rubbing your  
14 chest and work his way down, whilst pushing himself into  
15 your back with an erection. He then brought your hand  
16 round and made you stroke him.

17 'Sometimes he would take you into the changing rooms  
18 and make you strip off totally and you were made to  
19 masturbate him. This happened to me about four times.  
20 I told the psychiatrist while he was showing me how to  
21 play chess and we were chatting away. I told him  
22 exactly what had happened. He immediately got up, left  
23 the office and came back with SNR. I was  
24 told under no circumstances to ever say or mention what  
25 I had said to anyone else again. I was then taken

1 straight from his office to a cell for a week and I was  
2 told if I mentioned it again it would be longer. So I  
3 never mentioned it to anyone ever again.

4 'EWA didn't come to see me in the cell and the abuse  
5 never happened again. This was about the time Mr and  
6 Mrs HBQ-HBR started being more friendly with me. They  
7 had heard what I had said and I don't know if they were  
8 taking care of me. From then on, I never really had  
9 anything to do with him again. We weren't even allowed  
10 to be in the same room. So something had been done  
11 about it. I think he was still doing it with other  
12 boys, as it was still the standing joke of the  
13 assessment centre of what would happen if he caught you  
14 talking at night. And that was happening right up until  
15 the day I left.

16 'Out of the blue, I was told I was going home.'

17 He says he wasn't given much notice at all. He was  
18 taken to a panel and put back into the  
19 assessment centre. At the panel, he was asked if he  
20 wanted to go home and said 'no'. He says when he was at  
21 home, the abuse from his mum's boyfriend continued --  
22 sorry, from his stepfather.

23 He says he thinks it was through the school the  
24 social work got involved again, but he's not sure. He  
25 was placed back into the assessment centre and then he

1        says when he went there, EWA was still there but there  
2        was no more abuse and it was the same routine the second  
3        time, nothing ever changed.

4        He then talks about the fact that he went to  
5        Dr Guthrie's and he says he was taken out of class,  
6        taken upstairs and told to change into his own clothes  
7        and he was asked if he wanted to go home and he said  
8        'no' and he went to Dr Guthrie's.

9        He tells us then about Dr Guthrie's and the evidence  
10       in relation to that was read in on 31 May 2024 of the  
11       Inquiry, that was Day 448.

12       He was taken there on [REDACTED] 1978, so he would have  
13       been 13 years old at that time, and he talks about  
14       physical assault by a member of staff. We know that he  
15       left there on [REDACTED] 1979, when he was aged 15,  
16       almost 16.

17       We have his detail about Dr Guthrie's and then he  
18       talks about life after care from paragraph 90 to 100.

19       He says that after Dr Guthrie's, he stayed at his  
20       mum's for about two months. He was put into a halfway  
21       house. He was there for about three or four months and  
22       then he went to Jubilee Cottage. He got a job at  
23       a department store. He was a trainee commis chef after  
24       that, through a government scheme, and then he moved  
25       over to East Kilbride and was living with his

1 grandmother.

2 He says then he then stayed in bedsits, anywhere  
3 that would take him. He didn't have much work. He went  
4 to catering college, joined the Territorial Army, he was  
5 down in Surrey and he worked with the military from 1986  
6 to 1991. He was then told he was an asthmatic and had  
7 to leave and after that, he was working with some  
8 agencies.

9 He met someone and he has been with his partner  
10 22 years at the time of the statement. He's been  
11 diagnosed with COPD, but he says he's been working in  
12 corporate security.

13 He tells us about an occasion when he saw Mr EWA in  
14 a bar in Edinburgh a couple of times and then saw him on  
15 the bridges in Edinburgh and was following him and that  
16 Mr EWA jumped on a bus and got away.

17 He talks about impact between paragraphs 101 and  
18 103. He says that until he took control of his life  
19 22 years ago, he had been kicked from pillar to post.

20 Paragraph 103, he says:

21 'I'm in charge of myself now and what happens is  
22 through me [he names his partner] and no one else. As  
23 I said, taking responsibility or taking orders doesn't  
24 wash with me in the slightest. That's a major problem.  
25 I don't trust anyone because of what happened in the

1       assessment centre with that psychiatrist. If you have  
2       someone like that, that's going to blurt out to someone  
3       something you've spoken about in private, then who can  
4       you talk to?'

5       He just says that there was no talking to his  
6       stepfather or his mum. He would just get a slap and be  
7       told to, 'Shut the fuck up'.

8       He says he never reported the abuse to the police.  
9       The Inquiry are the first people he's told and he hadn't  
10      even told his partner in the time they've been together.

11      He says in relation to lessons to be learned at 107:  
12      'Those in positions of responsibility have got to  
13      listen.'

14      In hopes for the Inquiry he talks about hoping that  
15      people -- saying that people have to listen to kids  
16      essentially, is what he tells us there.

17      Then he's made the usual declaration at  
18      paragraph 109 and he's signed his statement,  
19      'Alexander', it is dated 15 June 2022.

20   LADY SMITH: Thank you very much.

21   MS FORBES: We could try to do another one, if I can pick  
22      one that's a bit shorter.

23   LADY SMITH: Have we got a short one?

24   MS FORBES: I think I might have a shorter one, it's  
25      probably the last one on the list and that is 'Rachel'.

1 LADY SMITH: Yes, let's do that then.

2 'Rachel' (read)

3 MS FORBES: My Lady, 'Rachel' is anonymous, and that's her  
4 pseudonym, her reference for her statement is  
5 WIT-1-000000667.

6 My Lady, 'Rachel' has given live evidence during the  
7 foster care case study on 20 September 2022, so that was  
8 Day 323 of the Inquiry.

9 She was born in 1984 and talks about her life before  
10 going into care between paragraphs 2 and 33. As  
11 I've said, my Lady, this part of her evidence has been  
12 given before.

13 Essentially she talks about violence at home and  
14 thought that that was a normal part of childhood.

15 There was also sexual abuse that she talks about and  
16 she tells us that there was bullying at school and she  
17 was moved schools. She says that sometimes in life  
18 there was no heating at home. They were always cold.  
19 Nothing to eat in the cupboards and one day she just  
20 phoned her nana and told her she'd had enough and she  
21 stayed there for a while, but it was decided that she  
22 was to go into care, along with her two siblings. She  
23 says she was put in a foster home separate from them and  
24 never lived with them again.

25 She was in foster care from [REDACTED] 1997 to



1 [REDACTED] 1998 and tells us about that from paragraph 34.

2 She tells us about abuse in foster care from  
3 paragraph 59, and again that evidence has been given by  
4 her in person.

5 After that situation with the foster carers broke  
6 down she went back to stay with her nana, but she ended  
7 up saying that she had to go somewhere else and she  
8 ended up on an emergency order going to a resource  
9 centre. From the reports, my Lady, we know that that  
10 was on [REDACTED] 1998, when she was aged 13. Secondary Institut

11 Secondary Institutions - to be published later  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

21 Secondary Institutions - it was decided that she was going to go to  
22 secure accommodation.

23 I think we know from her records, my Lady, that she  
24 was put to Lothian Villa on a timeout on [REDACTED] 1999  
25 and then returned to Pathway on [REDACTED] 1999, Secondary Institutio

1 Secondary Institutions - to be published later

2 Secondary Institutions she was put into St Katharine's on

3 1999.

4 Then she tells us about St Katharine's from  
5 paragraph 121. She said that she felt like a criminal  
6 when she went there and she was met by two female  
7 members of staff. She says:

8 'They told me that before I was taken to my room  
9 I needed to be strip searched. I was told to go and  
10 have a shower. When I came out I only had the towel  
11 wrapped round me and they wanted me to do star jumps.  
12 I told them I wasn't going to do that.'

13 She says that she felt abandoned at a time when she  
14 needed care, having to say goodbye to a member of her  
15 family who had taken her there and staff.

16 There is a record, my Lady, that she made  
17 an official complaint about this strip search incident.  
18 It's in her records on 14 November 2000, so the next  
19 year she made a complaint about it, so it is recorded.

20 She talks about the bed in the Guthrie unit in her  
21 room being fastened to the floor, but the room had it's  
22 own shower and bathroom facilities. She talks about  
23 LUZ being SNR when she was there.

24 She tells us about some of the staff members at  
25 paragraph 124.

1           Going forward then to paragraph 128, she says:

2           'When you first arrive ... you are kept in your room  
3           for 24 to 48 hours. It was horrible not being allowed  
4           out of the room.'

5           She felt like a caged animal, with people looking  
6           into the room at her. She says that the room would be  
7           searched on a regular basis and she would sometimes be  
8           given cigarettes by a family member and she would have  
9           to hide them, and she says that they were found during  
10          one of the searches. She says she was the only girl at  
11          that time and there was another four boys in the unit.

12          She said that she would be scared at night, this is  
13          at paragraph 131, scared of the dark and she would try  
14          to listen to music, but the staff would switch the power  
15          off to her room. There was no air in the place. The  
16          windows were not allowed to be opened and it was hot.

17          She says that there was another girl at a later  
18          point she found out who was in the unit, locked in her  
19          room, and she was kept in her room every day except one  
20          day and 'Rachel' says that the staff told her she was  
21          too violent to be allowed out, but when she saw her one  
22          day she just looked like a wee victim, totally broken  
23          and small. She said she could hear her screaming in her  
24          room almost every day and staff were in and out of the  
25          room a lot.

1           She says that because of an issue she had with  
2           constant washing, staff restricted her showers to five  
3           minutes and they could control the water supply to the  
4           room. She says there was a member of staff called  
5           Graham or Gordon who said that she wouldn't be  
6           manipulating them like her previous placement and he  
7           would dredge up her past and was cruel to her.

8           All the meals, unless they were locked in the room,  
9           were eaten together but if you were in the room locked  
10          up, a tray would be taken to the room. She says she  
11          doesn't remember eating a lot at home at that time, and  
12          at St Katharine's, she could survive on a boiled egg for  
13          breakfast and that would last her until evening and she  
14          put weight on when she was there and she was told by  
15          staff it was known as the secure diet, with lots of  
16          sugary foods and drinks along with unhealthy food.

17          She says, in relation to schooling, that that was  
18          within the grounds and she talks about a male resident  
19          being accused by one of the girls of rape and that that  
20          girl was locked -- the one that was locked up, but the  
21          boy was allowed to just roam about.

22          She says that whilst she was there, she wanted to  
23          learn but the work wasn't challenging. They would just  
24          watch short videos and be asked questions after.

25          She says, at paragraph 138:

1           'They did adapt to try and use a standard timetable  
2           of PE, English, maths and art. The classwork was  
3           restricted to two of us at a time.'

4           When it came for exams, she was taken to a high  
5           school to sit her prelims and she later tells us about  
6           an incident involving one of the residents where she was  
7           assaulted, and she says at paragraph 141 that she wasn't  
8           offered any medical assistance after that assault,  
9           despite having severe headaches after it.

10          She tells us about trips to Dalkeith Country Park  
11          and she talks about getting visits from a family member  
12          and she tells us about that in that section of her  
13          statement.

14          She tells us about running away and says at  
15          paragraph 152 there was little opportunity of her  
16          running away as they were locked in, she didn't see the  
17          point, but her friend tried to break in to see her one  
18          time and she remembers kicking off in her room and apart  
19          from being restrained for a short time, her mattress was  
20          taken away from her, but she says a key worker sat with  
21          her for nearly 12 hours listening and trying to help  
22          her.

23          She then talks about abuse from paragraph 154 and  
24          says that the rooms were locked at night, but there were  
25          rumours about staff spending time in the rooms at night

1 and she says she has blanks in her memory and she thinks  
2 that maybe something happened on a number of nights, but  
3 she has locked that away.

4 She says that there was physical and emotional abuse  
5 in the unit and there was a lot of sexual abuse, but  
6 she's put that aside and prefers not to think about it  
7 and she remembers waking to a man being in her room  
8 watching her.

9 She says that she felt really vulnerable -- this is  
10 at paragraph 156 -- when she was with the boys, as the  
11 conversations were sexualised and sometimes she would be  
12 hit by them. She remembers boys playing football and  
13 aiming at her and hitting her in the face on one  
14 occasion.

15 She tells us about this particular boy at  
16 paragraph 157, who was a male resident. She says she  
17 was trapped by him in the bathroom and she says:

18 'My memory for that incident has blanks, but it was  
19 not just physical, but again I have locked that away and  
20 prefer it stayed there. I have tried various methods  
21 over the years to remember the incident without any  
22 success.'

23 Then she talks about an incident at paragraph 158  
24 where that boy kicked and punched her in the head, and  
25 the staff could see and she was shouting for help and

1        then, after watching, they did come out and their  
2        response was that she got what she deserved for winding  
3        him up and she was locked in her room. They took her  
4        visiting privileges away and she was told that she would  
5        get them back if she kept her mouth shut.

6            She said that she was in her own room one day and  
7        didn't know what she had done wrong, but she was being  
8        restrained and they were forcing her face onto the  
9        carpet and she had carpet burns to her cheeks. She was  
10       so angry that she tore down the posters in her room.

11           At paragraph 160, she says there would be days where  
12        she would be in the dining room and say something under  
13        her breath and the next thing she would be on the floor  
14        and being restrained in front of everyone. They never  
15        considered cleaning the room. The people who were  
16        brutal were women and would push her face into the  
17        carpet but she also mentions a guy with brown-coloured  
18        curtain-style hair who was particularly nasty and would  
19        hit her as he restrained her and she has sore backs.

20           There was also peer bullying and there was  
21        a particular girl who was called a name because of her  
22        weight, and the staff would use that too.

23           She left St Katharine's then on [REDACTED] 1999  
24        and was told that she could return to Pathway because  
25        she had made improvements, and then she was moved from

1 Pathway --

2 LADY SMITH: There is something wrong with that heading, the  
3 words 'foster care' should have been deleted there.

4 MS FORBES: Yes, I think that was by accident.

5 She was moved from Pathway then to Logans on  
6 [REDACTED] 1999 and then left there in [REDACTED] 2000.

7 She tells us about Pathway again from paragraph 163.  
8 She says she stayed there for about six months, but we  
9 have the dates.

10 Then she talks about foster care that she tried and  
11 she said the placement didn't last long, only for a  
12 couple of months, and then she was back at panel before  
13 being at Pathway again.

14 She talks about Moore House School, she was there  
15 from her records we know [REDACTED] 2000 to [REDACTED] 2000 and

16 Secondary Institutions - to be published later  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]



1       Secondary Institutions - to be published later

2               She then talks about I think Cauvin House, and we  
3       know about that from paragraph 194. She left there on  
4       [REDACTED] 2000, the supervision requirement was  
5       terminated.

6       Secondary Institutions - to be published later

7       [REDACTED]  
8       She says she's confused about where she was and dates,  
9       but she ended up going to a bed and breakfast in Dunbar.  
10      She was kicked out of that.

11             She went to a landlady in Portobello and she was  
12      there for a while, she got a place in [REDACTED] and  
13      then she says that she was able to get all the drink and  
14      drugs out of her system. She started going to high  
15      school and she said that she was older when she actually  
16      left high school, because of how much she had missed.

17             She says that she met her husband then and she was  
18      given her own flat. She was about 19, but she ended  
19      up -- I think at that time he wasn't her husband, but  
20      they split up and I think later got back together.

21             She then talks about various different places and  
22      supported accommodation in the following paragraphs and  
23      again being in her own flat on a couple of occasions.

24             Then she tells us about life after being in care  
25      from paragraph 222.

1           She left school at 19. She got certificates,  
2           a Higher and two Intermediates. She works in a bank.  
3           She went to college. She studied social care, but she  
4           was triggered by some of the subject matter and didn't  
5           complete the course. She had some mental health  
6           problems.

7           Later, at paragraph 230, she tells us she was  
8           employed as a residential care officer [REDACTED]  
9           [REDACTED]. She tells  
10          us about that and the difficulties she had reconciling

11 [REDACTED]  
12 [REDACTED]  
13          She said that she made the conscious decision when  
14          she worked there, staff would walk about with keys  
15          hanging from their trousers and she didn't do that, but

16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20          She went back to college, completed more courses and  
21          she tells us all about her working life in the following  
22          paragraphs. She does talk about issues with her back  
23          and having to leave positions and she says that she got  
24          married to her husband in 2011.

25          She got a job as a behaviour support assistant, but

1 left and took on a role with [REDACTED],  
2 helping parents of kids in care and some who may have  
3 kids in secure care.

4 She says she suffers from survivors' guilt, and  
5 that's affected her working life. She tells us again  
6 about doing locum work as a residential care officer and  
7 completing her qualifications. She took on a role in  
8 Fife as a senior residential care officer, but whilst  
9 pregnant, she ended up changing that job.

10 She talks about some of her health problems and the  
11 fact that her nana died and that changed her outlook on  
12 her role in the care system.

13 She says that she went back to work being involved  
14 with the young people and she tells us about toy  
15 fighting at paragraph 243 and the issues that she tells  
16 us about with that, but she says that she raised issues  
17 and that resulted in staff, particularly managers,  
18 refusing to speak to her.

19 She got in touch with Pathway about sharing her  
20 story. She talks about speaking to different various  
21 groups about her time in care and her experiences and  
22 that she's met some great people, who shared their  
23 experiences, and she became a campaigner for  
24 improvements for children in care and met the First  
25 Minister.

1           She started her own consultancy and she tells us  
2           about that at paragraph 247. She says that she then  
3           applied for a role with [REDACTED] Scotland and  
4           started working for them and she talks about doing  
5           [REDACTED].

6           She says, at paragraph 250:

7           'I know if I had done what everyone wanted while  
8           I was in care, I would have come through okay.  
9           I couldn't as I was so badly damaged, it was a really  
10          bad time.'

11          She tells us about impact from paragraph 253 and the  
12          issues she had studying child abuse at college and the  
13          feelings she has of being ashamed and she has to  
14          remember she was a child when those things happened to  
15          her.

16          She talks about her time in care causing her damage  
17          and that she was studying for a degree in law and she  
18          talks about triggers from her past and having depression  
19          and being on medication that she was hoping to be weaned  
20          off. It took her years to build up trust with her  
21          husband.

22          She says she has written her life story but it's not  
23          for publication, just for her own benefit.

24          At paragraph 265, 'Lessons to be learned', she says:  
25          'I still ask the question if there's a need for

1       secure care. I believe that secure just contains  
2       children and young people rather than offering the  
3       much-needed love and care that they need.'

4           She tells us about hopes for the Inquiry and the  
5       need for an apology.

6           She has signed her statement, and it's dated  
7       20 April 2021.

8       LADY SMITH: Thank you very much, Ms Forbes.

9       MS FORBES: Apologies, my Lady, that went over.

10      LADY SMITH: That's all right.

11           Well, we'll stop there for today and, as people may  
12      have realised, we're not going to be able to sit  
13      tomorrow because of the storm. In fact the building,  
14      I think, will be closed, the Inquiry certainly will not  
15      be functioning from here tomorrow. We can't take the  
16      risk.

17           If you just keep in touch, because we have obviously  
18      still one more witness to give oral evidence and another  
19      three read-ins. We're in the course of finalising what  
20      the arrangements will be for that. I can't tell you  
21      what they are at the moment, but I promise you they'll  
22      be made available and put on the website as soon as  
23      we've finalised it.

24           Thank you all very much.

25           Oh, names, sorry, they're in my hand.

1           These are all people whose identities cannot be made  
2       known as having been referred to in our evidence outside  
3       this room.

4 I'll start with LUZ [REDACTED], then we have Mr PAU [REDACTED],  
5 Mr EWA [REDACTED], Mr MTQ [REDACTED], somebody called PAS [REDACTED], Mrs PAR [REDACTED],  
6 Mr PAQ [REDACTED], and Mrs and Mr HBQ-HBR [REDACTED]. I think that  
7 long list and LUZ [REDACTED] have already been mentioned  
8 previously, but I wanted to make sure people remembered  
9 them.

10                      Thank you.

11 (4.15 pm)

12 (The Inquiry adjourned until a date and time to be  
13 confirmed)

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