

Thursday, 13 February 2025

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(2.00 pm)
LADY SMITH: Good afternoon, and welcome back to our set of closing submission hearings at the end of Phase 8 of our case study evidence.

This afternoon we move on to a group of providers, the first of whom I think I am right in saying is going to be CrossReach, is that right, Mr MacAulay?

MR MACAULAY: That is the case.

LADY SMITH: Is there anything else I need to think of before we start this afternoon?

MR MACAULAY: I don't think so.

Mr Brodie appears for CrossReach.

LADY SMITH: Yes, thank you.

Mr Brodie, when you are ready.

Closing submissions by Mr Brodie on behalf of CrossReach

MR BRODIE: Good afternoon and thank you, my Lady.

Yes, I appear on behalf of CrossReach, which is the Church of Scotland's social care arm, and of course we appeared in Chapter 5 of Phase 8 previously.

The church, CrossReach, wishes to take this opportunity to say a few closing words. In some ways it doesn't say much of substance in addition to what already was said, but there are two areas that have arisen since the Inquiry was actually hearing from

1 CrossReach, and I will deal with them.

2 By way of introduction, the church has been involved
3 in the provision of residential care for children since
4 1868, when the state established the system of approved
5 schools and then List D schools, under the Social Work
6 (Scotland) Act 1968. The church was then asked to
7 provide and operate residential accommodation,
8 schooling, and training for children who had had contact
9 with the criminal justice system, or in other ways were
10 in need of care and protection.

11 Langlands Park for Girls was opened in 1962 and
12 closed in 1986.

13 Geilsland was opened for boys in 1964 and closed in
14 2015.

15 Ballikinrain for boys was opened in 1968 and closed
16 in 2021.

17 These establishments were jointly funded by local
18 authorities and the Scottish Education Department until
19 1986, thereafter funding became the responsibility of
20 the relevant local authority.

21 These three establishments were examined by the
22 Inquiry in Chapter 5, and that took place between
23 22 April 2024 and 10 May 2024. The Chief Executive
24 Officer of CrossReach, Viv Dickenson, and the Director
25 of Human Resources and Organisational Development,

1 Claire Hay, attended the Inquiry between them on each of
2 these days and listened with care.

3 My Lady, Viv Dickenson is here again today.

4 LADY SMITH: Thank you.

5 MR BRODIE: The church accepts the witness evidence which
6 has been submitted to the Inquiry, and acknowledges that
7 on the facts spoken to by these witnesses, there were
8 some grievous instances of abuse by staff of the
9 schools, that physical violence was common and that
10 educational standards and expectations were too often
11 low.

12 In its closing submissions at the end of Chapter 5,
13 the church reiterated its heartfelt apology to all who
14 had suffered abuse when in its care and on this occasion
15 specifically to the pupils of Ballikinrain, Geilsland,
16 Langlands Park, who experienced harm. CrossReach and
17 the church wishes to make that apology once again.

18 LADY SMITH: Thank you.

19 MR BRODIE: One of the two new matters of substance since
20 CrossReach appeared relates to the evidence from the
21 witness KMJ from June of last year, and this evidence
22 came following the closure of Chapter 5.

23 LADY SMITH: Yes.

24 MR BRODIE: KMJ was the headteacher at Geilsland for
25 18 years. KMJ referred to the fact that Geilsland took

1 young people aged between 15 and 18, and KMJ highlighted
2 an inherent problem in the Scottish system. That
3 problem was the cutoff at age 16, whereby many on
4 attaining 16 years of age found themselves either
5 without support or in jail. This remains a problem
6 today.

7 KMJ also noted difficulties in the recruitment --

8 LADY SMITH: Yes, and there is an anomaly there in that we,
9 and of course it is very recently, we have reached the
10 stage the law has now move to treating all under 18 as
11 children for what used to be appearance in court, now
12 will go straight to the children's hearing, disposals
13 will be children's hearing right up to 18, but this is
14 still a difficulty for the long-term provision.

15 MR BRODIE: Yes, my Lady.

16 KMJ also noted difficulties in the recruitment of
17 staff, which was challenging in the past and still is
18 today. There was later more emphasis on qualifications,
19 and some staff at Geillsland gained HNC qualifications
20 during their service. This started as of the mid 1990s
21 and onwards, when there was investment by the Scottish
22 Government in the development of training for
23 residential care workers as a result of the Skinner
24 report and following the development of the Centre for
25 Residential Child Care.

1 LADY SMITH: Just to pick up another point there, and you
2 rightly said more emphasis on qualifications emerged
3 later on. Do CrossReach regard qualifications as
4 important for staff?

5 MR BRODIE: They do, they do. I am not in a position to
6 give a quick synopsis at the moment of the present
7 position taken on qualifications, but the staff all
8 require to hold qualifications and it is regarded as
9 fundamental.

10 LADY SMITH: Yes.

11 MR BRODIE: It is also regarded as part of the overall
12 safeguarding.

13 LADY SMITH: Yes, thank you. That's very helpful,
14 Mr Brodie.

15 MR BRODIE: Training was available at Geilsland and whilst
16 there, KMJ completed the certificate in social services
17 management and leadership offered by Robert Gordon
18 University. KMJ noted that not all staff were
19 interested in obtaining qualifications. However,
20 certain training, like therapeutic crisis intervention
21 (TCI) and other skills were compulsory, and this was
22 done in-house.

23 In relation to a lack of education at Geilsland, by
24 which I mean provision of education for residents, KMJ
25 said that education was not deemed unimportant, and that

1 staff gave as much attention to education as to other
2 things. Many young people did get SVQs and other
3 qualifications related to their work in the school. It
4 was not that Geilsland did not attempt to provide
5 education. Criticisms in the inspection reports in
6 respect of the provision of education could be because
7 KMJ's background was in social work as opposed to
8 education.

9 While that may be part of what is a very complex
10 picture in terms of educating the young people who were
11 sent to Geilsland, it is not an excuse for the failures
12 which were identified in those inspection reports, and
13 CrossReach's approach to education is now very
14 different.

15 As I hope is clear in what I just was developing
16 from KMJ, excuses are not being offered. It is
17 an attempt in KMJ's evidence to provide explanations as
18 to deficits, but also where criticisms appeared in the
19 inspection reports, why those criticisms may have been
20 justified.

21 LADY SMITH: Thank you.

22 MR BRODIE: KMJ said that 'punishment' was not really a term
23 which was used at Geilsland during his time.

24 'Consequences' was the description that was given to the
25 response to poor behaviour. The focus being on the

1 consequences of that behaviour, and trying to get boys
2 to understand that it may have been such behaviour which
3 led to their placement in the school.

4 On the issue of bullying, KMJ acknowledged there
5 were examples of bullying by boy on boy, and that
6 sometimes it was difficult to differentiate between
7 abuse, bullying and other behaviour which could be seen
8 as a part of growing up.

9 Staff at Geilsland tried to stay on top of the
10 bullying, but they did not eradicate it. In drawing
11 attention to this, the church in no way seeks to deflect
12 attention from or minimise what did happen at Geilsland,
13 or its responsibility to protect the young people in its
14 care, but simply to highlight one of the many challenges
15 faced by Geilsland's staff on a daily basis.

16 The question of continued support. The church is
17 committed to the ongoing support of those individuals
18 who were abused in its care. Since providing their
19 evidence to the Inquiry, a number of witnesses have made
20 contact with Viv Dickenson and Claire Hay at CrossReach.
21 Both Viv Dickenson and Mrs Hay have spoken to these
22 witnesses, and have sought to assist and support them
23 where they are able, making bespoke arrangements to meet
24 any requests as appropriate. CrossReach would encourage
25 anyone who has suffered abuse in Langlands Park,

1 Ballikinrain or Geilsland to make contact with them.

2 Survivors will be listened to and provided with support.

3 LADY SMITH: In using the word 'bespoke', Mr Brodie, what is
4 it that you are referring to?

5 MR BRODIE: I did not interrogate that, perhaps
6 sufficiently. My understanding is this: when using the
7 word 'bespoke' the support that has been offered has
8 been in respect of the particular person making contact
9 and their particular experiences, and what appears to be
10 perhaps support that will best help them. In the
11 closing submissions previously, an example I think was
12 given that it had been possible to find some homework
13 documents that a particular resident -- their own
14 documents.

15 LADY SMITH: Right.

16 MR BRODIE: And that, although it might have seemed
17 relatively small by way of any form of help or support,
18 had meant a lot to the particular person.

19 LADY SMITH: Because they were personal to that individual?

20 MR BRODIE: Because they were personal to them, that's
21 right.

22 LADY SMITH: Thank you.

23 MR BRODIE: Back to my Lady's question, which was what is
24 meant by 'bespoke', that is an example of attempts to
25 provide help that is particular to the person, as

1 opposed to simply adopting, as it were, a standardised
2 approach.

3 LADY SMITH: Maybe giving them an experience of a type of
4 care, if that's the right word, that they never had when
5 they were in care as children?

6 MR BRODIE: There is a danger in my interpretation of
7 someone else's interpretation of the particular person,
8 but that was exactly the impression that was formed by
9 Viv Dickenson and Claire Hay in conversations they have
10 had.

11 LADY SMITH: So people aren't going to be met with
12 a response along the lines of, 'But we don't do that, we
13 can't provide that'.

14 MR BRODIE: Attempts are being made to avoid that.

15 LADY SMITH: Good.

16 MR BRODIE: Sadly, time and time again, although attempts
17 have been made to find, for example, personal
18 belongings --

19 LADY SMITH: That's different.

20 MR BRODIE: Yes.

21 LADY SMITH: If at least some effort is made. Thank you.

22 MR BRODIE: Still continuing with aspects of continued
23 support, the church is a member of Scotland's Redress
24 Scheme. It understands that the Redress Scheme is
25 separate to the Inquiry. However, being part of Redress

1 Scotland is one way that the church has chosen to accept
2 the part it played in a system where children in care
3 suffered abuse at the hands of those set up to protect
4 them and demonstrates its, the church's, ongoing
5 commitment to the national endeavour to seek to redress
6 the wrongs done in the past to children abused while in
7 care.

8 CrossReach supports an active [REDACTED] group for
9 former residents of Ballikinrain, which provides
10 a mechanism for former pupils to exchange memories, good
11 and bad, and to share experiences. The [REDACTED] group
12 has seen an increase in activity since the CrossReach
13 establishments were examined by the Inquiry in or around
14 April/May of last year. CrossReach would encourage any
15 former residents of Ballikinrain to use the [REDACTED]
16 group as a means of making contact and as an avenue to
17 obtaining support if so required.

18 LADY SMITH: In what you say there, and I can see that you
19 are not suggesting that there is a definite causal
20 relationship, but does it seem possible that the
21 CrossReach enquiries that were made at hearings have
22 increased awareness and have brought people to the
23 [REDACTED] group to make contact?

24 MR BRODIE: There is a danger in that I overstate the
25 success of efforts that have been made, but there has

1 been an increase in those going to the [REDACTED] group,
2 or interacting with the [REDACTED] group. I think I would
3 be going too far to provide an explanation as to what
4 that might be. But there is certainly an association
5 between greater activity and greater use of the [REDACTED]
6 group.

7 LADY SMITH: Thank you.

8 MR BRODIE: At its General Assembly in May 2024 the church
9 approved a policy to provide guidance on responding to
10 the needs of survivors of abuse. My Lady may remember
11 that Viv Dickenson was giving evidence prior to last
12 year's General Assembly.

13 LADY SMITH: Yes, I do.

14 MR BRODIE: Reference in the course of that was made to what
15 would appear within the Church of Scotland's relevant
16 committees' reports for the Assembly and the report by
17 the convener of the relevant committee included in his
18 oral report to the Assembly reference to the work of the
19 Inquiry and of CrossReach's participation in Phase 8.

20 LADY SMITH: Yes, thank you.

21 MR BRODIE: The policy that I am referring to, as proved in
22 the Assembly of last year, aims to ensure that survivors
23 are heard and supported, that a sensitive, timely and
24 effective response is made which minimises or prevents
25 further trauma to the victim, that all disclosures of

1 abuse are treated seriously, that survivors and all
2 church workers know what procedures should be followed
3 if someone discloses abuse and that a healthy
4 safeguarding culture is fostered in which people feel
5 safe to disclose abuse and know that they will be heard
6 with respect, openness and transparency.

7 Safeguarding within the church is overseen by
8 a standing committee of the General Assembly, staffed by
9 suitably qualified professionals and operating within
10 a church law framework, which requires all advice from
11 such staff, when framed as an instruction, to be
12 followed by everyone involved in work with vulnerable
13 groups. This committee has recently reviewed
14 CrossReach's safeguarding arrangements to ensure that
15 they remain relevant and up to date, thus giving
16 CrossReach the best chance possible of protecting the
17 children and adults it supports.

18 The fact that abuse in residential schools had been
19 subject to investigation by the Inquiry and apology made
20 was reported to the General Assembly in May 2024. It
21 has prompted further reflection on how best to ensure
22 that the most appropriate governance arrangements for
23 the work of CrossReach are in place now and into the
24 future.

25 The evidence of the applicants, whether this was

1 first hand or given via statements that were read in to
2 evidence, revealed serious and significant instances of
3 abuse. That this abuse took place is a source of huge
4 regret and shame, and has prompted further reflection on
5 the part of CrossReach.

6 Towards the end of 2023, CrossReach produced
7 a publication entitled 'CrossReach Residential Care and
8 Education Services: A Relational Model of Care to
9 Support Children and Young People'. It aims to outline
10 CrossReach's philosophy, model of care and education for
11 pupils of its one remaining school, who live in one of
12 its supported houses, as well as those educated in the
13 school, but living elsewhere. Since 2024, this
14 publication has been embedded through supervision and
15 training, and remains a live document to prompt further
16 reflection and improvement.

17 The publication highlights that creating
18 a therapeutic environment populated with safe and
19 trusting relationships enables children and young people
20 to recover and heal from harm caused by past trauma and
21 negative life experiences. The ethos is based on
22 providing stable adult role models, who can provide,
23 nurture and attune to the needs of children and young
24 people and who will use co-regulation to calm and soothe
25 them when they are distressed.

1 The publication addresses some of the criticisms of
2 CrossReach identified by this Inquiry. These
3 include: quality of education and long-term
4 opportunities, training and development, promoting
5 a learning culture, listening to children and responding
6 well, keeping people safe, and understanding trauma.

7 Importantly, one other thing this publication does
8 is highlight that we cannot be complacent, and that
9 there is always more that can be done to give children
10 the very best experience in care. The Care Inspectorate
11 have commended the publication and asked CrossReach to
12 share this model with other care providers. CrossReach
13 would be happy to provide a copy of this publication to
14 the Inquiry, if so requested.

15 LADY SMITH: May I say, 'Yes, please'.

16 MR BRODIE: That will be acted on, my Lady.

17 LADY SMITH: Thank you.

18 MR BRODIE: CrossReach will continue to reflect on the
19 moving evidence which has been heard during this phase
20 of the Inquiry, and recognises that there has been
21 systemic failure, both within the wider context of the
22 residential school system and within its own provision.

23 This has had a long-term and profound effect on the
24 health and well-being of thousands of children and young
25 people. CrossReach will continue to learn from this in

1 order to provide the very best of support to those
2 entrusted to its care. This is illustrated by the
3 development of its own publication, which
4 care-experienced children and young people helped to
5 develop. CrossReach believes that there is always more
6 that can be done to help children who are in the care
7 system now and support the principles of The Promise,
8 which seeks to drive that improvement forward.

9 My Lady, CrossReach looks forward to the report on
10 Phase 8 of the Inquiry, which will help it to further
11 review and strengthen its own policies as necessary, and
12 ends by repeating its apology to each and every child
13 who suffered abuse whilst in its care.

14 LADY SMITH: Thank you very much, Mr Brodie.

15 If I could turn to St Andrews and Edinburgh's
16 Archdiocese, I think that's Mr Blair.

17 Closing submissions by Mr David Blair on behalf of the
18 Archdiocese of St Andrews & Edinburgh

19 MR DAVID BLAIR: Good afternoon, my Lady, I appear on behalf
20 of the Archdiocese of St Andrews & Edinburgh. These
21 submissions are directed specifically at the evidence
22 heard in respect of Chapter 2 and Chapter 10 of this
23 phase of the Inquiry.

24 As the Inquiry will be aware, the archdiocese
25 originally sought leave to appear in this phase of the

1 Inquiry on account of its connection with
2 St Joseph's School, Tranent, and listened to the
3 evidence which ran in January of last year, and also
4 Chapter 10 in respect of St John Bosco's, Aberdour.

5 The archdiocese received notice in February 2024
6 that it was to be invited to listen to and respond to
7 any evidence led in respect of St John Bosco's, and the
8 archdiocese participated in the hearings that took place
9 in August 2024.

10 The archdiocese delivered a response to evidence at
11 the conclusion of both chapters of evidence and its
12 intention today is to use the time to address your
13 Ladyship on what the archdiocese has taken from the
14 evidence, now that Phase 8 has concluded, and, indeed,
15 to bring your Ladyship an update on the archdiocese's
16 safeguarding procedures --

17 LADY SMITH: Thank you.

18 MR DAVID BLAIR: -- and engagement with subject access
19 requests from applicants of the historic abuse Redress
20 Scheme.

21 The archdiocese remains grateful for the opportunity
22 to appear in this case study and commends the bravery of
23 those applicants who have come forward to the Inquiry to
24 tell the stories, either in person or through witness
25 statements. The archdiocese would continue to emphasise

1 that it is deeply sorry to hear of the abuse suffered by
2 pupils at St Joseph's and St John Bosco's. The
3 archdiocese has sought to assist the Inquiry in its
4 investigations throughout Phase 8 and will continue to
5 cooperate in any way that is appropriate in future
6 phases.

7 At the outset, my Lady, the archdiocese wishes to
8 make its position clear. It is apparent from the
9 evidence that many children suffered abuse at
10 St Joseph's and St John Bosco's schools. The
11 archdiocese was not involved in the day-to-day staffing
12 of those institutions, but it had a role in the
13 appointment of members of the boards of managers of both
14 institutions.

15 It is apparent from the evidence that those boards
16 did not provide the oversight and supervision envisaged
17 by the Approved School Rules. That no doubt contributed
18 to the experiences of those victims who have given
19 evidence to this Inquiry. The archdiocese acknowledges
20 its contribution to that systemic failure, and wishes to
21 apologise to those who suffered under that system.

22 LADY SMITH: Thank you.

23 MR DAVID BLAIR: My Lady, the written submission which has
24 been produced provides a short summary of the
25 archdiocese's position, but that submission has been

1 made before and I don't think we need to go over it this
2 afternoon.

3 LADY SMITH: That's fine, thank you.

4 MR DAVID BLAIR: Turning firstly to the issues arising in
5 relation to St Joseph's School.

6 The archdiocese delivered a response to evidence on
7 2 February 2024 in respect of St Joseph's. St Joseph's
8 was originally established as an orphanage and school in
9 1812. In 1888, the archdiocese acquired the building
10 for use as a school for Catholic boys. In 1914, the
11 De La Salle Brothers were invited to take over the
12 running of the school by the then archbishop. In 1932,
13 it became what was then known as an approved school. In
14 1971, it became a List D school. In 1989, the school
15 was taken over by the Social Work Department of Lothian
16 Regional Council, and the archdiocese remained
17 proprietor of the school building until it was sold in
18 2015.

19 The arrangements for and responsibilities in
20 relation to the school were governed by the 1914
21 agreement with the De La Salle Order, in conjunction
22 with the legislative and statutory instruments in
23 respect of approved schools.

24 The school was taken over by Lothian Regional
25 Council in 1989 and it is understood that the Brothers

1 of the order were the main providers of care of the
2 children at St Joseph's School, Tranent and the school
3 was governed by a board of managers.

4 In canon law once a religious order, such as the
5 De La Salle Brothers, become established, it is removed
6 from the supervision of the local diocese and is placed
7 under the direct authority and supervision of the Holy
8 See in Rome. The De La Salle Brothers therefore were
9 not under the supervision of the archdiocese, but the
10 archdiocese did have a role in relation to the school.
11 The archdiocese gave approval to headteachers who were
12 nominated and appointed by the De La Salle Order. From
13 time to time, some members of the school's board of
14 managers were priests of the archdiocese, the
15 appointment of teachers and staff who were Brothers, on
16 the other hand, rested with the De La Salle Order.

17 As has been submitted, the archdiocese invited the
18 De La Salle Brothers to take over the day-to-day care of
19 the pupils in 1914 and believed that they had fulfilled
20 these duties faithfully. The archdiocese first became
21 aware of allegations of abuse at the school in about
22 1993.

23 LADY SMITH: Just pausing there, and going back to your
24 comment that having invited the De La Salle Brothers to
25 take over day-to-day care of the pupils in 1914, it was

1 believed they fulfilled their duties faithfully. What
2 was the basis for that belief?

3 MR DAVID BLAIR: I suspect, my Lady, the point was that
4 there was very little done to check in on that issue,
5 and that's an acknowledged failure as part of the
6 system.

7 LADY SMITH: Did it amount, really, to anything more than
8 that, having handed that responsibility over to the
9 Order, it was assumed they would discharge their duties
10 properly and faithfully?

11 MR DAVID BLAIR: I think, my Lady, it was an assumption.

12 LADY SMITH: Why? How can you make that assumption?

13 MR DAVID BLAIR: I think all I can say, my Lady, is that was
14 the assumption that was made at the time, because they
15 weren't made aware of issues. It is not to say that
16 that was an appropriate system, and certainly there was
17 no supervision by the board of managers and there
18 doesn't seem to have been much, or anything, by way of
19 communication between the board of managers and the
20 archdiocese.

21 LADY SMITH: It perhaps highlights the risks of making
22 assumptions based on really nothing more than who the
23 people said they were, who the people were, the label
24 that was on them.

25 MR DAVID BLAIR: Well, quite, my Lady.

1 LADY SMITH: Yes, thank you.

2 MR DAVID BLAIR: Addressing the evidence that was heard in
3 relation to St Joseph's, the representatives of the
4 archdiocese listened carefully to the evidence which was
5 given. Whilst the Inquiry has the archdiocese's
6 response, it wishes to reiterate that the evidence it
7 heard from the applicants provided an insight into the
8 dreadful extent, nature and impact of the physical,
9 sexual and emotional abuse suffered by pupils at
10 St Joseph's, for which the De La Salle Brothers had
11 a day-to-day responsibility.

12 The archdiocese has noted the evidence of several
13 witnesses who spoke to the control exercised by the
14 Order, for example in moving Brothers between schools.
15 It is entirely a matter for the Inquiry, but it appears
16 to the archdiocese that the evidence of the Inquiry,
17 that the Inquiry has heard during this phase, supports
18 the proposition that the day-to-day responsibility for
19 care lay with the De La Salle Order.

20 In terms of the evidence that was led, the
21 archdiocese has identified themes which may be relevant,
22 my Lady.

23 The archdiocese listened to the points raised in
24 evidence regarding the absence of a system or strategy
25 to ensure inspection and oversight by the school's board

1 of managers. The archdiocese has reflected carefully on
2 the point raised by your Ladyship in February last year.
3 The point was raised that generally in terms of List D
4 schools, the board of managers had the responsibility to
5 manage the school in the interests of the welfare,
6 development and rehabilitation of the children, and the
7 head was responsible to the managers to see that that
8 was how the school was run.

9 The archdiocese accepts that the evidence goes to
10 show there was not a sufficient system in place to
11 ensure the welfare of the children was being protected.
12 The archdiocese acknowledges that the board of managers
13 played a role in that systemic failure, and the debt to
14 the archdiocese had a role in the appointment of the
15 members of the board of management.

16 As we have heard in evidence, this was to the
17 detriment of the pupils' experience at the school. The
18 archdiocese acknowledges its contribution to that
19 systemic failure, and again, my Lady, it wishes to
20 apologise to those who suffered under that system.

21 LADY SMITH: Thank you.

22 MR DAVID BLAIR: Turning, my Lady, to St John Bosco's.

23 A closing statement was delivered on 30 August. In
24 terms of the undertaking given at the time of the
25 closing statement, a significant review of documents

1 within the Scottish Catholic Archives has been
2 undertaken to assist the Inquiry with a fuller
3 understanding of the role of the archdiocese in
4 St John Bosco's.

5 My Lady, that review has given rise to a developing
6 understanding by the archdiocese of its role in relation
7 to St John Bosco. At the time of the previous closing
8 submission, the archdiocese did not hold evidence to
9 suggest to it that it had much involvement with the
10 school following the sale of the property to the
11 Salesians, submissions were made in respect of that.
12 The archdiocese had leave to appear in this phase in
13 relation to St Joseph's only. It received notification
14 in February that it was invited to listen to the
15 evidence in relation to St John Bosco's, but this
16 difference in involvement meant that the archdiocese was
17 not aware of documents provided to the Inquiry by other
18 parties relating to St John Bosco's, or the cipher key.

19 At the time that the interim submission was
20 delivered, the archdiocese had not seen or heard
21 evidence which suggested that the archdiocese was
22 responsible for appointing individuals to the board of
23 managers. It didn't hold records to that effect. The
24 understanding of those currently in position at the
25 archdiocese was that its involvement with

1 St John Bosco's was much more limited than in respect of
2 St Joseph's, and there was an exchange where we
3 discussed that at the last hearing, my Lady.

4 LADY SMITH: Yes.

5 MR DAVID BLAIR: It was submitted that there may be
6 a distinction between its involvement with
7 St John Bosco's compared with St Joseph's, in that the
8 archdiocese had a direct role in St Joseph's, as
9 a result of the 1914 agreement that was in place with
10 the De La Salle Order. No sight had been seen of any
11 similar such document in respect of St John Bosco's.
12 Further, St John Bosco had not remained under the
13 ownership of the archdiocese, as St Joseph's had.

14 In hindsight, my Lady, the archdiocese's submission
15 was based largely on a lack of evidence of involvement,
16 rather than positive evidence of non-involvement.

17 Since the interim submissions, the archdiocese
18 undertook to and has reviewed the Scottish Catholic
19 Archives and produced documents to the Inquiry with
20 an inventory which gives a clearer idea of the
21 archdiocese's involvement. The archdiocese accepts that
22 it consented, or the archbishop consented to the
23 Salesians setting up a List D school in 1964 and to
24 creating a board of managers. It is also noted that the
25 archbishop asked to be consulted in respect of the

1 membership of the board of managers.

2 My Lady, perhaps of particular relevance is the
3 Salesians have now confirmed that they hold documents,
4 which have been provided to the Inquiry in terms of
5 board minutes and others, which confirmed that clergy of
6 the archdiocese sat on the board of managers. The
7 archdiocese hasn't seen those documents, but if this
8 information is before the Inquiry, it has no basis to
9 question that position.

10 As such, the archdiocese accepts the role it played
11 in respect of the board of managers was greater than
12 previously understood. It doesn't seek to dispute that
13 it, along with the Salesians and the local authority,
14 was involved in appointing managers to the board, and
15 again, more will be said in respect of the admitted
16 systemic failings in terms of the board of managers, my
17 Lady.

18 LADY SMITH: Thank you.

19 MR DAVID BLAIR: Having made those observations, my Lady,
20 the written submission which has been lodged sets out in
21 some detail the nature of the documents which the
22 archdiocese has provided by way of inventory from the
23 Scottish Catholic Archives. They remain relatively
24 scant, but are what has been discovered. I don't intend
25 to go over each of them at this time, but your Ladyship

1 has in writing the nature of the documents and what has
2 been produced.

3 LADY SMITH: Thank you.

4 MR DAVID BLAIR: The Inquiry will see that even within the
5 Scottish Catholic Archives, the extent tends to be
6 documents at the beginning of the Salesians' involvement
7 and towards the end, but there is not much in terms of
8 documents regularly throughout that period, or anything
9 of that nature.

10 LADY SMITH: Thank you.

11 MR DAVID BLAIR: What the documents do show, my Lady, is
12 that the archdiocese did not have responsibility for the
13 running nor the education or provision of care for the
14 boys within the school. The archdiocese understands
15 that the arrangements for and responsibilities lay with
16 the Salesians and the school was operated by the board
17 of managers, but it does acknowledge the involvement of
18 the archdiocese in the appointment to and membership of
19 the board of managers and that was certainly greater
20 than previously understood.

21 The archbishop and other members of the archdiocese
22 would also from time to time be invited to the school to
23 attend religious ceremonies.

24 The archdiocese has no records in relation to the
25 day-to-day running or care of the children. It holds no

1 minutes of meetings of the boards of managers, no
2 documents in respect of the members of the board of
3 managers, or appointments to the board of management.

4 The archdiocese accepted during its response to
5 evidence that the archdiocese may have been represented
6 on the board of management, but it has not had sight of
7 documents confirming that was the case. But my Lady has
8 heard what I have said today. It is hoped that the
9 Inquiry finds some use from the documents which have
10 been provided.

11 As with St Joseph's, the archdiocese recognises that
12 the harm suffered by the young people at St John Bosco
13 was contributed to by a failure of institutional
14 oversight by the board of managers and to the extent
15 that the archdiocese contributed to the appointment to
16 or membership of that board of managers, it wishes to
17 acknowledge its contribution to those failings and
18 apologise to those who suffered.

19 LADY SMITH: Thank you.

20 MR DAVID BLAIR: In terms of current safeguarding practices,
21 my Lady, the archdiocese wishes to continue to make it
22 clear to the Inquiry, as it did in previous involvement
23 in this phase, that it takes allegations of abuse
24 seriously. The archdiocese has listened and wishes to
25 advise your Ladyship of the current and developing

1 safeguarding work being carried out by the archdiocese
2 in respect of children.

3 The archdiocese adheres to the safeguarding
4 procedures covering the whole Catholic Church in
5 Scotland and is monitored by the Scottish Catholic
6 Safeguarding Standards Agency, which is an independent
7 body established in 2022. The archdiocese has appended
8 to its written submissions the various safeguarding
9 structures now in place. Of particular relevance, this
10 includes the Diocesan Risk Assessment Management Team,
11 who oversee safeguarding practice focusing on risk and
12 chaired by a lay professional, and the Archdiocese and
13 Safeguarding Advisory Group.

14 LADY SMITH: They are separate, I take it, from the risk
15 assessment management team?

16 MR DAVID BLAIR: Yes, they are two separate groups, my Lady.

17 LADY SMITH: Yes, who do they report to, these two groups?

18 MR DAVID BLAIR: I am told the archbishop, my Lady.

19 LADY SMITH: Thank you.

20 MR DAVID BLAIR: National meetings of the safeguarding leads
21 also take place regularly and charity trustees receive
22 regular safeguarding reports and the safeguarding
23 adviser is available to them at meetings to brief and
24 answer questions. Each diocese is bound by arrangements
25 in the national manual 'In God's Image', which outlines

1 a range of safeguarding arrangements, including the
2 mandatory reporting of allegations to the relevant
3 statutory authorities. The archdiocese continues to
4 engage with subject access requests received from the
5 historic Redress Scheme and while the records it has are
6 very limited, it will endeavour to convey the absence of
7 records in a way which is both empathetic and respectful
8 in circumstances where it doesn't hold anything,
9 realising that these applicants are seeking records for
10 a very important part of their life.

11 In conclusion, my Lady, the archdiocese has followed
12 the work and findings of the Inquiry to date, in
13 particular as it is related to abuse in the context of
14 religious care and education. The archdiocese's
15 safeguarding adviser, Scott Mackenzie, is in attendance
16 today.

17 The archdiocese thanks the Inquiry for the
18 opportunity to make this statement and will continue to
19 undertake to assist the Inquiry in any way that is
20 appropriate in relation to its investigations. It looks
21 forward to receiving your Ladyship's findings in due
22 course.

23 LADY SMITH: Thank you.

24 If I can now move on to Loaningdale School.
25

1 Closing submissions by Mr David Blair in respect of
2 Loaningdale School

3 MR DAVID BLAIR: Yes, my Lady.

4 Again, I appear for the Loaningdale School Company
5 Limited. These submissions have been prepared in
6 response to the conclusion of evidence led in respect of
7 Phase 8. Loaningdale School Company thanks the Inquiry
8 for the opportunity to have appeared in the case study
9 in respect of Loaningdale School at Chapter 6, which
10 looked at schools including the List D school,
11 Loaningdale.

12 In contrast with some of the bodies who have
13 appeared at this Inquiry and were responsible for
14 a number of institutions, the Loaningdale School Company
15 was responsible for only one school, Loaningdale School
16 in Biggar. The school operated between 1962 and 1989,
17 originally as an approved school and thereafter as
18 a List D school until it ceased to operate.

19 The company as it is now has no connection with any
20 other educational establishment, past or present. As
21 the Inquiry will be aware from the earlier submissions
22 on behalf of the school, the company was registered as
23 a charity in 1962, in order to set up the school.
24 Although the school was closed in 1989, the charity
25 continues to exist. It remained in existence to manage

1 and disperse the funds that it held when the school
2 closed and the land was sold. It continues to do so
3 wholly for charitable purposes. Its current objective
4 is to provide financial assistance to children and young
5 people in need, with particular focus on those residing
6 within the area of Clydesdale in South Lanarkshire.

7 The company provides loans and grants for projects
8 involving young people which are carried out by others,
9 not the company itself. It has funded schools, sports
10 clubs and community events. It has not, since 1989, had
11 any direct management or control over any services,
12 educational or otherwise, and it exists solely to
13 provide funding for services for the benefit of young
14 people.

15 My Lady, evidence in respect of Loaningdale School
16 was heard between 28 May and 21 June last year.
17 Loaningdale School Company submitted an opening
18 statement, noting that it was in the unfortunate
19 position at that stage of being unable to provide much
20 information about Loaningdale School. This was due to
21 the period of time that had elapsed from its closure and
22 the lack of records available to the current trustees
23 and company.

24 As your Ladyship may recall, Mr Knox gave evidence
25 on 11 June. He is grateful for your Ladyship's

1 understanding of the position he and the company were
2 in, responding, as they must, to the Inquiry's
3 investigations into the school, without having had
4 direct involvement with it whilst it was open.

5 In advance of his evidence, Mr Knox had prepared
6 a chronology of records, reviews, research and searches
7 undertaken by the company, which was provided to the
8 Inquiry. This detailed the efforts made by the company
9 to uncover records between March 2017 and the beginning
10 of June 2024. During the course of his evidence,
11 Mr Knox acknowledged that there were other avenues that
12 remained open to the company to investigate and Mr Knox
13 undertook to carry out these further investigations in
14 respect of documents that might exist pertaining to the
15 school.

16 Whilst the Inquiry was updated with the outcome of
17 some of those searches in the response to evidence on
18 21 June 2024, we come before your Ladyship today to
19 provide a complete overview of the steps taken by
20 Mr Knox to recover further records.

21 LADY SMITH: Thank you.

22 MR DAVID BLAIR: Loaningdale made five new lines of enquiry,
23 namely with Loaningdale House, the Scottish Outdoor
24 Education Centres, His Majesty's Inspectorate, The
25 Mitchell Library archives department and the National

1 Records of Scotland. Taking each in turn, we can
2 provide the Inquiry with the following updates:

3 Loaningdale House and the Scottish Outdoor Education
4 Centres can be dealt with together. Loaningdale House
5 was sold by Loaningdale School Company to
6 Mr James Cameron. Mr Knox understands the house was
7 occupied by Mr Cameron and the office building was
8 rented or occupied by the Scottish Outdoor Education
9 Centre. Mr Knox has physically attended Loaningdale
10 House on 19 June 2024 and was advised that there were no
11 records on site.

12 He thereafter followed up his visit with an email to
13 both Mr Cameron and the Scottish Outdoor Education
14 Centre. A response was received on 19 June 2024, from
15 the Scottish Outdoor Education Centre, confirming that
16 there were no records and that it was not aware of any
17 records being passed on to the employees of the school,
18 Strathclyde Council or any other relevant body.

19 With respect to His Majesty's Inspectorate, they
20 were contacted by Mr Knox following his evidence.
21 A response was received from a representative of
22 Education Scotland on 24 June 2024, explaining that all
23 Scottish Government records and any retained by
24 Education Scotland relating to Loaningdale were already
25 before the Inquiry.

1 With regards to The Mitchell Library, they were
2 first contacted in May 2017. One of the company
3 trustees at the time had been advised by the then Head
4 of Justice and Children's Services that they held no
5 records in connection with the List D school, suggested
6 they contacted Dr Irene O'Brien, Chief Archivist at
7 Mitchell Library in Glasgow.

8 The company contacted Dr O'Brien who told us there
9 were no records relevant to Loaningdale, but thought
10 there was a possibility that some staff files may be
11 archived by South Lanarkshire Council, who, it
12 understood, was the successor of Strathclyde Regional
13 Council. South Lanarkshire Council were approached and
14 confirmed that they did not think there would be any
15 records retained relating to the List D school.

16 Following evidence to the Inquiry, Mr Knox contacted
17 The Mitchell Library again to receive written
18 confirmation of the same and to enquire further about
19 the existence specifically of staff files that may be
20 archived. The Mitchell Library was contacted in
21 June 2024, but no response was received. A further
22 letter was issued to The Mitchell Library on
23 20 January 2025, by the company's solicitors, and
24 a response is still awaited, my Lady.

25 Mr Knox believes the response will remain the same.

1 He understands that the Inquiry would nonetheless likely
2 benefit from written confirmation to that effect.

3 Finally, my Lady, the National Records of Scotland
4 were contacted following Mr Knox's evidence. A response
5 was received on 19 June 2024, advising the National
6 Records of Scotland hold a number of files from the
7 Scottish Education Department for the school, but did
8 not hold any administrative records.

9 Mr Knox sent the list of records held to the
10 solicitors representing the company and this was
11 provided to the Inquiry. The Inquiry has asked if it
12 would be possible to send any documents to them not
13 already before the Inquiry. It is understood that the
14 education department has provided all records which it
15 held to the Inquiry. However, two further emails were
16 issued by both Mr Knox and the solicitors representing
17 the company on 20 and 23 January, respectively.
18 A response has been provided by the data protection team
19 at the National Records of Scotland and this response
20 has been provided to the Inquiry.

21 The response explains that there are several open
22 files which allow for public viewing and closed files
23 which are subject to control. The records that are open
24 are believed to be before the Inquiry and they relate to
25 the research project, the calls for an inquiry following

1 the murder by Gordon Hay and the various public
2 consultations following the murder.

3 There are a number of redacted files in the open
4 category and closed files containing personal data.
5 These are also a number of files which the Scottish
6 Government is responsible for and for taking decisions
7 on who can access the exempt or closed records relating
8 to the Loaningdale School Company List D school.
9 Loaningdale has provided the response from Education
10 Scotland explaining the position with respect to those
11 records to the Inquiry.

12 My Lady, the company has exhausted the avenues that
13 it identified during Mr Knox's evidence. The company
14 appreciates it will be a matter for your Ladyship to
15 comment on, but it has acknowledged that it is
16 disappointing that there was seemingly no system in
17 place or put in place by those responsible for the
18 operation of the school, and those involved in the setup
19 and latterly the closure of the List D school, ensuring
20 the proper retention of school and children's records
21 and it is appreciated that leaves the Inquiry faced with
22 some prejudice and some difficulty.

23 With regards to the company's response to the
24 evidence, Mr Knox, the current chairman of the company,
25 was present in person or online to hear all of the

1 evidence led regarding Loaningdale School. A response
2 to the evidence led was provided on 21 June 2024, and
3 Loaningdale would adopt those submissions.

4 As Mr Knox made clear in his evidence; following the
5 evidence heard, the company accepts that children may
6 have been abused at Loaningdale. This is a matter of
7 deep regret for those that are currently involved with
8 the company. The company's initial response to the
9 Inquiry in which it was unaware of any abuse having
10 taken place was one made by reference to the lack of
11 documents available, and Mr Knox accepted in his
12 evidence that the accounts given spoke to a number of
13 instances of abuse. Mr Knox and the company accept that
14 in terms of the original response, had they taken advice
15 at the time or entered into further dialogue at
16 an earlier stage, it might have been possible to respond
17 in a more helpful way at that time.

18 Mr Knox in his role as chairman of the company has
19 sought to exhaust all avenues within his and the
20 company's knowledge in respect of further records. It
21 is hoped that the responses provided to the Inquiry will
22 be of some assistance, even where that response is that
23 there appear to be no records.

24 From its own research and from listening to the
25 evidence, the company recognises that Loaningdale was to

1 an extent seen as offering an alternative approach to
2 the provision of education.

3 LADY SMITH: Yes.

4 MR DAVID BLAIR: The company listened to the evidence that
5 the school was seen as offering an alternative to the
6 more traditional model at other residential schools.
7 The school on the evidence appears to have been run on
8 the basis of giving more freedom to the children who
9 were resident there than might have been considered
10 usual at the time, and in particular for an approved or
11 List D school. Whilst there might have been benefits
12 arising from that, this approach appears also to have
13 brought its own problems. The evidence includes that
14 which might be said to be positive about Loaningdale, in
15 particular from three individuals who worked there. It
16 was also present in the statements of some of the
17 applicants. The evidence has identified issues of
18 oversight, however, and the need to ensure clear
19 policies and practice for the retention of records,
20 especially records which involve the care and education
21 of children.

22 Turning, my Lady, to the present. The company now
23 exists solely as a charity, managing and dispersing
24 funds. It does so for the benefits of children and
25 young people. It hopes that whatever findings the

1 Inquiry makes about the school whilst it was open, its
2 remaining assets will be put to good use.

3 The company would wish to inform the Inquiry that
4 since the conclusion of the evidence pertaining to the
5 school, the company has signed up to the Scottish
6 Government's historic abuse Redress Scheme and the
7 company will continue to endeavour to assist the Inquiry
8 in whatever capacity that may be following the
9 conclusion of Phase 8.

10 This decision in relation to the Redress Scheme
11 demonstrates, in my submission, the current company's
12 commitment to redress and resolution for all those who
13 suffered any form of abuse whilst at Loaningdale.
14 A copy of the contract between the company and the
15 Scottish Government has been provided to the Inquiry for
16 its information, along with the various correspondence
17 in respect of Mr Knox's records searches.

18 Loaningdale School Company once again, my Lady,
19 extends its thanks to the Inquiry and commends the
20 bravery of all applicants who have come forward to give
21 their evidence during this phase.

22 LADY SMITH: Thank you very much, Mr Blair.

23 With that further mention of redress, there is one
24 thing I want to say and I think I have said it before.
25 Whilst I am interested to hear whether or not

1 organisations have joined the Redress Scheme and
2 contributed to it, rather because, as you say, it is
3 a way of them, well, demonstrating their
4 acknowledgement, their commitment to doing something
5 that they can now in relation to what happened in the
6 past, but the Redress Scheme is entirely separate from
7 the Inquiry. I say this just because there still seems
8 to be some confusion around and we do have approaches
9 from people that don't understand we are separate.

10 I can have no influence over the Redress Scheme.
11 I cannot, to use an old-fashioned Scottish phrase, take
12 to do with the Redress Scheme at all. I am not
13 suggesting either you or Mr Brodie meant that, but it is
14 an opportunity for me just to mention it once more.

15 There is a notice on our website explaining we are
16 quite separate and Redress have their own website if
17 people want to find out.

18 Thank you very much, Mr Blair.

19 MR DAVID BLAIR: Thank you.

20 LADY SMITH: If I can now turn to representation for

21 Dr Guthrie's and then go on to Rossie. Mr Haywood,

22 I think you are here for both of them, is that right?

23 Closing submissions by Mr Haywood on behalf of Dr Guthrie's

24 MR HAYWOOD: Yes, my Lady, thank you.

25 Dr Guthrie's. My Lady, the Inquiry received closing

1 comments on behalf of the association in June 2024 at
2 the conclusion of the hearing of the evidence in respect
3 of the schools.

4 Prior to that, in September 2023, an opening
5 statement was also made on behalf of the association,
6 and both of those submissions are adopted.

7 On both occasions, reference was made to the long
8 history of both the boys' and the girls' schools, and
9 I don't intend to return to that, but merely to remind
10 the Inquiry that the schools closed in 1985 and 1986
11 respectively. After closure, the proceeds from the sale
12 of the schools' properties were placed in trust and for
13 the past 38 years, the association has functioned only
14 as a grant-giving organisation.

15 Records for the schools are held at the National
16 Records of Scotland, and the association, not having any
17 employees, drew upon the assistance of a professional
18 archivist in order to provide the Inquiry with the
19 information that it had requested. The Inquiry also had
20 the benefit of the archivist's evidence, and also the
21 association's chair appeared before the Inquiry.

22 The evidence before the Inquiry revealed the
23 shocking nature and impact of abuse suffered by pupils
24 at the schools. The schools fell seriously short of the
25 care and protection that should have been provided to

1 the children. When reflecting on the evidence, the
2 chair of the association described it as 'awful' and
3 'dreadful'. As the Inquiry heard, the association
4 exists now to give grants to organisations and in
5 particular to small charities that are devoted to the
6 care and welfare of children and young people in
7 Scotland who are living in deprivation, and around 70
8 organisations benefit annually from the funds that are
9 provided, and that provides a positive impact on young
10 people.

11 The grant money that the association has dispensed
12 for the past 38 years is, of course, from the proceeds
13 of the sale of the schools, and in that sense, every
14 pound that the association gives is a legacy of the
15 schools. In its June 2024 comments, the association
16 recognised this fact and the dissonance between
17 Dr Guthrie's vision and good works of the 19th century
18 and the evidence that was before the Inquiry of what
19 happened in the schools in the 20th century. Its
20 history is its history.

21 LADY SMITH: What do you mean by that, Mr Haywood, 'its
22 history is its history'?

23 MR HAYWOOD: I think the simple point, my Lady, is that the
24 name Dr Guthrie's remains. We all pass the statue in
25 Princes Street Gardens. This association connects

1 itself with Dr Guthrie's and desires to continue in the
2 charitable work that it does in his name, but part of
3 the history of that name is what was before the Inquiry.

4 LADY SMITH: I see.

5 Of course, if you simply focus on Dr Guthrie, you
6 focus on a man who was truly philanthropic, who
7 identified a need that needed to be addressed, to
8 provide for children, to provide education for children.
9 There is no evidence that he ever intended that they
10 should suffer abuse in the schools.

11 MR HAYWOOD: Not at all, my Lady, and that's why the word
12 'dissonance' is used as one looks at the name.
13 Certainly that's the pain that was expressed by the
14 chair, who, I think, indicated that she also had
15 a historical connection with Dr Guthrie himself.

16 LADY SMITH: She has, mm-hm.

17 MR HAYWOOD: My Lady, I conclude by saying that the reality
18 of today is that the association is a volunteer-run,
19 grant-making organisation, which does strive to follow
20 Dr Guthrie's original 19th century vision and actions.

21 The association has asked me again to express its
22 heartfelt apology to all those that have suffered.

23 LADY SMITH: Thank you.

24

25

1 Closing submissions by Mr Haywood on behalf of Rossie Young

2 People's Trust

3 MR HAYWOOD: My Lady, if I can now turn to Rossie Young

4 People's Trust.

5 LADY SMITH: Thank you.

6 MR HAYWOOD: In respect of the trust, the closing remarks

7 were provided to the Inquiry just a few days ago, on

8 31 January.

9 LADY SMITH: Mm-hm.

10 MR HAYWOOD: These remarks were made at the end of the

11 hearing of evidence in respect of Rossie, which was

12 heard through January. I indicated at that time that it

13 was unlikely that Rossie would have too much to add at

14 this stage. Given that those remarks were only made

15 a few days ago, I can confirm that that is indeed the

16 position, although the trust does wish me to reiterate

17 a couple of points, which I will do briefly.

18 Rossie aspires to be a centre of excellence which

19 seeks to improve the well-being of young people who have

20 been exposed to adverse childhood experiences. The

21 Inquiry heard evidence about what sits behind that

22 aspiration, and it is more than just words.

23 I have, however, been asked to reiterate what has

24 been said in two previous statements and the evidence of

25 Rossie's CEO and the chair. Past wrongs at Rossie must

1 be acknowledged but there needs to be more than just
2 an acknowledgement. Rossie joined the Redress Scotland
3 scheme, and I have heard what my Lady has said about
4 that, and she raised that at the time when the point was
5 made in the closing submissions.

6 LADY SMITH: Indeed.

7 MR HAYWOOD: It is part of the national endeavour, which
8 seeks to right the wrongs of the past for children who
9 were abused while in care, but that is not a fix. As
10 Rossie seeks to fulfil its ongoing vision as a place of
11 excellence, its continuing evolution and ongoing
12 improvements are set against the backdrop of knowing
13 what it has developed from.

14 As I submitted just days ago, the Rossie of today is
15 proud of its recent achievements and awards, but it is
16 not complacent. The shadow of its history, explored
17 before the Inquiry, ought to ensure that complacency
18 never creeps in. The evidence of the trust's CEO and
19 chair should be reassuring in that regard, but
20 institutions are not static places, and their eventual
21 successors will need to be vigilant.

22 To this extent I point again to what was said in the
23 closing comments about governance. In my submission
24 today, there is evidence of a high level of
25 accountability by the leaders of Rossie to the trust's

1 board of governors, and that is how it ought to be. Yet
2 it was also made clear in evidence that that is
3 an ongoing challenge to ensure that Rossie's board
4 continues to be populated with suitably qualified
5 trustees, who are and will be able to actively fulfil
6 their duties. As my Lady emphasised when I was making
7 those submissions, that's statutory duties.

8 That challenge is particularly acute, given the
9 geography of Rossie. In my submission that should sound
10 a klaxon horn in a general sense to the Inquiry.
11 Perhaps it is supposition on my part, but when examining
12 Rossie's past failings, weak leadership and unprincipled
13 leadership were apparent. That stands in stark contrast
14 to the Rossie of today.

15 What the Inquiry heard in evidence was appalling and
16 shameful. Yet in my submission the evidence before the
17 Inquiry has demonstrated that the Rossie of today is
18 very different to the Rossie of the 1960s, 1970s, 1980s
19 and even the early part of the 1990s. When making
20 closing submissions on 31 January, the latest Care
21 Inspectorate inspection had occurred, but the report had
22 not yet been available. It was provided last week and
23 it supports what has been said in evidence and in these
24 submissions.

25 In evaluating Rossie on a scale of one to six, the

1 Inspectorate concluded that Rossie merited a score of
2 five (very good) in respect of support for young
3 people's rights and well-being.

4 Measured against a criteria of whether young people
5 are 'Safe, feel loved and get the most out of life', the
6 assessment was again very good; that is a five out of
7 six.

8 In respect of whether leadership and staff have the
9 capacity and resources to meet and champion young
10 people's needs and rights, Rossie was described as
11 excellent, six out of six.

12 In the concluding comments of the report, the
13 following was stated, and I quote:

14 'We found recruitment processes was thorough and
15 attracted a high calibre of staff. The process included
16 the young people's view and safe recruitment principles
17 were in place. The induction process was also of a high
18 quality, and ensured staff were confident in their roles
19 and also provided a mentor to support them through the
20 probation period. The development plan within the
21 service focused on future investments to enhance
22 staffing in the future. Excellent and robust self
23 evaluation was an integral part of the organisation in
24 promoting positive outcomes for young people. We found
25 any areas where we recommended future development were

1 already recognised by senior leaders and evidenced in
2 self evaluation and development plans.'

3 My Lady, I took the time to read that quote because
4 obviously a lot of the questions from the earlier years
5 were around the nature of the staff and what the staff
6 were doing and the extent to which there was proper
7 oversight and proper training. I think what we have
8 seen in this report demonstrates that in fact today's
9 Rossie gets it.

10 While good things can be said about the Rossie of
11 today, I am instructed on Rossie's behalf to once more
12 express genuine sympathy for all who suffered any form
13 of abuse while connected with Rossie. Rossie apologises
14 unreservedly. Rossie further adopts the statements and
15 the submissions previously made to the Inquiry at the
16 opening of this phase of the Inquiry, and at the
17 conclusion of the evidence a few days ago.

18 Rossie is grateful for the opportunity to be heard
19 today, thank you.

20 LADY SMITH: Thank you, Mr Haywood.

21 I am going to take a mid-afternoon break now and
22 I will sit again in no more than ten minutes.

23 Thank you.

24 (3.05 pm)

25 (A short break)

1 (3.15 pm)

2 LADY SMITH: Welcome back. I would like now, if I may, to
3 turn to submissions for Aberdeen City Council. I see,
4 Mr McKenzie, you are here for Aberdeen.

5 Closing submissions by Mr McKenzie on behalf of Aberdeen
6 City Council

7 MR MCKENZIE: Yes, thank you, my Lady.

8 Aberdeen City Council is grateful for the ongoing
9 work of this Inquiry and for its opportunity to
10 participate in this phase.

11 The council wishes to begin those closing
12 submissions by adopting the contents of its previous
13 submissions made in respect of the Oakbank School and
14 Brimmond Assessment Centre on 23 October 2024 and
15 15 November 2024 respectively. It also refers to the
16 extensive submissions that it made in respect of the
17 Section 21 notices, issued as part of that phase.

18 Importantly, the council takes this opportunity to
19 restate its sincere and unreserved apology to those who
20 suffered abuse in institutions run by and affiliated
21 with it. The tenor of the evidence from survivors was
22 clear, as it was deeply affecting. There can be no
23 doubt that vulnerable children were systematically let
24 down by those entrusted with their care across the
25 country and those in Aberdeen were sadly no exception.

1 The council takes the ongoing work of the Inquiry
2 extremely seriously. It has devoted considerable
3 resources to gathering and analysing records and data in
4 order to respond as comprehensively as possible to the
5 Section 21 notices issued by the Inquiry.

6 Representatives of the council have attended the
7 Inquiry remotely when the evidence of survivors has
8 either been given in person or read in to the record by
9 Inquiry counsel during Chapters 9 and 10. Every witness
10 statement relating to those who experienced care in
11 Oakbank and Brimmond has been read and analysed to
12 ensure that the evidence given by all survivors has been
13 heard and all possible lessons learned.

14 In respect of findings in fact, in keeping with its
15 approach throughout the Inquiry, the council makes no
16 challenge to the evidence led during this phase. It
17 does not seek to cast doubt or undermine in any way the
18 evidence of past experiences at local authority
19 establishments associated with Aberdeen City Council and
20 its predecessors.

21 Similarly, the council does not seek to influence
22 any findings of fact that the Inquiry will make in due
23 course. Its anticipation is that the Inquiry will
24 readily find that there were systematic failures on the
25 part of responsible bodies, including the council and

1 its predecessors, within the period covered by the
2 Inquiry's terms of reference. The council does not
3 demur from that.

4 There are clear themes from the evidence. There was
5 a lack of effective oversight, inadequate records kept,
6 and, perhaps most importantly, an inability or
7 unwillingness to put children's welfare at the centre of
8 its decision-making. These factors combined to create
9 unhappy environments where abuse of children could occur
10 on a regular basis.

11 Brimmond in particular was described by more than
12 one survivor as akin to a military regime, where
13 physical and emotional abuse was commonplace. It was
14 normalised rather than stopped. Vulnerable children
15 would 'try to make yourself invisible' to cope with it,
16 as one survivor described. We can never allow ourselves
17 to forget what so many have endured and how it was
18 allowed to happen.

19 In that vein, it is crucial to listen to the
20 experience of survivors so that we can do our utmost to
21 ensure that the errors of the past are never repeated.
22 The Inquiry has heard extensive evidence from the
23 council's Chief Social Worker in relation to modern,
24 child-centred practices in its establishments and those
25 affiliated with it, as well as its commitment to ongoing

1 learning and development of its workforce. It is
2 committed to keeping the welfare of young people at the
3 heart of its public protection services.

4 For instance, Aberdeen continues to engage a single
5 independent chair for its audit and child protection
6 committees, that's a former chief superintendent in the
7 police, North Scotland Division. Through this it
8 strives for a consistent approach in governance and
9 oversight, as well as identifying and addressing public
10 protection risks. Service performance is closely
11 monitored and assessed against a quality assurance
12 framework, to identify practice and areas for
13 improvement. Its approach is supported and informed by
14 wholesale improvements in thorough data collection,
15 retention and analysis, doing its utmost to ensure that
16 children's experiences are at the centre of its work.
17 Records are not kept solely for legal and administrative
18 reasons, they represent people's lives and their stories
19 and are kept with this in mind.

20 Indeed, with the incorporation of the UN Convention
21 of the Rights of the Child into Scottish law, The
22 Promise, the Bairns' Hoose, the Scottish Child Interview
23 Model, the Mind of My Own app, the Bright Spots
24 programme, as well as its services that focus on
25 children's rights enabling them to raise issues, the

1 council is dedicated to offering every child in its care
2 the opportunity to be seen and heard at all times.
3 Children should never have to feel that they ought to
4 make themselves invisible.

5 As far as staff, they are trained in trauma-informed
6 practice with a focus on continuing learning and
7 development. Restraint is not practised in Aberdeen
8 City Council establishments. The Inquiry has heard
9 evidence in respect of the council's modern focus on
10 therapeutic practice and dyadic development
11 psychotherapy in particular. It is a member of the
12 Scottish Physical Restraint Group, which leads in
13 seeking to eliminate the use of physical restraint with
14 residential care provision.

15 In all of its work, the council is acutely aware
16 that it can never allow itself and its workforce to run
17 the risk of complacency. One of the many lessons that
18 can be learned from the Inquiry's work in this context
19 is that abusive behaviours can take many forms, as can
20 abusive cultures. Complacency in respect of children's
21 voices, rights and experiences can open the door to the
22 types of abuse about which the Inquiry has sadly heard
23 overwhelming evidence. It can never be tolerated.

24 In closing, my Lady, this phase of the Inquiry has
25 played a vital role in informing and affirming Aberdeen

1 City Council's ongoing commitment to put children's
2 well-being at the forefront of its service provision.
3 It reiterates its thanks to those who have given
4 evidence and to the Inquiry for its continuing work.

5 Thank you, my Lady.

6 LADY SMITH: Thank you, Mr McKenzie.

7 Could I turn to Mr Blair for Inverclyde Council,
8 please.

9 Closing submissions by Mr Scott Blair on behalf of
10 Inverclyde Council

11 MR SCOTT BLAIR: I am obliged, my Lady.

12 Once again, I appear for Inverclyde Council in
13 relation to this phase of the residential care case
14 study. The council thanks the Inquiry for this
15 opportunity to participate. It is mindful that the
16 council provided detailed submissions in October of last
17 year. Parts 2 through to 11 of the submissions provided
18 to the Inquiry sets out what those submissions were.

19 Those were focused primarily on Balrossie School in
20 Kilmacolm. The council doesn't intend to repeat those
21 submissions orally, but would simply wish to reaffirm
22 that it wishes to stand by them in this final closing
23 submission.

24 The council is mindful, of course, that since that
25 submission was made in October of last year, additional

1 matters have arisen, and, indeed, the Inquiry itself has
2 invited the council to make submissions on particular
3 matters such as additional findings of fact, any
4 acceptance of failure, current work in relation to
5 improvements in policy or practice and any themes
6 relevant to the terms of reference which have emerged
7 from the evidence in this phase.

8 In addition to that, the council would also wish to
9 make some submissions on certain areas, Langlands
10 School, the Section 21 response relative to child
11 protection, and the outstanding Section 21 response in
12 relation to the implementation of other inquiry
13 recommendations from other inquiries over the years.

14 My Lady has heard detailed submissions this
15 afternoon from my learned friend Mr Brodie on behalf of
16 CrossReach, and in relation to the matter of Langlands,
17 the council would broadly take the position that
18 Langlands School operated before Inverclyde Council
19 existed. Although it attempted to recover records from
20 the Church of Scotland, the material held by the council
21 in relation to Langlands was very limited indeed. It is
22 heartened to hear, however, this afternoon the very full
23 submissions from Mr Brodie, and the broad acceptance
24 that sadly abuse at Langlands School was something that
25 was all too common.

1 The council doesn't therefore intend to make any
2 particular detailed submissions on Langlands, but
3 simply, as is set out in the written submission, to
4 acknowledge that plainly there was witness evidence from
5 a number of witnesses indicating abuse of a physical
6 nature, of a sexual nature, including allegations of
7 rape, and also racist behaviour.

8 The council has tried to establish if the Children's
9 Officer under the 1948 Act visited Langlands or if it
10 was otherwise referred to in borough records.

11 LADY SMITH: Yes.

12 MR SCOTT BLAIR: The council has found no material in that
13 regard and that may, my Lady, simply reflect, what
14 I understand, at least from the survey of the
15 legislation, to be the very limited role, if any, of
16 local authorities in relation to institutions of this
17 kind in the period of 1940s and 1950s.

18 LADY SMITH: Yes.

19 MR SCOTT BLAIR: The council broadly takes the position that
20 it has been somewhat removed from Langlands and isn't in
21 a position to make much more of a focused submission,
22 but nevertheless, having reviewed the witness evidence
23 in relation to Langlands School, it does accept that
24 serious allegations of abuse have been made, involving
25 in particular a Mr MSH.

1 There is nothing, though, my Lady in the information
2 available to the council at least to indicate that any
3 of the predecessor local authorities of the current
4 council were aware of any abuse or failed to prevent or
5 detect it. In saying that, the council would readily
6 accept the absence of records in that regard and the
7 quite possibly limited role that the local authority
8 would have had at the time in relation to an institution
9 operated by the Church of Scotland.

10 LADY SMITH: Thank you.

11 MR SCOTT BLAIR: Turning away from Langlands, my Lady will
12 recall the evidence of Mr Jonathan Hinds, the Chief
13 Social Work Officer, who gave detailed evidence in
14 respect of Balrossie in Kilmacolm. Again, the
15 submission provided to the Inquiry sets out in some
16 detail what that evidence was, and what findings the
17 Inquiry might take from that evidence. I don't intend
18 to rehearse that in any detail, my Lady.

19 Before I do move on to areas where submissions are
20 to be made, the council would again wish to make it
21 entirely plain and clear that, notwithstanding the
22 sincerely held belief of the council that it has always
23 striven to protect children in the care system, it does
24 note from the evidence accounts of physical, sexual and
25 emotional abuse in care, and that some, albeit few of

1 those allegations, arose after the establishment of the
2 council in April 1996. It will, of course, be for the
3 Inquiry to decide if there is evidence which is capable
4 of supporting those allegations.

5 Equally the council has, through the Section 21
6 process and the file reading and analysis report,
7 identified instances of abuse from residents who were at
8 Balrossie after 1996 but who have not given any evidence
9 to the Inquiry. The council continues to apologise to
10 any of those whose lives have been impacted by the abuse
11 they have suffered whilst in the care of this council,
12 and it again wishes to reiterate and stress their
13 genuine and sincerely held intention to engage fully
14 with the Inquiry and to learn from good practice and the
15 mistakes of the past, to ensure that the council can
16 continuously build upon and improve the protections of
17 some of the most vulnerable children in our society.
18 The council recognises the lifelong adverse impact of
19 abuse on survivors.

20 My Lady, turning to the areas where I do wish to
21 make some more specific submissions to supplement what
22 was said in October of last year, and in particular any
23 failings or deficiencies in systems, or responses to
24 abuse identified from the evidence.

25 In relation to Balrossie, the position of the

1 council is that while broadly from 1 April 1996, when
2 the council came into being, the picture in relation to
3 Balrossie is a broadly positive one. The same cannot be
4 said of Balrossie before that period. While there
5 appear to have been clear improvements under the second
6 headmaster, the reading of records and the evidence
7 before the Inquiry has indicated to the council that the
8 regime might fairly be described as punitive in ethos.
9 Even with improvements over time, there was little
10 assessment by Balrossie of the needs of children placed
11 there and where there was no apparent alternative to
12 placement in Balrossie at all.

13 Allegations made by children were not properly
14 investigated internally, and where referral was made to
15 external agencies, such as the police or social work,
16 those were not supported by the prevailing regimes.

17 Care staff --

18 LADY SMITH: This council is not alone in failing to, on the
19 evidence, recognise the many reasons why children will
20 not report, all of which I think I can safely say the
21 provider is capable of, if not eliminating, mitigating.
22 You will never eliminate a child being worried that, if
23 the report would be about another child abusing them,
24 that it is going to make things worse if they say
25 anything to anybody, however good the system.

1 But just about everything else in the list, I think
2 we had a list of seven alluded to yesterday, were
3 disincentives to the child that the provider could just
4 about eliminate if they had a good system for children
5 feeling able to speak up, the right people to speak up
6 to, knowing how to do it, knowing that they would be
7 listened to, knowing that their complaint wouldn't be
8 dismissed at nonsense, and so on.

9 MR SCOTT BLAIR: Entirely, my Lady. I didn't hear the
10 evidence yesterday, but it strikes me in relation to the
11 remarks from her Ladyship that by getting those
12 processes out there and making it clear there are ways
13 of tackling these difficulties in how children sometimes
14 fail to speak up, there is really little excuse to not
15 now engage and develop systems which will address those
16 particular challenges.

17 LADY SMITH: Part of the development of the right system is
18 growing the right culture in which children feel
19 supported, and that they matter, and they will be
20 listened to.

21 MR SCOTT BLAIR: Entirely, my Lady. In relation to
22 Balrossie, the culture was at that time pretty punitive.

23 LADY SMITH: Indeed.

24 MR SCOTT BLAIR: And damned if you do, damned if you don't,
25 I think, in essence.

1 LADY SMITH: Yes, thank you.

2 MR SCOTT BLAIR: The position of the council in relation to
3 Balrossie is that these failures -- which I think can be
4 categorised as non-exhaustive -- are systemic. The
5 council would accept it is open to the Inquiry to
6 conclude there was systemic abuse at Balrossie within
7 the terms of reference for the Inquiry, and in
8 particular in relation to the tenure of the first
9 headmaster. Matters did improve under the second
10 headmaster to a considerable degree, but there were
11 still areas over which he had little direct control,
12 such as the qualification of staff.

13 In relation to the period since 1 April 1996, and
14 for the remainder of the operation of Balrossie until
15 closure, a matter of a couple of years after that, the
16 position of the council is that there is no body of
17 evidence to show there were systemic failures at
18 Balrossie in relation to the terms of reference of the
19 Inquiry. That's not to say that allegations have not
20 been made, but the pattern of systemic abuse which was
21 apparent from the 1960s, 1970s, 1980s, into the early
22 1990s to some extent, is not one which can be inferred
23 from the evidence.

24 LADY SMITH: Thank you.

25 MR SCOTT BLAIR: In relation to facts which the Inquiry

1 should find established, my Lady. Again, looking at
2 Balrossie, the council would invite the Inquiry to make
3 broad findings of fact under these heads: that the
4 extent of the use of corporal punishment was excessive
5 during the tenure of the first headmaster; that
6 punishment could exceed what was recommended in terms of
7 the maximum, and was often delivered in a manner which
8 was contrary to prescribed practice; that the overall
9 culture of Balrossie changed when the first headmaster
10 changed to the second headmaster; that the new culture
11 might fairly be regarded as based not on punishment and
12 containment, but in the provision of a more caring and
13 nurturing environment, coupled with an awareness of the
14 rights of residents as children; that concerns in
15 relation to the first headmaster were known to relevant
16 persons at the time, but there was insufficient action
17 taken to address them; that even with the more
18 enlightened regime of the second headmaster, there was
19 still a reluctance to report absconsion to the police,
20 born of a belief that such might impact on what was felt
21 to be the normality of life for the residents.

22 Moving away from specific findings of fact in
23 relation to Balrossie, and turning now to themes of
24 a more general nature emerging from the terms of
25 reference. Having had the opportunity to reflect on the

1 evidence about Balrossie, Langlands and, indeed,
2 evidence as a whole in this Inquiry, the council would
3 put forward the following as broad themes for
4 consideration by the Inquiry: the lack of a coherent
5 response to indicators of risk or harm within child
6 protection practice; the prevalence of excessive, even
7 for the standards of the time, physical punishment and
8 departure from the rules governing the use of such for
9 much of the period of the terms of reference; excessive
10 and inappropriate use of restraint for much of the
11 period of the terms of reference; recruitment of persons
12 who were not suited to providing care because of a lack
13 of checks and background information, and weak
14 recruitment practices, nationally and locally, which
15 enabled those who wished to abuse children for much of
16 the period of the terms of reference; a failure on the
17 part of relevant authorities to properly record
18 allegations of abuse when made, and to record the
19 outcome of any investigation for much of the period of
20 the terms of reference; a failure to properly explore
21 the reasons which actually underlay any incident of
22 absconsion for much of the period of the terms of
23 reference; a failure to properly explore why a child or
24 young person who had made a complaint then withdrew it
25 for much of the period of the terms of reference; and

1 from the wider material before the Inquiry, the lack of
2 any, or at least any sufficient assessment of risk,
3 and/or the appropriateness of a facility for a child or
4 young person before admission for much of the period of
5 the terms of reference.

6 Turning to what is hopefully a more positive
7 message, in relation to the Section 21 response on child
8 protection and related matters and current practice
9 within the council now. At part 13 of the submission,
10 I attempt to set out a number of areas which hopefully
11 sets out in some detail what this council has been doing
12 for some time now, and what it intends to do in the
13 future.

14 The council responded to the relevant Section 21
15 notice on 15 July last year, and provided some ten
16 appendices. This part of the submission, when taken
17 with that material, is an attempt to outline the
18 response and address the issue of what steps the
19 council's taken to attack and address areas which have
20 been areas of need and to what it has learned in terms
21 of the nature of the abuse, the prevalence of it, and
22 what can be done. Again, of course, my Lady, this
23 should be read along with the evidence of Mr Hinds.

24 The council would submit it provided a detailed and
25 full response to the notice as to how staff were

1 familiar with, including but not limited to: the
2 National Guidance for Child Protection 2021; the
3 dissemination of information on child protection through
4 the multi-agency guidance of Inverclyde Council; the
5 work of the Child Protection Committee; the development,
6 the strategy, the standards and programme for 2024/2025.
7 In addition, the council has provided evidence of local
8 authority policy on the reporting of child protection
9 concerns.

10 In essence, all staff in the council are treated as
11 having a child protection role and must be fully
12 conversant with child protection procedures. It is
13 expected there will be an immediate reporting of
14 concerns to the line manager, to social work and police,
15 and, even as we speak, the current policy is being
16 reviewed, currently led by the Lead Officer for Child
17 Protection in relation to the partnership arrangement it
18 has with the Child Protection Committee. There is
19 a code of conduct for the council, which includes
20 a clear statement on confidential reporting or
21 whistleblowing.

22 In relation to the child protection process, this is
23 well-established and senior practitioners are readily
24 available to more junior staff to discuss concerns.
25 There is a good, strong relationship with other

1 agencies, including the police, as well as wider
2 partnership arrangements through the Chief Officers
3 Group, the Protection Committee, and representation in
4 sub groups within Police Scotland. The use of the
5 initial referral discussion procedure is well embedded
6 in the reporting and handling of incidents of possible
7 abuse. There is clear and detailed provision on record
8 keeping, and the council supports staff in exercising
9 judgment in identifying a risk of possible harm under
10 reference to widely understood and clear criteria of
11 what a risk might look like.

12 The council in that response also used it as a means
13 to reflect on what might in addition be done. For
14 example, the introduction of mandatory training for
15 employees on adult and child protection as early as
16 their initial induction, to put it front and centre of
17 the roles. And in relation to child protection
18 procedures, the development of refresher training to
19 remind staff of their responsibilities.

20 There is one outstanding Section 21 response, and
21 those who instruct me tell me that work is well advanced
22 in relation to that.

23 LADY SMITH: Thank you.

24 MR SCOTT BLAIR: That, of course, relates to the extent to
25 which the council has taken into account the work of

1 other inquiries and reviews, including the National
2 Confidential Forum and the Independent Care Review.

3 That response is due to be lodged by 10 March, my
4 Lady --

5 LADY SMITH: Yes.

6 MR SCOTT BLAIR: -- and I am confident that that will
7 happen.

8 LADY SMITH: Good, thank you.

9 MR SCOTT BLAIR: In relation to any additional litigations
10 or complaints, the council can advise the Inquiry that
11 since the previous hearing it has not received any
12 intimation of any litigation, further litigation that
13 is, relating to Balrossie or, indeed, any further
14 complaints in relation to Balrossie or Langlands. But
15 the council is not complacent, and it recognises that
16 not every live victim of abuse will complain. As ever,
17 the council does encourage complaints to be made against
18 the background of the council to listen and offer
19 support.

20 My Lady, by way of conclusion, again the council
21 comes to this Inquiry with an open mind and
22 a willingness to learn. It does not doubt that it has
23 learned from this process. It is something which is to
24 the clear benefit of all children in the area of
25 Inverclyde Council.

1 applicants and the second relating to Kibble today.

2 My Lady, insofar as the evidence of the applicants
3 is concerned, I would wish to repeat what I previously
4 submitted regarding the evidence which my Lady heard
5 from the applicants regarding their experiences at
6 Kibble.

7 As I stated at paragraph 5 of the earlier
8 submission, in giving evidence about the most serious
9 incidents of both physical and sexual abuse, to which
10 they or others were subject during their childhood,
11 whilst in care at Kibble in periods in the early 1960s
12 and early 1980s, in my submission the applicants showed
13 a quiet dignity and extraordinary courage in equal
14 measure.

15 My Lady, as Mr MacMillan, the Director of Corporate
16 Services of Kibble, said in evidence, having listened to
17 the accounts of the witnesses 'Iain' and 'Graham', the
18 events described were 'appalling' and the manner in
19 which the applicants gave their evidence was 'humbling'.

20 My Lady will also recall, as noted at paragraph 5 of
21 the earlier submission, that Mr MacMillan had no
22 hesitation in very properly acknowledging that the
23 conduct with which the Inquiry is concerned at Kibble in
24 the period of the early 1960s, 1980s and 1990, was not
25 only appalling, but also reflected systemic failings,

1 which at various times included a repeated disregard by
2 staff for acts of physical and sexual abuse, whether
3 committed by other young persons or staff, and on
4 occasions sexual abuse perpetrated by the [REDACTED]
5 member of staff. Systemic failings for which, on behalf
6 of Kibble, Mr MacMillan offered his deepest sympathies
7 to all victims. I can indicate to my Lady that
8 Mr MacMillan is again at the Inquiry present today.

9 LADY SMITH: Thank you.

10 MR GRAY: My Lady, turning to the Kibble of today. My Lady,
11 in the submission which I made last year, I also made
12 detailed reference to the steps taken by Kibble and in
13 particular the witness 'Robert', upon [REDACTED]
14 SNR [REDACTED] of Kibble in 1993, to address comprehensively
15 the deficiencies in operation which he had identified
16 and which clearly existed at many similar institutions,
17 with a view to ensuring, insofar as was reasonably
18 practicable, that the sort of abuse described by the
19 applicants to this Inquiry would never recur, and that
20 Kibble would become a safe environment which met the
21 needs of young persons, both compassionately and
22 appropriately.

23 My Lady, I note that the success of the steps taken
24 by Kibble was a matter which was noted yesterday by
25 counsel to the Inquiry in their closing submissions.

1 LADY SMITH: Yes.

2 MR GRAY: As I submitted at paragraph 13 of the earlier
3 submission, as a result of its intensive and innovative
4 efforts over the last 30 years, in my submission Kibble
5 is now quite properly recognised as a centre of
6 excellence in its field and, as the Inquiry heard in the
7 course of evidence, it has gradually expanded the scope
8 of the expert and specialist services which it provides
9 to ensure that there is a wholly integrated system of
10 measures and services in place, to meet the diverse and
11 frequently complex needs of vulnerable young persons.

12 My Lady, against this background, it is perhaps not
13 surprising, as I noted in my earlier submission, that
14 the quality of the service which Kibble provides, and
15 the care and compassion with which that service is
16 provided, is something which has been consistently
17 recognised by the Care Inspectorate in its various
18 inspections in recent years.

19 My Lady, in all the circumstances which I set out in
20 detail in my earlier submission, and which I have
21 summarised very briefly this afternoon, I would invite
22 my Lady to conclude that, consistent with what one would
23 hope from an organisation which takes its
24 responsibilities extremely seriously, Kibble has taken
25 the most comprehensive of measures in the last 30 years

1 to place the safety and welfare of the young persons in
2 its care at the heart of its activities, and that the
3 most recent findings of the Care Inspectorate provide
4 reassurance as to the success of the measures which have
5 been taken.

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

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

17 LADY SMITH: Mr Gray, thank you for that.

18 I have one question, and it may not be fair to ask
19 you this, and if you don't know the answer that's fine,
20 I can ask the Inspectorate.

21 At paragraph 15, sub-point 3, you are quoting from
22 the most recent inspection report, and there is
23 a reference to something at point 4 called 'a relational
24 approach to care'. I was just wondering what, in
25 2024/2025 speak, is understood by 'a relational

1 approach'?

2 MR GRAY: I am afraid, my Lady, that I am not in a position
3 provide an answer to that question, but I will ensure
4 that the question is addressed and answered fully, and
5 perhaps can be provided in writing.

6 LADY SMITH: Thank you.

7 I would be interested to know what Kibble think it
8 is and I will ask the Inspectorate.

9 Thank you very much, Mr Gray.

10 MR GRAY: Thank you, my Lady.

11 LADY SMITH: That, I think, Mr MacAulay, completes what we
12 were planning to have presented today, is that right?

13 MR MACAULAY: In good time, my Lady, yes.

14 LADY SMITH: In good time, yes.

15 Tomorrow we will move on to the last six
16 organisations, including providers, who are presenting
17 closing submissions, starting with Edinburgh City
18 Council.

19 I have no reason to think we won't be able to start
20 at 10 o'clock; is that right?

21 MR MACAULAY: No, I don't think there is any reason, my
22 Lady.

23 LADY SMITH: Good. Until 10 o'clock tomorrow morning.

24 Thank you all who were here today.

25 (3.49 pm)

1 (The Inquiry adjourned until 10.00 am on Friday, 14 February
2 2025)

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