Wednesday, 11 June 2025

(10.00 am)

LADY SMITH: Good morning, and welcome to the last day in this block of our hearings in which we're looking into the provision of residential care for children with healthcare needs, additional support needs and disabled children.

Now, this morning, we move to two people who are coming from Fife Council, I think; is that right, Ms Innes?

MS INNES: That's correct, my Lady.

We have two witnesses, James Ross, who is Head of Service for Children and Family Social Work and the Chief Social Work Officer.

I understand that James has given evidence to the Inquiry before, albeit when he was working at Dundee City Council, so he appears in a different role now.

The other witness is Maria Lloyd, who is the Head of Service for Education at Fife Council.

LADY SMITH: Thank you.

James Ross (sworn)

Maria Lloyd (sworn)

LADY SMITH: James, welcome back.

MR ROSS: Thanks.

LADY SMITH: I gather you've moved but geographically not

that far away from your previous role.

MR ROSS: That's right.

LADY SMITH: You know how we work here and I hope I don't need to explain that to you again.

Maria, I am conscious of the fact we've got quite a lot of questions to ask both of you about Fife this morning and it might spill into this afternoon. We'll see how we go.

But you've got some documents in front of you. You will see more documents coming up on screen. If you've got any questions at any time, or you think we should be asking questions that we're not asking, do speak up about that.

So far as breaks are concerned, I normally run from now until about 11.30 before we have a morning break and then return to do another session before lunchtime. But if either of you needs a breather before then, please do say, or if you need anything else, any other difficulties or problems, just speak up.

The key is that I want to help you get through your evidence for us as comfortably as you can, so that, between us, we can produce the best record of the oral evidence that you have to offer.

If you're both ready, I'll hand over to Ms Innes and she'll take it from there. Is that all right?

Ms Innes.

Questions by Ms Innes

MS INNES: Thank you my Lady. Good morning.

Maria, if I can perhaps start with you. You've provided a copy of your CV to the Inquiry and we know that you're currently Head of Service of the Education Function of Fife Council and you've been in that role since September 2019.

MS LLOYD: That's correct.

MS INNES: You tell us in your CV that your background is in teaching and you've held various teaching roles throughout your career before moving to work in different roles leading to your current role.

We do see that you were a Quality Improvement Manager for Special Schools in the City of Edinburgh from August 2015 until August 2017?

MS LLOYD: That's correct, yes.

MS INNES: And that's particularly relevant to the type of setting that we're looking at in this case study, which is why I highlight it.

James, as we know, you've given evidence to the Inquiry before. We can see that you've actually worked with Fife Council for quite some time in different roles with children and family social work and you spent, I think, a year at Dundee City Council as a Senior

Service Manager, but you returned to Fife in May of last year, to take up your current role as Head of Service for Children and Families and Chief Social Work Officer; is that right?

MR ROSS: That's correct.

MS INNES: We're going to look at various settings which were under the -- or managed by Fife Council and the first of those is Ovenstone, and if we could look please at FIC.001.001.6261 and if we move to page 2 of this document.

This is the response of the council to a notice served by the Inquiry in respect of Ovenstone Residential School, and I think we can see here that a team essentially put together the response to this notice, and I assume that neither of you were involved in the preparation of this response.

MR ROSS: That's correct, we weren't involved.

MS LLOYD: Yep, not involved in it.

MS INNES: Prior to giving evidence today, I think you've been able to review the response; is that right?

MR ROSS: Yes.

MS LLOYD: Yes.

MS INNES: If we can look, please, at page 6 of this, this tells us a bit about how the residential school at Ovenstone came to be.

At the bottom of the page, it tells us that before it became a school, it was a hospital, historically, for the treatment of infectious diseases up until 12 July 1947, and thereafter it was a convalescent home for children for a period; is that right?

MS LLOYD: Yes, that's correct.

MS INNES: And then there's reference to children being placed there in the period, in the late 1940s essentially.

If we move on, over the page, to page 7, it tells us, at the top of the page, that from 1947, until 1974, it was initially termed as a convalescent home, then as a psychiatric unit and administered under the health function of the local authority; is that right?

MS LLOYD: Yes, that's correct.

MS INNES: So although local authorities, as we understand it, don't have these functions now, it appears that it was under the responsibility of Fife Council up until 1974?

MS LLOYD: I think it was Fife regional area rather than Fife Council. I think it was bigger than Fife Council currently is.

MS INNES: Because that would have been the time when it was Fife County Council.

MS LLOYD: That's correct.

MS INNES: The response goes on to refer to some records that were found there.

Towards the bottom of the page, there's a paragraph beginning:

'In the 1969 annual report for the county council, the unit was referred to as Ovenstone Psychiatric Unit. It had places for 15 children being treated for various problems ranging from school refusal to aggressive behaviour.'

And then it refers to the 1971 annual report, where it refers to the unit saying that it:

'Continues to function as a residential school for children with behaviour problems, whether due to themselves or the home environment.'

Then there's reference to the matron reaching retirement age.

Now, that seems to conflate a number of different ideas in terms of what the unit was doing. It was a psychiatric unit, but it was also a residential school prior to 1974.

Are you able to shed any light on that or is that just a confusion that arises from the material that's available?

MS LLOYD: I think we've only read what's in the report, counsel, so we're not any clearer on it either.

MS INNES: If we go on over the page, to page 8, there's a paragraph beginning:

'From 1974 it became a residential school administered by the Education Department. It is explained in an article about special education in a magazine for Fife teachers dated June 1974. The Ovenstone unit is a residential accommodation for a small number of maladjusted children of primary school age.'

And then it says:

'Until the new area Health Board came into being on 1 April this year, Ovenstone was the responsibility of the School Health Service, but is now in the process of coming under the direct control of the Director of Education.'

So, again, there seems to have been a reorganisation in 1974, but it looks like Fife Council had some responsibility for it prior to that change.

MS LLOYD: That's our understanding as well.

MS INNES: Now, it refers to 'maladjusted children'. Do you have any understanding of what that term means?

MR ROSS: I suppose what we would describe it now as children who are affected by traumatic events that are then displayed in their behaviour. So I think the language at the time was the language at the time to

describe what we would now see as trauma in children and young people.

MS INNES: And then if -- sorry --

LADY SMITH: I just wonder, was it really being that specific or was it an approach that started from an assumption of a norm to which all children should conform and if they're not conforming to that norm, then they must have failed to adjust to the norm and therefore they are 'mal', as in badly adjusted?

MR ROSS: I think that's right and I think when you see, even in the A to D response, the fact that we felt that young people require psychiatric care, I think just -- I think, reinforces that message. So I think for children and young people who weren't conforming to adults and the expectations of adults, then they were -- they were labelled and sometimes - at times, treated and cared for in a particular way.

LADY SMITH: And perhaps reflects that rather strange comment in the 1969 report that we looked at a moment ago, that we're talking about providing for children with behaviour problems, which could be due to themselves, their fault, their failure to adjust to the norm or the home environment.

So the home environment having had such an effect on them that they failed to adjust to what is the perceived

norm.

MR ROSS: And I think that, for me, kind of, just to collectively review the A to D responses, what you would glean from that is that there was a perception by adults who cared for these young people that they were in control of their own behaviour and as a consequence of not behaving, then that was a choice on their part and adults behaved in a particular way to respond to that distressed behaviour. So I think, you know, when we, kind of, look at all of the documentation that we've submitted to the Inquiry, that's a running thread throughout the A to D responses.

LADY SMITH: And a child is a bad or naughty child if they aren't fitting the style of child, the norm of child, that society was expecting because it's easiest for adults if they behave like that. That was the reality, wasn't it?

MR ROSS: Yes.

MS LLOYD: I think it also comes through that the way in which the process for admitting the children and young people into Ovenstone. You know, there was no real clarity round about it and it seemed to change as it went through time. So I think your summary is very clear and accurate.

LADY SMITH: Thank you. Ms Innes.

MS INNES: Thank you, my Lady.

If we can look at page 9 of this document, at the top of the page, in the second sentence there, it says:

'From 1974 until its closure, Ovenstone functioned as a residential school and was managed by Fife Education Department. Ovenstone School was closed in 1998 because of a change of policy to community-based care for children.'

Now, we know that all three establishments that we're looking at closed, essentially, all round about the same time. Are you able to tell us a bit more about what the change of policy was and how that affected these establishments?

MR ROSS: I'm happy to, kind of, give just some information. I think the report that led to the closure of these larger institutions was rooted on the basis that, you know, dysregulated children or children who have complex trauma do better in smaller settings and have the care, nurture and attention that they need to have reparative care to overcome that adversity, so the council's, you know, plan at that point was to move away from large residential schools to community houses, and that has been what we have delivered to date.

MS INNES: Maria, I don't know if you want to comment on the sort of the -- I suppose the presumption of mainstream

school and the separation of the care of children who require residential care from their education?

MS LLOYD: So if I could just comment on your previous question as well, counsel. Obviously, the closure of the three homes came about after a 1997 report that outlined they were looking at the role of each of the services, its function and what the young people thought of the function of that. So out of that came the fact that really the three homes needed to close, because they weren't actually serving the right purpose. So I think that came out really clearly from the 1997 report, sorry.

MS INNES: No, that's fine.

And then my supplementary question to that is a broader question, which is: your view on the separation of the schooling or education of children who require residential care.

MS LLOYD: From reading the witness statements through this Inquiry, in particular, I think it became very clear and very obvious, the impact of not having good education had on the children and young people in these homes, and the victims themselves have commented on the importance of education and the impact it had on their lives and wanted to access mainstream schooling to mix with their peers, who were age and stage appropriate, et cetera,

because, obviously, in the homes there was a mix of ages and experience there.

So it's very important to me in education that young people get the right access to education, because we all know that anyone who is trauma-informed, it's more difficult for them to succeed. So my opinion on that is it's better to access mainstream education and, by that, I mean a separate sort of education.

I think for a number of reasons that certainly my colleague and I have discussed, which also gives you more access to other key staff that you perhaps might feel more able to go and disclose to in a safer environment because there's more people, it saves dominance of maybe one or a few adults in any environment also.

So, for me, there's the bit of the care and the pastoral support and they've been able to go to someone, but there's also the aspect of getting a better education, because, obviously, in the schools there are a range of teachers, a range of subjects and what came across to me in some of the reading of this is there was quite limited education experiences in some of the homes and I know we're speaking about Ovenstone in particular. I don't know what the curriculum was there, but it would be quite limited, and my experience of special education

is it can be quite limited because of the numbers and the experience of teachers within that setting.

MS INNES: James, do you have any comment on that broader question of the separation of the care and education of children?

MR ROSS: Yeah. I think there's a number of things to reflect on when you remove children from their family or a decision is made that they should be placed elsewhere, the loss that comes is significant and then to have that disrupted education experience where you may lose your peer associations, the relationships with staff, but it's also very stigmatising that your complex trauma, that does, in itself, lead to disruptive behaviour, that that has to be addressed in a very different way. So I think we've moved away from trying to have care and education as one and trying to separate that out.

And I also think that for children, often where they've had a difficult education experience, we have to be clear that how that's managed is managed with their education and you can see the spill-out of the consequences or the sanctions from a difficult education into care and I think the blend of care and education in itself can be consequential.

There's little chance for children and young people to have that separation and escape from what can be

an intense environment, but I think also we lose the ambition for young people. Maria's right, the opportunity to succeed comes in with a broad range of curriculum and opportunities and to be around other young people that might help your regulation, who are less dysregulated, is hugely important and my experience of residential school settings is that children who are dysregulated can often further compound each other's difficulties. So therefore the education that's already limited, in itself may become even more limited because of the demands that that group might pose together. So I think there's nothing but positives to move away from that type of delivery of care and education.

But I think we would all want to acknowledge that our ambitions for looked-after children educationally are still low and we've still some way to go in order to make those improvements.

LADY SMITH: And, of course, one of the major problems, certainly we've seen in the evidence, is you may have a child who just will not attend mainstream school. The reason they are taken and put in a residential facility, or were taken and put in a residential facility, was because they were not attending for various reasons.

Am I right in saying that the way you're looking at it is that, first up, try to get them back in to the

mainstream school.

Now, you thought about the child who, when they're taken away, is losing the stability, if you like, of teachers and friends and so on, but, of course, we've seen a lot of people who weren't that sort of child because they hadn't established a school life at all. So you've got to get them used to the habit of the school life, the people that are there, before you can even start educating them in mainstream; is that right?

MR ROSS: Yeah, and I think the whole issues around conformity and that we provide an education provision and that children should and must attend whatever adults decide is the right education for them, and I think -- and we see, even from the children's hearing system, children were accommodated away from the parents because of non-school attendance and there's still the ability to apply a measure on an order that children should attend school, as if the order, in itself, will make the difference.

It's the provision, it's the skill-set of education -- particularly educational psychology, to understand the barriers to access an education and to begin to create an education provision that a young person feels they can access and engage, and I think also, at times, we are very condemning of parents. At

times, we could be a very -- it could be an excellent parent, a very effective parent and still not get your child to school, and we made assumptions that the children who didn't attend school, it was a failing on their parents' behalf, and I think that's a simplistic view to take.

LADY SMITH: Ms Innes.

MS INNES: Thank you.

You mentioned there about -- in your evidence a moment ago, about sanctions spilling over from the day at school into the care setting and I think you're perhaps referring to things like people not being able to do activities because of a behavioural issue that had arisen during the day. I think -- is that sort of thing that you're meaning, James?

MR ROSS: Yeah, and I think also what you find is that the staff that worked within the school setting might also be the care staff in the evenings, so there's not that separation of discussion, there's that continued reinforcement of their behaviour earlier in the day, and I think just the impact that has on a young person's self-worth and how that -- that behaviour of staff, who have been in both settings, that reinforces negativity and I think what we see is sometimes spiralling behaviour of young people as a consequence of the

approach from staff. So I think that separation is helpful, one in terms of the consequences, the sanctions being, you know, grounded, no access to activities, but also just that message that comes from your school day into your evening care, which is you've had a really bad day and you've not behaved and there's no escape for young people from that.

And if you live in your average family home, school will have addressed that, there will have been a conversation with a parent, but it doesn't -- that narrative doesn't follow you the same way and I think for a lot of our looked-after children, historically and, at times, currently, there is a lot of attention paid to behaviour and a lot of language used to young people. So if they do something and there's an error or there's a mistake, there is an opportunity to discuss that, repair from that now and leave it, but historically that wasn't the practice of the day.

MS INNES: If we look on, please, to page 21 in this document, we can see some information about the ethos and functions of Ovenstone and it tells us that it's a small residential facility with all of the pupils, it says there, being day attenders, who have been referred by primary schools in Fife. Although I think we know that children were obviously staying there as well as

attending school during the day.

The paragraph beginning:

'The overall philosophy at Ovenstone may be simply described as that which entails the carrot rather than the stick. This means that children are encouraged by a system of rewards and incentives to improve their behaviour from within themselves rather than have it imposed from without.'

Then it goes on to the aims of the school which include the eventual return in as short a time as possible of the child to ordinary school, if appropriate.

Do you have any reflections in relation to those stated aims and functions?

MS LLOYD: They wouldn't be what we would have now, counsel. And I don't think, from reading the information, Ovenstone lived up to some of those inappropriate expectations, I have to say, in the way that it's worded, but it didn't feel to me that, you know, to encourage the children to form effective and satisfying relationships with adults and each other, when we look at the evidence in front of us today.

MS INNES: I suppose again there's emphasis on improvement of behaviour within the child themselves, which you've already mentioned, as being the way in which these

issues were being approached.

If we can move on, please, to page 23, and if we look down towards the bottom of the page, there's reference to the Anderson and Lindsay report in 1997 which was with reference to the school -- the future both of Ovenstone and Linwood, and I think that's the report that you were referring to a moment ago in your evidence, Maria; is that right?

MS LLOYD: Yes, that's correct.

MS INNES: They say there:

'We are struck during the study by the rather uncertain feel of Linwood Hall. [Then it goes on] Ovenstone staff appeared unhappy about the changes that had taken place. In both cases, the residential element seemed to have been allowed to wither as a result of limited referrals and a lack of clarity about objectives.'

Then it goes on to talk about the staff and then it says:

'[There's] poor resourcing and staff morale being palpably low.'

So there seemed to be, at this time, a move away, I suppose, from children being there on a residential basis which was then having a knock-on effect on staff morale and what could be provided; is that your

understanding?

MS LLOYD: Yeah -- understanding is that it moved, particularly in the '90s, towards more day pupils than residential pupils and from the reading of some of the questionnaires in 1997, I think staff were quite unhappy at this and found it quite challenging between the needs of a day pupil and the needs of a residential pupil.

MS INNES: In the document, you go on to collate some of the figures in terms of the numbers of children accommodated and I think if we can look, please, at the appendix which is at page 102 of this document, we can see numbers of children in the early '70s on that page, so between 1970 and 1972.

Numbers seem to fluctuate. It looks as though figures are collated on a regular basis, perhaps not every week, but regularly, with up to about 14 or 15 children there during what might be called term time.

And then it does appear -- if we were to look down at July 1971, for example, it appears some children were there over what we would think of as the school holidays as well.

MS LLOYD: It appears that way, in the information, yes.

MS INNES: And then if we go on to page 103, we can see some other numbers that the council was able to collate from different years, with 27 in 1963 and then 20 in 1989 and

then numbers around the 20 mark over the early 1990s, but I'm not sure if those are children who were living there on a residential basis or there during the day.

MS LLOYD: I'm unsure of that also.

MS INNES: If we can look back into the document again, please, and if we can look, please, at page 46.

There's an undated document, which is information for parents, which is quoted here and in the paragraph that we can see on the screen, it talks about meetings at which progress of a child is being reviewed and then it talks about continual feedback is made to children concerning their progress:

'The main way in which this is achieved is by the daily awarding of points. These points are awarded at what is called the community meeting which is an assembly of all the children and all the staff.'

So do you have any comment on this points system that seems to have been in operation at the time?

MS LLOYD: It seems a very old, dated and derogatory way of working through progress. Progress for education should be about how you're succeeding and progressing through your learning. It appears, from the information I've read, that this was mostly again about behaviour and how the child or young person behaved and I am aware that there was also withdrawal of points, et cetera, and

then sanctions also came about from these withdrawal of points.

I'm also aware that it was very uncomfortable for the children to be sitting with other children and staff speaking about their progress -- or their behaviour, I should say, in a derogatory way, including information about things like wetting the bed or anything else.

So this is not an acceptable way to talk about children and young people's progress and certainly not in front of other children and staff. And I believe it became a staff meeting about saying everything that was wrong and what was happening that was wrong with the children, rather than about progress of learning.

So it's a strange way to describe how you would -- or I, as an educationalist, would not progress in children's learning.

MR ROSS: I suppose, again, just a reflection that we've got, is that it reinforces some of the stuff that we've said earlier which is around -- it's the role of the adults to get the best out of the child. It's not for the child to -- the child has no ability themselves to make significant strides in the education without the assistance of the adults, and again it just reinforces that message and I think we have now certainly moved to much more child-centred planning and trying to look at

the role of the adults or the network around the child to get the best out of them to achieve their potential, but these large institutions that have these big meetings have the potential to -- I think for me, to have the most damning effect which is to reinforce what you're not capable of in a group of your peers.

MS INNES: Now, if we can move on to another document, please. This is FIC.001.001.6365.

This is the response to parts C and D of the Section 21 notice served by the Inquiry.

Within this, we see some quite extensive quotes from logbooks that were recovered in relation to Ovenstone.

Perhaps if we can look, please, to page 3 and we see that there's reference to a logbook, the Ovenstone Book 2, covering a period from 24 October 1970 to 6 May 1973.

There's notes signed by various people, including Alexander Christie. Then it notes that there was a case note on the file of a person who is known to the Inquiry as 'Jordan' on his file, from 7 March 1973, that:

'During a social work visit to Ovenstone, the matron advised that a member of staff was suspended from duty whilst the allegations of child interference against six children were being considered.'

And there's nothing else in the logbook about that.

And I don't think there was anything further in the

records of the person who is known to the Inquiry as 'Jordan'; is that right?

MS LLOYD: That's our understanding.

MS INNES: We'll come back to Alexander Christie in a bit more detail in a moment.

Have you had an opportunity to look at this logbook yourself or the summaries?

MS LLOYD: We've just been able to -- the information that's provided to you, that's what we have also. We don't have access to the actual logbooks, just the references made in our A to D responses.

MS INNES: If we go on over the page, to page 4, it talks about there being entries in relation to the children and focus on the children's behaviour. There's a paragraph beginning:

'The entries are more specific when they relate to children displaying difficult and challenging behaviour. The frequent sanction and punishment is sending children to bed earlier or confining to bed.'

Do you have any comment in relation to that as a sanction or punishment?

MR ROSS: Well, I suppose, I mean, I've -- kind of, over the years gathered a view about just how harmful that is for children and young people. So we've got children and young people who are not in the care of their family and

in unfamiliar settings, often in large settings, being cared for by strangers, often caring for them in a way that perhaps their parents didn't, and sometimes the care of their parents, we'd have to accept could have or would have been better. And so I think for children to be confined to their bed, to be isolated, to be often in rooms that lack any warmth, I think, becomes a very frightening place for children.

And we know that from what children tell us. Again, it's just that lack of emotional warmth that comes from staff to try to understand what is it that's driving the behaviour and how can I support you to -- how can you support me to understand it as the adult and how can I give a caring response that's warm and nurturing.

And I suppose just the lack of record on Mr Christie and then the detail of the children's behaviour I think is an interesting thing, that staff are more focused on what children are not doing rather than what the adults in the environment need to be doing or we need to be alert to.

LADY SMITH: It's also interesting in that the remedy as seen is to exert control on the child and not to work out what impact that will have on the child, even if you continue, as the person in charge of the child, thinking: what do I do to produce the outcome

I'm looking for? Which is that the child doesn't cause me these difficulties, but nothing that gives us any clue to why they thought, to take that example, isolating a child in bed for lengthy periods was going to produce the result they were looking for.

MR ROSS: I suppose, kind of, when you're reflecting on practice over the years, there's also, at times, when you look back, you know, in these institutions, where it's all -- as children became an inconvenience to the staff and therefore the way to address that difficult behaviour was to confine them to their room, so that you weren't burdened with what was difficult behaviour to manage.

MS LLOYD: It seems like very much a control and sanction approach to any sort of trauma from the staff and it seems to be -- the logbooks, that I believe there's five of, seem to be written by staff for, I feel, the perpetuation of staff, because there's nothing regarding who was on duty, who did what, what happened, and how they're following it up. It was only about the sanction. It wasn't, you know, 'Maria's misbehaved so we're going to talk to her or do this with her', or -- you know, there seemed to be no resolution in place for the children and young people to actually address it.

LADY SMITH: And not backed up by any psychological

knowledge or teaching to the effect, well, if you do do this to the child, you're going to help the child.

MS LLOYD: Absolutely, and give them the chance to talk it through, et cetera, which obviously isn't helped when you do a community meeting with everybody the next day.

LADY SMITH: You might understand it if it was backed by the science being to the effect that if you treat -- if you do this with the child, it will help the child become more settled. That wasn't there. Not that I'm aware of.

MR ROSS: I think it's that lack of informed understanding and I think that's, kind of, played out in where the child's uncle visits and afterwards they're distressed and their behaviour is difficult and they've soiled themselves, but what that is is a loss of your uncle who has came and left and the lack of informed understanding by the staff has meant that that was a behaviour that required punishment rather than a behaviour of a distressed child who's seen a family member and on them leaving, they're upset and distressed by that.

LADY SMITH: Thank you.

MS INNES: Thank you, James, that's the very entry that I was going to refer to.

If we just scroll up slightly, we can see that there was a child who displayed aggressive behaviour following

his uncle's visit:

'No supper as found soiled. He is bedded early as a punishment.'

And then it's noted that he wets his bed deliberately to have his own way, and that's noted by Mr Christie, I think. So I think that's the incident that you were referring to; is that correct?

MR ROSS: Yeah, that's correct.

MS INNES: If we go on to the next page, in about the middle of the page, there is reference to the use of medication as a way of managing challenging or difficult behaviour. For example, the first entry says, referring to three children: behaviour quite bad in the morning and Valium was prescribed, tablets given essentially to good effect, it says.

Do you have any reflection on the use of medication to control behaviour in this -- in the way it's noted here?

MS LLOYD: Completely inappropriate.

MR ROSS: I suppose you reflect and at times can't help, but, you know, be horrified by the way in which young people's distressed behaviour was -- managed and I suppose for me, you know, again, when you reflect on all of this, it's about when the behaviour of children became too much for adults to manage, there was another

way that was sought to make that behaviour manageable and medication being seen as that. I think we have to reflect on, whilst we're not in a perfect system at this point in time, we've made huge strides in terms of trauma-informed understanding of the needs of young people and we've got trauma-informed responses by our staff, so that people -- behaviour's a communication tool. So if you abscond, if you wet the bed, if you're distressed, if you damage, there's something that the young person is trying to communicate with us and I think our staff are now much more skilled at trying to understand what is the cause of the behaviour rather than trying to consequence behaviour, because we know the children have no control at times over their emotional dysregulation.

MS LLOYD: To add to that, we also have much more regulation round about the administration of medication. So in this it seems that it was just up to one person to administer. Obviously, we have now -- we need it to come from GPs, et cetera, so it's much more highly monitored, so that practice would be completely unacceptable and illegal nowadays. But -- so I suppose our policies are also -- in practice, are better in terms of ensuring that that is done in a proper and appropriate way.

MS INNES: Then, if we go on to page 6, first of all, at the bottom of the page, there's a reference to the third book, which covers 1974 to 1995 and, although it covers that period, it provides, it says, a lot of evidence as to how the school functioned between 1974 and 1987 and then again from 1994 to 1995.

If we go on over the page, on page 7, it says that: 'There is evidence of a significant role in the admission process and consultancy of the child guidance team', so there seems to be involvement of psychologists at this point in relation to children coming into Ovenstone.

Is that more what -- a process that's more recognisable today?

MR ROSS: Yeah, I mean, one, we have an expectation by the Care Inspectorate; any admission to a -- children's houses, there is a robust matching process and, for me, the matching process, whilst we have clear templates and a structure around that, the network of the child or the information from the network would help us understand their presenting challenges, the reason for that and what might be the best response for the young person and what we have to then look at is: has the staff team got the capacity to meet the needs of this young person and the children that they currently care for?

So matching is about not just the needs of that individual child and young person, but what -- how that house would function with the demands of the young people that we found.

So I think that -- the guidance that we see in this part of the A to D response is much more reflective of the way in which we would do it now. I'm confident we're much more robust and we're thorough in how we do it even just with that. Because what you've got is often people here who are not the closest to the children making a decision about their needs and what we do know is what they need in school is sometimes different from what they need in care and again we have to always be clear about how we separate that currently. But certainly what we see there is, you know, a positive step to doing something that's much more informed.

MS LLOYD: I think the missing step in this, and probably from all of the evidence, is the missing voice of the child in all of this to determine what is best for them, and that's certainly progress that we've made in both social work and education.

MS INNES: If we go on over the page, to page 8, we see there's a paragraph beginning:

'In relation to discipline and managing challenging behaviour, there are at least 12 records of using some

form of physical punishment between 1981 and 1983, [which is] referred to as giving a child a slipper [and] the severity of the punishment is measured by how many slippers a child receives.'

So the records record the number of slippers a child receives, but also, I think, in the first bullet point, that they were able to choose between the slipper and going to bed early, so that's recorded in the books.

It is said, in the bottom bullet point, that this recording started [redacted] SNR [redacted] was [redacted] and prior to that there had been no record of physical punishment or restraint in the logbook. But for this period, we see that there seems to be physical punishment used in the form of a slipper.

Do you have any comment in relation to that?

MS LLOYD: It seems to be a form of corporal punishment, that, as we know, and you know from the evidence that was submitted, that Fife Regional Council submitted a letter, I think it was for 1983 or so, to stop corporal punishment being used in any education settings. So it appears that this wasn't followed in, terms of the logbooks that date from '83 onwards, and that the slipper was still a form of corporal punishment, as I believe that being sent to bed without food, et cetera, is also.

So we did -- Fife Regional Council did instruct for this to be phased out in education by '83/'84, but it appears that this was still being used but now recorded.

MR ROSS: I suppose I think there's maybe more to add to that because I suppose it's about the lack of recording and what was that about. Was there a genuine desire not to have the evidence the physical chastisement was taking place, or had it become so commonplace within the institution that no one's seen that as something that was unacceptable and I think there's something about that that is useful to consider.

I think also what that -- just again reminds me is of the power that adults think that they hold and the lack of accountability by adults who provide care at the time, and I think certainly you see the logbook comes in at the end, but there's something about the cultural norm of an institution and the lack of recording I think for me can sometimes signify two things, which is there is an attempt not to be transparent and honest, or that the practice of the time is so steeped in that form of punishment that there's not seen as a need to record it because it becomes common play.

MS LLOYD: Or there's too much to record.

MR ROSS: Yeah.

MS INNES: As you've mentioned, the issue of corporal

punishment, perhaps we could just look at those documents just now, so the first one is FIC-000001379 and page 2 of that document is a memo, I think, dated 21 June 1983 which refers to the abolition of corporal punishment in Fife schools and there's reference at point 3:

'Corporal punishment would be phased out of Fife schools during the course of the session 1983 to 1984, the timing and arrangements for abolition to be remitted to the Director of Education.'

And I think that's what you were referring to, Maria; is that right?

MS LLOYD: That's correct.

LADY SMITH: So assuming that's a reference to the school year, that would be phased out by end of June, beginning of July 1984?

MS LLOYD: That's my understanding.

MS INNES: If we look at the bottom of the page, yes, it says:

'It has been decided that a target date for discontinuance of corporal punishment in Fife schools will be the commencement of the school term in January 1984. Until then, corporal punishment may be used but only by the headteacher or deputy headteacher. All cases of corporal punishment must be recorded in detail

and available for inspection. Each and every case must be reported in writing to me [this is from the Director of Education] stating the reasons for it. Since there is little to be gained by continuing to use the belt, I would expect any cases to be reported to be few in numbers and the circumstances quite exceptional.'

And then he goes on in the final paragraph to say:

'As a brief comment, it will be appreciated that corporal punishment is not to be used in any circumstances for handicapped pupils or infants.'

So I suppose there might be a question as to what the definition of a handicapped child is.

MS LLOYD: I suppose the older definition of that would be -- we would define now as anyone with an additional support need.

LADY SMITH: And that would be of any type?

MS LLOYD: That would be how I would define -- well, how I'm interpreting 'handicap'. You could say just 'disability', but now, as you know, disability is so broad and, in education terms, we class it as anyone who has an additional support need.

LADY SMITH: It's certainly not confined to physical difficulties?

MS LLOYD: No.

LADY SMITH: Far from it.

MS LLOYD: They might be referring to that in that, I don't know, because if you go back in time, that might be the reference they're making to anyone who has got --

LADY SMITH: Although if we are talking about the 1980s, the term 'mental handicap' might have been in common parlance then. I think it probably was.

MS LLOYD: Probably, yes.

LADY SMITH: Ms Innes.

MS INNES: Yes. If we could go to SGV-001033774 and page 10. At the bottom of the page here, this is a document from Scottish -- which has been obtained from the National Records of Scotland. It refers to a memorandum from 1968, talking about, essentially, a move towards an elimination of corporal punishment in schools.

In the indented paragraph, it says there by reference to principles:

'Corporal punishment should not be inflicted on a pupil suffering from any kind of handicap; physical, mental or (when it is manifestly persistent and serious) emotional.'

So that would seem to accord with the broader definition that you've given, Maria?

MS LLOYD: Yes, I agree.

MS INNES: And if we could look, please, at SGV-001033704,

and at page 2, this is a letter from the Social Work Services Group to Directors of Social Work in -- on 22 August 1983, talking about corporal punishment, and if we look down to point 3, it's talking about corporal punishment in the context of education. It's then said:

'It is important, however, that we have reliable information on the extent to which corporal punishment of children is permitted in social work establishments generally. I would be grateful therefore if you would provide the same information as requested in relation to all other social work establishments, including residential and day care establishments.'

And if we go back to page 1, we see the response from Fife Regional Council, dated 21 September 1983, and it says, this is from the Director of Social Work, if we scroll down slightly, and then back into the body of the letter, it says:

'The position in Fife is that the use of corporal punishment is not permitted within any social work establishments which provide education on the premises and this has been the case since the opening of Melville House and Rimbleton House.'

So I think we know that Melville House opened I think in the early 1970s.

MS LLOYD: Yes.

MS INNES: So -- sorry, late 1970s, 1977 it opened, so this would seem to suggest that corporal punishment hasn't been permitted or used since 1977 in Fife.

MR ROSS: I suppose that's the information in that letter, there's a, kind of, strong message that the ethos is that corporal punishment is not an acceptable way of caring for children in the houses, and you're right, this letter -- the opening of Melville House certainly pre-dates this letter, so the letter would indicate that from the opening of Melville House, there was the intention that there was no punishment used in the caring practices of the children and young people who were placed there.

MS INNES: I suppose this is from the Director of Social Work and we know that Ovenstone was managed by education. Linwood Hall was managed by education, I think, and Melville House was a slightly different arrangement; is that right?

MR ROSS: Yes.

MS LLOYD: Yep. I think social work had the budget for Melville House and education kind of ran it on a day-to-day basis, is my understanding.

MS INNES: Because what is said in this letter doesn't seem to accord with what we have seen from the material that we have.

Now, if I can go back, please, to look at FIC.001.001.6365 and to page 10. There's a paragraph there beginning:

'The logbook is also full of entries relating to staff issues, complaints raised by members of staff against other staff members, including teachers, houseparents and domestic staff. These entries conjure a picture of a dysfunctional team with a number of issues internally and also some external agencies such as the child guidance team.'

And the first bullet point on 6 May 1982 notes that: 'The headteacher spoke to professional staff regarding the discussion of Ovenstone internal matters with outside parties. This constituted disloyalty to him, to the staff and to the establishment.'

Do you have any reflection on these sorts of entries and the culture in Ovenstone at the time?

MS LLOYD: It appears that it's quite hierarchical and that there was obviously tensions between social work staff and education staff by the way that it reads, and so was quite an uncomfortable setting for staff members, which means it was an uncomfortable setting for children and young people also.

MR ROSS: I suppose, kind of, what I've taken from that was just: where was the ability for whistleblowing? So if

all of the matters within the house should be contained within the house or the establishment, then where's the opportunity for scrutiny for challenging, for people to understand what is the function of the house and, I suppose, for me the headteacher's desire for things to be contained internally, I think, in itself, can pose significant risk to staff but also to the young people that find themselves there.

MS INNES: If we look down to the bullet point, 14 May 1983, it refers to a row between a teacher and a visiting psychologist. The teacher left with his class, concerns were raised that the psychologist assumes an air of authority in relation to staff. And then 8 November 1984, there seemed to be issues about the child guidance team not happy with the psychologist working at the school.

So there appears to be quite a clash of different people saying that they should or should not be working there and what their roles were.

Does that give rise to a concern as to the safety and wellbeing of the children who are there?

MS LLOYD: I think it goes back to what my colleague, James, said earlier on, that if we don't understand from a psychological point of view the trauma that these children and young people are going through, then how do

we try to help them. So it seems a conflict in the way in which things were being done or proposed, et cetera, from the psychologist and obviously the team.

I don't know the details of that obviously, but that's how it appears in my reflection of reading it.

LADY SMITH: There doesn't seem to be any respect for the discipline and skill of the psychologist, particularly if it's assumed that the child guidance team could do just as good a job when they don't have that training and understanding.

MR ROSS: I suppose what you see is a fracturing of a professional network and I think what is, kind of, interesting, when you, kind of, see the entries in the logbooks, is that there's a lack of respect for a different professional viewpoint and there's an assumption that the care that's being provided is the best that it can be and is not subject to challenge.

And again, so when you look at regulation, quality assurance, being satisfied that the care is the best that it can be and it's informed by something, then that doesn't give you the sense that even the staff were in a place to embrace a different opinion or any critique of the care that's been delivered to the children in the institution.

MS INNES: And if we move on to page 12 of the document, and

to a paragraph beginning: 'Overall' -- sort of, reflections overall on the logbooks. It says that they provide some evidence in relation to how the school was run spanning a number of years. It says:

'While there is no evidence of proven instances of abuse, there are a number of issues relating to practice, for example, over-reliance on corporal punishment such as administering a slipper.'

It then goes on:

'There is a set of complaints raised by children's parents which appeared to be only superficially looked at. There is no indication of interviews with the children, apart from an instance when an allegation was made against SNR [redacted].'

Again, do you have any reflection in relation to the comment about the way in which complaints appeared to have been dealt with?

MR ROSS: I suppose there's two things for me and one is the, kind of, language where there's a proven instance of abuse. We don't have to prove that abuse happened to have believed that abuse was likely to have happened, and I think that's -- that need that someone has to be convicted for a child to then have been believed, I think -- I think is something that we have to reflect on and give a lot of consideration to the impact that

would have had on children and their families.

I think also the fact that there's no robust investigation of every allegation and perhaps because parents made the allegations on behalf of their children or from their own observations, that those parents weren't worthy of making an allegation against the care staff that would have believed that, at times, these parents hadn't done a good parenting job.

So the dismissal of any allegation and no robust investigation meant that there was -- you know, from the offset, there was no belief and -- that anything could have happened to the children in their care.

MS LLOYD: And I think, just to add to that, you know, that's probably the practice that's changed the most in terms of within education and social work, we believe the child or young person first and foremost and then fully investigate anything that takes place. It appears, on reflection, from what we're reading here, is that complaints were made directly to SNR [redacted] who seemed to convince parents that, you know, anything that had happened was quite acceptable.

And I think this also led to young people feeling that why would they bother to disclose, because they wouldn't be believed and that if their parents could be convinced that something wasn't happening or that it was

just normal, then for them they probably gave up and I think that came through some of the witness statements, that they eventually just thought: why should I bother? I'm not going to be believed and nothing's going to happen anyway. So it's really disappointing that this is in a logbook and it wasn't fully investigated.

LADY SMITH: In fairness, I can see that there may be problems, Maria, in proceeding on the basis that a child is believed and that's that and if the child says X happened, X must have happened. It might not have done.

The actual facts of an occurrence can often be more complex than the child presents it. But are you really saying that we needed to move to where we've got now, which is, I think, proceeding on the basis, well, you start from an assumption that what the child is telling you is what's happened, and bearing in mind that's through the child's eyes, and you certainly don't, as you, James, rightly put it, say, 'Well, unless there's been a conviction' -- and that's at a very high standard beyond reasonable doubt -- 'we assume it didn't happen'.

MS LLOYD: Yes.

LADY SMITH: It's very much a question of your starting point and supporting the child and taking forward what they're saying to then look at what other factors there

are to take into account, what other evidence there is. Have I got that right?

MS LLOYD: Yes, you have. Our starting point is believing, because we encourage our children and young people to come forward with any concerns and I think, you know, we are at a standard now that we do that well to try to get children and young people to come forward and to go to a trusted adult and we emphasise that a lot in education, in particular.

And we start with the belief in -- and we do find that anything that is quite detailed, that they can give us in detail, often tends to be true. You know, I think we need to bear that in mind and in a lot of cases it tends to be true in the detail in it. So we start with that belief but obviously we then investigate and find out the facts, but certainly we don't wait until someone is convicted.

Within our settings, when we get something that we feel is a credible allegation, we believe the child or the young person and, in our practice, we suspend immediately. That's to protect both the child and the young person and the adult from any further accusations, et cetera. So that's the process in which we use immediately.

LADY SMITH: Thank you.

MS INNES: If we can move on to another document, please, this is FIC-000001512; which is an updated Part B response in relation to Ovenstone and, at 3.1, we note that it is accepted that some children cared for at Ovenstone were abused. Is that the council's now position?

MR ROSS: Yes.

MS LLOYD: Yes.

MS INNES: And then you go on to list some allegations of abuse and it says that it's accepted that they're likely to be true.

The first person there is a person known to the Inquiry as 'Jordan' and it's noted that this person raised a claim in relation to sexual abuse. He had alleged that he'd been sexually abused and that he gave evidence at Cupar Sheriff Court and that Alexander Christie was convicted.

Does the council now accept that Alexander Christie was convicted in respect of the abuse of 'Jordan'?

MS LLOYD: Yes.

MS INNES: And if we move on over the page at the -- towards the bottom of the page, there's reference to the risk management team also looked into the case of a person who is known to the Inquiry as 'Peter' and I think there's reference to the civil claim and I think the

claim was initially repudiated.

He says in his statement to the Inquiry that he was a person in respect of whom Alexander Christie was convicted, that a nurse discovered Christie abusing him and then things moved on from there.

Again, based on evidence shared by the Inquiry, does the council now accept that 'Peter' was abused by Alexander Christie?

MS LLOYD: Yes.

MS INNES: There's some other allegations noted on page 3. There's an allegation also accepted by the council which is likely to be true and this is a person who had made an initial allegation of abuse against David Murphy, but also indicated that he had been abused by other staff members at Ovenstone.

From what's said in the Part B, the updated Part B, it's understood that the council considers that his allegations are likely to be true?

MS LLOYD: That's correct.

MS INNES: And then there's an allegation at the bottom of page 3, which is against SNR [redacted] in October 1987, and there's reference to a parent having raised that her child had been bruised and the child had said that he was flung off the bed and he'd hit his face on the bed head.

The evidence was insufficient for prosecution and the social workers at the time found the child's statement credible, and, I think, is that the basis upon which the council accepts that this allegation is likely to have been true?

MS LLOYD: Yes.

MS INNES: The material that is found in relation to the view of the social workers at the time.

MS LLOYD: Yes, and also given the context of what we now know occurred during the period of time at Ovenstone.

MS INNES: Then, if we go on over the page, to question 3.2, there's reference to acknowledgement of systemic failures and it is accepted by the council that, yes, there were systemic failings; is that right?

MS LLOYD: Yes.

MS INNES: In terms of the systemic failings, in relation to Ovenstone, are you able to identify what those failings were or what some of those failings were?

MR ROSS: I think the key one for us is that there was allegations of abuse that we know weren't investigated fully and robustly to have come to an informed conclusion and understanding of the care. So for us, that's the, kind of, primary area of concern.

Second of all was the views of children weren't accepted, listened to and heard, and those voices would

have been a rich source of information to inform us of the care practices at the time, and the third aspect for us is the lack of robust detailed recordings and, again, that would have been reflective of the practice at the time, but we have to acknowledge that the lack of information has meant that we don't have the fullness of information to bring the day-to-day, like, care of young people to life.

I think the fourth one for us is around the lack of respect and appreciation of the view of parents. We had parents who raised concerns about the care of their children, that they themselves weren't listened to and heard. And the fact that children weren't able to speak to the care staff and had to seek the views of their parents meant that the conditions at the time weren't supportive and secure enough for the children to make disclosures to key staff that they felt could -- that they could invest in and that there was a lack of what we think was a safe relationship with staff that gave the children the conditions to disclose.

MS LLOYD: If I could add to that, I think the lack of some of the systemic failures are based on the problems between social work and education and the relationships there, which didn't allow for some of the practice to be properly challenged and therefore investigated.

I think the lack of a complaints process, for a formalised process for the children, that allowed them to go outwith the home, which would have helped in terms of having that other person to be believed. There appears to be a lack of training for staff within the residential home, Ovenstone as well, in terms of their understanding of trauma-informed, ACE's, whatever way you would like to say it, or just the basic understanding that any behaviour is trying to tell us something in terms of communication.

And I think also the lack of quality assurance. I've noted the five logbooks. Who was looking at those? Who was coming in to quality assure the detail of those? What was being recorded? What wasn't being recorded in terms of the Fife Regional Council to actually look and see what was going on within the home? And actually, if someone had read some of those logbooks at an early date, they would have seen, I hope, the inappropriateness of what was being recorded, how it was being recorded, et cetera. So I think there's quite a number of things that added to the systemic failure.

MR ROSS: I think what we kind of -- when we pull some form of conclusion, I think what we accept is that the lack of these measures, these mitigations to have provided extra safeguards, has meant that for some of the young

people who were at -- cared for in this place that went on to have life-long challenges and we know that being in care in itself can create life-long difficulties, but when you are subjected to forms of abuse in care, that the impact of that for a lot of people never leaves them. It has an impact on their mental health, it leads into the route of addiction and offending and it severs family relationships, particularly that of your siblings and it distorts your view of your parents and your life chances are curtailed, particularly with your own children as you become an adult parent.

So I think we appreciate and accept that, you know, the lack of rigour, as we've discussed, at the time has meant that the opportunity to intervene and mitigate wasn't there. As a consequence of that, people's lives have been impacted forever.

LADY SMITH: Is there also another way or an additional way that a council should regard this and, as you rightly commented, the extent to which the impact of being in care can damage somebody's life in so many ways, both in terms of their health, their relationships with family, family setups, which in turn means they grow into adults who require continuing local authority services?

MR ROSS: Yes.

LADY SMITH: If you assist a child to become an independent,

well-functioning adult, the likelihood of them being reliant on local authority services is much diminished, isn't it?

MR ROSS: Yeah, and I think the kind of ethos, particularly in the social work service now, is: these are the risks that we think a young person is exposed to, either in the community or by their family, and we might remove those risks by placing them in care, but what risk does the care system pose to these children and is that risk greater and more detrimental than perhaps the risks we are trying to manage currently, and I think that's a change in practice and language but certainly I'm very confident in Fife that that is a narrative in the explanation that we require our social workers to explore in their decision-making because sometimes the consequence of care can be far reaching than the consequences of the parental care or the risks that were in the community.

I think that's how practice evolves and develops over time, but we now have to look back at the body of evidence we've got about the care system to understand the risks associated with that and to use that now in our current practice.

MS LLOYD: And just to add, I think we are using that information and certainly James and I, reflecting on

this process, it's, I suppose, enhanced that and made us even more committed to ensuring that care-experienced children and young people are our target group to really support. And I think James is understating the fact that since he rejoined Fife, his philosophy of reducing the amount of young people looked after in residential or anywhere else, is a real commitment.

And obviously, within education, we want the kids to come to our schools and not be pulled away. Because for some of them, that's their success and their stability in terms of their lives with their friendship groups, because we all know that, come 16, those young people, whether they're in care or not, will return to the area they come from, to their families, because that's where they want to be. So I think the change in approach, because of the information that we now have, and certainly from James's input, is not changing just social works' attitude, it's certainly changing the educational philosophy around care-experienced young people, but we still have to do better with the outcomes for care-experienced young people in education also.

LADY SMITH: Thank you very much.

MS INNES: Just finally on this document at page 5, there's the question: 'Does the organisation accept that there were failures in response to abuse?' And the answer to

that is: 'Yes'.

I think you've already given an explanation for that, which is along the lines of complaints weren't followed up. Children weren't heard. Parents weren't heard. And other matters that you've already mentioned.

MS LLOYD: That's correct.

MS INNES: I'm going to move on to Linwood Hall and if we just briefly look, please, at FIC-000001371, and the very first page there, we can see a photograph of Linwood Hall and I think on the second page, we can see some further photographs of it and the grounds around it.

From looking at the material that you've considered, were there any particular issues arising from the local authority because of the nature of the buildings that were used by these different establishments?

MS LLOYD: I think, because this is the first time I've seen a photograph, but having read some of the information, it appeared that quite a lot of the buildings were older and there was a number of buildings and big external grounds, and there is -- my understanding is for Linwood Hall in particular, there was a concern raised through some of the inspections that the building was deteriorating. So there were comments round about the fabric of the building in terms of some of the

inspection reports, in terms of its appropriateness and money to be spent in terms of the fabric of the building, specifically for Linwood.

I don't know about the others in terms of their appearance, sorry.

MR ROSS: I think it's very worthwhile adding that these buildings are grand. They're huge. They're not homely. How you manage children with dysregulated behaviour is not being considered when opening these types of facilities. How do we provide the emotional containment for young people? That's very hard to achieve in large buildings. The presence of staff becomes diluted for young people when you're trying to span a large area.

So for me that, I think -- when we look at the context of why we're here today, that allows the lack of adult supervision of other adults when you're trying to span huge environments.

But I think there's also another meaning around we're giving often children from poverty something better and I think we need to be clear about the message that that conveys and how that, I think, prevents people from challenging the system.

So we've almost taken children out of poor communities and given them this and somehow we've done something better. So I think there's lots of things

that we need to take from these pictures and these types of buildings that were traditionally used to provide care.

MS INNES: And if we could look, please, at FIC.001.001.0003, and at page 3, so this is Fife Council's response to the Section 21 notice in relation to Linwood Hall.

If we scroll down to the bottom of page 3, we see there reference to Linwood Hall School:

'Opened in 1974 and closed in 1998'.

It says that it opened because of a shortage of places for children with social, emotional and behavioural difficulties of school age.

Is that your understanding of what Linwood was -- what the purpose of Linwood was?

MS LLOYD: Yes.

MS INNES: It goes on to refer to Lendrick Muir School, saying that, at the time, it was the only approved residential secondary school in Scotland at the time.

So it was considered by the council that there was a need for this type of provision; is that right?

MS LLOYD: Yes.

MS INNES: Then if we look down on page 4, towards the bottom of the page, there's reference to the independent review and the closure of Linwood Hall School in the

summer of 1998. Was that following the same review that we've looked at in relation to Ovenstone?

MS LLOYD: Yes. The 1997 review, yes.

MS INNES: And again, was it for the same -- essentially the same reasons, that there was a move towards the mainstream?

MS LLOYD: Yes.

MS INNES: Now, if we could look, please, at page 29 of this document. This gives us a sense of the numbers at Linwood Hall and it tells us that at the time of the Black & Williams Report, they were able to look back and see that there had been residential accommodation for up to 20 boys and 8 girls.

That seemed to be about the number of children who were accommodated at Linwood; is that right?

MS LLOYD: Yes, that's the information I have also.

MS INNES: Perhaps if we might take the morning break, then I'll move to the Black & Williams Report after the break.

LADY SMITH: Okay. I think we've made good progress.

I mentioned earlier, we normally break at about 11.30, so if it's all right with you, we'll do that just now and then move on to further evidence about Linwood after that.

Thank you.

(11.28 am)

(A short break)

(11.45 am)

LADY SMITH: Maria, James, welcome back. I hope the break helped and you're ready to go again. Is that all right?

MS LLOYD: Yes.

LADY SMITH: Thank you. Ms Innes.

MS INNES: Thank you, my Lady.

Now, the council's A to D response in relation to Linwood Hall draws heavily on the Black & Williams Report, which is at FIC-000000088 and we know that this is an independent inquiry established by the Chief Executive of the council following the conviction of David Logan Murphy for the sexual abuse of children.

And we know that he had been at St Margaret's. There had been complaints there and he'd been suspended, and then, after a period, he moved to work at Linwood Hall and that he was later convicted in respect of sexual abuse.

If we can look in this document, first of all at page 13, where it talks about 'The development of knowledge about child abuse' and -- if we scroll down a little -- so there is a paragraph beginning:

'At the same time as physical abuse is being recognised, corporal punishment was still being used in

schools and in children's units. Some punishments given at Secondary Institutions - to be Linwood Hall appear to have been extreme. The pain recalled by some of the survivors went beyond that expected of chastisement.'

So that seems to be what the authors of the report found at the time when they spoke to people who had been at Secondary Institutions - to be Linwood; is that your understanding?

MS LLOYD: Yes.

MS INNES: Then it goes on:

'In relation to this presence of sexual abuse as a phenomenon, while the existence of incest in families was well established in those years and, indeed, long before, the main focus of intervention was on the punishment of the perpetrator. Little attention was given to the effects on the victim. A senior manager in social work recalls that in the 1970s there was a reluctance in the police to accept allegations from teenage girls and their mothers about sexual abuse by their father.'

Then it continues in relation to how sexual abuse was viewed as a generality.

Now, obviously at the time that allegations were made against David Murphy, I think it was in the early 1970s, up to about 1973, we've just seen that Alexander

Christie was convicted for sexual abuse of children in 1973 in Fife.

I wonder if you have any reflections on how it was or could be that allegations of other children at another care home in relation to sexual abuse don't seem to have been taken forward?

MR ROSS: I suppose when you, kind of, try to look back and reflect is that we had care homes operated around the same time, perhaps overseen by the same personnel, and therefore the acceptance and the culture and the practice would have been led by those people. So I think that's one dimension that we had to give some thought to.

But we know that abuse was happening in households so -- and we knew that there was allegations of abuse and therefore, irrespective of the evidence, based on the research of sexual abuse at the time, abuse -- we were being made aware of abuse and therefore we still should have been able to take that on board and make -- and have some decisive action as a consequence of that.

But the three establishments that we're speaking about today operated under the same personnel, albeit different house managers. So we do need to give some context to the culture and the belief that might have been held by those senior management team at the time

based on the time in which they qualified and practised.

MS INNES: For example, I don't think the local authority have been able to find any information about the allegations about Alexander Christie and, indeed, his conviction being reported in to any committee of the council or to the council as a whole. I don't think you found any evidence of that?

MS LLOYD: No, we haven't, and we've struggled to find any personnel records to that specific person also, which probably reflects the retention period of staff records perhaps at that time. But, yes, we haven't been able to find anything in relation to that, apart from what is public.

MR ROSS: I suppose, also, we've, kind of, reflected it was dependent on the view of the person at the time whether or not a disclosure was going to be heard, listened to and acted upon, whereas now what we know is we have, you know, clear policies of practice, clear expectations of the workforce, but there was people of positional power who could make decisions as an individual about what they were willing to act upon and record.

MS INNES: If we go on to page 15 of this document and to the bottom of page 15, it refers there to Linwood Hall was an educational resource offering day and residential education provided by Fife County Council and

subsequently by the regional council:

'The care provision at Linwood Hall was the responsibility of the Education Department and not the Social Work Department.'

So that's quite clear in terms of the responsibility, that here the Education Department had responsibility for care and not just education?

MS LLOYD: Yes, obviously that's not the case now, but I think the legal status back then allowed that to be the case, but it's very unusual for me as an educationalist to think that that aspect of residential care was under the management and guidance of education.

LADY SMITH: I suppose the problem was there was nowhere else to put it at that time? Pre-Care Commission, pre-Care Inspectorate --

MS LLOYD: Yeah -- yeah.

LADY SMITH: -- and otherwise the generality of Social Work Department perhaps was seen as not being enough to encompass it and, after all, education were looking at these institutions so they could pick up what was going on in care as well, couldn't they? So was the thinking.

MS LLOYD: Possibly. And I think probably because the main function was supposed to be about education, it was maybe perhaps perceived that that would sit better under

education than under social work.

MS INNES: Then it goes on in the sentence to say:

'The majority of young people at Linwood had active links with their parents and returned home every second weekend, unless they were being rewarded for some achievement when they could earn an extra weekend at Linwood.'

Do you have any comment on that reward?

MS LLOYD: It seems to be something that was made up by the managers responsible to think it was a reward, but I understand from the witness statements that it was never given over to the victims that that was a reward. Often they were told that their parents didn't want to see them and it was left, as we know, under one specific person, who has been convicted, to be the conduit between families, parents and the children, and I think the families, the parents, were also told that the children didn't want to come home to see them. So again, it seems to be a sanction and a punishment rather than a reward for that and perhaps a way in which to keep some of the children and young people there when we look at where certain sexual abuse happened and when it happened.

MR ROSS: I think we probably have to look at it slightly differently as well in the fact that there's

a presumption that the state offers something better than families, so why would Linwood Hall be a better alternative to going to your family at the weekend?

I do think we need to be mindful of that, because I think that infers around how even parents are treated and how they can challenge the system. So the fact that you could earn an extra weekend at Linwood Hall to replace time with your family, I think, in itself, gives an indication that there was a belief that Linwood Hall was something better than family life, and I think that then -- that class system and the way that we view the people who live in poverty and the poor, I think, has an impact on how you're able to challenge the system, make allegations and how that would then be robustly investigated, so ...

MS INNES: If we move on to page 19 at the bottom of the page, we see the part of the report that deals specifically with Linwood Hall, and it notes that the authors of the report met with four survivors.

They note that this is a low response and they think that was maybe linked to the fact that so few charges relating to Mr Murphy's time at Linwood Hall were taken into the final indictment. I think he pled guilty to one charge in respect of somebody at Linwood Hall.

If we go on over the page, the authors say in the

second paragraph on this page:

'It was seen as the school that could cope with those young people who could not be managed in mainstream schooling. Evidently, senior staff were proud that they could manage the most difficult pupils. From correspondence in an administrative file located by the present Education Service, the "good discipline" that was achieved in the school seems to have been valued by the then Education Department senior managers. They felt that many of the pupils who had presented considerable problems in other schools were being successfully handled by Linwood Hall.'

And then it goes on that a few of the pupils returned to their local schools.

Do you think that tells us anything about the culture of Linwood?

MS LLOYD: I think it tells us something about the culture of what senior managers perhaps believed to be the right thing to do, because you were troublesome, seen to be troublesome at another school, that we needed to put you somewhere, so that you would behave.

And obviously the very strict corporal punishment, et cetera, that appeared at Linwood -- or was carried out at Linwood Hall would give the impression that the young people were being managed successfully because

obviously nobody was finding out about anything else that was going on. If they were in a mainstream school, there would be exclusions, et cetera, you know, that would take place so you would actually know that things were going wrong within a school setting.

It also says that Linwood Hall had a self-perception that they were doing a fantastic job, which reflects on the reward to stay in at the weekend and not go back to your family. So they obviously thought that they were doing a really good job with these children and young people.

MR ROSS: I suppose, in one respect, it's helpful to think about the kind of ethos that's created by -- if managing behaviour is the ultimate goal of the -- for the determination of success by senior managers, at what extent can staff do whatever they like in order to ensure that those young people are managed.

And I think that's the thing that, when you just reflect on all of the documentation, I think is also worthy of just considering that -- so, you know, success of a school setting is that behaviour is managed. That, I think, opens the parameters of what can be used to manage that behaviour.

MS INNES: If we go on to page 20, there's a paragraph beginning:

'What is recalled, however, by the survivors is a regime.'

So this is talking about corporal punishment was being phased out over time.

'What is recalled, however, by the survivors is a regime with harsh punishments which caused pain and injury as well as humiliation for the recipient. The language used by staff is recalled as very strong and some allege that the head took pride in recounting his forceful and dismissive approach to discipline during his time in the Far East when serving in the Royal Marines. Some of the survivors spoke about being got out of bed by staff, being made to strip in the showers and having their legs hit with wet bootlaces. This wasn't linked to bed wetting.'

Then there's reference to a particular policy where people would be hauled up -- sorry, a particular punishment, where a boy would be hauled out of assembly and deliberately shaken so that his head hit the wall, and their memory is that that was SNR that was meting that punishment out.

Do you have any comment in relation to that material?

MR ROSS: Yeah, I suppose for me that is the emotional and physical abuse as we would recognise it now. It's more

than harsh punishment. I suppose, just as I, kind of, made some comment earlier around what is the regime that creates good management of behaviour and, I suppose, for me those practices make the situation for young people very unpredictable and it's that level of planned behaviour by staff that creates unpredictability in a setting that almost means there is conformity because if you can't predict what's coming next and the severity of it, you do your best to try and manage. So what we could see is that though that desire by senior management to have an institution that is seen to manage behaviour, what we havenae tried to do by senior management is unpick what is it that's led to that good behaviour in that setting as opposed to the mainstream.

So for me, we've created potentially the conditions of a tolerance of adult behaviour that was -- even by standards at the time, was totally unacceptable.

MS INNES: If we go on over the page, we see further reference to Mr Murphy and there's reference to a survivor remembering telling the headteacher as to Mr Murphy's abuse:

'He remembers telling the headteacher about the sexual abuse. He was openly disbelieved and told that it simply didn't happen. Another survivor told the headteacher in the presence of his mother. He was

called a liar by the headteacher, who was believed by his mother, and made to go back. There is no evidence that these allegations triggered any action by senior staff.'

So I suppose that takes us back to issues that you've already mentioned in your evidence, the way in which an allegation is being dealt with by this particular person in this institution, as opposed to having a consistent approach.

MS LLOYD: It also refers back to, I suppose, a culture, the fact that his mother just took the word of the headteacher. It was back to that, you know, in, I have to say in those days, that respect that the mother had for authority perhaps and therefore believing what was being said in a convincing way. It appears that, obviously considering Linwood's reflection on them being very good with discipline, et cetera, that that particular person believed that that was the right way to run that residential home and education by using this sort of -- this was the norm. And I think that's what James referred to earlier on in Ovenstone, it seemed to be the norm of the way to behave and control behaviour rather than actually look at the causes and the communication from the children and young people.

MR ROSS: And I think, probably unknowingly by the

headteacher, is that by the disbelief of at least two young people perhaps prevents any other young person making further disclosures and therefore, you know, empowers the person to continue to abuse and I think what we know now is that the response that a disclosure is met by is so important for the person's recovery from abuse and again, perhaps at the time, that evidence base wasn't there, but we know now that a young person who makes a disclosure, how that is received by someone is so important to assist them, both in the further storytelling, but in how they recover from the abuse that they've experienced.

So the lack of evidence, perhaps, at the time meant there was a particular practice, but unfortunately the conditions that were created by a belief that Mr Murphy was honourable and a key member of staff has silenced the young people in this house.

MS INNES: Just further down, we see a paragraph beginning:

'The survivors saw Mr Murphy as having a lot of power in the organisation of care in the school.'

So is that what you referred to a moment ago in your evidence, Maria, where you said that this person, who was convicted, seemed to have a lot of control over the care of the children in the home?

MS LLOYD: It appeared from -- again from the information

here in the witness statements, that he was there a lot and he, you know, seemed to be on duty a lot, so -- and he made lots of decisions and there was certainly references to him contacting, as I said, being the conduit between families and the young person. It seemed to be that's the way in which the parents were communicated with. So he was making lots of the decisions with regard to the children. They weren't being listened to. They weren't being asked. So I think the fact that it appears he was on duty a lot and had that specific role gave him a lot of power by default, and that's what has come through to me.

MS INNES: I suppose the question that then arises from that and also refers to the headteacher having a lot of independent power, how do you guard against individuals having too much power over the lives and education of children?

MR ROSS: I suppose for me it's -- there's a whole range of things that have to happen, but there has to be clearly established policies and processes around how we would expect all staff to go about their business, particularly around allegations of abuse. It's not down to the individual person to determine how we investigate, that we're very clear in how all disclosures would be met and I think there's something

really important that we now have established that's also around that external scrutiny, and I suppose there isn't -- at that point the headteacher is the person that's in charge of everything, of every decision, is in charge of care and education, particularly in an area that they're probably less familiar with, but very skilled in education. So external scrutiny is hugely important and I've always, kind of, thought that it is palpable in a children's house or residential environment when things are not going right, you can feel it. So that external person who is not steeped in the culture and the practice is able to get a sense of the environment, the practice, the demeanour of children and the interactions of staff. So again, at that point there was no external scrutiny.

I think also what we have is that ability to make decisions for children as a collective network, so when you have one person who is the decider of everything, there's no challenge, there's no scrutiny, and there's an interpretation by one person that becomes the narrative. So again now we have that collective decision-making forum and I think what we also now have for children that wasn't there, is -- and again which I think now prevents the likelihood of these things, is -- are things like looked-after children's reviews,

the ability for a young person to call a Children's Hearing and knowing that's there within their gift to do so.

So I think legislative changes, regulatory changes have enabled there to be less dominant people who can control environments and the narrative that comes from that and, kind of, my view has always been in any children's care home or setting, the wind needs to blow through.

So there needs to be the opportunity for external scrutiny at all times and that there's robust support of challenge or practice because cultures, I think we see that in here, can become -- can develop without the people who are practising in that way from knowing. So how does someone else cast an eye on the culture and the practice of an environment who's not part of it?

MS LLOYD: Within the school settings now, there's many adults going in and out the schools to quality assure the practice that's ongoing. So I think, in line with what James is saying, now within education that obviously are not residential settings, we have improved child protection training for all staff.

We do it every August and then service day, where every member of staff has to be child protection trained. We have very good updated training. And

I think the fact that we now have, like, wellbeing meetings, which doesn't necessarily include the headteacher, it could do at a primary school, but actually it's a collective group of professionals who are respected to make decisions around the family and the family are included in that decision-making process and the voice of the child, whether they want to be at the meeting or not is up to them, but is recorded and valued.

So I think the whole approach is, kind of, stopping this level of power by one person, because there's the checks and balances in place because of improved, I suppose legal requirements, but also improved policy within Fife.

MS INNES: Now, if we look down to the bottom of this page, we can see that the authors of the report recognise that Linwood Hall had closed and that practice had changed considerably in the intervening period and they didn't make any formal recommendations in relation to what they had recorded in relation to Linwood Hall.

We know, of course, that they made many recommendations which have been looked at, I think, before by the Inquiry.

Do you think that there are still things that you can learn from what happened at Linwood? We'll come to

the specific issue of David Murphy moving from one place to another in a moment.

But just in terms of what we've been looking at here, is there anything that you would specifically take away from this?

MR ROSS: I think for me -- whilst I think we've made huge strides -- is the listening of the voice of the young person and, at times, even young people who are in a period of crisis, there's -- I'm not sure that we take on board fully their views, their wishes, and I think that's a lot -- you know, I think for staff there's still a lot of work to be done in that area, albeit we've made significant progress within that.

I think the other thing that we still have to think about in how we deliver ongoing training is around how we create the conditions for staff to be curious about the practice of their colleagues without being suspicious and I think that's something that I think is hugely important and we still know the residential settings culture is developed within staff teams and I don't think we've made progress and have paid particular attention to what is the training requirement to do that type of work without it becoming a suspicious working environment.

And I do genuinely think -- and I'm very confident

in Fife that we've made some progress in that -- is that we're not the parent of children unless we have parental rights secured through a permanence order and I think there's still significant work needing to be done to respect the views, the wishes and the voice of parents, particularly of parents who make complaints.

And I don't think we're also there. I think parents can be seen as being difficult and challenging and because of their circumstances, we contextualize it to that, where often they have a lot to say about the care of their children and need to be afforded the right to be heard, particularly when there's matters of concern. And again, I don't think professionals across the system often appreciate the voice and the rights of parents. So for me there's those, kind of, three key areas that, whilst we've made progress, there are still ongoing significant progress we would want to take forward.

MS LLOYD: I also think there's something to add to that, just in general in school settings, is that we tend to hear, because I get a lot of complaints and it tends to be from certain schools and certain areas.

I think we still have to look at the voice of a range of social areas and backgrounds and, et cetera, to make sure that the voice of all parents and all children is heard, because I think some find it much

more challenging to come forward, particularly in education and in residential, if your experience has not been positive. And I think that's a cultural thing and it's a society thing and I think we've got to work harder at that and I think within education we have got to work harder.

We did bring in -- social work did it first with trauma-informed practice, we have brought in mandatory training for all staff just under three years ago in education and all staff in a school to be trained in trauma-informed practice and de-escalation. And that's been quite a feat because we decided in those two areas, due to research and to hang our hats on it in a way, with the idea being that in our 153 establishments or so that we -- the same language is used and the same approach is used. So that if you do move from one area to another, you should -- a young person should experience the same sort of language.

So I think some of this learning is probably supporting some of the things we are doing, but we certainly need to still keep looking at it and keep bringing it up in conversation and certainly James and I will have our own learning after this review to actually look at anything else that we should be focusing in on and I know the council will also.

MR ROSS: I think from some of the work that we are doing actively is around how we challenge some of the societal norms that are around, so residential houses still continue to be dominated by teenage boys, and there's still a view around behaviour that people think young people are in control of, particularly with partners and, you know, other local authority services. So, for me, there's something about these young people are vulnerable as a consequence of trauma and adversity and they're the most vulnerable and at-risk group and how do we always keep that at the forefront of our understanding of behaviour in how we plan for them, and not see anything that they say as being malicious, but genuinely either a true and accurate version of the events that have happened, or at times due to complex trauma, it's an amalgamation of various past events that have merged and we need to unpick that greater.

But I think these are things that we've made huge strides on, but there's something that we know are continued challenges and we need to continue to work to do that with our workforce and particularly, as I think Maria touched upon, a workforce is never going to be as skilled and knowledgeable in all areas, because we have a -- particularly in social work and social care, a turnover of staff. So we need to make sure that our

staff have the right training and the knowledge at all times to respond to the needs and complexities of young people and never be in a position where allegations or even at times some comments that are made by young people are dismissed based on a perception of them.

MS LLOYD: I think the advent of social media means we really have to be mindful of that, because social media brings with it huge concerns. I think it's probably our biggest concern now in education in terms of what is being said and what's being done in the background, not necessarily at school but outwith, and how that's perceived or believed and how we act on that also.

And there's lots of misinformation and that can be quite dangerous as well.

MS INNES: If we can move on, please, to page 28 and below recommendation 3, there's a paragraph beginning:

'All the survivors we met had one question in common: how could the same council allow Mr Murphy to move back into a care setting after the allegations of sexual abuse made in 1973? Especially as this had led to his suspension and transfer to a post where he did not have contact with young people?'

We've also heard that question from applicants who have given evidence to the Inquiry. We can see that the authors of the report considered the way in which he was

appointed. Obviously, there was an absence of convictions at that time.

If we go on over the page, to page 29, it talks about the application process in 1976. It would likely be an interview with the headmaster and a manager from education services.

And the homes adviser or the last manager of Mr Murphy as residential worker had been asked -- they couldn't remember having been asked for references, and then it goes on to say:

'A former senior manager in Fife Regional Council Education Services recalls speaking to interviewers shortly after the appointment of Mr Murphy and advising them to be cautious because of rumours about the aspects of Mr Murphy's contact with young people.'

And then the report goes on from there.

And from reading this, what have you been able to discern as to how it was that Mr Murphy was able to move from one setting, where there'd been allegations and he was suspended, to another care setting?

MR ROSS: I suppose the challenge that we have, less so now but still we can hear it, is around innocent until proven guilty. And at times, the HR response being one of anxiety around the repercussions of the way in which we use information where there's not a conviction and

I suppose, when we look at what we have now, is we have really robust safer care and recruitment policies in all aspects of care where there's greater independence to the appointments panel, there's the requirement for PVGs.

But we have to also be clear around that if you're not convicted, that doesn't mean to say that it never happened. We weren't able to prove that it didn't happen and therefore all of that information has to be used in informing decisions about safe appointment to the young people that are there.

So I think the legislation and the governance around recruitment is different now that allows us to be much more robust in how we go about our business. I think, sadly, when we reflect on the events at the time, there was a particular view that was held of Mr Murphy that went against the views that children held of him and that enabled him to be a powerful person in the organisation and to be able to be reintegrated back into childcare settings.

None of that was safe. We know it wasn't safe by the ongoing abuse, but also it wasn't legitimate to have made that decision at that point in time and we have to be deeply apologetic, at the very least, about the way in which the management of him has led to children and

young people not being kept safe.

MS LLOYD: It seemed to be a culture thing again because there is that element of social work informing education that they had grave concerns, and if a colleague said that to me, you know, it doesn't matter what policies or procedures you've got in place, you would be listening and acting on that. But I think James is right, our procedures and policies are much more robust now, but obviously they weren't in those days and there was obviously conflict at a senior management level that allowed people to, I suppose, a lack of respect to actually someone saying that to you. You would know that there was a real concern about this individual and yet we allowed him to go into another residential home for many years.

MS INNES: If we look down the page, there's a paragraph beginning:

'It has been suggested to us that there may have been a departmental status factor to take into account. In 1976, social work departments were relatively new and it may have been that the Education Department felt that they had the experience to ensure that Mr Murphy was not given the opportunity to abuse children. Once the decision had been taken to employ him, they would not have welcomed advice from those who they would see as

their juniors.'

So the authors say, 'We've not seen any evidence to prove or disprove that', but they think it's a possibility and I think that was what maybe you were referring to in relation to the ongoing issues between education and social work.

MS LLOYD: Yes.

MR ROSS: You know, I think it is still, I think, a really important point for the Inquiry to think about the point at which we make appointments. When information becomes available beyond that appointment, at what point can we do a U-turn and I think there is -- there are still challenges across, you know, Scotland, around when you make a conditional offer, that that somehow seems like an unconditional offer from the offset and then further information becomes known about someone, that recruitment process can feel much more challenging about withdrawing the offer.

And not in terms of things as serious as this, but we do know that recruitment processes can become challenging and that there's anxiety about the challenge that comes from a person who does have the potential of the author to be withdrawn.

So I think, whilst we have consummate safer recruitment processes and a greater robustness, there is

something for me about how do we explore that going forward and perhaps, you know, there's an opportunity by the Inquiry and there is something about the weight of information -- what's the weight being given to information that's not been proven, particularly within settings where there's vulnerable service user groups.

So you could have someone who has a catalogue of allegation after allegation, never formally been investigated and never perhaps been investigated by the police or convicted, but there's a catalogue of information that demonstrates a pattern and at what point is that used to determine someone's suitability for a post.

And I think that's the area that needs further scrutiny and exploration.

MS LLOYD: I think -- just to back James up -- I think there's a real challenge for us and there's a real challenge in education to, once they're employed, to sack. We immediately suspend when there's an allegation to keep children and young people safe, so keep them away, but actually going through to the end process is quite painful, I'm going to use the word of, because of the situation that it is, with regulations from GTC, et cetera, and probably our own processes, the final decision in our process in Fife for teachers is that the

final decision-maker is actually elected members.

So that leaves us open to that level of -- you could say scrutiny or decision-making by people who are not in the profession. I personally and professionally find that very challenging. So I think what James is kind of alluding to is that we can always be reflective in looking back at our recruitment, our policies, but also when allegations do come about and there's not a conviction because, as you will know better than me, convictions take a very long time. So in that time we continue to suspend, et cetera, and not interfere with the police investigation, but that's quite challenging because our own fact-finding is limited then, but we do go on the belief that, you know, if we have reasonable belief, then that's the approach that we take, so we don't always wait for a conviction, but just to reassure the Inquiry, but we would still have the person suspended until then.

LADY SMITH: And it's not just a question of proceedings in the criminal courts taking a long time. The GTC procedures, appropriately, proceed on the basis of proper investigation and preparation and presentation, and then there may be appeals.

MS LLOYD: I think, as you know and it's well publicised, the GTC process is very slow and they tend to wait until

after we, as a local authority, have written a report and put in the report, et cetera, and then it usually takes quite a long time after that for the fitness to teach.

They do put temporary restriction orders on some staff which enables us to not move them from one school to another, but, as I say, if it was a strong allegation, they would be suspended anyway. But that doesn't take away their registration immediately, it just, kind of, postpones it.

So, you know, I think the regulatory bodies have a role to play in this also and not waiting -- they could carry out the investigation at the same time. It does delay the process.

LADY SMITH: And if you look at it from the children's point of view, particularly from the point of view of older children who may be aware of these procedures taking place, it's hard for them not to know exactly what's happening as a result of them having spoken up.

MS LLOYD: Yeah. I think it's -- I think the only reassuring thing is that the teacher wouldn't -- or anybody in a school would not be in the school, so they wouldn't have to see them again or be in contact with them and that's the thing that I think we do do well in Fife, we do do that. But you're right, in terms of some

of that dialogue with the young person, particularly someone who's maybe, you know, a teenager, we probably need to do better at reassurance and support.

I think schools do do a really good job via their guidance teams and the named person, but we can always do better in terms of that because there must be a fear that that person is going to return or they're going to bump into them and, et cetera, but we do reassure young people that they are being believed and don't take that lightly, but yes, there's always a concern.

LADY SMITH: Thank you. Ms Innes.

MS INNES: Thank you, my Lady.

If we can move on to page 30, in the second paragraph there, it says:

'When the head who appointed Mr Murphy retired, there was no mention made of any of the allegations, either the ones in Linwood Hall or the previous ones, to the succeeding head.'

So I assume that would be the allegations that were made directly to the headteacher which he dismissed. It then says:

'Following a period of review of procedures and practice, the new principal made a number of changes, including an embargo on solo working and the introduction of a mixed gender care staff in the unit.

Mr Murphy asked for early retirement on health grounds shortly after the appointment of the new head and left within a year of the changes.'

So here it appears that the headteacher that has been particularly influential in a complete change of practice and procedure in the school, and I suppose that would say something about the importance of the leadership and how that sets culture.

Do you have any reflections on that?

MR ROSS: I think we kind of made reference to that in some earlier evidence that we gave, that the culture established by the leader is important and their awareness and appreciation of that very awful things can happen in their setting, and having that curious eye to that is important.

But there's two things here, isn't there -- and again we've given evidence around it, around the lack of recording of information that is so important, because organisational memory is not useful when you have changes of staff, so that's been the issue here. But equally, there's been a new ethos and culture that has prevented potentially the opportunity to continue to practise and perhaps has forced someone's hand to leave their work.

But, again, it's how someone provides any

leadership -- any manager or leader with the scrutiny to challenge and the support to ensure that the culture that they do create is the one that we would all aspire to. So -- because that's a positive change in the culture, but equally there could have been a new leader with a very different perception. So how do, particularly for us in the local authority, ensure that we have scrutiny, challenge, set a vision, set an ethos and that we quality assure that that approach is embedded and that we have evidence of that, and that we hear from children that that's their experience of the care that we hoped that they would receive from our schools or our houses.

MS LLOYD: I think there's the challenge here about how we record information, because information should have been passed on, but obviously records back then, retention records were different. We now have retention records for 25 years for staff. Obviously, any disciplinary stays in the record and is acted on for the year, but the rest of the information does stay. So we would have access to that nowadays, so that's probably a change in our procedures and policy that would hopefully protect from that -- prevent that from happening again.

MS INNES: Can I move to some other documents in relation to an -- allegations that came out, I think, in the context

of the Black & Williams inquiry and they're allegations against another staff member at Linwood Hall.

If we can look, please, at FIC-000001517 and this, as you'll see, is an investigation interview with a staff member who was then a workplace assessor in November 2001, and there's reference to allegations having been put to this person.

If we look down to the bottom of the page, in the second last paragraph, it's noted that there was no further investigation by the police, and then the worker stated:

'... the context must be remembered. He was young, started work before any training as a social worker. When he completed his social work training, practices within Linwood Hall started to change and would not happen in this day and age.'

So this might tell us something about somebody with no experience coming to work in Linwood Hall.

MS LLOYD: It seems to be an excuse given rather than factual, because we obviously don't know what training or experience anybody had in these environments, but we did say earlier on that this -- the kind of systematic failures, probably some of that does relate to inadequate training and understanding. But I still think people know the difference between right and

wrong.

MR ROSS: I suppose, kind of, the reflection that we've took from it is you're trying to excuse the inexcusable and, whether you're a qualified social worker or not, the actions of the individual at that time we know were ongoing over a period of time, were planned, there was instruments that were created, so that's not something about a lack of training. It's about perhaps a culture, perhaps an accepted way of delivering care, but being qualified or unqualified, I don't think, is something that we can rely on as being the sole mitigation for the practice.

MS INNES: If we go on over the page, we see a bit more detail about the allegations. So they took place prior to 1984 and the worker was employed from October 1974 to July 1998 when Linwood Hall closed.

The first allegation, it says from the early 1980s, is that:

'[This worker and] other members of staff would get boys out of bed in the middle of the night. They would be placed in two rows, look at the floor, not lift their heads. [The worker] would rant and rave at them. If they looked up, they would be taken to the shower, possibly with pyjamas on or off.'

Then there's reference to being flicked with

bootlaces which we've already seen in the Black & Williams Report.

Then the response to the allegation from the worker in the second paragraph under his response, it says:

'The young people could be boisterous and difficult to settle. If this happened, yes, they would remove them from the room and stand them in the corridor. Yes, they would be asked to face the wall.

'No, they did not insist on them facing downwards and they would make them stand there until they settled down and were ready to go to bed. If a young person continued to be difficult, they would be removed to the nearest place which was a toilet block.'

He then goes down at the end of the page to say that in respect of what he did accept, he admits to discussing this practice with SNR [redacted], LUT [redacted].

'He didn't question it and did not advise as improper. It was thought that this was a quick way to get young people to settle. There was no malice intended.'

So I suppose that might reflect on what you just said, James, about this type of practice was being condoned from the top?

MR ROSS: Yeah, and I think we have to reflect on some of

the comments we made earlier around if they stated an aim and intention as to manage behaviour and that is seen as the sign of success by leadership, then that, in itself, opens the doors to particular practices by staff being developed and evolving to take control of young people.

So there is something about culture, something about leadership, in that there was an acceptance by all that that type of care could be delivered to young people and, I suppose, when we've done our own reading and reflections, when you start to label houses for troubled and the troublesome, then that in itself creates the conditions for particular caring practices to happen. And we see that here.

MS INNES: Then over -- going on to page 4, sorry, we see an allegation number 3 from 1982 to 1983, which is a stick with a length of hose attached, which was called 'Winston'. It was used to threaten the young people if they acted up in dorms during the night. It was alleged that the staff member wandered about flailing this as part of the bedtime regime:

'He admits that it was not one of his brighter ideas. It all came about when a bit of wall bar and a washing machine hose was discovered and joined together to make a baton-type instrument.'

Then if we go down to the bottom of the page, he -- I think he essentially says on hindsight he realises that this was wrong.

Then if we go on over the page, at the top of the next page, he talks about not being proud of the situation and he's asked how long the bar and hose had been and he thought it was about 2 feet each and he would wave the hose part about. He had no recollection of hitting anyone with it, but it would be used as a threat.

Do you have any comment in relation to that particular issue?

MR ROSS: Again, the kind of reflection that we've got would be that this is something that someone's been able to do in the presence of a workforce, so there's nothing secretive about this. There's something about it open. It's the way in which -- it's a form of control, it's a form of power that silences young people and brings conformity but it's reflective of the culture and the practice that was established by the leader and perhaps accepted because there's reference to young people speaking about this. When new people come to the house, that they hear about it, so that communication, that language will have been heard and shared with all the adults. So there's something about the culture was

accepting of that.

And again, when we look at the conditions that prevent young people being able to go against or disclose things that are untoward, the ability to do that isn't possible when you live in a place where such a level of power is wielded by adults and that -- for me, this instrument reinforces the level of power.

MS LLOYD: It also just reinforces the fear that these children and young people must have felt because that seems like a very long instrument that's wielded about and was just appalling.

MS INNES: In about the middle of this page, there's a paragraph beginning:

'Ian asked [the worker] if he could explain the general practice within Linwood Hall at the time. It had been alleged that there was a regime of fear and intimidation.'

And then the worker stated that:

'LUT [redacted] was [redacted] who moved into the teaching profession after the war, his specialist subject was PE. His approach had a sense of military discipline.

'He recalled a young person's pre-admission. LUT [redacted] sat with the young person and social worker and parents to explain the routine of the school. He would talk in

a low voice, then suddenly rap the table and then boom out in a loud voice what the rules were. This was [redacted], fairly quiet with occasional explosions. [redacted] was 6 feet 2 inches tall, could be intimidatory. Now you can see that he was possibly not properly equipped for the job.'

So I think that's the workers' reflection on Mr [redacted]. Again, I think that reflects what you've just been saying about the type of regime that was there at the time.

MR ROSS: I suppose also, I think, we reflect on these residential school settings and the leadership of education is that they -- potentially is that the focus is on having compliance and achievement for an education and not realising that actually providing good, stable, attentive care would enable learning to take place and as I think, when you look at the reason for establishing these institutions, how they were led and managed perhaps has established a way in which practice was being able to come about and to be enforced.

And I think, again we've seen the -- in previous evidence, when we've seen the kind of fractures in the professional network, there's something about the educational position at the time and perhaps culture and ethos that would have been -- that compliance would get

good attainment or see educational results. And we know that's not the case, but that again, I think, just feeds what has sadly become the culture or practice by the care staff.

MS INNES: If we go on to FIC-000001256, we see the outcome of the disciplinary hearing following consideration of these allegations, 21 January 2002.

If we look down to below the numbered paragraphs, the author says that he's considered all of the information presented. He says:

'I determined that there was a brutal uncaring regime at Linwood which gave no thought to the consequences upon the young people. Even by the standards at that time, the practices were unacceptable.'

And he says:

'I confirmed whether or not you were qualified at the time. You had a personal responsibility for your role in the practice.'

So I suppose that goes back to what you said, Maria, about the lack of training.

MS LLOYD: And just knowing right and wrong and what feels right and wrong for a young person.

MS INNES: Then if we go on over the page, we see that obviously the allegation in respect of 'Winston' was

established, it was admitted, and then the practice in respect of young people being made to stand in corridors, the author says:

'I do not accept that this was defensible practice but I do accept it was condoned by management.'

Then he also goes on:

'However, the practice of taking the worst offenders to a position of secrecy, the toilet block, led to both the young people and staff being in a vulnerable position where abuse could occur.'

So the author seems to be recognising that quite apart from the practice, the ultimate outcome of that could put both staff and young people in a vulnerable position.

Then he goes on to say:

'I considered your practice as gross misconduct which could warrant dismissal.'

And ultimately, taking various things into account, the person was issued with a final written warning.

And I think ultimately was moved from their position as a workplace assessor to another role in the local authority. Is that the outcome?

MR ROSS: Yes.

MS LLOYD: Yep.

MS INNES: Could I ask you please to look back at

FIC.001.001.0003 and page 67. So this is the Part A and B in respect of Linwood and looking specifically at the Part B.

So again the questions here are: does the council accept that some children cared for at Linwood Hall were abused? The answer to that is?

MS LLOYD: Yes.

MS INNES: And the basis of that assessment in terms of the Part B is on -- primarily on Black & Williams Report?

MS LLOYD: I think primarily on that report and the information that we gained from them and also David Murphy's conviction.

MS INNES: Then over the page, at page 68, at 3.2:

'Does the local authority accept that its systems failed to protect children cared for at the establishment from abuse?'

MS LLOYD: Yes.

MS INNES: And I suppose one of the primary systemic failings is the fact that Mr Murphy was able to work at Linwood Hall?

MS LLOYD: Yes.

MS INNES: And then at question 3.3, on page 69, there's the question about whether there were failures or deficiencies in its response to abuse or allegations of abuse. Again, what is the local authority's answer to

that?
MS LLOYD: Yes.
MS INNES: And again I think that's primarily based on what we've discussed in relation to Mr Murphy?
MS LLOYD: Yes.
MS INNES: Now, I'm going to move on to Melville House.
If we can look, please, at FIC-000001182, which is the local authority's response to parts A and B of the Section 21 notice served by the Inquiry.
If we can look on, please, to page 5, under question (vi) we see that Melville House School was opened by Fife Regional Council in 1977 to provide residential and educative care for boys aged 12 to 16 and it was closed as a residential school in 1998.
So was it closed at the same time as the other establishments we're looking at?
MS LLOYD: Yes.
MS INNES: For the same reasons?
MS LLOYD: Yes.
MS INNES: And, again, this is a focus particularly on boys. I don't think there were any girls at Melville House; is that right?
MR ROSS: Yes.
MS INNES: If we move on to page 23, in terms of what was provided, there's reference to: 'The general purpose of

Melville House is to enable pupils to enrich their lives by engaging in schoolwork and activities to assist them to make sense of their society, cope with the demands and pressures of their home environment and prepare them to take an active part in society at large.'

Then it moves on to say that it was opened to provide residential, education and care for boys between 12 and 16. It says:

'Experiencing severe, emotional and behavioural difficulties, many of whom were placed under the care of the authority by the children's hearing system.'

So that seemed to be the focus of Melville House.

Were you able to discern any sort of difference in purpose between Melville House and Linwood Hall?

MS LLOYD: I think there's confusion between them and we do see in some of it that some of the young people moved between Linwood and Melville House as well. There's some references to that.

I think the fact that it was just for secondary was probably the significant difference between Melville House and Linwood, but in terms of the other things, it became a bit of -- aims were slightly different, et cetera, but to be honest with you, it was quite hard to differentiate the difference and the different purpose, and I think that came out of the 1997

report also, that there was lack of clarity in the purpose and objectives round about the different homes.

MS INNES: And this -- Melville House was jointly funded by education and social work; is that right?

MS LLOYD: Yes.

MS INNES: Just staying on page 23, I think we can see, just slightly further down, that when it opened it had 24 residential places and 12 day places.

Then it says:

'Originally day places were used as part of our programme of returning home or integrating into mainstream schooling and in later years, an increasing number of boys went on a day basis than a residential basis until ultimately it closed.'

MS LLOYD: Yes, that's correct.

MS INNES: If we look, please, at the bottom of page 25, which talks about discipline of children: 'What was the establishment's attitude to discipline of children?'

There's reference to an inspection report from 1992 which highlighted the following concerns and it notes use of control and restraint, rough handling of boys, practice of locking doors which led to a custodial feel and then, at the top of the next page, it says:

'Former staff members have spoken about the regime in Melville House. One former staff member working in

1981 indicated the following: punishment included withdrawal of home visits [so this here is the withdrawal of a visit as opposed to maybe it being described as a reward]; the withdrawal of pocket money, public disapproval of their actions at Melville House; public accountability meetings [and] physical punishment.'

That seems to have been back round about the early 1980s; is that correct?

MS LLOYD: Yes.

MS INNES: Then if we look down to the next question, which is:

'Were there changes over time in terms of the establishment's attitude to discipline of children?'

And it says:

'There was a greater level of scrutiny within Melville House following allegations of abuse. Regular announced and unannounced inspection visits took place from 1991 paying attention to discipline used in the house. Despite this increased oversight, there remained reports of inappropriate use of discipline. It is therefore unclear whether there was a change of attitude embedded within the house.'

So ...

MS LLOYD: There seems to have been quite a number of

inspection visits. I think they were almost yearly from 1992 onwards. 1993, I think, noted that there were only 14 of the 30 recommendations from the previous year actually progressing, not actioned, just progressing.

And there was more information and further unannounced inspections, where the mention of restraint was yet again brought up and there was further information, inspection snapshots in 1994, a further 1995 unannounced inspection, which restraint was mentioned again. So from the information that we've been reading, it doesn't appear that there was much change in terms of practice.

MR ROSS: I suppose though I think it's useful to reflect on that, because the idea of annual inspection, planned or unplanned, become normative and I suppose it's about what was the purpose and function of inspection and at what time were the inspectors willing to take decisive action and for me, I think there's some reflections on that and we see that has been something up until fairly recently where continuously providers of residential care, inspectors see them falling short, but there are recommendations or requirements without any clear timescale or evidence of change being made and I do think that's been something that we've seen change more latterly with the Care Inspectorate bringing enforcement

measures into children's provision.

But for a long time where there's been a concern, there's been practices, there's not been the use of the inspection regime to really challenge and bring about change and to really enforce, I think, a different expectation of the provider.

And, as I say, for me in the last two or three years we've seen certainly the Care Inspectorate using their powers much more, but that's a fairly recent change, I would say, from my kind of practice experience. So therefore when inspections that say the same thing and find the same thing but don't expect to see a change or demand a change, then what an inspection means to staff becomes less over time. So therefore this inspection regime has been complicit in, I think, allowing a practice to continue by not -- by forcibly expecting something different to happen.

MS LLOYD: It questions what information went back to senior managers and what action we then took in Fife, because it isn't the job of the Inspectorate to change the practice. That's the job of the employer.

MS INNES: So if we look at a couple of those inspection reports, so FIC-000001452, is a report from 1991. If we go to the first page.

This is 18 to 22 November 1991. If we can look at

a couple of issues here, page 24.

If we scroll down to (c):

'Teachers report meeting. School community meeting held in the afternoon after school.

'This is a large meeting where education staff and social work staff meet with the youngsters to report on the boys' behaviour at school. Other staff can also comment on the boys' behaviour. The meeting is chaired by the principal or the vice principal. Rewards for achievement are also acknowledged or distributed.'

And then:

'Four meetings were observed by inspection officers.'

And there were some positives.

If we go down to point 3, it says:

'It was noted that the boys did not respond well to having their disruptive behaviour criticised in public and their reaction tended to lead to them being reprimanded again or required them to leave the room.'

So that's the response of the boys to this public meeting and do you have any comment on this particular process?

MR ROSS: You know, I think in all of this, I think just the -- I think the impact of emotional harm is greater than, I think, people appreciated then and it has a toll

on people that, I think, impacts on them life long.

Again, I mean, you'd reflect on some of these practices, that, you know, I'm more inclined to believe that's about keeping young people in their place and I think being clear about who has the position of power and that way of when you start to belittle people, then their value of -- their self-value becomes less and I think that gives people much more power over them.

LADY SMITH: And if at this meeting, as is recorded, achievements were also being publicly marked, it would really rub the salt into the wound of the boy who was having his misdemeanours made public.

MR ROSS: It's just a greater way of reinforcing someone's inadequacies that would have been viewed at the same, so to -- and I think it becomes very unhelpful in environments, where you have dysregulated young people, to pitch young people against each other. That also creates a position of power between young people and allows for -- and we know that abuse can happen between young people in care settings.

So I think you've got to be careful about the conditions that we create through practice that enable different groups of people to take on power.

MS LLOYD: And also the effect on the young people's self-esteem, given what was being said and discussed and

again it comes back to the disclosure. It's unlikely to warrant any young person disclosing anything to those people who are also chastising them and belittling them.

MR ROSS: It also -- I think -- just the inspection report finds practices that go against the ethos of the establishments. So, in other words, if you, sort of, looked at the kind of vision and the values of Melville House and unfortunately some of the practices that are now being reported by inspectors are contradictory of what the house was set up to achieve.

MS INNES: If we look at page 26, we see an example in the middle of the page, point 1:

'A member of staff raised the issue of a boy refusing to attend to his personal hygiene. The inspection officers were of the opinion that this was an inappropriate setting [so this was at one of these meetings] to discuss such a sensitive matter and later brought this to the principal's attention. The principal agreed that this had been inappropriate.'

And then if we move on to page 54, we see some essential recommendations that the inspectors make. Point number 1:

'Staff shouldn't use sarcasm as a means of controlling behaviour.'

At number 2, there needed to be ongoing discussion

and training on restraint. At number 3, the practice of holding large meetings to report on behaviour, particularly negative behaviour, had to be reviewed. And then at 5, there's reference again to consider not using the morning assembly meeting to discuss the boys' behaviour, which could be addressed in another forum.

So the inspectors appeared to have identified certain things as essential, but I think you said in your evidence, Maria, that these were not implemented as we can see in subsequent reports.

MS LLOYD: Yeah. And it's a different aspect now because anything, as James was referring to, with the Care Inspectorate or inspection of schools, senior managers would have that information and that report and we'd have it immediately because we're there throughout the process and for the feedback and, therefore, we would be putting an action plan together and supporting the establishment or school in order to address all of these numerous recommendations.

So it would be on us to do that to ensure that a kind of return visit, that all of these things had been actioned and achieved, but obviously, dating back on the information we have on this, that wasn't the process back then.

MR ROSS: I suppose I always think it's important to think

about inspectors shouldn't tell you something that you don't know already. So what was it about the culture and practice of Melville House that required inspectors to shine a light on that, rather than the principal or the leadership team knowing that that was the practice and doing something prior to inspection to address it.

So I think -- and I think that when we look at the fact that then future inspections picked up on the same themes that the leadership team acknowledged, but did nothing about, probably takes us back to that principal point, which was there's a culture in the leadership team and a practice that was accepted and known about and perhaps actually supported and whilst inspections came in and gave -- you know, didn't support that particular way of providing care, clearly the leadership team genuinely believed that that was, because there was nothing done over many, many inspections to address it.

And I think that's unfortunately created the conditions for what we've seen in Melville House, which is years of allegations taking place by young people and I think the culture and the environment has created the conditions for that to happen.

MS INNES: Thank you very much. The lunch break now, perhaps?

LADY SMITH: We'll take a break just now for lunchtime and

then resume at 2 o'clock, if that's all right with you?

Thank you.

(1.00 pm)

(The luncheon adjournment)

(2.00 pm)

LADY SMITH: Maria, James, welcome back. I hope that's been helpful to have the lunch break and you're all fresh and energised and ready to go again; is that all right?

MS LLOYD: Yes.

MR ROSS: Yes.

LADY SMITH: Thank you. Ms Innes.

MS INNES: Thank you, my Lady.

If we can look at FIC-000001182, and page 66, and if we go down to the bottom of the page, we'll see the Part B response. So, this is the local authority's response to Part B of the notice in relation to Melville House.

The first question there is again:

'Does the local authority accept that some children cared for at Melville House were abused?'

The answer to that is?

MS LLOYD: Yes.

MS INNES: Then, going on into the assessment of the extent and the scale of the abuse, this is based on a number of points that are made, so there's reference to the

Director of Social Work indicating that there were 51 incidents of abuse involving 34 boys since Melville House's opening. And I think that's from material that the Director of Social Work collated at the time in relation to allegations; is that right?

MS LLOYD: That's my understanding, yes.

MS INNES: Then it says that concerns of abuse continued after that, resulting in several inquiries. So some matters were referred to Sheriff Kearney in 1991, and was that in the context of his investigation into childcare practices in Fife; do you know?

MS LLOYD: The information I have said that it was with regard to staff member statements that had been raised with -- regarding aggression, a culture, at Melville House.

MS INNES: So these statements were perhaps made around at the time of his investigation perhaps?

MS LLOYD: Yes, I think it was 1989.

MS INNES: And then there's reference to a solicitor who, I think, was a maybe local authority solicitor, Ian Mathieson, conducting an investigation, which determined that no formal action would be taken. However, he questioned the way in which complaints were dealt with when they arose in Melville House.

That seems to be another investigation; is that

right?

MS LLOYD: I don't know if it's a separate one or the same one. I'm not clear on that, sorry.

MS INNES: Then it refers to there being an independent inquiry to see if there were further actions to be taken, and if we go on over the page, there's a reference to the type of allegations of abuse, so physical assaults, excessive use of force within restraints, staff reports indicating violence was used to show supremacy among the staff team, inappropriate use of sanctions, locking children in their room and having clothing forcibly removed.

I think that's, perhaps, a summary of a number of different allegations that the council have accessed in their paper files; is that right?

MS LLOYD: Yes.

MS INNES: And then it says:

'These matters were investigated by the Education Department when they arose with no further action being taken.'

But there's been a question about the independence of the complaints process within Melville House with social work staff frequently challenging the outcomes of investigations.

So this, I think, probably takes us to one of the

particular issues with Melville House, that there was a clear clash between social work and education; is that your understanding?

MS LLOYD: Yes.

MS INNES: Now, if we look at some of the material in relation to this at FIC-000001444, and at page 76, this is a letter from the Education Department to the Director of Social Work, dated 26 January 1987, and it refers to a particular child and it says:

'I refer to your memo of 11 December 1986 and the complaint made by [this child] against a [staff member] which I have investigated and found not to be substantiated.'

If we scroll down, I think we see that this is from the Senior Assistant Director of Education, so he's investigated the incident and it's not been substantiated and he says:

'Given the long delay between the date of the alleged incident and the reporting of it, and also the fact that [the child] met with his social worker in October 1986 on two occasions and the fact that there was a childcare review in November 1986 at which no mention was made of the allegations, it would have been better for your staff to have discussed the allegations with the staff at Melville before instigating formal

procedures. If there is not going to be some practical time guillotine on the raising of formal complaints, given that previous opportunities were presented, we could run into very great practical difficulties. It may be that this aspect could be considered in any review of procedures.'

So I think there's probably a few things in there that you might wish to comment on. So, for example, there is a suggestion that there had been opportunities for the child to make the allegation and he hadn't made the allegation and there's a suggestion that there needs to be a timeframe within which allegations are made and considered.

Do you have any comment on that?

MR ROSS: I think I suppose the difficulties that we've got is that we know from some of the other evidence that we've heard is that social workers weren't often made aware of allegations that children had made. It was held by the staff in the houses, so you wouldn't -- you can't assume that the social worker would have known and I think we just have to be mindful of that.

I think the lack of clarity around whose role it is to undertake an investigation, I think, is also not helpful in this and that's probably led to something being unresolved, but there is no timeframe around

investigations.

So children can make allegations at any point about current or past abuse and all of that has a merit to be investigated and I think to put some kind of embargo of time on things like that is an unhelpful suggestion.

But I think what -- the last sentence, I think, is helpful because it perhaps indicates that either the review -- the procedures that were currently in place were absolutely not fit for purpose or perhaps there wasn't procedures in place at all. So that's led to all of these things coming to some fruition. But I think just, again, it's when there's fractures in professional networks, the voice of the child gets lost in all of that and there's no ownership of it by education despite at that point, you know, having the role of leading the organisation.

MS LLOYD: It also appears, from reading it, that education investigated themselves perhaps and, you know, that's not the best practice for such a serious allegation.

MS INNES: And it also comments that the social workers should have discussed the allegations with the staff at Melville before instigating formal procedures, which I suppose goes back to you need to have a proper procedure in place, so that everybody knows how it runs?

MS LLOYD: Yep. And we also would never advise someone to

go to the possible abuser to raise an allegation, because that would put the child in an even more vulnerable position.

MS INNES: If we can look at another document, just again as an illustration of issues between education and social work at the time, it's FIC-00000001344 and page 33, and here we have a memo to the Chief Executive of the council, from the Director of Education on 24 April 1990. The subject is allegations of assault at Melville House.

And he says:

'I refer to your memo of 13 April addressed to the Director of Social Work. In light of your conversation with Mr MacGregor, [who we know is the Assistant Director of Education] I am assuming that you have received further reports and allegations of assault emanating from the Social Work Department. I note in this regard that it is your intention to arrange a meeting with the Director of Social Work, Director of Corporate Services and Director of Education.

'Clearly, if there are allegations and they are such as to warrant investigation, then we will most certainly carry these out in a thorough and accountable manner. However, it does seem as though in the majority of cases the allegations are being elicited from former pupils of

Melville House; none of these allegations seems to emanate at the time and all tend to be retrospective. The most recent case investigated by Mr MacGregor, which is clearly unsubstantiated and of no substance whatsoever, came from the Acting Client Officer in the Social Work Department talking to a person in Glenochil. The staff at Melville House are now beginning to be concerned about these matters and one of the teacher professional associations has already written to me wishing me to have a meeting to explore the extent to which the staff of Melville House should continue to be subjected to stress and worry, especially in the light of the statement made by the Chairman of the Education Committee and the Chairman of Social Work Committee on behalf of the council.'

There is then reference to the local MP writing reports in the newspapers and then the final paragraph says:

'The extent to which Melville House is being attacked on a continuing basis by the Social Work Department is a matter of concern in terms of the provision of a balanced range of provision to meet the needs of youngsters' social, emotional and behavioural difficulties.'

So here this is a bit later than the letter that we

looked at, but there are questions raised about, essentially, a suggestion that social work are actively eliciting allegations.

Do you have any comment in relation to that?

MR ROSS: I suppose that, fundamentally, it is the role of the social worker to assess risk and manage that risk and share that with professionals and services. So there's a lack of understanding or appreciation of their role.

And I think it's also right to just comment on that it's the person who made the disclosure when they were in Glenochil, it's not uncommon for someone to make a disclosure when they're no longer living in the environment that was of risk. So that doesn't make it less valid and, again, it's an appreciation of some of that knowledge that would be helpful.

But I think we've heard it from a number of documents where social workers have been concerned about the care and the treatment of young people in Melville House and have tried to escalate that for further investigation and have felt that that's not been thoroughly investigated, but they're right within their remit to continue to raise that at any opportunity.

So I think that's -- for me, I think the social work practice at that point is one that you would -- that is

positive and clearly tried to be a safeguard to the young people, albeit perhaps it's not been responded to in the manner you would have wished for.

MS INNES: If we look on to the next page, we see the response, I think, from the Chief Executive, so if we look down, this is also dated 24 April 1990 and he refers to -- a meeting that's taken place and he says:

'The purpose of this memorandum is to set down an agenda for a further meeting between us which I will arrange in early course.'

And if we go on to page 36, he -- if we go down to under 'main issues'.

He says:

'A theme which recurs in the recent correspondence is the reason for the now substantial body of allegations of assault in Melville House, both historically and in more recent times. The question is raised as to whether there is a concerted campaign to elicit complaints from former pupils of Melville House or whether, in fact, the publicity given to Melville House recently has simply brought forward a number of new complaints which have hitherto not been made. There is, of course, a range of further possibilities.'

He says:

'I have to say that, irrespective of any thoughts I might have on the origin of such complaints, this is largely irrelevant. Complaints of any nature in a setting such as this require to be looked into rigorously, irrespective of whether the complaint itself may be regarded as trivial or speculative. In short, we do not have the luxury of treating these allegations as anything other than seriously, with a full and rigorous investigation in each case.'

And from what you've just said, James, you would wholeheartedly agree with that, I think?

MR ROSS: Yeah.

MS INNES: Then if we go on over the page, he notes certain concerns and expresses concern at (1) about investigations in the past not being sufficiently rigorous. And then, secondly, an inconsistency in procedures adopted between the education and social work departments and then he says that presumably complaints should come under the same set of investigatory procedures.

I assume that you would agree with that?

MS LLOYD: Yes.

MR ROSS: Yes.

MS INNES: Then he says:

'Most concerning of all, the recent correspondence

shows an apparent lack of mutual trust between the two departments in their procedures and reveals what I can only term a totally inadequate form of communication between the two principal departments concerned when they should be working together on issues of this type. As far as I can see, the most recently investigatory procedures have had to rely on my passing the relevant reports to the other departments. This is clearly unsatisfactory. Effective communication at the right level between departments is a prerequisite to the effective examination of complaints such as these.'

So again, there's an indication of there being a breakdown in the relationship between the two departments such that they weren't even speaking to each other. They were having to speak to each other via the Chief Executive. And you highlight this in your response as being a systemic issue.

How do you guard against that now? How do you make sure that your departments are working together effectively?

MR ROSS: I think we have different governance arrangements in Fife, we have the Child Protection Committee which will address these issues and be, you know, a vehicle to explore that. There's also -- we have Children in Fife which is the children's services partnership and we have

the Corporate Parenting Board, so what we have is not one service owning looked-after children or the care of looked-after children, but a real partnership approach to all of that and then what we have is multi-agency or multi-service procedures for the protection of children. And there is various subgroups that create those documentations and processes and particularly the Child Protection Committee also have a training subgroup that cascade all of this to staff.

So what we've got is a removal from one service being dominant and being able to dictate, but equally having that kind of collaborative approach to addressing safeguarding across systems and services and that now gives us the strong position in the way in which we, kind of, deal with allegations of abuse through the IRD process and child protection procedures.

So -- and it removes -- and I think that's the bit that I think is hugely important in the working relationships that we all have -- is that it removes professional hierarchy, or different professionalisms being deemed to be more knowing or more powerful than the other, and so that, kind of, collaborative approach, through committees and structures and things, has enabled us to move away from these practices to be in a stronger position to safeguard young people when they

make disclosures.

LADY SMITH: James, can I just check I have picked you up correctly with the entities you have mentioned? Children in Fife is an entity. What is it?

MR ROSS: It's a -- it's all the partners that come together to ensure that we have a children and services plan that meets the needs of the most vulnerable.

LADY SMITH: So it's the overarching title for all your children's services that come together in partnership?

MR ROSS: Yeah, but it looks at children where there's vulnerability before we get to the area of child protection. So Child Protection Committee focuses on when an allegation has been made, but what we try to do is have a partnership approach to addressing poverty, vulnerability, children in need --

LADY SMITH: Sorry, can I just stop you there. I'm trying to get these entities clear in my mind because you rattled off a number of names. I got Children in Fife. Then you said 'corporate parent on board'.

MR ROSS: Sorry, we have the Corporate Parenting Board.

LADY SMITH: The Corporate Parenting Board. So that's another entity.

MR ROSS: Yeah.

LADY SMITH: And then you've got your Child Protection Committee.

MR ROSS: Yeah.
LADY SMITH: With a training subgroup of that committee?
MR ROSS: Yeah, so we have a training subgroup of the committee to ensure that all of our partners understand the guidance process, procedures. Where there's gaps in partnership working, we address that through that subgroup. We also have a group that works on procedures across different partners so that we're aligned to working the same way, regardless of where the allegation comes for children.

So we're probably -- it's a collaboration of partners, there's a shared approach to developing process and procedure and response, and it's not owned or controlled by one service for the council or across Fife.

LADY SMITH: Okay. I've got that.

But just going back to your idea of partnership, how many partners are we talking about within that partnership?

MR ROSS: So in the children's services, the Children in Fife partnership we have representation from the voluntary and third sector, we have health, we have education, we have police, we have social work. So all of the key stakeholders who would be involved in the lives of children and their families are represented, at

all of these groups.

LADY SMITH: I can see why you regard them all as partners. Do you actually formally bring them all together from time to time to discuss matters of mutual interest?

MR ROSS: No, there's -- so that connection between all of the groups is something that is not as strong as it could be, so there's the potential for groups to work in silo, and to develop things in silo, and what we have tried to always have is a golden thread of service leads that ensure that there's connectedness around all the areas that we want to work on.

And we have clear plans that we progress, but bringing all of the partners together to agree a common approach to shared areas is something we're not as strong as we could be.

LADY SMITH: Okay, thank you.

MS LLOYD: We do do some joint training though together, where the partners do come round the table, so that helps us in that relationship building and building of trust. So we do try, but there are a number of different boards, as you've understood, and it is quite challenging sometimes to get the themes and everyone understanding those aspects from the different outcomes and we need to get better at joining those things up.

LADY SMITH: And you need to understand who is who, who is

the actual person to go to in relation to each area of child protection practice and how to get to them.

MS LLOYD: I think for the child protection practice, which mostly comes under the Child Protection Committee, we -- each -- each of the partners have a process in place that is strong in terms of what we do. So I'm very clear that schools would absolutely know who to go to, who's the child protection co-ordinator within that setting. I'm 100 percent clear on that, and I have it from different reports, et cetera. So everybody knows who to go to, so there's not a danger there.

I think the -- probably what we're referring to is that in a big organisation, we have different aspects of things that are dealing with similar things, but not the same things and it's how we make the tie-up to all of those to make sure we're getting the best outcomes for the children and young people that we are privileged to look after.

MR ROSS: I think the thing that I think is hugely important is that it's the people closest to the children who can escalate things and what we've got here is things being escalated through a service that comes to directors. So within Fife, we're very confident that if there's an allegation of abuse, that the initial referral discussion documentation can be completed by any

practitioner within Fife and that -- but generally it's a joint discussion around the best course of action, and I think -- so what we've got is people closest to children who can surface concerns and then we've got a really transparent way of investigating and progressing action. But we also have always been really clear about escalation policies. Professionals don't always agree on the right course of action at that local level, but that needs to be surfaced and we need to understand that, because children can be harmed if the agreed course of action isn't the agreed course of action but the sense not shared. So again, we've got robust processes within that, around the looked-after review of children and child protection and within child protection procedure. So I think that's hugely important that we encourage the workforce to be -- know each other and be strong and united in the sharing of knowledge and the sharing of services to mitigate against risk, but, equally, professional challenge is healthy. We should encourage that, but we need to do that in a way that's respectful and gets the best outcome for the children and their families. So I think those robust processes are in place rather than hierarchical approaches that we see in some of this documentation.

MS INNES: This is a slightly different question but is based on some evidence that we've heard from academics.

So in this particular area, looking at children with additional support needs or disabilities, they have told us that there's a very complex legal and policy position, as in policies could be found in health, education, social work, disability policies that transcend whether it's children or adults.

They raised concerns in relation to, you know, the practitioner on the ground being able to appropriately and quickly access all of the relevant material that they would need to know about to assist a child who has additional support needs.

I don't know if you've got any immediate reaction to that?

MS LLOYD: So it would be interesting to know the research because, you know, research can be interpreted in very different ways.

What I can assure you is that all of our schools have their additional support needs of every child and young person. They have them noted. And they are shared with all the staff in the school to understand those, so they can act on them appropriately.

What I would say to you is, whether we act on them and support them in the way that they maybe perhaps need

support is a different question. But actually, in terms of knowing about the needs of the child or young person, there are processes in schools, usually through electronic systems that are flagged through CMIS that we use. CMIS is a system for collating information in education used by all 32 local authorities, so all the information is flagged on that system.

The child protection information is flagged slightly differently and there's limited access to the child protection cases but, in terms of additional support needs, that information is available to all staff in the school.

Where we do sometimes get criticised is it's not always available to the non-teaching staff, because they often don't have access to IT provision and nowadays it tends to be in the IT provision that we have that information, but we do have plans for children and young people in terms of meeting their additional needs, et cetera.

But as you know, there has been a rise in recorded additional needs across Scotland, so that gives way to lots more need and that need can be under, I think it's approximately 27 categories, which includes bereavement, family issues to dyslexia, dyspraxia, neurodiversity, et cetera, so -- but that information is there and is

available on all of our schools and settings in Fife.

MR ROSS: I suppose what I think is really important to be clear about is that child protection procedures, training, guidance apply to all children irrespective of their additional support needs. Where children have complex disability, often unable to express a view and opinion, then we have additional training for staff because there is a different way in which they have to have that extra vigilance around the practices that they have to undertake.

But it's a complex area of work. One that I think we still have to continuously reinforce with staff around confidence and competence in that area. But, you know, we have a children affected by disability social work team because we know there is a specialism required to support and plan and advocate for those children and their parents and carers. So I think we're probably in a different position now than we historically were, but we appreciate different groups of children need different things.

We have a process and procedure that underpins that, but the practice might need to look different in terms of how we investigate, how we speak to children, how we can gather an assessment of their needs without them articulating that.

So -- but again, you know, we would be confident that's an ongoing journey of improvement that we need to commit to and I think we now recognise that children who are looked after have additional support needs in a way that we didn't before.

So I think for me it's really important that all of the processing of procedures that we have developed in Fife are applied to all of the groups of children, that not one group is seen as different or exempt from that, because if not, they're not applying the same rigour to all of the children who are vulnerable.

MS LLOYD: We probably do though in our five special schools -- we've always had a process which was always perhaps phoning through to social work that bit quicker to support us, because working alongside the professionals that work with them, they know how to get the information from the child and young person in the best way possible in terms of using Boardmaker, et cetera, in which they are able to show pictures, et cetera.

And we've always, actually for quite a number of years, had that access to -- immediate access to a phone call with social work, which makes it quite a quick response as well because what we've got to remember then is that they are a particularly vulnerable group. So

that level of complexity within additional needs, we have always dealt with in a kind of more particular way because we need more support round about those areas. But actually that's been probably in the last -- certainly since I've been there for the last six years, that's been one of the strengths of the way in which we work with social work at that point and a particular disability team that have always been in place in Fife to support that.

MS INNES: One of the things that we've heard evidence about is that there's a potential danger of ascribing -- of interpreting behaviour of children with additional support needs in a particular way.

So the behaviour -- there's a danger of saying, well, that's just the way they behave, as opposed to seeing that as a reaction to a potentially abusive situation. Is that something that you would agree with or not?

MS LLOYD: I think that we have, over the years, invested a lot in our training for additional support needs and tried to understand and I think we try to build really strong relationships with the children and the staff that they work with.

When I refer to the special schools, I think, in particular, that's an area in which it tends to be the

same staff working with the same children, so they do see changes all the time and anything that they see as a change, they are inquisitive about. So I think there is. However, I do think that when it's demonstrating, you know, more -- you know, if you've got somebody maybe perhaps with ADHD or autism, et cetera, I think some staff could, when they see a certain behaviour, attribute it to the additional need rather than to the fact that there's a change in behaviour, and that's what we've been mentioning before about that change in communication. That's why it's vitally important to us that it's people who know the children and the families really well to be able to identify those changes, because sometimes changes are brought on by something that's maybe happened at home, a different routine, a change because this affects young people in different ways.

MR ROSS: I think it's such a complex area, because the range of diagnosis and conditions that children can have can be multiple and just exceptionally complex. But you're right, it's around how do we create a workforce that has professional curiosity to have a knowledge base to understand a diagnosis and the behaviours that might be attributed to that, but equally have professional curiosity to understand there might be a different

reason for behaviour, and I suppose that's the role of governance within particularly the social work structures that are important.

So we have what we would call in Fife a resource panel and social workers come to discuss recommendations. What I'm very positive about is that they would experience rigour, it -- that -- and that's about us all trying to use professional expertise to understand the behaviour, the complexity and share knowledge, practice, wisdom and have colleagues from education there.

I think one of the things that we've realised where there's a real gap is we're about to introduce a complex case panel because what we need is professionals from multiple disciplines to bring their expertise to understand the child's circumstances and often the social worker is not the best person or the only person that can do that and that runs us into risks of misinterpreting what's before us.

So again, as we just need to be, I think, mindful of the complexity and ensure that there is a range of ways in which we support the workforce to be curious, but to be skilled enough to understand what is being presented before them.

MS LLOYD: I think in addition to that, you know, we

referred earlier on to psychologists. We have a team of educational psychologists and part of their role, approximately 20 to 30 percent, is to read and update themselves on research and to share that research with other professionals to ensure that we are up to date and often they lead a lot of the training for our -- particularly within our settings in our schools, so that people are better informed. So research changes all the time and we need to, you know -- in education, we say learning is part of everything we do, so we need to keep learning and moving forward in any new information we get.

LADY SMITH: You mentioned the desire to inspire curiosity amongst professional staff. Is it also a matter of inspiring aspiration amongst them, aspiration to both educate the child and enable the child to flourish as well as that child, with its particular characteristics, can?

MS LLOYD: Yes. I mean, I think that aspiration's a keyword that I'm using a lot in education, because outcomes for Fife young people generally are not as good as they should be. They'll never be as good as they should be for me, because -- until they get 100 percent. I just want to say that, I can't help that, teacher part of me. But we also are very aware and mindful that those who

have had any care experience do less well than their peers.

We know that for a variety of reasons. We know that they leave school earlier than their peers. We also know that their outcomes are -- in particular in things like National 5s and Highers, for those of you in the audience who are a bit older, the equivalent of O-Grades and Highers, et cetera, that they're not as good as their peers. And in some cases that's going on to university, for example, is 25 percent below their peers. So there's lots more work to be done with what is quite a small population.

They attend our schools well. They are only 1 percent only -- sorry, 1 percent behind their peers. Exclusion rates are higher for care-experienced young children, despite lots of effort that we are making to change culture, and their outcomes are generally poorer, except for going on to further education, where they are higher than their peers and higher than Scotland in Fife, as all FE is, but also they tend to go there after fourth year at school. So they leave and they go on to further education. I think it's something like 53 percent go on to that.

Some of that's because we don't have a curriculum to meet the needs. Some of it is because of the trauma

that actually they want to come out of an institute and go somewhere that's perhaps more -- they're treated more as an adult and an individual because school isn't for everyone. There's also a financial aspect to that also because of the finance that is given once you move on to FE as well, if you are care-experienced and looked after.

Quick answer is aspiration is key and we need to be aspiring for all of our children and young people to get the very best to prepare them for the world of work, life and learning.

MR ROSS: I suppose for me it's about how aspirational we are for families so that children come through the care system less and, certainly, we know in Fife we've made significant progress in that. But it's how we understand poverty, how we understand deprivation, how that impacts on parents and their own aspirations, but how do we have a workforce that's aspirational so that the impact of care, if you're not abusing the care system, there's still a significant impact of care on your life. So where possible, how can we sustain children within their families and that we have aspirations for parents and we don't have a view of poverty writes people off.

So I think you're right, all of that needs to be

taken into consideration, but the key to this is a confident, competent, skilled workforce that can do comprehensive specialist assessments and plan with our partners to respond to the complexities in families' lives.

LADY SMITH: Thank you.

MS INNES: Now, going back to the Part B response, at FIC-0000001182, at page 67.

We were talking about the 1990/1991 period when some allegations were considered.

Then it tells us that there was another investigation, I think, in the course of 1997; is that correct?

MS LLOYD: Yes. There was an internal Fife investigation at that point.

MS INNES: We can see that it says that:

'[It] concluded that [there was] they didn't find evidence of incidences of deliberate abuse of children. However [and this is at Melville House] there was an ethos of physical contact between boys and male staff, which had the potential for misuse of physical force. There was corroborating evidence for some of the allegations made but the investigation concluded that these were not examples of practices that were widespread.'

So one of the focuses or the outcomes of this investigation appears to have been in relation to the use of inappropriate restraint, and I assume that that's an area that you're continuing to work on. Obviously we know that there's been more recent guidance issued by Scottish Government in relation to this.

MS LLOYD: Yes. It's come up several times in the Melville House. We are currently, within education at the moment, reviewing our current physical intervention policy. It's probably -- not probably, it is also in light of the Bill that's currently in -- we know going through the Scottish Parliament with, I think it's MSP David Johnston, so we are looking at that in light of it and certainly the things coming out is -- are round about not reporting to parents or carers quickly enough. Not recording the absolute detail of the restraint or physical intervention that's taken place.

In Fife, we are starting to move away from what we used to have as CALM training in the education and looking more towards escape training, which is less intervention and more moving away from the situation in place, but certainly we analyse our restraint, physically and particularly round about restraint interventions regarding children and young people. But we need to look at it -- you know, the whole perspective

and at the moment that's what we're doing, because our policy is needing updated.

MR ROSS: I think within care we've made significant progress in recent years in the fact that we have a clear commitment to where, as much as possible, that we do not have our hands on the children and young people that we have in our care and that the aspect of our training is around recognising triggers for de-escalation so that restraint does not become commonplace.

But I think more importantly around -- for me is around the gathering of the data. So we know all of the restraints at our houses, we have professional curiosity into understanding what led to that restraint and what needs to change in the care plan for that young person that would mean future restraint was not possible, or is it something about the staff and what they need so that they feel more equipped to respond to trauma rather than a physical hold.

I'm always curious about is it the same staff all of the time on the rota and what does that tell us? So we thoroughly examine that level of restraint, but we're really comprehensive in our paperwork, so we have the debrief, we explore the need to change care plans, risk management plans and sometimes about just

upskilling the staff through a reflective conversation about what could have been done differently that would have prevented that.

I suppose I go back to my career -- my early job as a residential social worker, to hear children being restrained is actually very distressing for the staff to hear that, there's nothing good comes out of that and it's very damaging, and young people have always told us that. So again, whilst we have a clearer vision but we need to make sure that our staff are emotionally contained, but they're also skilled enough to manage the identification of escalating behaviour so that we're much more nurturing in the response so that we require less physical intervention. But it's -- without the change in legislation, we're really clear that that's not a practice that we would want in our houses. So a quality assurance lends an approach, that means that we've brought the figures down quite significantly and we still promote CALM on all levels, but we're clear to our staff it's about understanding de-escalation, and it's not permission to restrain.

LADY SMITH: Maria, you mentioned escape training as opposed to restraint. If you're using a process, an escape process rather than a restraint process, what are you doing? What happens?

MS LLOYD: So I'm not an expert on this.
LADY SMITH: Well, what's your understanding, let me put it this way?
MS LLOYD: My understanding, and it's a move we're moving towards, is so that we actually leave the child in an environment that, yes, they might destroy property, but they're not going to come in danger as we're -- quite often in the past, restraint has been -- you know, it's supposed to be the last resort for, you know, preventing, you know, injury to themselves or others, but on some occasions people have felt that that applies to chairs or equipment or -- et cetera, and it shouldn't as long as they're not at risk themselves.

So it's more of -- it's the same as what James is saying really, it's about de-escalation, it's about moving away, knowing the triggers, not kind of escalating the aggravation that perhaps the child is already in and moving away from it, because sometimes an adult moving themselves away from the situation actually calms the situation down to just kind of -- so that's -- it's more about moving towards a different technique and of course we're talking about restraint. The physical intervention bit can also sometimes be quite positive because we need to remember that, you know, physical intervention can be a child removing

themselves from a situation or an adult helping them to remove themselves from a difficult situation. It's not always just restraint. There's aspects of that that can actually help self-regulation as well of a child or a young person.

LADY SMITH: Just going back to escape, and I think I've heard it described a little differently before, you're talking about when you can leave the child really to work through their own storm and that will be the quickest way through?

MS LLOYD: Yeah, it might just be backing off, for example, rather than always -- I think it's what James is saying about that thinking differently. It's about the triggers, but there's always going to be children and young people who, you know, express themselves in a way that you, you know, that they need to be -- needed calming, but it's deciding what that -- is right for that child or young person. So the escape training seems to be something that is being explored as perhaps a way forward within education, because we use it not a lot in education, because we do not train just every member of staff in CALM, because we don't expect it to be used in mainstream schools. We use it in special schools only and in what's called our pupil support service, which is when some of our children and young

people are part-time maybe at a mainstream school and part-time at a pupil support service, which is smaller class sizes, more support for the young person, one-to-two, one-to-one sometimes. It can be an in-between, between residential or secure, et cetera. So that's the people that are trained in it. So we don't train all of our staff in it, we only train special schools and PSS staff in it in terms of education.

LADY SMITH: Thank you. Ms Innes.

MS INNES: Can we move on, please, to page 68 and paragraph 3.2. Again, this is in relation to Melville House:

'Does the organisation accept that its systems failed to protect children cared for at the establishment from abuse?'

And the answer to that is: 'Yes', and I think you highlight below, and you've already highlighted in your evidence, a number of systemic issues that you've set out in your response.

MS LLOYD: Yes.

MS INNES: Then in terms of response to abuse at page 70, paragraph 3.3, you also accept that there were failures and deficiencies in response to abuse at Melville House; is that right?

MS LLOYD: Yes.

You referred a moment ago in your evidence to the current provision that you have.

So we understand that Fife no longer provides residential education for children; is that right?

MR ROSS: Yes.

MS INNES: And then we understand, from information provided to the Inquiry by your solicitors today, that there are now ten residential houses?

MR ROSS: Yes.

MS INNES: And these are of varying capacity, but for -- presumably these are for children who are in care but might be attending school or will be attending school somewhere else?

MR ROSS: Yes. So if they live in a community house and have access to either mainstream education or a specialist provision in the community.

MS INNES: We understand that there's an intention to expand these facilities, so small houses?

MR ROSS: Yes. We currently have ten houses and we've tried to cap them as four-bedded houses and we're about to establish a transformational care board, where we're looking to move to two-bedded houses and that's been very aspirational, but that is certainly the vision that I've got for our service. We recognise that we deal

with young people with complex trauma and group living is not for most of us, never mind for young people who are away from their families. So we have now, in our capital plan, about to build a further three singleton placements where we think we can give young people the best care, attention and really informed responses to stabilise them and to use that stability to inform future planning.

But we have -- also have a desire to not -- not to use secure care and we know that singleton placements may allow us to move away from secure care, but we also want to keep our children in Fife where they can keep connections, particularly with their families. So we have got a real aspirational vision for our residential childcare provision, both of the current houses but also in our capital plan as we look to expand.

But that's about understanding the trauma that group living can bring on to children and how that trauma sometimes is not well understood and creates a plan for children that means longer term care becomes the plan for them.

So -- but I come from a background of residential social work and thoroughly enjoyed my time in that, but have been steeped in understanding the complexities of delivering group care, but also recognising the impact

that has on children, and so we're really keen to move away from that in Fife to as close to small households, central to the community and central to the community that they lived in.

MS INNES: We understand that you did provide information in the original A to D response saying that you offered respite care to children with disabilities, but I understand, from the information provided, that you don't run these respite services internally anymore. So presumably there are, perhaps, respite services operated by other agencies or bodies?

MR ROSS: Yes, we had two houses that operated respite care. The demand was low in Fife when we reviewed those and we now commission all of our respite care from Aberlour and that operates within Fife and they're our only provider of respite care.

LADY SMITH: They've been operating in Fife for quite a while.

MR ROSS: Very well-established service, you know, very positive feedback from families and we know that they're skilled in dealing with a population of children that at times we were unable to manage that need as effectively. So -- but equally, by reprovisioning the respite provision, we were able to bring children with very complex needs back into Fife and that gave us assurance

that their needs were being met in a way that we felt they hadn't been previously.

MS INNES: Now, I want to ask you about a separate matter, which is material that Fife Council provided to us in relation to Starley Hall, which we understand to be an independent school in Fife and we understand that round about the time that the 1995 Act came into force, just before that, there was a provision for voluntary registration of such services with the local authority for inspection purposes, and then that it became compulsory from the implementation of section 34 of the 1995 Act, which came into force on 1 April 1997.

Now, I understand that, James, you've had an opportunity to look at some of the documents that were provided in relation to this; is that right?

MR ROSS: Yes.

MS INNES: If we can look at FIC-000001502.

And this is a memo from 17 August 1995 about the registration of Starley Hall and it's from the Director of Social Work -- sorry, it's to the Director of Social Work from Mr Findlay, who was then head of the Inspection Registration and Client Relations Unit, so the unit that was going to carry out the inspections at the time. He says that he's been forwarded a copy of the letter from the headmaster of Starley Hall.

But the letter had, in fact, come from the Chief Inspector of Schools where the Chief Inspector had said there was an urgent need to progress the intention to seek social work registration for Starley Hall.

And Sue Wilkinson, who we understand worked for Fife, had spoken to Alistair Marquis, who's an inspector, who said he had many concerns about the safety and welfare of children at the school and he was then going to meet with people to discuss how to take this forward.

So I think that was the first letter that Fife were able to find in relation to this issue of registration; is that right?

MR ROSS: Yes.

MS INNES: And then if we look at FIC-000001466, there's a letter dated 13 March 1998 to the Chief Inspector of Schools from Mr Findlay and it appears from this letter that a person has made allegations against -- well, in respect of the time he was at Starley Hall, and at the bottom paragraph it says:

'Starley Hall has not yet been registered but KYU-SNR KYU-SNR has had a series of discussions with Sue Wilkinson, who has made several visits to the school. Concerns about allegations of assault which were sent to the Procurator Fiscal last summer and the standard of

accommodation in the main house and lodge are hampering the process. KYU-SNR was asked by letter in February 1998 to complete an application as soon as possible.'

Now, I'm not sure whether you had any further understanding, James, as to why it was that it took so long for the registration process of Starley Hall to go through?

MR ROSS: It's hard to give comments because I haven't been able to see any other information that would allow me to just maybe fully understand the context.

MS INNES: So it does look as though from -- all we can see from this letter is that there were some allegations, there were issues about the building.

Then if we look on to FIC-000001472, this is an announced inspection in 1998. Now, we've looked at this document in other evidence to the Inquiry before, but perhaps if we look at page 6, there we see a number of recommendations being made.

For example, 2.6:

'Immediate action to improve the safety of young people must be taken.'

That's one of the recommendations. If we go to page 33, we see the conclusions at 6.8, at the bottom of the page, where it says:

'In conclusion, the quality of residential experience at Starley Hall was very poor for some young people. There is a general lack of homely atmosphere and little evidence of encouragement for the young people to spend time in their home. The staff seemed to spend a great deal of time reacting to incidents and there seemed to be no overall focus on promoting normal homely activities.

'Although some social workers made favourable comments about progress, the evidence of the questionnaires and the observations of the inspection officers suggest that children are bullied and staff do not know how to respond to this.'

There's an issue about the mix of children:

'There's a need to provide a much more homely base.'

And then the final sentence:

'The highest priority must be given to ensuring the safety of children and young people.'

What were your thoughts when you considered this inspection report?

MR ROSS: I suppose, it would be fair to say there was a huge concern by the inspectors on a number of areas, one around the, kind of, physical condition, the confidence and competence of the staff and the detail of care plans being absent to support those staff to respond to what

was complex needs.

And ultimately, I suppose, it was around, for me, what was the intention of Starley Hall to offer. So what was the hopes and aspirations for the service and what was the young people that they felt they could match into the skill set of their staff in -- and that clearly this was -- you know, these were large buildings that had been taken over by Starley to become residential children's homes, but it was still in a -- it still had a long way to go to get to that point of being fully developed.

MS INNES: And if we go on to FIC-000001479, we can see that there was a communication from Fife to the Chief Inspector of Schools on 31 July 1998, noting the application to register and asking if HMIe had any objection to registration. So trying to gather some information from them?

And then if we look on to FIC-000001481 and if we look on to page 5 and down towards the bottom of the page, under 'Recommendations', it says:

'There have been unproven concerns [and that's about KYU-SNR ] who has faced allegations of assault. The Procurator Fiscal does not intend to proceed. An inspection in May 1998 identified concerns over the safety of young people, particularly in relation to

bullying and the state of the premises.'

So that's the inspection report we've just looked at.

'Changes to the premises have been made and they are now satisfactory. It is my view that the only way to monitor and improve Starley Hall is through registration and regular inspection. As KYU-SNR has made a determined effort to improve the premises, and has appointed qualified social workers, developed a training programme and anti-bullying strategy, I have sufficient evidence to recommend approval with conditions for a school with a certain number of places.'

And then there are conditions mentioned and, at the top of page 6, the first condition is that:

'The inspection and registration officer must be notified immediately of all serious incidents or complaints involving allegations of sexual, financial, physical or emotional abuse, bullying or inadequate care.'

So it appears that the recommendation of the inspector was that they had sufficient at this stage to register the service, albeit there's this particular condition imposed.

MR ROSS: And the two things can appear contradictory when you read them. I suppose what I took from this document

was that, given that the local authority had very little locus prior, that the aim was really to have them registered so that there was a greater opportunity for the local authority to have an influence over the future delivery of the care at Starley Hall because it is an unusual condition to apply that these incidents, you know, so specifically are named to be notified to the local authority.

You would -- so there was some suggestion by the inspector in the approval process that these were issues that were likely to occur.

MS INNES: Yes, because we've had a concern expressed by the parent of a child who was at Starley Hall, who's had access to this material, that the school was registered with this background; and what's the council's response to that?

MR ROSS: I suppose we would always want to reflect and I think -- the intention would never have been for a child or young person to have experienced what they have experienced and certainly the intention, I believe, of the local authority at that point was to have some control and rigour over Starley Hall in a way they hadn't done previously.

But as a consequence perhaps of what might appear to be a lack of transparency around that, we have not fully

owned the concerns that are around about the caring practices of the staff. So there is -- you know, the two things are contradictory in their terms and we have to own that and accept that and we have to, I think, acknowledge that, in doing so, that we have potentially posed a risk to children by not having tight safeguards around the caring practices.

MS INNES: Do you know what enforcement powers the local authority would have had at this time? You mentioned earlier that, obviously, the Care Inspectorate had enforcement powers, and we have looked at some inspections at an earlier stage where there wasn't that follow through?

MR ROSS: That's something I don't know, sorry.

MS INNES: Is Starley Hall a school that Fife have worked with over the years? You mentioned that you commission placements from Aberlour, but obviously Starley Hall is also in your region?

MR ROSS: Yeah, we, obviously, as a local authority, commission placements with a range of providers and Starley Hall, we've had a relationship where we've had children placed there at various points over the years. For quite some time, it's been low in numbers because we've always had the desire to, where possible, care for children in their own houses. So we've got -- we

limited the number of children with them.

MS INNES: When you are commissioning placements for children, do you carry out some kind of independent assessment of that provider or whether that matches with the child that you're wanting to place?

MR ROSS: Yeah, we've always, until recently, had a placement commissioner. It was a role that was quite unique to Fife. So we examine all of the Care Inspectorate inspections and understand the quality of the provision from their lens.

We used to have six-monthly meetings with the providers to understand just the state of the play and challenges and what could we do to support them, and we always, sort of, feed back from social workers who had children placed in advance of our meeting with them, and we visited, six months or so that we had intelligence internally that might be helpful to have a more rigorous discussion. So that was a role we had up until just about a year ago.

We've moved away from that on the basis that we have a very small number of children placed in external providers, but I now review all of our children in residential care, both internally and externally, on a monthly basis. And I am always keen to understand what children are receiving and I bring together

multiple people from a leadership team who are not purely operations, so that we have a reflective conversation of: is this provision meeting the needs of the child? What's their progress? I need to be assured of the care and I used to be commissioner as a service manager in Fife so I have a knowledge of all of the provision internally and externally and I use that to make sure that I am confident, being so removed from children, that we're objective in questioning and challenging the care that we've got, and being assured that at all times that the environment is meeting the needs of the children, particularly as they grow and develop.

MS INNES: Just finally to each of you, and you may well have covered everything that you wanted to say about this in the course of your evidence already, I think both of you have mentioned that, over the course of this review, of reviewing the material in relation to these institutions, even although they're closed now, there's various reflections and learning that you are taking away from that process.

I know that you've highlighted some of those as we've been going through. I just wanted to check if there was anything else or particular that you wanted to highlight in terms of that learning.

MR ROSS: I think from a kind of social work perspective, I think what we -- when we remove children from their families, what we'd hope is that we can provide something that's -- that will meet their needs, keep them safe and achieve their best in life and unfortunately for children from these houses, we know that the opposite has happened.

So I think as a local authority, I think we're deeply sorry about the impact that life and these events had on these young people's lives forever and their extended family, but the reflections and learning for us, both in this process and over recent years as we've engaged in the Inquiry, is around being much more confident in our safeguarding policies and procedures, how we are assured of the quality of the care, that we have evolved our processes and our services to ensure that the voice of the child and their family, I think, is listened to, is heard and is acted upon and I think we've made huge strides in ensuring that we try to have a quality of care provision for children that is small, that's trauma-informed, that's nurturing, but we also have scrutiny over the care that the children receive in those houses, albeit they're owned by the local authority.

And I think where we've also got, in terms of our

reflections, is that we've made huge strides in our approach to move away from a position where we believe the views of adults only and that we've moved in Fife to a really strong child protection process. We've got a strong interviewing team. We adopted SCIM quickly in Fife and we are now a Bairns' Hoose pathfinder. So I think we've always acknowledged that practices fell short in the past, but we have got a commitment to ensure that the experiences of people over the decades are used to improve the services that we deliver.

And we wouldn't be sitting here claiming that we've got everything right now and that there's no more improvement to be made, but that's a journey that we're on and that we're committed to, but we have to ensure that when children are removed from their family or the family can't care for them, that what they get is the best care possible, and that they do the best in life through our support. But at all costs, we support the family to have that child returned and that's become the vision and strategy of Fife.

So, you know, it's very hard to hear the witness testimonies and to understand that real life impact, but all of that is something that we're engaged in, we've taken on board, the learning and I think we've made huge progress in, in acknowledging through the Redress Scheme

that financial compensation is almost irrelevant in all of this.

What we have to give is heartfelt apologies to people who have been abused and their lives have been impacted and we can give them the reassurance that what we've done has made a difference. What they've said has made a difference to the lives of people who find themselves in care now.

MS LLOYD: I think I probably echo everything that James has said and probably from the educational perspective and probably what you have touched on today, we need to always be questioning the culture. Because cultures can change very quickly, depending on the leadership and the relationships between, as we've heard through this, through Social Work and Education.

As you can probably see from ourselves today, we work very closely together, but we need to ensure that, when we're not around, that that relationship and that professionalism and respect and positive culture that's about the needs of children and young people and the values base, we need to ensure that that continues in everything we do through our training, through our practice and through how we behave and role model and act, but I think there's definitely some learning for us round about some of the quality assurance. There's

still kids not getting enough of an educational experience who are in our current homes and we know the impact that that has long-term on outcomes for the future.

So there's still learning for us and probably after we digest today, there will be more that we could have or wanted to say, but please be assured that we will take learning from this, we'll go back with some of our colleagues, we have got one of them here today, to look at our practices and reflect on it, but we are deeply sorry for the impact that this has had on children and young people.

MS INNES: Thank you very much.

I have got no more questions for you.

LADY SMITH: Maria, James let me just add my thanks.

I'm really grateful to you for coming here today and being able to discuss everything we've discussed so frankly and openly. It's been of enormous value to me to hear that and be able to engage with you, as we have done.

As you say, there's a lot for you to digest. There's a lot for us to digest as well, but I think we will all go away feeling that today has been of great benefit to us for our particular purposes.

So feel free to go. I hope you don't have to go

back to work now. Draw breath before tomorrow. Thank you.

MS LLOYD: Thank you.

(The witnesses withdrew)

LADY SMITH: Ms Innes.

MS INNES: So, my Lady, that concludes the evidence for this block of hearings.

We are not leaving Fife schools behind. Starting on 8 July, we will have two weeks of hearings during the course of which, we will hear from staff members at some of the five schools that we've been looking at: Starley Hall, Woodfield Ladymary, the schools that we've looked at in this block of evidence and we'll also turn our attention to Lendrick Muir, Seamab.

LADY SMITH: Indeed. Well, thank you very much, and I look forward to engaging with everybody on 8 July. Thank you.

(3.13 pm)

(The Inquiry adjourned until 10.00 am on Tuesday, 8 July 2025)

I N D E X