

1

Thursday, 29 May 2025

2

(10.04 am)

3

LADY SMITH: Good morning, and welcome to the third day this

4

week in Phase 9 of our case study hearings in which

5

we're looking into the provision of residential care for

6

children with healthcare, additional support needs and

7

needs related to them being disabled children.

8

This morning we turn to a witness in person who is

9

going to, I think, give evidence about Starley Hall; is

10

that right, Ms Innes?

11

MS INNES: She is, my Lady. The witness is Sarah Butters

12

and she is the Director of Services at Starley Hall.

13

Just before she gives evidence, I've noticed that

14

the A to D response printed out in the folders has the

15

reference SHS-000000134. I'm going to be referring to

16

SHS-000000133. 133 is the document that is in the

17

bundle, but they are duplicates of each other, so they

18

are exactly the same.

19

LADY SMITH: Thanks very much. Thank you.

20

Sarah Butters (affirmed)

21

LADY SMITH: I picked up that your glasses are in the other

22

room. Would you like --

23

A. They're in my bag, but I might be able to manage and

24

I'll see.

25

LADY SMITH: Would you like your bag to be brought through?

1 A. If you don't mind, yeah, yeah. Thank you.

2 LADY SMITH: We could do that. Thank you.

3 My first question I hope is an easy one: how would
4 you like me to address you? I'm happy to use your first
5 name or Ms Butters.

6 A. Sarah's fine.

7 LADY SMITH: Is Sarah all right?

8 A. Sarah's fine, yeah.

9 LADY SMITH: Well, Sarah, thank you for coming along this
10 morning.

11 A. Thank you.

12 LADY SMITH: It's really helpful to have you here. I do
13 understand that it can feel like a daunting
14 responsibility to come and give evidence about all the
15 responses that we've received for Starley Hall, because
16 I'm sure other people as well have fed into that, and
17 you're here speaking for what everybody has found out,
18 that we've asked for.

19 Now, the documents that we have from you are in that
20 red folder, and we'll also bring the documents up on
21 screen to the particular parts we're looking at when
22 we're hearing your evidence, so I hope that's all
23 helpful.

24 Sarah, if at any time you have got any questions or
25 you feel we should be asking you something we're not

1 asking you, do speak up.

2 If you want a break, that's absolutely fine.

3 I normally break at about 11.30 anyway in the morning

4 for a morning break, so you can plan on that, but speak

5 up if you want to leave earlier.

6 A. Okay, thank you.

7 LADY SMITH: Otherwise, unless you've got any questions at

8 the moment, I'll hand over to Ms Innes and she'll take

9 it from there. Is that okay?

10 A. Thank you.

11 LADY SMITH: Thanks.

12 Ms Innes.

13 Questions from Ms Innes

14 MS INNES: Thank you, my Lady.

15 Good morning, Sarah.

16 A. Good morning.

17 Q. You've provided a copy of your CV to the Inquiry, and we

18 understand that you're currently Director of Services at

19 Starley Hall; is that correct?

20 A. I am, yes.

21 Q. You tell us that you have a degree, BA (Honours) in

22 Social Sciences, and I understand that you graduated

23 from that in 1993; is that correct?

24 A. I did.

25 Q. Thereafter, I think you worked at St John's Residential

1 School in Glasgow?

2 A. I did, yes.

3 Q. You worked there initially as a residential care worker

4 and then as a social worker between 1993 and 2001?

5 A. I did.

6 Q. You also have a diploma in social work, which I think

7 you obtained whilst you were working at St John's

8 Residential School; is that right?

9 A. I did, yes.

10 Q. Was that roughly about 1996 or so?

11 A. I think it was roughly about that time. I don't recall

12 the exact time, but it was when I was working in that

13 job.

14 Q. Then in 2001, you went to work at Starley Hall School?

15 A. Yes.

16 Q. Initially, you were a team leader --

17 A. Yes.

18 Q. -- from 2 July 2001 until 1 August 2002, so for about

19 a year, and then in July 2008, you became the Head of

20 Care.

21 A. Yes.

22 Q. Prior to that, so between 2001 and 2008, would I be

23 right in understanding that you were working on the care

24 side rather than the education side?

25 A. I was always on the care side, yes.

1 Q. Then in August 2019, you became Director of Services,
2 which is your current role?

3 A. It is, yes.

4 Q. Okay.

5 Now, you've provided responses to a Section 21
6 notice sent to the school by the Inquiry, and if we can
7 look, please, at SHS-000000133, which will come up on
8 the screen, this is an updated response to parts A and B
9 of the Section 21 notice.

10 If we look at the very first question that we see,
11 'When and how was the organisation founded?', you tell
12 us that the organisation was founded in 1981. It was
13 opened by Gene and Dianne Grossman, with Gene being the
14 proprietor.

15 Did you ever meet the Grossmans?

16 A. No, I didn't, no.

17 Q. So this information is from your awareness of how the
18 school was set up?

19 A. It's from information that was given to me, yes, about
20 how the school was set up.

21 Q. You say that he had worked in the Lake District in
22 a residential school for young people with social,
23 emotional and behavioural difficulties, and there were
24 some Scottish children who'd been placed in that school,
25 and it's your understanding that he purchased and opened

1 Starley Hall to fill a gap in provision within Scotland?

2 A. That's my understanding, yes.

3 Q. So when Starley Hall was set up, was it to provide care

4 and education for young people with social, emotional

5 and behavioural difficulties?

6 A. That's my understanding of ...

7 LADY SMITH: The location of the original Starley Hall was

8 also in Kirkcaldy; is that right?

9 A. It was in Burntisland.

10 LADY SMITH: Oh, sorry, Burntisland originally, yes.

11 A. Yeah, on the same site. It was -- I think the priority

12 was to provide education, but in a residential setting.

13 LADY SMITH: Thank you.

14 MS INNES: You're then asked what part did the provision in

15 Scotland of residential play in the organisation's

16 purpose, operation and activities, and you say the

17 purpose of the school was to provide care and education

18 placements for young people with complex needs.

19 Has that continued to be the purpose of the

20 organisation?

21 A. Yes. It's to provide young people with care and

22 education placements. In addition, we provide care-only

23 placements, but that's the main priority.

24 Q. Okay.

25 You note that children and young people were

1 referred by local authorities for placement at the
2 school.

3 A. That's my understanding, yes, from the early years.

4 Q. Has that remained the case?

5 A. Yes, we get our referrals through the local authorities,
6 through social work departments or education
7 psychologists usually. Sometimes parent referrals, but
8 those are the main routes into ...

9 Q. Okay.

10 Now, if we go down to question (iv) on this page,
11 the question is:

12 'Why did the organisation consider that it had the
13 competence to be responsible for and manage the care of
14 children in establishments?'

15 You note that Scottish local authorities had worked
16 with Mr Grossman previously in a residential school in
17 the Lake District that you've mentioned. He was highly
18 qualified and experienced.

19 Do you know what his qualifications and experience
20 were or not?

21 A. I didn't complete all of this part, because I wasn't
22 able to complete all of this part. So another one of
23 the board members, David Barton, contributed to this
24 part of the form. I have no knowledge of the previous
25 experience of, you know, Mr Gene Grossman, only what's

1 been really shared in hearsay or with other people who
2 have been there for a long time, sharing that
3 information.

4 Q. So the rest of the material here in relation to the
5 school employing qualified and experienced education and
6 care staff, did you get that information from
7 Mr David Barton as well?

8 A. He contributed to the completion of, you know, some of
9 this form.

10 Q. Then at the bottom of the page it asks how many
11 establishments did it run, and you note that, from 1981
12 to 1998, the school had two main residences for children
13 to live in, so the main house being Starley Hall; is
14 that right?

15 A. It was actually called Starley House. The school sits
16 in grounds, and there was a school building and there
17 was two residential houses; one was called
18 Starley House, which was the larger of the two
19 residential houses, and one was called The Lodge, which
20 was smaller. But they did have a number of young people
21 within those houses, I believe.

22 Q. So children were living in both of these houses?

23 A. Yes, and attending the on-site school.

24 Q. Was the on-site school in a separate building?

25 A. It was, yes.

1 Q. Then you note that, in 1998, the residential facilities
2 were developed by purchasing two more houses located
3 close to the school for children to live and, going over
4 the page, this was led by an increase in referrals to
5 the school. It then goes on to note that the two houses
6 were in operation from 1998 to 2002.

7 So would I be right in understanding that children
8 were living, between 1998 and 2002, in the house,
9 The Lodge, and then these two --

10 A. In four houses, yeah, which would have been
11 Starley House, The Lodge, Bendameer House and
12 Bendameer Cottage. The other two houses were in close
13 proximity to the main site, just really down the road
14 a little bit. Those two houses were purchased, I think,
15 by the school, by the organisation, to increase the
16 amount of residential placements that could be offered
17 to young people.

18 Q. It's noted that this increase in referrals was due to
19 the reputation the school had gained for working with
20 children with complex needs and specific conditions, for
21 example ASD and ADHD, and you mention later on that this
22 is a particular specialism that the school became known
23 for?

24 A. I think, over the years, a lot of the youngsters who
25 attended the school had diagnoses of neurodiversity, and

1 obviously that's continued into its current day.

2 Q. Okay.

3 You mention, in this paragraph, Starley Care
4 Services, which you say was developed under the umbrella
5 of Starley Hall School Limited, and you say that there
6 were three houses which have their own registration with
7 the Care Commission, now Care Inspectorate.

8 Are children who attend the school accommodated in
9 these houses that you mention or not?

10 A. They can be. They're not always. We have some young
11 people and children who live in those houses who have
12 potentially gone to mainstream, have gone to college.
13 They don't always come to the on-site school provision.
14 It's really dependent on assessment of needs.

15 Q. Right. Okay.

16 Then if we go on to the next question, this is about
17 how each of the establishments was founded. As you've
18 noted, the school was founded in 1981, and then, in the
19 second paragraph there, you refer to Mr Philip Barton
20 taking over the running of the school in the 1990s. You
21 say he had joined as headteacher in 1983; is that right?

22 A. It's my understanding, yes, that that's when he joined.

23 Q. You have mentioned a Mr David Barton being on the board.

24 Is he related to Mr Philip Barton?

25 A. He's his son.

1 Q. Now, if we move on to the next page, please, page 3,
2 just above question 1.2, you are asked about ownership
3 and whether that has changed and you note that, on
4 10 December 2021, Starley Hall became an employee-owned
5 trust. The business was purchased from the previous
6 owner, Mr Philip Barton.

7 A. Yes.

8 Q. Right.

9 Now, perhaps if we look at another document at this
10 point. It's SHS-000000051, and the first page of that.

11 So you were asked some follow-up questions in
12 relation to this --

13 A. In relation to the EOT, yes.

14 Q. So there are various companies. So there's a company,
15 Starley Hall School Limited, and if we look down to the
16 second question on this page at (b), you say:

17 'The ownership structure should be Starley Hall
18 School Limited, then Starley Hall Holdings Limited and
19 then Starley Hall Employee Ownership Trust.'

20 So am I right in saying that a company called
21 Starley Hall Holdings Limited now holds the shares in
22 Starley Hall School Limited?

23 A. My understanding -- I had to seek legal advice to answer
24 these additional questions, and that was what came back
25 from the legal advice, just to understand the different

1 companies that are involved in terms of the EOT
2 ownership.

3 My understanding is that Starley Hall Limited is the
4 business. Obviously the school is run under
5 Starley Hall Limited and that we're an employee-owned
6 trust, but we owe still a sum of money to Mr Barton for
7 buying the business, and that is paid back.

8 Q. When you say 'that is paid back', are there regular
9 payments to Mr Barton?

10 A. Not directly to him, but to the EOT company, yes.

11 LADY SMITH: So which do you understand is the employee
12 ownership trust company?

13 A. It's the company that currently runs Starley Hall
14 School.

15 LADY SMITH: Okay. So that is Starley Hall School Limited?

16 A. Yes.

17 LADY SMITH: That's a company that the EOT established?

18 A. Yes.

19 LADY SMITH: When you say you sought legal advice, was that
20 legal advice from the EOT's solicitors?

21 A. No, that was from an independent solicitor, really just
22 to be able to provide you with clarity over how the EOT
23 works.

24 An EOT in the care setting, I believe, is quite --
25 it's not a common feature, so I wanted the information

1 to be accurate in terms of what the legal stance is in
2 terms of the EOT, the companies involved and ownership.
3 I didn't want to give you my understanding of it or my
4 take on it; I wanted to be factual. So that was what
5 was provided to answer those questions.

6 LADY SMITH: Thank you very much.

7 MS INNES: Okay.

8 So if we look into the first answer on that page,
9 there is reference to another company, Starley Hall
10 Properties Limited.

11 A. Yes.

12 Q. This is a company which owns the properties which the
13 school uses.

14 A. Which we rent, yes. We pay rent on.

15 Q. So Starley Hall School Limited, I think, pays rent to
16 Starley Hall Properties --

17 A. Yes.

18 Q. -- for the lease of the school buildings.

19 A. For the lease of the school buildings and the community
20 houses.

21 Q. Okay.

22 A. For all the properties we use to run the school and the
23 care services, they come under the umbrella of
24 Starley Properties, the properties company, and we pay
25 rent each month on those properties.

1 Q. Okay.

2 You tell us at the bottom of the page at (d) that

3 the properties are leased from a Barton family company.

4 So Starley Hall Properties Limited is a Barton family

5 company?

6 A. It is. It's -- my understanding is it's owned by the

7 Barton family.

8 Q. At the bottom of the page, you were also asked about:

9 what are your ongoing connections with the Barton

10 family?

11 So it's noted at (b) that, as you've just mentioned,

12 the Starley Hall Employee Ownership Trust owes money to

13 the Barton family, and I think you tell us that that's

14 in respect of buying the business --

15 A. Yes.

16 Q. -- from the Barton family?

17 A. Yes. It's my understanding that we bought the

18 business -- the name, the business, the company -- but

19 we don't obviously own the land. So the employees --

20 it's the business that was bought for a sum of money,

21 and that we pay that back in addition to the rent.

22 Q. Okay. Do you know how much money is owed to the Barton

23 family?

24 A. I think -- I don't know the exact figure. I would be

25 giving you an estimate, if you want an estimate.

1 Q. An estimate might be helpful, thank you.

2 A. I think in terms of the money that's still due for the

3 EOT payments, I think it's nearly 1 million. Slightly

4 less, maybe.

5 Q. Is the EOT making, sort of, monthly repayments towards

6 that?

7 A. Yes.

8 Q. Secondly, it says here:

9 'A Barton family member is a director, but in each

10 case there are at least two non-family directors, me

11 [that's you] and Valerie Thomson, of the three main

12 companies.'

13 So there's the EOT trustees limited company, which

14 is the sole trustee of the employee ownership trust;

15 there's the holdings company; and there's the company

16 that actually operates the business, Starley Hall School

17 Limited.

18 A. Mm-hmm.

19 Q. And in each of these companies, you and Valerie Thomson

20 are directors --

21 A. Mm-hmm.

22 Q. -- and also a Barton family member?

23 A. One in each, yes.

24 Q. And is that David Barton?

25 A. David Barton's in one of the boards and James --

1 Jim Barton is in the other board.

2 Q. Okay.

3 A. My understanding, when the boards were set up, was that

4 there had -- I did question -- or I asked a question

5 around the board membership, and I was told that there

6 had to be -- the way EOTs are set up, because there

7 still is money to be repaid, they have to have

8 representation on the board to -- it's part of the EOT

9 status and setup.

10 Q. Who told you that?

11 A. I think it was the lawyers at the time. I think it was

12 Lindsays, who managed the changeover and the EOT setup.

13 Q. Do they act for the Barton family or for one of these

14 companies?

15 A. There was an independent -- I can't recall his name --

16 there was an independent company who set up the EOT,

17 who -- that's what he did for his job, and Lindsays were

18 the lawyers who managed the changeover, and they were

19 instructed by the Barton family.

20 Q. Okay.

21 Now, you say later in your response that, in terms

22 of the employee ownership trust, there's an elected --

23 A. Staff members to the board, yeah.

24 Q. So --

25 A. That's a common feature of an EOT, that the staff elect

1 members. The EOT has, I suppose, its roots in that the
2 employees own the business, and that they -- you know,
3 there's autonomy value, that they can, sort of,
4 contribute to the direction of the business and all be
5 involved, and one of the prerequisites for that is that
6 employees sit on the board and that they're nominated by
7 their fellow colleagues to represent them on the board,
8 and that there's a voting system every two years to put
9 these candidates into the board.

10 Q. So in terms of the board, how many members does it have?

11 A. The larger board, obviously, there is James Barton,
12 Lisa Bray, two elected members, myself and Val. So
13 there's six on that board.

14 Q. Who's Lisa Bray?

15 A. She is our financial accountant.

16 Q. Right, okay. You said the larger board; is there
17 a smaller board?

18 A. The other board, obviously, that David Barton sits on.

19 Q. And what board is that?

20 A. You're confusing me! I think that's the board --
21 I would have to seek further information about that.
22 I think that's the Starley Hall Limited board.

23 Q. So that would be a board of a company of which
24 David Barton is a director?

25 A. Yes. Yes. Yes, that's the limited company board.

1 LADY SMITH: Sarah, when you're seeking that further
2 information -- and I appreciate this is complicated to
3 explain -- but when you're seeking that further
4 information, do you think we could be provided with
5 a diagram that shows the structure of these corporate
6 bodies?

7 A. Yes. Yes.

8 LADY SMITH: And also the directorship in each of them.
9 I think that would help.

10 I don't know if Ms Innes would want to add anything
11 else to a diagram of that sort.

12 A. I understand the complexities and it is very confusing.
13 The EOT status has been very confusing for me to try and
14 get my head round, so I think, yes, that would be really
15 helpful and we can provide that.

16 LADY SMITH: Thank you.

17 MS INNES: Thank you for that.

18 If we can go back, please, to SHS-000000133, and if
19 we can move to page 6 and to the question 'Ethos'. You
20 are asked:

21 'What did the organisation see as its function,
22 ethos and/or mission in terms of residential care [for
23 children]?'

24 What's your answer to that? What's the ethos of the
25 organisation?

1 A. I can't account for the ethos of the organisation.
2 I don't have any records apart from -- I think
3 I submitted a brochure, I think, that was probably from
4 the late 1980s, I think, that obviously contained a lot
5 of information about the mission statement of the
6 school, what they were hoping to provide children, what
7 they were looking to provide children. There was a lot
8 of information in that booklet about, obviously,
9 collaboration, working with professionals, providing the
10 highest standards of care and education. There's note
11 of promoting respect, relationships and
12 responsibilities, which were referred to as the three Rs
13 in some of that documentation, to provide children with
14 opportunities to learn and develop.

15 As I say, that was taken from the booklet, the only
16 booklet that I could really provide from that -- roughly
17 that time era.

18 Q. Then if we go on over the page, to page 7, you were
19 asked about any significant changes, and one of the
20 things that you note is that the provision moved from a
21 39-week care to a 52-week care in 2000.

22 Has it remained as a 52-week --

23 A. It's predominantly a 52-week. We do have some young
24 people and children on what we call flexible, bespoke
25 packages of care, which are assessed due to the family's

1 needs and the young people's needs, but it's
2 predominantly a 52-week service.

3 Q. Now, just staying on that page, you were asked, at
4 question (viii), what was the organisation's attitude to
5 discipline of children, and you note that the school had
6 a behaviour management policy that evolved over time.
7 It recognised the need for consistent boundaries and
8 routines. It was also recognised that behaviour was
9 a product of experiences and complex conditions. There
10 was an understanding of the social and emotional
11 difficulties experienced by young people and that
12 building trusting relationships with staff was
13 paramount.

14 Is that material that you gained from looking at the
15 documents that you have referred to or is that your own
16 experience of having worked there?

17 A. That is a bit of both. That was obviously information
18 that I'd gained from some of the documents that were in
19 operation before I joined the school. There are some
20 documents about care and control, about understanding
21 disorders, the previous brochure that I sent the
22 Inquiry, that obviously document the vision and ethos
23 and aims, and how routines and boundaries were
24 important, and safe practice. There's a lot of
25 information around that.

1 But obviously I've joined -- you know, I started
2 work in 2001, so I've been at Starley for a long time,
3 so some of that is personal experiences, in terms of
4 what the management and the staff group were
5 endeavouring to do and provide for, you know, very
6 complex young people.

7 Q. We'll come back to that in a bit more detail in due
8 course.

9 If we could move on, please, to page 8 and to the
10 bottom of the page, where you are asked about the
11 numbers of children at Starley Hall. You say this has
12 varied over the years of operation. The maximum was 48.
13 However, with changes in regulations and development of
14 the service, this decreased over time.

15 What has it decreased to?

16 A. I think in the two houses originally that they had on
17 site, there was a number of children placed in both.
18 They were, kind of, shared accommodation, almost, like
19 dormitories, so you could have, I think, three, four
20 five children in one bedroom. The larger of the houses
21 which now houses -- or can look after a maximum of eight
22 young people, I believe, had over 40 children at one
23 point, and the same with the other small house, that
24 there was a number of children in, kind of,
25 shared-accommodation-type environments in those

1 residential settings.

2 Q. Okay.

3 How many children do you have now at Starley Hall?

4 A. Our capacity is -- we have up to eight young people in
5 Starley House, up to five within The Lodge and, in our
6 three community houses, we have a five-bedded, a four
7 and a three, and we have capacity for day pupils. But
8 we're a very small school, so we tend to sit about 24
9 pupils in total, but we can take some day pupils.

10 Q. Now, if we go on over the page to page 10, question (v)
11 on that page, which asks about how many children were in
12 a bedroom, and I think as you have just mentioned,
13 initially there was shared accommodation, with two to
14 six per room, but that's obviously changed over time and
15 children have their own rooms.

16 A. Yes.

17 Q. Now, if we can move to page 12, please. Again, at the
18 bottom of the page, there's reference to staffing, and
19 you were asked how many staff were employed, and you
20 don't obviously have information available to provide
21 an exact figure of how many were employed.

22 If we go on over the page, at question (vii), you
23 tell us that you currently employ 101 employees.

24 Now, is that 101 people or is that 101 full-time
25 equivalent?

1 A. I think that will be -- obviously I got that information
2 from the administration team. I think that will be 101
3 people at the time of writing the report.

4 Q. And some of those would be part-time workers?

5 A. There will be some that are part-time, yes, and that
6 will be a mixture of care, education, we employ our own
7 therapeutic team. We have quite high ratios for
8 children, you know, due to their needs, so that it is
9 quite highly staffed for the number of young people that
10 we have in placement.

11 Q. I think you tell us about ratios over the page, at
12 page 14, where you tell us -- I think there's an error
13 in the answer here but for some children, it's
14 one-to-one.

15 A. Yes.

16 Q. Can it be higher than that?

17 A. It can be through negotiation with the local authority.
18 Some youngsters, you know, require sometimes two-to-one,
19 just really due to the dysregulation and risks factors,
20 but that's not the norm. It's really -- it has to be
21 discussed with the local authority if needs escalating
22 and we feel that increased staffing's required.

23 But our children are provided with, you know,
24 a staffing ratio of -- I see the error, but there's two
25 children to one staff. But as I say, some young people

1 have one-to-one staffing and higher levels of
2 supervision and protection are required.

3 The class numbers are very small as well. We have
4 three, you know -- three, sometimes two in a class, with
5 a teaching assistant and a teacher. So we have, again,
6 quite high ratios within the school.

7 Q. In terms of the school, do children have a full
8 timetable?

9 A. Most children do have a full timetable, but it's bespoke
10 timetables. It's really developed to, sort of, address
11 their strengths and try and capitalise on areas that
12 they can excel in and feel good and gain confidence.

13 We have all the main subjects, you know, in terms of
14 English, maths, literacy, social subjects, but we also
15 have a lot of therapies: we have play therapy, music
16 therapy. We have our own massage worker as part of the
17 therapeutic team. There's a lot of play. There's a lot
18 of health and wellbeing activities that are integrated
19 into the timetables, you know, because a lot of our
20 young people have had huge gaps in education and really
21 struggle. So it has to be a very individualised --
22 a lot of our young people need a soft start, Breakfast
23 Club, so they come and have, you know, their breakfast
24 in the classroom and spend quality time with their
25 teacher before the day begins.

1 So it is quite staff-intensive in terms of being
2 able to meet their needs.

3 Q. Now, if we look down to the heading on this page,
4 'Organisational structure and oversight', and you're
5 asked about the governance arrangements.

6 In the answer to that, you mention that, in 2004,
7 an advisory board was developed to provide the school
8 with governance.

9 Do you know anything about this advisory board, you
10 know, who was on it, how it worked?

11 A. I'm aware that the advisory board met regularly.
12 I'm aware that there was a number of people from
13 different, kind of, agencies that sat on the advisory
14 board at different times. I think at one point they had
15 a local councillor on the advisory board. I think they
16 had Andrew McKendrick, who was obviously involved with
17 SIRCC, sat on the advisory board for a period of time.
18 We had external people who were involved in training,
19 for example SVQs or HNCs.

20 So I think the attendance on the advisory board,
21 sort of -- you know, you were maybe there, on it for
22 two years or a year and then obviously new people came
23 in.

24 I think they did try to look at a breadth of
25 professionals and a breadth of experience so that they

1 could bring in external knowledge into the organisation.

2 Q. When you say Andrew McKendrick, do you mean

3 Andrew Kendrick?

4 A. Sorry, yes, it's the name.

5 Q. You then go on to say that an independent adult was also

6 appointed to provide advocacy to the children. Are you

7 able to tell us a bit more about that role?

8 A. That was Sandra -- oh, names again. Sandra Eldrey,

9 I think. I think her previous experience was as

10 a children's reporter. She -- her role, I think, lasted

11 for over about eight years, nine years, in Starley. It

12 was to come in, I think, a couple of times a week --

13 certainly at least once a week -- and she would meet

14 with the young people. If they had any concerns about

15 their care or education, she would be an independent

16 advocate, and then she would feed back to the management

17 team or the advisory board in terms of what -- what she

18 felt things needed to change or if there was any

19 concerns that needed to be followed up and investigated.

20 Q. Okay. Do you know why that came to an end?

21 A. I think she retired, and I think it was the start of

22 a real focus on children's rights advocacy, Who Cares?,

23 and children who were placed in residential having their

24 own advocacy workers from their local authority. There

25 was a lot of -- a lot of, sort of, focus on that area,

1 that children's voices needed to be heard, and there was
2 a number of structures, sort of, developing that allowed
3 that to happen.

4 Q. Now, if we can move on, just at the bottom of page 15
5 and going on to page 16, there's reference to the
6 culture of the organisation.

7 What was the culture of the organisation like?

8 A. I mean, I again can't account for the culture that
9 pre-dates me starting. I can only provide evidence of
10 the information that's been put into policies, and that
11 really doesn't -- just because it's in a policy doesn't
12 mean to say that that's what the culture was. I can
13 only really provide evidence on the culture when
14 I started.

15 When I started, there was obviously still quite
16 a lot of young people on placement with very, very
17 challenging needs, and there was lots of -- I think it's
18 reflected in some of our inspection reports around that
19 time, that the management of behaviour was an area for
20 improvement. It was very difficult in terms of the
21 levels of challenging behaviour and the harm that could
22 be inflicted on adults, you know.

23 So it was -- my understanding of the culture or my
24 observations of the culture was a group of people that
25 were trying their very best to care for very troubled

1 and complex young people, but there were significant
2 challenges. But there was a desire to progress, there
3 was a desire to learn and move forward. I certainly
4 felt there was some -- a progressive kind of approach to
5 acknowledging where we were going wrong and to try and
6 make some improvements.

7 Q. Who drove that?

8 A. I think a mixture of people drove that. There were some
9 very strong managers in place. There was collaboration
10 between managers. The previous owner did have a lot of
11 vision in terms of taking the school forward, in terms
12 of the therapeutic team, you know, being advanced, you
13 know, bringing the therapeutic team in; moving to
14 smaller community houses, so that young people could
15 experience a, sort of -- more of a family-type kind of
16 environment.

17 So, you know, there was a -- the advisory board, you
18 know, there was a lot of good things that did come out
19 of the advisory board in terms of thoughts and knowledge
20 for progression. As I say, our therapeutic team joined
21 us, which initially was a speech and language therapist
22 with a lot of other skills. That, again, was another
23 development and positive contribution to the school. It
24 highlighted, obviously, the young people's trauma needs
25 and what needed to be done in regards to that.

1 Q. Okay.

2 When you mention the previous owner there, are you
3 meaning Mr Barton?

4 A. I am, yes.

5 Q. If we could look down onto page 17 and to the -- there
6 is a question, sorry, that starts at the bottom of
7 page 16, which is about any changes in culture driven by
8 abuse or alleged abuse of children cared for at the
9 establishment, and you note that allegations would have
10 been investigated.

11 Then going on over the page, just the last sentence
12 in the first box on that page, it says:

13 'The move from using CIC physical restraint to CALM
14 was prompted by developments, allegations of abuse and
15 greater understanding of core concepts such as nurture
16 and therapeutic practice.'

17 Then you go on in the next box to say:

18 'Around 2002 the organisation moved from CIC to
19 using CALM after a number of complaints involving CIC
20 physical restraints with the method using pressure on
21 joints to facilitate compliance. The organisation was
22 looking to embrace a more nurturing way of responding to
23 challenging behaviour, and CALM was recognised as
24 a method with therapeutic underpinnings and a strong
25 focus on de-escalation and understanding trauma.'

1 Can you tell us a bit more about this? What does
2 CIC stand for, first of all, do you know?

3 A. I should have brought my notes with me, but -- I can't
4 recall at the moment, but it is about -- I think the
5 second word is about control.

6 LADY SMITH: Is it 'crisis intervention control' or
7 something like that?

8 A. Control, I think so, yes.

9 When I first joined the school, obviously, in 2001,
10 CIC was the method of restraint that was used. Going
11 back over the records that were available, there was
12 a long period of time that there was -- there was
13 a management of violence training course that staff --
14 I think towards the late '90s, before CIC came into
15 play, they used, but I can't see any evidence to
16 indicate that there was a recognised form of physical
17 intervention.

18 I think there's a lot of evidence within previous
19 inspection reports that there was lots of challenges in
20 terms of behaviour that required young people sometimes
21 to be held, and CIC was obviously the training method
22 that was used by the school for a number of years.

23 When I first joined in 2001, there was already
24 discussions taking place about whether that was the
25 method of physical intervention that we wanted to use as

1 a school.

2 I think any school, if they could not use physical
3 intervention, wouldn't use physical intervention with
4 children, but there are some incidents and some
5 situations where people are harmed significantly, and
6 children are harmed significantly, and you have to
7 physically intervene.

8 I think the philosophy behind CALM at the time was
9 much more suited to what we were trying to provide in
10 terms of, I suppose, a nurturing, containing way to try
11 and manage very difficult behaviour.

12 Q. Okay.

13 Now, perhaps if we can have a look at some of the
14 documents that you found.

15 If we look, please, at SHS-000000128, I think this
16 is a document from 1994, you've told us, which sets out
17 staff guidelines, and we can see that it is going to set
18 out how to diffuse difficult situations and avoid
19 increased conflict, and then it refers to controls and
20 sanctions which could be used and those which couldn't
21 be used.

22 A. Yeah.

23 Q. If we go on to the next page, we can see that the
24 starting point is that:

25 'Remember it is our responsibility to ensure

1 children feel safe. We are in charge and are most
2 significant adults. Don't doubt our strengths, both as
3 an individual and as a staff group. Support is
4 available ...'

5 Then it goes on from there.

6 If we look on to page 4, at the top of the page, it
7 says:

8 'There will be some circumstances where a child
9 needs to be given a sense of safety and security by the
10 physical intervention of an adult or adults. This is
11 a major step and should not be taken lightly. YOU MUST
12 BE CONFIDENT THAT ALL TACTICS AND SKILLS TO AVOID
13 PHYSICAL ACTION HAVE BEEN EMPLOYED AND THAT YOUR
14 DECISION IS IN THE BEST INTERESTS OF THE CHILD AND, IF
15 APPLICABLE, OTHERS. Our children must feel safe, one
16 important prerequisite of this is for adults to be in
17 control.'

18 Then it goes on in the next paragraph to say:

19 'The force used must be kept to the minimum
20 necessary for safety. Care must be taken not to hurt
21 the child ...'

22 Et cetera. So is this the document that you were
23 referring to where you felt that there wasn't reference
24 to a specified method of restraint?

25 A. I think, obviously, when I read that document, there's

1 an intent and an understanding that children need to be
2 safe and that, in some circumstances, adults need to
3 intervene, and that they were trying to provide guidance
4 to the staff about how best to do that, what
5 circumstances would warrant that type of intervention
6 and, you know, the level of containment that some
7 children would require or needed so that they didn't
8 come to harm or adults or other children didn't come to
9 harm.

10 I certainly think, when I read the policy, there was
11 clear information that it was written from a point of
12 view that there was a desire to keep children safe, but
13 on the understanding that sometimes physical
14 intervention was necessary.

15 Q. If we scroll down the page, there's a paragraph
16 beginning:

17 'Arms must not be twisted or held up behind the
18 child's back. A firm grip should be held on the arm or
19 torso and the child held as closely as possible to be
20 safe. The child will be given a sense of care and
21 safety if you can offer the support of another hand or
22 arm with minimal use of strength.'

23 Then it notes about other physical issues that need
24 to be noticed and you need to pay attention to various
25 things, for example, the dignity of the child should be

1 protected.

2 So the policy does seem to suggest that certain
3 things shouldn't be done to impose pain on a child.

4 A. Absolutely. I think whoever's written it has tried to
5 provide guidance to staff: if there needs to be
6 a physical intervention, then this is the -- to try
7 and -- this is the best way of doing it and what not to
8 do, without a recognised method being in place at the
9 time.

10 Q. If we go on to SHS-000000045, this is another document
11 that you've provided to us, and if we could look at
12 page 8, please, I think this is a policy from 1998, and
13 at bottom of the page, there's a section, 'Holding
14 children safely', and it says:

15 'In addition to the management of violence course,
16 staff will be provided with further training in
17 appropriate techniques of holding and restraint.'

18 Pausing there, you mentioned in your evidence
19 earlier that you had become aware that there was
20 a management of violence course.

21 A. Yes. I think the management of violence course preceded
22 the intervention -- the CIC coming into play.

23 Q. Then it notes that the training is Home Office approved
24 and used widely by the Health Board, psychiatric
25 services and other public agencies. The CIC -- and it

1 says here it is 'care, intervention and control'.
2 LADY SMITH: Sarah, I misremembered the first two. I think
3 I suggested --
4 A. Sorry, I should know as well.
5 LADY SMITH: I think I suggested it was 'crisis', but there
6 we are, 'care'.
7 A. Care, intervention and control.
8 LADY SMITH: Intervention and control.
9 MS INNES: And that training was to be completed by
10 September 1998.
11 'Staff appointed after this date will have initial
12 training during induction and be expected to complete
13 the full training at the earliest available
14 opportunity.'
15 So it looks like this was a new technique.
16 A. CIC was a new technique that followed on from the
17 management of violence training, but I don't think --
18 from what I've been able to find from the historical
19 records, I don't think the management of violence --
20 I think it was guidance on how to manage violence, but
21 I don't think there was a recognised holding method, and
22 I think CIC was brought into the school to offer staff
23 a trained, recognised restraint method for managing
24 very, very difficult, challenging behaviours that
25 were -- it was required, you know, to reduce risk. And

1 I believe that was in place for maybe three or four
2 years before -- or thereabouts before we moved over to
3 CALM.

4 Q. Because it's your recollection that they were using CIC
5 at the time that you joined the organisation?

6 A. I think it was -- either it was just being phased out --
7 I remember CIC being talked about by staff and I think
8 it was either -- it was in operation for a very small
9 period of time, or it was already being phased out, with
10 CALM being the recognised method.

11 CALM offered a lot of training in terms of
12 de-escalation as well. There was a lot of focus on
13 de-escalation, and a lot of focus on really
14 understanding what they refer to as pain-based behaviour
15 from young people who have experienced trauma. So it
16 was -- it was -- it gave much more insight to where the
17 behaviour was coming from and how a nurturing, kind of,
18 approach and lots of strategies could potentially
19 prevent physical intervention being used.

20 It was seen as much more of a positive, kind of,
21 holistic approach to managing young people's behaviour.

22 Q. Now, if we can go back to the A to D response, please,
23 and if we look at page 17 again.

24 At the bottom of that page, where it's asking about
25 has abuse or alleged abuse of children contributed to

1 the adoption of current policies, procedures and
2 practices, and it's noted that:

3 'The organisation was not aware of any allegations
4 of abuse until they were advised by Police Scotland that
5 they were investigating allegations of historical abuse.
6 The investigation started in 2016, culminating in
7 a criminal trial at the High Court in 2022.'

8 Now, I just want to check whether that's still the
9 position, that the organisation wasn't aware of any
10 allegations of abuse until that police --

11 A. No, that's not the position. I think when I wrote that,
12 I think my focus was on the police investigation that
13 was carried out by Police Scotland, which was obviously
14 a very significant investigation spanning a number of
15 years, and I've not answered that question correctly.
16 I answered it focusing on that inquiry, not the other
17 allegations, the standalone allegations that had been
18 investigated over the years by the organisation.

19 Q. If we can move on to page 18, and under 'Leadership',
20 just for completeness, where we are looking at the times
21 of people who were in charge, at (ii), under 'Past', you
22 note that Gene Grossman was in charge from 1981 until
23 about 1993. Philip Barton, you've already told us, was
24 headteacher from 1983, but he became the person in
25 charge in 1994; is that right?

1 A. I think so. I will check all that detail out just to
2 make sure it's accurate, but that's what I was provided
3 with in terms of his ownership.

4 Q. So he became the owner of Starley Hall at that time?

5 A. I believe so.

6 Q. Then it notes that you were in charge, it says, from
7 2016, and then becoming Director of Services and
8 a director of the company at a later stage.

9 Now, we know from your CV that you were Head of Care
10 in 2016 and you didn't become Director of Service until
11 1 August 2019. So how was it that you became the person
12 in charge or the registered manager from 2016?

13 A.

14

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21 So I think I was probably in charge by default, if
22 that's the word to use. It was -- I was Head of Care,
23 I had a Head of Education as well, and jointly we ran
24 the school and the services for that period until it
25 changed over to being an EOT.

1 Q. Since 2016, has Mr Philip Barton had any involvement in
2 coming into the school or being involved in the running?

3 A. No. No. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. [REDACTED]

10 [REDACTED]

11 A. [REDACTED]

12 [REDACTED]

13 Q. [REDACTED]

14 [REDACTED]

15 A. [REDACTED]

16 Q. Now, if we could move on, please, to SHS-000000008,
17 which is the Part C response, where you look at various
18 policies and procedures, and if we go on to page 10 and
19 to the very bottom of the page, there's a section in
20 relation to care and control.

21 So we have looked at these documents in relation to
22 restraint, but you note that you are aware that there
23 was a 1998 document that we've just seen providing
24 guidance on how to diffuse situations and avoid
25 increased conflict, and there was set out there the

1 controls and sanctions that could be used and the ones
2 that weren't allowed.

3 Was that the policy that was in place when you
4 joined the school?

5 A. I think there was -- that was developed over time, the
6 care and control policy, and updated. I don't remember
7 that exact policy being in place when I joined the
8 school. I think there was an updated one. I think it
9 was updated and reviewed, I think, quite regularly. If
10 not yearly, maybe, you know, every second year.

11 Q. Okay.

12 If we perhaps look back to SHS-000000045 and
13 page 11, it says there that there are certain sanctions
14 and controls which are not to be used and, for example,
15 in the first bullet point, 'Any form of physical
16 punishment'; the second bullet point, 'Humiliation of
17 any type'; the third bullet point, 'No child should be
18 deprived of any meal', and then it goes on beyond that
19 to talk about other potential sanctions which shouldn't
20 be used, like withdrawing contact with family members
21 and suchlike.

22 If we scroll back up to the top, we see that it was
23 said in this policy that:

24 'Any member of staff found using these sanctions
25 would be subject to disciplinary action.'

1 A. Yes.

2 Q. Now, if we can move on to another document that you
3 provided, and I think this is from 2000. It's
4 SHS-000000127. This is consistent care and control.

5 A. Mm-hmm.

6 Q. If we go on to the next page, it says at the top:
7 'At Starley Hall we have a requirement to develop
8 a non-punitive regime to promote positive strategies in
9 which adults and children work together.'

10 Then it talks about vision, mission and values.
11 At the bottom of the page, it says:
12 'This document is designed to explain what you,
13 staff, student, parent or referrer, need to know about
14 the system.
15 'It is crucial that there are clear lines of
16 communication between the staff and young people.'

17 Then it talks about a system being made up of three
18 components: rules, six basic rules of being rather than
19 rules of doing, which apply to both young people and
20 staff; next, routines; and then, thirdly, rewards.

21 If we go on over the page, we see that there's
22 reference to six 'rosy rules', they're called, which are
23 things like: do be gentle, do be kind and helpful, do
24 work hard, do look after property, do listen to people
25 and be honest.

1 Can you remember these rules being in place when you
2 started?

3 A. No.

4 Q. No.

5 If we go on to the next page, there's then
6 a description of something that's called 'level 1', and
7 this is described as the young person's behaviour or
8 attitude is of such concern that they require close
9 supervision and support. It's noted that the staff
10 response would be that all activities are supervised and
11 the child would be accompanied by an adult at all times.

12 If we scroll down, it says, duration -- level 1
13 lasts a minimum of 24 hours and cannot be lifted until
14 the group handover.

15 Then at the bottom of the page, there's indicators
16 for continuation or lifting of level 1.

17 Can you remember this sort of policy being in place?

18 A. I can remember a developed version of the level system.
19 When I first joined, there was a sort of level system in
20 place, I think introduced by PNC [REDACTED], SNR [REDACTED]
21 SNR [REDACTED], I think, at the time, if my memory serves
22 me right, and it was a level system that operated,
23 basically grading youngsters' behaviours during the day
24 in school, and depending on what level they were in the
25 evening, it would allow them to do certain activities or

1 not certain activities. It was a kind of incentive,
2 I suppose, based situation, where if you were on
3 level 1, you had been unsafe during the day and you
4 maybe weren't able to access things at night.

5 But it was developed quite quickly into other
6 management responses, you know, due to obviously,
7 I suppose, everybody feeling that it might have not been
8 the best way to manage behaviours, or there was better
9 ways to manage behaviours than level systems for
10 children.

11 Q. Okay.

12 Now, rather than bouncing between documents, if we
13 can maybe just move on to another policy document that
14 you've given us, which is at SHS-000000046.

15 I think you mentioned this already in your evidence,
16 about disorders and conditions, and this was compiled by
17 a Liz Duff in August 1996.

18 Do you know who she was?

19 A. Liz Duff was employed at the school for -- oh, many
20 years, I think, 25 years plus. She was -- she had
21 a number of different titles, but she was the Senior
22 Practitioner for Medical and Mental Health, was her --
23 the one that -- the last sort of title, but she looked
24 after all the young people's health needs, medical
25 needs, appointments in the school.

1 LADY SMITH: Was she still working there when you started in
2 2001?

3 A. Yes, she was working there right the way through. Liz
4 retired maybe about, I would say -- I would like to say
5 maybe about -- maybe five/seven years ago, I'm not --
6 but she was there for a very long time. She had spent
7 most of her career at Starley.

8 I think her background was in psychiatric nursing,
9 with lots of experience of working with youngsters who
10 presented with neurodiversity and quite challenging
11 behaviours, so she did a lot of the policy-writing for
12 specific disorders and support for staff.

13 MS INNES: If we scroll down to the bottom of the page, we
14 can see the contents, looking at different -- ADHD, for
15 example.

16 If we go on to the next page, we see more detail
17 about this, a description of ADHD, and going down to how
18 it might have come about.

19 So, for example, there's a paragraph beginning:

20 'Other biological factors suspected as causative of
21 ADHD are associated with the mother's environment during
22 pregnancy, lead poisoning, the effects of cigarette
23 smoking, alcoholism and drug abuse.'

24 And then it talks about allergies and impact on
25 hyperactivity and the like.

1 I assume this would have been based on the
2 understanding of ADHD at the time.

3 A. At the time. It would have been -- all the policies
4 would have been written with the understanding of those
5 disorders and conditions at the time, and obviously
6 things have progressed over time, with lots of more
7 knowledge and information to inform staff working in
8 that area about those conditions and, you know, what it
9 means to have those conditions and the behaviours that
10 it can influence.

11 Q. At the bottom of the page, there's a reference to
12 'during adolescence', and it says:
13 'Impulsive angry outbursts usually interfere with
14 interpersonal relationships and may result in guilt,
15 self-hate, helplessness, inadequacy and low self-esteem.
16 Antisocial acts that defy authority are frequent. Given
17 the need to belong to a group and the multiple
18 rejections they experience, hyperactive adolescents are
19 easily led to membership of gangs or cults. Here they
20 find the structure they need, as well as acceptance and
21 the spirit of adventure. Stealing, fighting, truancy
22 and drug and alcohol abuse occur more often in
23 adolescents with ADHD.'

24 A. Again, I can't -- you know, Liz Duff wrote the policy,
25 so I can't comment on what she wrote. I can only

1 suggest that she would have used information around at
2 the time, and I would have hoped her -- her focus would
3 have been to try and give some staff some understanding
4 of the behaviours that may be present with youngsters
5 that obviously have ADHD.

6 Q. Then if we go on to page 4, there's a section which is
7 headed:

8 'Raising hyperactive children effectively: four
9 steps to success.'

10 She sets out there some positive instructions about
11 understanding and distinguishing between non-compliance
12 or incompetence, giving positive directions, and then
13 going on over the page, fostering success, and it
14 appears that, at the bottom of page 5, it says, 'To be
15 discussed next fortnight'. So it looks as though this
16 is part of a training or discussion --

17 A. From my experience, there was a lot of training and
18 learning. From the day I started, there was a big
19 investment in trying to equip staff with the learning
20 and the skills and the experience to really understand
21 the children that they worked with. When I first joined
22 in 2001, there was a great mixture of young people, with
23 lots of competing needs and lots of difficulties and
24 lots of challenges, and it was very difficult to manage
25 those challenges sometimes because of the groups and the

1 mixing, and I think there was a desire, certainly with
2 the management team, to try and equip staff and
3 themselves with greater understanding of why some of the
4 behaviours are presented and what we could do to try and
5 manage them better.

6 They were incredibly challenging, you know. My
7 first couple of years in Starley were -- there was
8 regular staff assaults. There was really difficult
9 behaviours presented from young people, and it was to
10 try and understand what was at the root of those
11 behaviours and how we could manage them differently.

12 So I think any policies were written with the
13 premise or the hope that, by giving people knowledge,
14 they would be able to work differently and better with
15 young people to get better outcomes.

16 Q. Now, in relation to managing challenging behaviour, we
17 know from other evidence that a condition was placed on
18 the school by the Registrar of Independent Schools in
19 2007.

20 If we can look, please, at SGV-001032116, we can see
21 that this is a letter from the Education Department of
22 2 May 2007 to Mr Barton, and if we scroll down in the
23 italics, the second paragraph in the italics reads:

24 'By 3 September 2007, all staff must have been made
25 fully aware of the school's policy on managing

1 challenging behaviour of young people, and all staff
2 must be implementing that policy consistently, with the
3 aim that young people are more engaged in learning and
4 achievement and attainment are improved.'

5 I'm going to take you on to a meeting in a minute
6 that you were at, following this.

7 Did you remember that conditions were placed on the
8 school?

9 A. I do have awareness that conditions were placed on the
10 school. I don't remember seeing or reading that letter.

11 Q. If we could look on, please, to SGV-001032162, this is
12 a note of a meeting that we have recovered from Scottish
13 Government, so essentially HMIe, which is a report of
14 a visit to Starley Hall School in relation to the
15 conditions which had been set on 2 May, and the meeting
16 took place on 26 September 2007.

17 If we scroll down, in terms of conclusions and
18 recommendations, the inspector writes that:

19 'In relation to condition 2, I am confident that all
20 staff have been made fully aware of the school's policy
21 on managing challenging behaviour of young people with
22 the aim that young people are more engaged in learning
23 and that achievement and attainment are improving as
24 behaviour management and other factors improve. I am
25 less confident, as are the staff themselves, that all

1 staff are implementing that policy consistently,
2 although the intent to do so is clearly there from
3 management and the willingness from staff themselves.
4 This is as much due to the time allowed for such
5 a significant change to take place and be clearly
6 demonstrated and evidenced.'

7 So that seemed to be the conclusion that the
8 inspector reached.

9 If we go on to the next page, we see in bold at the
10 top the condition that I've been referring to, and if we
11 go on to page 3 -- page 2 was another condition, but
12 page 3 is the condition that I'm referring to -- in the
13 third bullet point there, it says:

14 'The Head of Care reported that there had been
15 strained relationships prior to the arrival of the
16 current Head of Education and noted a dramatic change
17 between care and education staff while still recognising
18 a long way to go.'

19 I don't know if you have any recollection of there
20 being issues in terms of strained relationships between
21 care and education?

22 A. I think it was observations that they didn't work as
23 a team and they didn't work in partnership, and I think
24 in a school that caters for young people's needs, there
25 has to be a holistic approach to that care and the

1 learning, and I think there was a, sort of, divide, if
2 I'd like to call it, you know, that existed, and I think
3 the comment might have been in reference to the fact
4 that there needs to be more working together, a holistic
5 approach to looking at children's needs, that their care
6 needs need to be considered in the learning environment
7 and vice versa, to maximise the potential of young
8 people.

9 I think that was around the time, if my memory
10 serves me right, that we got a new Head of Education in
11 place and the last Head of Education left, which was
12 seen as a positive change. I think the new Head of
13 Education was in response to where we found ourselves in
14 terms of the, you know, recommendations or requirements
15 to improve, and I think her appointment was in response
16 to recognising that we needed a new person in post to
17 lead that change.

18 LADY SMITH: Sarah, do you remember anything in particular
19 she did by way of changing practices in the way you
20 worked together to bring about this 'dramatic change'
21 that's referred to here?

22 A. I think Alison Middleton and myself worked very closely
23 together. We developed quite a close relationship,
24 which had been missing previous to that point.

25 We looked at the skill set of all the staff and we

1 tried to ensure that the staff were working together,
2 that they were supporting each other, that there was
3 a unified approach to meeting the kids' needs, that
4 there was value placed on both the care and education,
5 and that no team were -- were -- I can't find the words,
6 but no team were better than the other, they were all
7 doing, you know, a really good job or that was their
8 purpose.

9 Alison Middleton had very high standards,
10 I remember, in terms of attainment, learning and making
11 sure that young people maximised their opportunities to
12 learn. So school and learning was a real focus. My
13 memory of Alison was that she had very good standards
14 that she expected everybody to adhere to, and there was
15 a real presence from her as a leader in that role.

16 Does that answer the question?

17 LADY SMITH: Did you get that -- well, I was really
18 interested in on a daily basis. What was she doing that
19 was different?

20 A. She was visible on a daily basis. She would be in the
21 classroom. She would be in the school. She would meet
22 with care staff who were there to support any
23 behavioural issues and encourage her own staff to be
24 more prominent in supporting behavioural issues as well.
25 So there was a real presence. There was

1 a role-modelling situation that provided, sort of,
2 a clarity for staff about what was expected that I think
3 had been missing before.

4 LADY SMITH: Thank you. Ms Innes.

5 MS INNES: Thank you, my Lady.

6 If we go down the page, I think we see some
7 reference to what was going on at the time, even though
8 she had come in relatively recently. So, for example,
9 a handover between education and care at the end of the
10 day.

11 A. Yeah.

12 Q. So improved communication, perhaps.

13 A. Lots more forums for communication: handovers, changing
14 over information, knowing how the night had gone so that
15 it could inform the education day the next day; you
16 know, improving children's voice about their curriculum
17 and what they -- you know, what were their strengths,
18 what they wanted to learn; looking at the ratios;
19 looking at the skills of the teachers. There was just
20 a lot of investment at that time in terms of the kids
21 that we were working with, were we working with the
22 right kids?

23 And I welcomed that in my role because the first few
24 years of my role had been incredibly challenging, in
25 terms of wanting to make a difference in kids' lives

1 and wanting to improve outcomes, but working with
2 children that potentially maybe the capacity to work
3 with that level of need wasn't there in terms of the
4 skill set or maybe knowledge, and that daily struggle
5 where you had very committed people trying to do their
6 very best, but their very best led to sometimes, you
7 know, very difficult, challenging situations.

8 So the appointment of that new role did, I believe,
9 make a big difference to working in partnership for care
10 and education, to strengthen the bond and, I suppose,
11 have some value placed on each other and, ultimately,
12 look at the needs of the kids and have a team -- key
13 workers were developed around the child, so there was
14 one from care, one from education, one from health. So
15 it was that kind of holistic approach to meeting kids'
16 needs.

17 Q. We see, in the second-last bullet point on this page,
18 that you were currently developing one integrated plan
19 for each young person, with the aim of fulfilling the
20 requirements of several formats: so care plans that
21 might be required by social work, co-ordinated support
22 plans that might be required in relation to education,
23 but trying to draw these things together for the
24 individual child.

25 A. Yes. Myself and Alison developed what we called the

1 GIRFEC action plan, and it drew together a number of
2 different documents, and it was regarded very highly
3 with the Care Inspectorate at the time around
4 inspections, and obviously the education inspections,
5 but it looked at all the GIRFEC wellbeing indicators and
6 the SHANARRI wellbeing indicators, and it looked at what
7 adults -- you know, what were we working towards? What
8 did we need to do under each of these wellbeing
9 indicators to achieve the best outcomes? It was
10 outcome-focused so that there was clarity over what the
11 team around the child were working to.

12 So it did really unify the teams, I think, in terms
13 of the one plan.

14 Q. Who was the Head of Education before Alison Middleton
15 came?

16 A. My memory -- and it is only from memory -- is I believe
17 it was Mr PNC .

18 Q. If I can ask, please, if we just look back for one
19 further point at SHS-000000008 and page 24, and this is
20 in relation to records retention. You are asked there
21 about what policy or procedures the organisation had in
22 relation to record-keeping.

23 You say that there was no written policy and there
24 was no guidance provided by local authorities or the
25 Care Inspectorate:

1 'Our procedure in place was that all staff and young
2 people's files were stored in an archive room and
3 confidentially shredded seven years after leaving the
4 service.'

5 Do you have any idea where the seven-year timeframe
6 came from?

7 A. Again, I asked the administration team for that
8 information. I don't have any knowledge or any role in
9 records and retention of records. You know, it's
10 a centralised point, so I had to ask guidance on what
11 was their procedures in terms of keeping records.

12 I don't know if the seven years comes from data
13 protection -- I don't know. I can't answer that
14 question. I would have to go back and seek more
15 information from the administration -- the admin team to
16 clarify that for you.

17 LADY SMITH: I wonder if it came from legal advice. One
18 year beyond six years, if I can put it that way.

19 MS INNES: You also note that the school experienced a fire
20 which affected the archive room, and two floods which
21 destroyed additional records, and then there was the
22 investigation by Police Scotland.

23 What was the impact on record-keeping of the
24 investigation by the police?

25 A. They removed a significant amount of records as part of

1 that investigation. So a lot of the records that were
2 required to answer some of these questions fully weren't
3 in my possession when I initially wrote the documents.

4 Q. Have you since had records returned by the police?

5 A. We have had since records returned by the police.

6 Q. Did you review them in order to update your response,
7 particularly to Part D of the questionnaire?

8 A. I reviewed -- yes, I requested the Inquiry to see if
9 I could provide additional information, because I was
10 aware that I hadn't answered some of the questions in
11 depth enough, and I hadn't answered them appropriately
12 or given accurate answers based on the information
13 I had, so I asked if I could update Part D. I think
14 I updated a few other parts to it. Potentially some
15 other questions would need to be updated as well now
16 that those records are available, but I did -- I updated
17 what I couldn't within the timescales provided.

18 MS INNES: We'll come perhaps after the break to your
19 updated Part D.

20 LADY SMITH: Yes, that would be helpful.

21 A break now, Sarah?

22 A. Okay, thank you.

23 LADY SMITH: Does that work for you?

24 A. Thank you, yes.

25 LADY SMITH: Very well. Let's do that.

1 (11.29 am)

2 (A short break)

3 (11.45 am)

4 LADY SMITH: Welcome back, Sarah. Are you ready for us to
5 carry on?

6 A. Thank you, yes.

7 LADY SMITH: Thank you.

8 Ms Innes, when you're ready.

9 MS INNES: Thank you, my Lady.

10 If we could look, please, at SHS-000000126 and
11 page 1.

12 So this is the updated Part D response that you
13 provided to the Inquiry after you had had an opportunity
14 to review some of the material returned to you by
15 Police Scotland.

16 A. Yes.

17 Q. Now, in the first question we see on this page, you
18 provide some information in relation to various people.
19 The first five on the list that you provide faced
20 a number of charges. So five people were accused of
21 a significant number of charges, you note. Then it
22 says:

23 'This culminated in a criminal trial which took
24 place in February 2022. Nigel Lloyd [one of the people
25 mentioned] didn't stand trial on medical grounds.'

1 And you understand that some of the original charges
2 were dropped based on the information that you
3 recovered; is that right?

4 A. Not dropped on the information that we recovered. My
5 understanding is, from the court case, when the court
6 case first started, there was obviously pre-trial
7 hearings or whatever they're called -- I don't know what
8 they're called -- but all the charges that were there at
9 that point didn't actually culminate in the final court
10 case.

11 Q. Okay.

12 A. It was nothing to do with the evidence we found or
13 changed. We provided all the evidence to
14 Police Scotland at the start of the inquiry and
15 throughout the inquiry which led to a number of adults
16 being charged with a number of offences.

17 Q. Okay. So where did you get the information from telling
18 you that some of the original charges were dropped?

19 A. That was from media reports and reports coming back to
20 us from, I think, Police Scotland at the time.

21 Q. Okay.

22 Then you go on down below that to say:

23 'Other allegations and charges were investigated.'

24 The first person you mention there is Robert Taylor,
25 who was accused and charged with sexual offences between

1 1998 and 2002. He was brought to a criminal trial in
2 Kirkcaldy in July 2019, and I think he was acquitted at
3 that trial.

4 A. That's my understanding, yes.

5 Q. Between 1998 and 2002, was he working at Starley Hall?

6 A. I believe the charges were when he was working -- the
7 charges that he was accused of and the charges that he
8 stood trial for was when he was working at Starley Hall,
9 yes.

10 Q. Okay.

11 Now, later on in the Part D you say that, in the
12 information that you had, you didn't know where
13 Mr Taylor had come from before he came to work at
14 Starley Hall. Obviously by the time you were there, he
15 was already working there.

16 A. He was already in post and I couldn't locate any of his
17 personal files.

18 Q. Okay.

19 Now, can I ask you, please, to look at a document
20 SGV-001033198, and page 10.

21 This is a letter from Save the Children to the
22 Education Department dated 30 April 1993, and the letter
23 says:

24 'I write in reply to your letter regarding the
25 recent disciplinary case at Harmeny.

1 'I am pleased to provide further information on
2 this.'

3 And this person it referred to, the Inquiry
4 understands to be Robert Taylor, who is the same person
5 who was mentioned in your Part D response, and you'll
6 see there that it says:

7 'Following a series of allegations regarding his
8 conduct, SCF conducted a comprehensive investigation and
9 a hearing which I chaired. Having considered all the
10 evidence, I have now concluded that he is responsible
11 for gross misconduct, firstly on the grounds of breach
12 of confidentiality regarding children at Harmeny, and
13 secondly on grounds of mistreatment of children,
14 physical chastisement and verbal abuse over a period of
15 time. I also found that he was responsible for serious
16 misconduct in relation to the consequences for staff,
17 and potentially for children of a personal relationship
18 which he conducted with a member of the care staff.

19 'He has therefore been suspended without pay. He
20 has a right of appeal. If he appeals and it is not
21 upheld he can, of course, seek redress through
22 industrial tribunal.'

23 It notes that he was well aware of the legal
24 position concerning physical chastisement of children
25 and of Harmeny's written policy and guidelines on care

1 and control of children:

2 'Regrettably he was found to be functioning on
3 a number of occasions outwith regulations and in
4 an unprofessional manner which created a most serious
5 breach of trust with SCF as his employer.'

6 Now, I appreciate that you've not seen this document
7 before --

8 A. No.

9 Q. -- nor did you have any information about Mr Taylor and
10 how he came to Starley Hall, but given that you are
11 giving evidence on behalf of the provider --

12 A. Absolutely.

13 Q. -- obviously I have to put this information to you.

14 If it is the case that Mr Taylor was dismissed for
15 gross misconduct from Harmeny and then went to work at
16 Starley Hall, do you have any comment or concern in
17 relation to that?

18 A. I would be deeply concerned if the people who employed
19 Mr Taylor were aware of that information, and continued
20 to offer employment if they were aware of that
21 information. That would be a breach of safe practice
22 and recruitment safe practice and it would be very
23 concerning.

24 LADY SMITH: If good recruitment practices were followed,
25 would you have expected them to have been made aware of

1 it, for example, by Harmeny?

2 A. Yes. If they followed good practice and good
3 recruitment, references would have -- should have been
4 sought from his most recent employer, if that was his
5 most recent employer before joining Starley Hall.

6 LADY SMITH: And asking him to disclose any reasons for
7 leaving previous employment?

8 A. Yes, and if there'd been any disciplinary matters, would
9 have been standard procedure -- it has been standard
10 procedure for a number of years. I can't, you know,
11 account for what occurred in that era, but it would have
12 been standard procedure to seek references and seek
13 questions about whether you've ever been disciplined or
14 any safeguarding issues. So that would have been
15 a significant failing in terms of recruitment.

16 MS INNES: Okay.

17 Can we move back, please, to the Part D response at
18 SHS-000000126.

19 Just below Robert Taylor, we see reference to
20 a Robert Jennings, and you're aware that he was
21 convicted of lewd, indecent and libidinous practices
22 towards a young girl, and he was found guilty at trial
23 in October 2021. That was during his time at
24 Starley Hall; is that correct?

25 A. The charges and the allegation was for when he worked at

1 Starley Hall, and the young person resided at
2 Starley Hall, I believe.

3 Q. Then you refer to several other people, one who was
4 charged in May 2018 with two counts of historic
5 assaults. After a long period of suspension, COPFS did
6 not take any further action. This was a person called
7 KUZ [REDACTED].

8 Do you know if there was any action taken by the
9 school in relation to these allegations, or was he no
10 longer a staff member by the time --

11 A. He was a staff member at the time and he was one of the
12 staff members that were suspended immediately following
13 disclosure from Police Scotland that there had been --
14 he had been named in the investigation.

15 Police Scotland brought this information to us,
16 rather than us obviously finding records. It was
17 obviously a prolonged investigation by Police Scotland,
18 so they kept in touch with us in regards to any current
19 staff member that had been named in the investigation,
20 so that we could follow our child protection procedures.
21 So any current members of staff that there was concerns
22 raised about, KUZ [REDACTED] being one of them, was
23 suspended from his post, and he did not return to his
24 post.

25 Q. Even after the period of suspension, he didn't return to

1 his post?

2 A. No, he didn't return to his post. He -- SSSC, I think,
3 put him on a temporary suspension order for the whole
4 period of time that he was suspended, and then later
5 dropped the suspension order because it didn't proceed,
6 but we did not return him to his post.

7 Q. Did he want to come back to his post?

8 A. No. By that point, I think he was of the view -- we
9 obviously didn't -- we felt it wasn't appropriate for
10 him to come back, just the length of time he'd been away
11 from his post and, you know, what had occurred, and he
12 didn't -- he agreed with that plan.

13 LADY SMITH: When you said, Sarah, that SSSC dropped the
14 suspension order because it didn't proceed, what do you
15 mean?

16 A. He was -- when the police investigation obviously
17 started, we alerted the SSSC to all the staff members
18 who had been named and, for a few of them, they were put
19 on what was called temporary suspension orders, and
20 I believe, from the communication that we received as
21 an organisation, that when they received letters to say
22 that the Crown Prosecution Service was not continuing
23 with the case or wasn't proceeding with the case, they
24 had no grounds to keep them on temporary suspension
25 orders in terms of the regulated care status.

1 LADY SMITH: So you are referring there to SSSC having
2 suspended these people from their register?

3 A. Yes, on a temporary suspension notice, and a temporary
4 suspension notice, I believe, can last for a period of
5 time, and then they have to look to see whether that's
6 going to be a final or whether it can be redacted, and
7 I think, in that case, I think [REDACTED] -- Mr [REDACTED] and
8 Mr Munn were provided with letters to say that that had
9 been -- to the best of my knowledge, it was no longer in
10 force, the temporary suspension order.

11 LADY SMITH: Thank you.

12 MS INNES: Then the next person referred to, under the
13 reference that I've just looked at, is to
14 a [REDACTED] KPG, and it says that he was charged in
15 October 2018 with physical assaults in relation to
16 incidents of physical intervention or restraint within
17 the time period 2001 to 2007, with no specific dates for
18 those provided.

19 'After a long period of suspension, COPFS advised
20 that they would not be taking any further action.'

21 Did this staff member return to work after a period
22 of suspension?

23 A. He did.

24 Q. And why did he return to work?

25 A. We worked in partnership with, you know, his teaching

1 registration. There was an investigation, I think, with
2 them, and there was no -- the criminal charges obviously
3 did not proceed and it was felt to be appropriate for
4 him to return to his role.

5 Q. Okay. So this person was a teacher, so there was
6 an investigation through the GTC as well?

7 A. I think they looked at the incidents that Police
8 Scotland had looked at and they investigated what Police
9 Scotland had looked at. The substance of the
10 allegations were in reference to physical interventions
11 and the challenge -- there was -- the challenges of
12 those physical interventions with the behaviours of the
13 young people who were presenting significant violence,
14 and I think there was an agreement that, because there
15 was -- there wasn't any substance -- not any substance,
16 sorry, that's not what it was; that there was no
17 proceeding down a criminal route, and that the
18 investigation didn't suggest that there had been
19 an intentional harm caused to young people.

20 Q. Okay. So there were no criminal proceedings. The GTC
21 proceedings weren't -- there were no disciplinary
22 sanctions against Mr KPG?

23 A. No.

24 Q. Was there any separate disciplinary investigation at the
25 school or not?

1 A. No.

2 Q. And were there any requirements placed on him in
3 relation to further training or conditions in respect of
4 restraint or physical intervention?

5 A. I think, by that point, because it was non-recent,
6 historical allegations that didn't have a specific
7 timeline, you know, a specific date, it was difficult to
8 go back to work out what incident it was referring to.
9 Obviously, we have lots of records about incidents
10 and -- but there wasn't a date of when it actually
11 occurred.

12 He would be involved in training on an annual basis
13 anyway in terms of his -- what we provide in terms of
14 CALM and re-accreditation, and would be involved in
15 other training as part of his teaching --

16 Q. Okay, so that would be --

17 A. -- registration.

18 Q. So that would be happening every year anyway?

19 A. Yes. Yes.

20 Q. Then the next person you note was a POC [REDACTED], who
21 was interviewed by the police in relation to one
22 allegation of physical intervention, but there was no
23 criminal charge in relation to this allegation.

24 A. The police shared with us that out of all of the
25 information that was given by other children, that they

1 were very complimentary or positive about his
2 involvement, but because there was one allegation made,
3 they had to obviously follow it up. But there was no
4 charges brought in terms of that allegation and they did
5 not feel -- they didn't -- there was discussions with
6 Police Scotland and they didn't feel that we needed to
7 suspend him or he was a risk.

8 Q. So he remained as a staff member, did he?

9 A. He did, yes.

10 Q. Then the next person is an POG [REDACTED], interviewed by
11 police again in May 2018 in relation to an allegation of
12 historic assault, and there was no criminal charge in
13 relation to this allegation.

14 Was she a staff member at the time of the --

15 A. She wasn't a staff member at the time of the start of
16 the police investigation. She was a staff member
17 previous to the point. She was actually employed as a,
18 kind of, housekeeping role, house matron, in charge of
19 making sure all the young people had, you know, clean
20 towels, bedding and clothing and material things for the
21 house, and that the houses were kept to a good decor.

22 Q. Then the final person mentioned here is a POI [REDACTED],
23 again interviewed and charged by the police in 2018 in
24 relation to historical charges of assault.

25 Was he a staff member at the time of the police

1 charges?

2 A. No.

3 Q. No. But the allegations related to the time that
4 he worked at Starley --

5 A. He worked at Starley Hall, yeah.

6 Q. Okay.

7 Then we have a heading:

8 'Information on allegations of misconduct and abuse
9 investigated by the organisation.'

10 A. I've kind of separated them out, and why I've separated
11 them out is the organisation -- I'm not aware that --
12 whether some of the complaints or the child protection
13 investigations that the school has done over the years
14 form the same allegations that were made to the police.
15 So I just had to separate them out that way, because
16 I've no knowledge of whether some of those
17 investigations that the organisation investigated later
18 formed some of the criminal charges that were brought
19 against ex and current staff members.

20 Does that make sense?

21 Q. That does make sense, thank you, and we'll come on to
22 what you found in relation to that, the, sort of,
23 internal investigations, in a moment.

24 If we can look on, please, to page 2, where you are
25 being asked for the organisation's assessment of the

1 scale and extent of abuse cared for at the
2 establishment, and under the heading, 'Police
3 investigation and criminal trial', you talk about the
4 extent of that investigation, and you say in the final
5 paragraph under that heading:

6 'It is extremely difficult to provide any definitive
7 answer regarding the extent and scale of abuse as the
8 criminal proceedings did not lead to convictions in all
9 but one of the cases.'

10 You go on to say:

11 'It is important to note, however, that over the
12 course of the investigation, a considerable number of
13 disclosures were made by former pupils alleging that
14 they had experienced physical, emotional and sexual
15 abuse while in the care of the organisation.'

16 Why do you note that specifically?

17 A. I think it was important to note it so that those voices
18 could still be heard. Whether there was a criminal
19 trial, it's not for me to be judge and jury over that,
20 and I couldn't answer that question, you know, and give
21 that information, but I think it was important to note
22 that when a number of young people, now adults, spoke to
23 Police Scotland, they shared experiences that they
24 interpreted as harmful and abusive, and those
25 experiences later formed a criminal trial. And I didn't

1 want to just dismiss them and that, in a sentence,
2 because there was no convictions, then we shouldn't take
3 note of that and acknowledge that as an organisation,
4 because it's important that those voices are still
5 acknowledged.

6 You know, if a number of young people -- which
7 clearly they did -- felt that they had been treated, you
8 know, in a harmful, abusive way whilst residing at
9 Starley Hall, it shouldn't just be discounted because
10 there was no criminal convictions, and I think that's
11 why I made the statement. I wanted, I suppose, from
12 an emotional point of view, to just not dismiss that as
13 if, because of this outcome, that can't be considered,
14 so ...

15 Q. Then you talk about the other allegations outwith the
16 police investigation, and you note that, from the
17 information that you have, you say that there have been
18 a number of isolated investigations into specific
19 individuals:

20 'Our assessment of these cases indicate that they
21 did not reflect a culture of abusive practices but
22 isolated incidents that required investigation and
23 action.'

24 So can you explain a bit further what you mean by
25 what you say here, that there were isolated incidents

1 but there was no culture of abusive practices?

2 A. I think I need to go back to looking at it in two parts,
3 and that's obviously maybe not what I should be doing,
4 but I had to concentrate on the Police Scotland
5 investigation, and then I had to look at the -- what
6 I referred to as -- it may be wrong terminology, but the
7 isolated incidents that have been acknowledged and heard
8 through complaints or child protection procedures over
9 the years that have been investigated by -- internally
10 by -- and also by external organisations, you know,
11 whether it be family protection units, the police, child
12 protection units, social workers, Care Commission.

13 So there's a number of those allegations with the
14 dates that I've provided that indicate that there was
15 allegations of abusive or harmful practice that did
16 warrant investigations.

17 Q. If we go on over the page, to page 3, towards the bottom
18 half of the page, we see a list of the material that you
19 found in relation to these other allegations.

20 Some of these, as you say, relate to the people who
21 were involved in the criminal investigation, but you
22 don't know if it's one and the same thing or different
23 incidents.

24 A. I've no knowledge of whether it's the same allegations
25 that later formed the historic investigation.

1 Q. Now, if we look into the list, the first person that you
2 mention is a PPR [REDACTED], who was dismissed for
3 physical assault on a pupil, and you think that that was
4 probably in the 1990s?

5 A. It was certainly before my time. I've no knowledge of
6 it or no recollection of it. It was just information
7 that had been shared with me about a previous incident.

8 Q. So this was information shared with you as opposed to
9 information that you found in the records?

10 A. Yes. There's no records. There's no records on
11 PPR [REDACTED], in terms of internal records.

12 Q. Okay.

13 Then you refer to the next three allegations,
14 including the one in relation to Robert Taylor, in
15 respect of people who were involved in the other
16 investigations.

17 So the second person, who's redacted, there's two
18 entries, May 2002.

19 A. Sorry, yeah.

20 Q. This is PNC [REDACTED], who you've already mentioned, and
21 you note that there was an allegation of physical
22 assault during physical intervention. There was
23 an investigation by social work and the Care Commission.
24 The investigation was unable to substantiate
25 a complaint.

1 Then you also mention that there was a report
2 sent -- so in the next entry -- to the Scottish
3 Commission for the Regulation of Care, NFA -- 'no
4 further action', I assume -- but notes for improvement.

5 Are these one and the same incident, do you know?
6 It's just that they've got the same --

7 A. Same dates. I don't know whether I've put down the
8 wrong dates. I believe they're separate incidents but,
9 again, I'd probably like to check that before offering
10 clarity.

11 Q. Okay, thank you.

12 The notes for improvement, did they come from the
13 Care Commission?

14 A. I believe so, yes.

15 Q. Then the next entry is September 2001, was an allegation
16 of physical harm following a restraint. It was
17 investigated by the Child Protection Unit and the
18 organisation and there was no further action in relation
19 to that one.

20 Then another allegation from January 2002, where
21 there was a complaint from a young person that he was
22 grabbed by the throat during physical intervention, and
23 there was no further action after investigation.

24 So these investigations, is that what you found in
25 the documents that were returned to you?

1 A. That's what I found in the documents that were returned
2 by the police. They're not lengthy documents and they
3 don't offer a wealth of information, but that was what
4 was available to me in the documents that were returned.

5 Q. Then there's another allegation noted there against
6 Robert Taylor.

7 Then if we go on over the page, we see, at the top
8 of the page, reference to allegations against
9 Robert De Koning and Angus Munn, and we know that they
10 were involved in the prosecution, but again, you don't
11 know if these are --

12 A. I don't know if it's the same allegations that later
13 formed the court case and criminal charges.

14 Q. The next person mentioned is a **PEQ**, and this was
15 in June 2009. This was an allegation of sexual abuse;
16 an allegation that he was involved in a sexual
17 relationship with a young girl in your care. There was
18 an investigation, updates were sent to the Care
19 Inspectorate, and ultimately he was dismissed from his
20 post.

21 Now, the Inquiry's already heard evidence in
22 relation to this person from the Care Inspectorate, and
23 if I could first of all look at CIS-000011065.

24 This is a document dated 15 April 2009, and it's
25 a memo from a Morag Skinner who worked at the Care

1 Commission at the time. In the memo it says:

2 'On 16 April 2009, telephoned and spoke to
3 [yourself]. Asked for written documentation in relation
4 to their investigation which led them to reinstate him.
5 She told me that they did not investigate the allegation
6 of sexual impropriety as the police were dealing with
7 that and that they had only investigated lack of
8 professional boundaries. This would mean that the
9 police had not yet concluded their case (according to
10 the principal) so he was reinstated prior to the police
11 decision not to proceed.'

12 Then she goes on:

13 'The principal told me that he had been reinstated
14 prior to the police decision as it was taking so long.'

15 Then she asks for other documentation.

16 So can you recall anything about the investigation
17 into **PEQ**?

18 A. I can recall there being an investigation. I wasn't
19 part of the initial investigation. I think the initial
20 investigation was led by Phil Barton and Dave Christie,
21 in terms of when the first concern was raised. I was
22 part of, I think, the latter stages, from memory.

23 There is some information about that investigation
24 in the complaints and child protection folders that were
25 returned by the police that would potentially offer the

1 Inquiry a little bit more substance that I could share.
2 There's not a lot. But there's certainly information
3 around the PEQ situation. I don't recall the
4 exact phone call, in terms of -- and I don't understand
5 my statement around 'we did not investigate the
6 allegation of sexual impropriety', because there was
7 an investigation into that initially, is my
8 understanding, and there was -- the young girl had
9 not -- she'd -- I think there had been interviews set up
10 with the family protection unit and I think that she was
11 unable to commit to them, and there was difficulties
12 getting clarity on evidence.

13 There was an investigation, so I'm not sure what
14 would have led me to believe -- to say that we hadn't
15 investigated because the police were dealing with that.

16 Q. If we go on, please, to CIS-000011071. This is dated
17 11 May 2009, again a note by Morag Skinner. She notes
18 that she had visited Starley Hall on 8 May 2009. She
19 had met with Phil Barton, yourself and Dave Christie,
20 who you've just mentioned, who is described as the
21 Deputy Care Manager and the Child Protection
22 Co-ordinator.

23 A. Yes.

24 Q. Then she says that she showed you the police facts,
25 which stated that PEQ had been previously

1 charged as follows, and then there's a list of various
2 charges in respect of various complainers -- or we don't
3 know who the people referred to are, the way it's
4 anonymised.

5 'The facts also stated that after the initial
6 investigation, which the Procurator Fiscal marked as "no
7 further proceedings", PEQ [REDACTED] was placed on the
8 violent offender and sexual offender register under the
9 category of "potentially dangerous person". This
10 related to multi-agency public protection arrangements
11 concerning individuals about whom intelligence or other
12 information is held to the effect that they may present
13 a potential risk to the public.'

14 So this information was being given to you by the
15 Care Commission.

16 It then goes on:

17 'Staff were aghast on hearing of the above and
18 stated that on his return from annual leave on Thursday,
19 he will be dismissed.'

20 I think you were perhaps then involved in that
21 second investigation leading to his dismissal.

22 A. I was involved in the second investigation leading to
23 the dismissal. I think, from memory, and from what that
24 says there, there was some discussion about whether that
25 information above had been handed over to the school by

1 Police Scotland, and there was some discussion around
2 whether that had been in our possession, but that's only
3 from memory.

4 Q. I think the school's position perhaps was that it didn't
5 have that material.

6 A. I think we didn't have that material at the time. We
7 didn't have what was logged above there in terms of the
8 police and the police charges. That hadn't been
9 communicated to us. And I think that maybe dates back
10 to my initial statement about the police are dealing
11 with it. There was a police investigation ongoing in
12 regards to investigating the concerns around
13 PEQ [REDACTED].

14 Q. Then if we can look on, please, to CIS-000011055, which
15 we see is a letter to Mr Barton dated 29 May 2009, and
16 if we look under 'Details of the complaint', it says:

17 'The complainant alleged that the staff member had
18 been able to have an inappropriate relationship with her
19 child and that following a police investigation, he was
20 back at work. She believed that he was not suitable to
21 work with young people.'

22 Then there were meetings in terms of this
23 investigation.

24 If we look on to the next page, the conclusion was,
25 if we look four lines down:

1 'Documentation within the service had been
2 investigated by the police. On receipt of further
3 information from the police and a further visit to the
4 service on 8 May 2009 by a Care Commission officer to
5 explain the police findings, the director decided to
6 hold a disciplinary hearing at Starley Hall.'

7 Just pausing there, that's referring to the meeting
8 that we've just looked at, where they --

9 A. The minute, right, okay.

10 Q. -- told you that information.

11 'The complained about was suspended for eight months
12 during the police investigation but had been reinstated
13 when the service believed that the police investigation
14 was closed and that there were to be no further
15 proceedings. Documentation received from Fife
16 Constabulary confirmed that no further proceedings were
17 being taken at the time. It had come to light, however,
18 that the individual would not get a clear disclosure and
19 would not be eligible for registration with SSSC.
20 A disciplinary hearing was held on 14 May 2009. The
21 staff member did not attend. The decision was made to
22 dismiss the staff member.'

23 The Care Commission upheld the complaint, and the
24 requirement noted below is that:

25 'The disciplinary policy must be further developed

1 to ensure that all staff returning to work following
2 a period of suspension are fit to do so. All staff
3 involved in a police investigation whilst suspended
4 should be the subject of a disclosure check prior to
5 returning to work.'

6 Then it refers to the relevant regulation.

7 So I don't know if you had any recollection that
8 there had been a complaint made about the way in which
9 the issue was handled with --

10 A. I don't have any recollection from the time, but
11 obviously, reading that, I'm aware that the PEQ
12 case was very, very complex and very, very difficult.
13 I didn't have involvement in the first part of it.
14 I only had involvement, I think, to my memory, in the
15 latter part when he was dismissed, you know, from his
16 post.

17 Reading what I'm reading, you know, there has to be
18 an acknowledgement that there has been some failings in
19 regards to the management of PEQ and, obviously,
20 how information was shared between agencies and whether
21 that was acted on in an appropriate and prompt manner.

22 Q. I suppose one might look at the investigation, that
23 you're aware of, that took place between 2016 and you
24 have been telling us about, and it appears that the
25 police were giving you information, if they were

1 charging people, were they?

2 A. PEQ [REDACTED] never came up in the historical police
3 investigation.

4 Q. No, no, I'm contrasting what happened here with the
5 later police investigation, where it appears that the
6 police were sharing information with you to enable you
7 to suspend people.

8 A. My understanding is that they hadn't shared that
9 information, though, about the charges that he'd been
10 charged with at an appropriate timescale for us -- to
11 allow us to suspend him. I'll need to go -- again --

12 Q. Yes, so they didn't do that in relation to
13 PEQ [REDACTED] --

14 A. Yeah.

15 Q. -- so there's a problem with inter-agency working.

16 A. Yes.

17 Q. But if we look at 2018, for example, the police were
18 communicating with you.

19 A. Absolutely, yes.

20 Q. So there was maybe better inter-agency working at that
21 time.

22 A. Yes. Yes. They were absolutely communicating with us.
23 They communicated with us from the day they walked into
24 the school to let us know that there was
25 an investigation, and they phoned us every time there

1 was allegations made to check, you know, they were
2 current staff and not current staff so that child
3 protection procedures -- there was what I believed to
4 be, you know, good communication or communication that
5 allowed safeguards to be in place, to the best of our
6 ability.

7 LADY SMITH: But, Sarah, separately from agency
8 collaboration, isn't there a simple point here that
9 there was a staff member suspended for eight months in
10 connection with the possibility that he had been
11 responsible for committing a crime in sexual matters
12 with a service user, and no attempt to check whether he
13 would still have passed the Disclosure Scotland
14 requirements was made before letting him return to work?

15 A. Yes.

16 LADY SMITH: And you didn't need any -- I don't mean you
17 personally; Starley Hall didn't need anything from the
18 police before they could have done that?

19 A. Yes. That was a significant failing on part of the
20 organisation in terms of not doing these checks.

21 LADY SMITH: Because, of course -- and you'll know this --
22 Disclosure Scotland are able to find out not just
23 previous convictions, but any relevant information that
24 the police have put onto their records, which may be
25 there because they categorise this person as a potential

1 risk to children or vulnerable people, for example.

2 A. Yes. I understand.

3 LADY SMITH: Yes.

4 Ms Innes.

5 MS INNES: Thank you, my Lady.

6 If we can go back, please, to SHS-000000126 and to

7 page 4.

8 If we go down the list, there is a paragraph

9 beginning:

10 'I am aware that the Inquiry has since requested

11 records for ...'

12 Various staff members, and these were names of staff

13 members that had come to light from information given to

14 the Inquiry by the SSSC.

15 I wanted to ask you about one of those,

16 Colin Edwards, in 2017.

17 So if we look please at SSC-000000090, and if we

18 scroll down to the bottom of the page, this was an issue

19 which took place on or around 3 June 2017, and there

20 were findings that he failed to act in accordance with

21 the young person's risk assessment, and that, 2, in

22 attempting to restrain the young person, he held the

23 door closed to prevent him from leaving the room. Then,

24 going over the page, we see the other behaviour which he

25 was found to have done.

1 Ultimately, we know that he was removed from the
2 register, and you've also provided us with information
3 in relation to the disciplinary hearing.

4 Now, although this was after 2014, I suppose it begs
5 the question: if we know about issues about physical
6 restraint and have lots of policies and procedures in
7 place, how can it be that this type of behaviour
8 happened?

9 A. It's a good question, and all the policies and
10 procedures are in place, and Mr Edwards responded to
11 very difficult and challenging behaviour in a way that
12 was completely unacceptable and was dismissed from his
13 post because of that.

14 His recruitment was a solid recruitment, to the best
15 of our knowledge, you know, all the things that you
16 would expect. He had a lot of experience prior to this
17 incident. He wasn't a newly, you know, qualified
18 worker, so there was lots of experience.

19 I can't offer a genuine answer for why, you know,
20 an incident like this occurred. It shouldn't have
21 occurred. You would hope it not to occur in a care
22 environment. But there was robust, kind of, action in
23 regards to that incident taken.

24 Q. I mean, obviously there's the focus on the incident and
25 Mr Edwards, but, more broadly, did this incident cause

1 you to review any of your policies or procedures?

2 A. Our procedures -- physical intervention is always
3 an area that has an incredible amount of challenge in it
4 and it's always under review, and the reason for that is
5 that physical intervention, when you are holding a child
6 who is completely dysregulated, involves a lot of skill
7 and a lot of expertise but, even with that, sometimes
8 things go badly wrong.

9 These children are not calm when they are being
10 physically held. They are kicking, spitting, hitting,
11 being incredibly violent, and sometimes, obviously, the
12 hold is difficult to sustain and adults and young
13 people, you know, are harmed.

14 We look -- we have a -- sort of, a reflection now,
15 and have had for many years, after each incident for the
16 adults involved and for young people in terms of
17 physical intervention, so there's opportunities to talk
18 about the hold and express concerns or worries. There's
19 things in place that minimise the risk of complaints or
20 concerns being raised following physical intervention.
21 But it is still a source of challenge within residential
22 care.

23 Q. We know that Scottish Government produced new guidelines
24 for physical intervention at the end of last year,
25 November 2024 --

1 A. Yes.

2 Q. -- in respect, I think, primarily, of education
3 settings.

4 A. Yes.

5 Q. How has that impacted on your work?

6 A. There's obviously a big focus on restraint reduction,
7 and that should be the focus in all our schools, which
8 it is: de-escalation, trying to ensure that you use
9 every possible strategy to manage complex behaviour and
10 challenging behaviour before using physical
11 intervention.

12 Sadly and regrettably, there are still some
13 occasions, you know, from my experience in our
14 organisation, that children need to be held, and that
15 leads to difficulties. It's difficulties for the adults
16 and also can be really traumatising for the child. But
17 you have to answer the question about whether you wish
18 to protect their safety in the moment, and sometimes
19 that answer has to be 'yes', and you have to go into
20 what can be sometimes a very difficult intervention.

21 Staff regularly get hurt in interventions and are
22 also regularly assaulted. It's an area that still
23 requires a lot of dialogue and communication around --
24 I know that some organisations have moved to not using
25 physical intervention, and it's something that we've

1 discussed at Starley as well, whether that's something
2 that we could work towards. I think the difficulty that
3 we have is the young people that we currently work with
4 place themselves in significant danger, and what would
5 you do as an alternative? So there has been a lot of
6 internal management discussions around that.

7 MS INNES: Okay.

8 A. We do a lot of incident analysis as well. We have
9 regular meetings about incidents, patterns, triggers;
10 looking at how many we've had, how many children have
11 had physical interventions. So there's a lot of focus
12 on that to try and reduce -- you know, the regulators
13 from both sides, care and education, want to see
14 a massive reduction in terms of young people being held.
15 So there's a lot of structures -- quality assurance
16 structures in place now that have to analyse physical
17 interventions from both the adults' perspective and the
18 young people's perspective.

19 Q. Because you would be reporting physical interventions.

20 A. We report all physical interventions. We notify it
21 through the Care Inspectorate notification site. We
22 alert individual case social workers to any incidents
23 that have taken place. Any physical interventions,
24 obviously, incident sheets are recorded and sent to the
25 case social worker, so they have an overview of, you

1 know, when -- if it's -- you know, the -- and the forms
2 are obviously documenting, you know, what potentially
3 were the triggers? What de-escalation strategies did
4 staff use before they went into a physical intervention?

5 So there is a lot of structure and stringent
6 procedures around it, but it is an area that provides
7 a lot of challenge to people within residential care.

8 LADY SMITH: You say you also alert individual case workers,
9 social workers.

10 A. Yes.

11 LADY SMITH: Do they ever come back to you and ask to talk
12 more about that particular child and plans for the
13 child's future?

14 A. Yes, they do. I mean, there's boxes within the incident
15 sheet about, you know, debrief, about follow-up action,
16 changes to risk assessment and, you know, you have to
17 tick which one -- did this incident inform a change to
18 risk assessment, did this incident inform a risk
19 management meeting, did this incident inform, you know,
20 a social work discussion? So you have to go through all
21 those boxes. There's debriefs for staff that need to be
22 filled in. You know, that documents any injuries. It's
23 quite a detailed form.

24 Social workers -- good, involved social workers do
25 regularly visit their children and are aware of any

1 escalation points and incidents and will ask questions
2 about that, or they will ask questions about why there's
3 been an escalation. Sometimes that information's clear;
4 it's to do with external, you know, family situations or
5 inner, you know, trauma, turmoil, time of the year.
6 Lots of different things impact on our kids in terms of
7 trauma. So some of those discussions are -- you know,
8 there's triggers that we can look to do something about.
9 Could we change this? Could we look at that? If we get
10 any, sort of, peaks in violent and dysregulated
11 behaviour.

12 But we still have -- we work with a number of young
13 people who are incredibly traumatised by previous
14 experiences and events, and that behaviour does come out
15 in violence and aggression, and some of those violent
16 and aggressive outbursts are incredibly difficult to
17 manage on occasions. And, you know, we have methods in
18 place. We have training in place. You know, to the
19 best of our ability, our staff, you know, follow that on
20 most occasions and, you know, we try our very best to
21 keep children from causing significant harm to
22 themselves, to other adults and sometimes other
23 children.

24 MS INNES: Going back to SHS-000000126, I just wanted to ask
25 you one further question on page 16, in relation to

1 this, under 'Police investigation', the final question,
2 question (vi):

3 'What was the organisation/establishment's
4 response?'

5 You say there:

6 'We didn't offer a media response.'

7 The Inquiry's question is directed perhaps more at:
8 was there anything that you did internally, even
9 although these allegations were in relation to
10 historical incidents, did you do anything in terms of
11 reviewing procedures and policies or training, for
12 example?

13 A. I think there was a lot of reflection and review on the
14 police investigation in terms of the allegations that
15 had been shared with the police and obviously the
16 results and the court case.

17 I think there was obviously lots of discussions
18 within the management group about what -- how -- some
19 reasons for how that had come about, you know, failings,
20 what could potentially have been some of the failings,
21 and obviously review some policies as part of our
22 ongoing work anyway, in terms of our systems and our
23 protocols, to ensure that the young people who currently
24 use our services would never be in the position that
25 they would think that they would have to raise concerns

1 about being harmed or abused or neglected whilst in our
2 care.

3 I think my statement about it wasn't to be -- it was
4 a very difficult time and I recognise the emotional
5 upset and time that the young people that made
6 allegations would have experienced as well, but I think
7 we also had to protect or try and protect the existing
8 group in Starley, and I think that's where that
9 statement came from, just about trying to ensure that
10 their welfare and protection and some of them are on
11 non-disclosure orders, so, you know, people are not
12 allowed to know where they live and stuff, and so it was
13 really just about making sure that our current group
14 were provided with a safe and secure base. Because any
15 impact on that, that this is not a safe place or this is
16 not a secure place, obviously has a significant impact
17 on their behaviour and how they feel, you know, in terms
18 of their coping strategies and everything else.

19 Q. Did it also have an impact on the morale of staff?

20 A. It was significant across the board. A number of staff
21 at Starley have worked, including myself -- but a number
22 of the colleagues that I work with have been at Starley
23 for a number of years. We've got a core staff who have
24 been 15/20/25 years, and we have worked during some of
25 the time of the police investigation, obviously, and the

1 allegations, so there was a lot of shock, there was
2 a lot of upset, there was lot of distress, and also --
3 not confusion, but, sort of, disbelief at the gravity
4 and the scope of the investigation.

5 It was a long investigation, quite rightly, with
6 meticulous kind of investigation, but it stretched, you
7 know, over five years, so there was a lot of navigation
8 required in order to safeguard the current group of
9 young people and the staff that were currently employed
10 by Starley and answer a lot of -- you know, managers
11 were available to support and answer lots of questions
12 and, you know, there was a lot of confusion around that
13 time, definitely.

14 Q. Can we look, please, at SHS-000000133 and page 20. Down
15 to the bottom of the page, we see Part B, the current
16 statement, and first of all in relation to the question
17 about acknowledgement of abuse:

18 'Does the organisation accept that [over the
19 relevant period] some children cared for at the
20 establishment were abused?'

21 And the answer to that is that you do accept that,
22 yes, some children were abused.

23 A. Yes, we do.

24 Q. And then you are asked:

25 'What is the organisation's assessment of the extent

1 and scale of that abuse?'

2 And I think, perhaps, you refer to matters that we
3 have already discussed in relation to your Part D
4 response. You say, in the middle of the paragraph that
5 we see on that page:

6 'Our assessment of the extent and scale of abuse in
7 regards to these incidents is that they were isolated
8 incidents that were raised and investigated at the time
9 and do not reflect a culture of abusive practices or
10 widespread systemic abuse.'

11 That's referring to your own internal
12 investigations --

13 A. I think that's referring to the incidents that were
14 investigated, you know, throughout a number of years
15 with staff members. It's not referring to the criminal
16 trial. I wasn't able -- I found it difficult to provide
17 an assessment of the extent and scale of that
18 investigation, because it was tried in a court of law
19 and there was verdicts in a court of law that I didn't
20 feel in a position to be able to comment on or provide
21 any alternative narrative to what the outcomes of those
22 proceedings were, other than to say what I said in
23 a previous part, that that's not to discount the number
24 of children, now adults, who raised serious complaints
25 about their treatment.

1 LADY SMITH: Just following up on that, Sarah. I think
2 I can understand why you are saying you can't conclude
3 that there was systematic abuse or a widespread culture
4 of abuse. If it is the case that what children were
5 saying was well-founded, do you accept it is at least
6 possible that the way the culture was working or the
7 system was working, it was enabling that abuse to happen
8 because there were not sufficient protections in place,
9 sufficient awareness? Wouldn't that follow?
10 A. I think that would certainly follow from the time that
11 I can't account for and the progression from when -- you
12 know, from the early 2000s when a number of changes were
13 brought into force. So I think that's a fair way of
14 putting it.
15 LADY SMITH: Because an institution or organisation may have
16 the best of intentions --
17 A. Yes.
18 LADY SMITH: -- and hope that everything is going well, but
19 it may be missing that there are chinks in its own
20 systems through which bad practices and abusive
21 practices can slip and take place.
22 A. Yeah. And I think -- I agree that that was my
23 acknowledgement, that a number of children made
24 complaints that developed into a criminal trial, and
25 those complaints and those voices and those experiences

1 cannot just simply be discounted, and nor would the
2 organisation want to do that. So there has been a lot
3 of reflection and discussion around how could that have
4 happened and what needs to be in place or what needs to
5 be strengthened, because there was lots of things that
6 were in place. But I agree that having them in place
7 and actually them working 100 per cent all the time is
8 something completely different.

9 LADY SMITH: I did note how clear you were and fair you were
10 to point to the voices of the children at the time and
11 not wanting to dismiss them out of hand. I appreciate
12 that, Sarah.

13 A. I think a lot of these incidents were very difficult
14 incidents as well of extreme violence as well and, you
15 know, I don't want -- there's a number of really
16 committed, dedicated staff who have worked at Starley
17 throughout the years that -- that have done their very
18 best in some really troubling and difficult
19 circumstances and that needs to be -- you know, that
20 needs to be acknowledged as well.

21 LADY SMITH: Thank you.

22 MS INNES: If we look on to page 21, at the bottom of the
23 page, you're asked the question:

24 'What is the organisation's explanation for such
25 failures?'

1 You have mentioned a couple of points already.

2 I think if we go on over the page, to page 22, you
3 refer there to the fact that you don't think there was
4 a previously recognised method of restraint, and then
5 you talk about the progression in relation to that.

6 Do you think that's one of the reasons, perhaps,
7 that --

8 A. I think there was a number of reasons that, you know,
9 potentially contributed to it, and I think there's been
10 a number of advances in knowledge and skills and
11 understanding of the children that we work with and
12 I think, you know, probably in the 1980s and 1990s, you
13 know, understanding of attachment, the impact of
14 attachment, the impact of childhood, you know,
15 experiences, all the disorders, all the neurodiversity,
16 and the impact that it has on children's behaviour and
17 understanding why that behaviour presents itself,
18 probably wasn't where it is now in terms of that
19 knowledge. I think the skill base probably wasn't --
20 absolutely wasn't where it is now, you know, in terms of
21 training and in terms of the breadth of learning that's
22 available to workers in our field.

23 I also think, from a previous experience of starting
24 at Starley, which was on the cusp of change, I would
25 say, there was lots of things that needed to change, and

1 that took time and that took hard work and it took, you
2 know, a lot of dedication from a number of people, but
3 there was also a very -- the match of children was
4 potentially not what it should be. There was -- you
5 know, there was a number of people with -- of children
6 and young people with quite varied needs, and the
7 difficulty in meeting these needs, when you've got quite
8 a varied spectrum of needs, it's nigh on impossible, and
9 that's where the challenges of staff come in. You know,
10 you can have a number of policies that say: 'Do this, do
11 this, do this', but, actually, if you can't initiate
12 that in practice because you're faced with so much
13 challenge, it's very, very, very difficult, so I think
14 that played a part.

15 But responding to -- I suppose the terminology would
16 be management of behaviour, responding to challenge,
17 responding to pain-based behaviour throughout, you know,
18 the history of our organisation, has led to -- you know,
19 it formed part of the criminal proceedings. A lot of
20 the charges were about people physically intervening in
21 situations and those physical interventions being
22 experienced as abusive, and that's an area that I felt
23 was important to note to the Inquiry, that I think
24 physical intervention and the methodology and the
25 understanding around that and the training around that

1 has probably been a bit of a failing over the years.

2 Q. You mentioned, dealing with when you arrived at the
3 establishment, there were a number of children with very
4 complex needs. Were there also issues with the number
5 of children? Where there too many children?

6 A. I think even by the time I arrived, it had reduced. So
7 even at that, the number of children was probably too
8 great for the complexity of need. And if you go back
9 maybe, you know, 10 or 15 years or before that, it was
10 double/triple that. So I'm assuming or I'm proposing
11 that the volume of children with the real complexity of
12 need would have been an incredible challenge to manage
13 and respond to in a way that saw positive change.

14 Q. If we look down on page 22 to the question about
15 failures in systems, you accept that your systems failed
16 to protect some children who experienced abuse during
17 the timeframe referenced, and you have already mentioned
18 some of these systemic issues that you have identified.

19 At the bottom of the page, you say:

20 'In regards to the police investigation and criminal
21 trials, it is clear that there was a failure in the
22 system in regards to some children being able to raise
23 concerns about alleged abuse at the time.'

24 A. I suppose I've just surmised, and it's not based on any
25 fact, that the wealth of allegations that came to light

1 through the historical investigation by Police Scotland,
2 there isn't any records to indicate that those
3 complaints were raised at the time, or they could have
4 been some of the ones that were investigated, but just
5 the volume of them.

6 So I suppose I surmised that: why didn't -- you
7 know, why weren't they raised at the time? You know,
8 why did children not -- was there not a safe -- you
9 know, what were the things that were the barriers to
10 children raising that complaint when they were actually
11 at the school? You know, did they not feel that there
12 was a safe place to go or to do, to share that
13 information? I think is what I mean by that statement.

14 Q. Then if we go on over the page to page 23, and under
15 paragraph 3.3, you are asked if the organisation accepts
16 that there were failures or deficiencies in response to
17 abuse or allegations of abuse. And you say that you're
18 not clear whether, as you've just said, that some of the
19 allegations were raised at the time. You say:

20 'If there are instances where they were raised at
21 the time, the organisation accepts that there were some
22 deficiencies in its response to these allegations.'

23 Can you explain what you mean by that, please?

24 A. I think what I mean is if there was allegations that
25 were raised at the time that were investigated by the

1 school over the years, if they later formed criminal
2 proceedings and allegations that brought a criminal
3 trial then, I suppose, just on reflection and being open
4 is -- did -- was there enough investigation at the time?
5 Was there enough avenues open to the youngsters, you
6 know, for that to be -- now, there's evidence to suggest
7 that there was clear investigations that involved
8 a number of organisations and agencies. I'm not
9 suggesting that, you know, there wasn't. There was.
10 But did they lead -- did they come to the right
11 conclusion? Was that the right conclusion?

12 But I can't, again, make a call on whether that is
13 the right conclusion or not. I can only suggest that if
14 there were some allegations that were made and
15 investigated by the school, but later formed a criminal
16 proceeding, then the strength of that investigation or
17 how robust that investigation was needs to be reflected
18 on, because that would just be normal practice.

19 Q. I suppose an example of an issue in relation to
20 a response to abuse might be the PEQ issue that
21 we looked at earlier, where he was reinstated, and
22 I think you accepted earlier that that was obviously
23 a failing at the time.

24 A. Yeah, absolutely.

25 Q. Then at paragraph 3.4, at the bottom of the page, you go

1 on to talk about changes that you have made, and you
2 have referred to some of those in your evidence.

3 You say in the second part of that paragraph:

4 'The organisation is committed to ensuring that
5 children are protected from harm and that our policies
6 and procedures and practices are robust, effective,
7 reviewed and evaluated. That our children's voices are
8 heard and listened to, that their experiences are
9 validated and acted upon. Our foundations are now
10 deeply rooted in nurture and ensuring that children feel
11 safe and secure. We are committed to having
12 a trauma-informed workforce that have the skills,
13 knowledge and values to work with some of the most
14 vulnerable children. We are deeply saddened that any
15 child in our care has experienced abuse and have
16 implemented changes in our systems, culture, policies
17 and practice to minimise the risks of this occurring
18 again.'

19 Does that reflect your current position,
20 essentially, in reflection on the material that you have
21 looked at in responding to the Inquiry's requests?

22 A. I think so, yes.

23 MS INNES: Thank you very much, Sarah. I don't have any
24 more questions for you.

25 LADY SMITH: Sarah, I have no other questions for you

1 either. Thank you for bearing with us.

2 A. Thank you.

3 LADY SMITH: We have kept you here for hours to help us with

4 your evidence.

5 A. Thank you very much. Thank you.

6 LADY SMITH: I'm really grateful to you and I'm now able to

7 let you go.

8 A. Okay, thank you.

9 LADY SMITH: Safe journey.

10 (The witness withdrew)

11 LADY SMITH: I'll rise now for the lunch break and our next

12 witness should be here to start at 2 o'clock, we hope.

13 MS INNES: Yes, my Lady.

14 LADY SMITH: Thank you.

15 (12.55 pm)

16 (The luncheon adjournment)

17 (2.00 pm)

18 LADY SMITH: Good afternoon.

19 Now, before I invite Ms Innes to call the next

20 witness, I would like to just go back to this morning's

21 evidence and ask people to note a number of names of

22 individuals whose names we used this morning for the

23 convenience of the witness and ease of evidential flow

24 but, at the moment, their identities are protected by my

25 General Restriction Order, and they're not to be

1 referred to as being mentioned in our evidence outside
2 this room. They're: KUZ [REDACTED], KPG [REDACTED],
3 POC [REDACTED], POG [REDACTED], POI [REDACTED], PPR [REDACTED],
4 PNC [REDACTED], PEQ [REDACTED], [REDACTED] and
5 [REDACTED].

6 If you're in any doubts about any of those names,
7 please check with us before identifying them elsewhere.

8 Now, Ms Innes?

9 MS INNES: Thank you, my Lady.

10 The witness this afternoon is Sister Rosemary Kean.
11 Sister Rosemary is a Sister of the Good Shepherd Order.
12 She worked at Woodfield Ladymary between 1969 and 1972.
13 From 2014 to 2020, she was the province leader of the
14 British Province of the Good Shepherd Sisters. Although
15 she is no longer in that role, she is also giving
16 evidence on behalf of the Order in respect of this
17 establishment.

18 She previously gave evidence to the Inquiry on
19 Day 10, 15 June 2017, and on Day 194, 1 October 2020.

20 LADY SMITH: Thank you.

21 Sister Rosemary Kean (sworn)

22 LADY SMITH: Thank you so much for coming again to help us
23 with your evidence. Well do I remember meeting you
24 before, both in June 2017 and in October 2020, and you
25 probably hoped that would be an end of it, until we

1 realised we actually needed your assistance once more.

2 So I'm grateful to you for that.

3 When you last gave evidence, it was in different
4 premises, but the system we use hasn't changed. The
5 folder with your statement -- or the material, rather,
6 is there in front of you, and thank you to you and your
7 organisation for providing that in advance. The
8 screen's ready to put material on screen to assist you
9 as well.

10 If you've got any questions at any time, do please
11 speak up. If you think there's anything that we ought
12 to be hearing from you that we haven't asked you about,
13 do tell us.

14 If at any time you want a break, just say. I'll
15 break at about 3 o'clock anyway, so you can bear that in
16 mind, but if you need a break at any other time, that's
17 not a problem.

18 A. Thank you.

19 LADY SMITH: If you're ready, I'll hand over to Ms Innes and
20 she'll take it from there.

21 Ms Innes.

22 Questions from Ms Innes

23 MS INNES: Thank you, my Lady.

24 If we could look, please, first of all, at
25 WIT-1-000001597. This is your statement, and it will

1 come up on the screen.

2 If I can do something formal, first of all, and take
3 you to the final page of that statement, page 23, at
4 paragraph 122 we see that you say:

5 'I have no objection to my witness statement being
6 published as part of the evidence to the Inquiry.

7 I believe the facts stated in this witness statement are
8 true.'

9 You signed this statement on 6 May of this year,
10 2025.

11 A. Yes, that's right.

12 Q. Now, if we can go back to the beginning of your
13 statement again, you refer to having given evidence to
14 the Inquiry before, and you tell us that you're a Sister
15 of the Good Shepherd Order.

16 A. Yes.

17 Q. Now, at paragraph 2 of your statement, you say that you
18 studied childcare around 1965. Was that at Langside
19 College?

20 A. Yes.

21 Q. I think you go on to tell us in your statement that you
22 did a placement during that time at Woodfield Ladymary.

23 A. Yes.

24 Q. Was the school in operation at the time that you did
25 a placement?

1 A. It was just beginning, and I think, in fact, when I was
2 there, it was during the summer holidays.

3 Q. Okay.

4 A. But the school did -- while I was there, the school
5 did -- did begin, yeah.

6 Q. Okay.

7 You tell us at paragraph 5 of your statement that,
8 after a period doing some other work, including,
9 I think, going abroad, you, at paragraph 5, say that on
10 your return, you were offered a role of unit leader in
11 Ladymary School, and I think we know that that was in
12 1969.

13 A. Yes.

14 Q. And you were at Ladymary until 1972.

15 A. That's correct.

16 Q. At paragraph 6, you say that while you were at Ladymary,
17 you were a layperson at that time.

18 A. Yes. Yes.

19 Q. At paragraph 8, you tell us a little bit about what
20 Ladymary School was like and who it was for.

21 What was the purpose of Ladymary School?

22 A. It was to provide for the special needs of those
23 children, both educationally and socially and
24 emotionally.

25 Q. Okay.

1 You say that the children that were there were
2 emotionally very disturbed.

3 A. Yes.

4 Q. They acted out behaviourally and very often they were
5 violent and out of their own control.

6 A. Yes.

7 Q. You say:

8 'I think the children's behaviour often came from
9 fear and emotional insecurity.'

10 Can you explain that a bit further, please?

11 A. I think when children are out of control behaviourally,
12 they're very insecure, because they don't know where
13 that's going to take them, and therefore the adults need
14 to give them the security of being in control.

15 Many of these children had been in care, perhaps
16 most of their lives, or some had been in a family
17 situation that was very difficult, and they were fearful
18 of many things, really, and they were quite insecure.
19 It took them quite a long time to be able to trust the
20 adults around them.

21 Q. As a unit leader, were you working in what we might call
22 the care side or the education side?

23 A. Care.

24 Q. Care?

25 A. Care.

1 Q. Okay.

2 At paragraph 9, you note that:

3 'Children were placed there by local authority

4 social services and/or education.'

5 It was the local authority that were placing

6 children at Ladymary, was it?

7 A. It was a variety, I think. Yes, local authority

8 would -- I suppose they would fund them, and so -- but

9 they would have been through a variety of agencies

10 sometimes before they got to us.

11 Q. You mention that they had been through psychiatric

12 services.

13 A. Yes.

14 Q. Would that have been for an assessment or for treatment?

15 A. Sometimes they had been inpatients in child psychiatric

16 services, and others would have gone through that

17 service for assessment.

18 Q. Okay.

19 You say, as you just mentioned in your evidence,

20 that most had been in care previously, although some did

21 come from their own homes.

22 A. That's right.

23 Q. You say if they had come from home, they came to you

24 because they had been excluded from school.

25 A. Some had, yes, but that wouldn't necessarily -- I can't

1 remember whether that was the case for all, but
2 certainly some of them had been excluded from school.
3 LADY SMITH: I think you go on and say it could have been
4 that or it could have been they were very problematic --
5 A. In school.
6 LADY SMITH: -- at home.
7 A. And -- probably at home and in school, yes.
8 LADY SMITH: And maybe some of them had been committing
9 offences?
10 A. Yes.
11 MS INNES: Then at paragraph 10, you tell us that when the
12 children came to Ladymary, they had previously been
13 reviewed by a selection panel from the school, and you
14 say that that selection panel included the consultant
15 psychiatrist, Dr Rodgers --
16 A. Yes.
17 Q. -- who was at the Sick Children's Hospital at the time,
18 in Edinburgh?
19 A. In Edinburgh, yes.
20 Q. And then the headmistress of Ladymary School --
21 A. Yes.
22 Q. -- the social worker, who was a lady, Mrs Mitchell --
23 A. Yes.
24 Q. -- and an educational psychologist.
25 A. Yes.

1 Q. Was the educational psychologist somebody who worked
2 elsewhere, a bit like Dr Rodgers?
3 A. Yes, she was.
4 Q. You mention the school social worker there; was she
5 there for the whole time that you were working at the
6 school?
7 A. Yes, yes.
8 Q. And what --
9 A. And long after, I think, until the school closed.
10 Q. What did her role involve?
11 A. She was the link with families, with other professionals
12 outside the school, and -- yes, she was the link person,
13 basically. She worked with families and whoever else,
14 other social workers, et cetera.
15 Q. So you mention the selection panel and, over the page,
16 at paragraph 11, you say that it would be essentially
17 for the panel to decide whether a child would be
18 accepted or not.
19 A. Yes.
20 Q. Then there would be a visit by the headmistress and the
21 school social worker to the family home.
22 A. That's right.
23 Q. Would the child come and visit the school as well
24 before --
25 A. Yes. Yes. As far as I remember.

1 Q. Did you ever go and visit a child at home or were you
2 not involved in that process?

3 A. I did -- not at that stage, but later, if I was
4 responsible -- if the child was in my unit and there
5 were -- there was any reason to go. I remember, for
6 example, going to a home in Greenock, where the mother
7 needed a lot of support, when the child went home for
8 weekends.

9 Q. I see.

10 A. And others, I think I shared about a mother who was
11 dying and so I was quite involved with the family.

12 So, yes, I did, if there was a good reason for
13 going.

14 Q. Okay.

15 At paragraph 12, you say that the children would
16 come to you from about the ages of 6 to 8 and they could
17 stay until they were 12 or until the end of primary
18 school.

19 Am I right in thinking that Woodfield Ladymary only
20 provided for primary education?

21 A. Yes.

22 Q. If a child was leaving at the end of primary school,
23 would they leave completely or would they stay in
24 Woodfield and maybe go to another school somewhere else?

25 A. I don't remember any child going on to Woodfield.

1 Obviously, that was for girls only, and we had quite
2 a lot of boys. But I don't even remember any of the
3 girls going to -- it's possible, but I don't know.

4 Q. You mention at paragraph 13 that sometimes, if they were
5 suitable, a child might go to a local primary school.
6 So, presumably, would that be local to where they lived
7 or local to Woodfield?

8 A. No, local to Woodfield, Ladymary, yes.

9 Q. I see.

10 A. Usually Firrhill, I think, Firrhill Primary in Edinburgh
11 or something -- I think somebody went to St Cuthbert's,
12 but, yeah, fairly local.

13 LADY SMITH: Firrhill wouldn't be far away.

14 A. That's right. It's just up the road.

15 MS INNES: You say that this would be with a view to
16 possibly returning to mainstream education.

17 A. That's right. If those children were returning home in
18 particular, the idea would be that they would go to
19 mainstream school, and even going to another residential
20 establishment, they may have gone to mainstream school.
21 So it varied according to each child.

22 Q. You note at paragraph 14 that the school took 27
23 children.

24 A. Mm-hmm.

25 Q. There were three units.

1 A. Yes.

2 Q. One for ten, one for eleven, and a small reception unit
3 for six children.

4 A. That's right.

5 Q. Which unit were you in?

6 A. The ten.

7 Q. Okay. Was that for boys or girls or both?

8 A. Both. Some were little families and they were kept
9 together.

10 Q. In the unit, was it -- were the units all in one
11 building?

12 A. Yes.

13 Q. Were they on different floors in the building?

14 A. The units were -- the living units were all on the same
15 floor.

16 Q. Presumably there would have been different rooms for
17 boys and girls?

18 A. Yes.

19 Q. In the unit that you were in, how many bedrooms were
20 there?

21 A. I can't really remember. I remember a room with three
22 little girls, a room with three boys and there was at
23 least one single room, maybe more. So there must have
24 been another three. Probably three; three; three and
25 one.

1 Q. Okay.

2 You say that the reception unit, although it had

3 fewer children, had the same number of staff as the

4 other units.

5 A. Yes.

6 Q. How many staff were in the unit?

7 A. There would be three staff at all times, and then there

8 might be extra. Might have a volunteer as well.

9 Q. Okay.

10 So when you say there would be three staff, who

11 would they be? You would be the unit leader?

12 A. Yes.

13 Q. And who were the other two staff?

14 A. I had two female staff, did I? And then I had some male

15 volunteers.

16 Q. Would these female staff be childcare workers?

17 A. All of them, yes.

18 Q. Like yourself, did they have childcare training?

19 A. Yes. Not all. Not all. Some were there for experience

20 prior to going for training, but some were already

21 trained.

22 Q. Okay.

23 A. It was a very good training ground.

24 LADY SMITH: You mean being on the job was a good training

25 ground?

1 A. Yes. Yes.

2 LADY SMITH: I see.

3 MS INNES: You mentioned yourself that you did a placement
4 at Woodfield when you were training. Were there
5 students coming in to do placements when you were there,
6 can you remember?

7 A. Do you know, I can't remember.

8 Q. At paragraph -- sorry --

9 A. There were staff there, but I just can't remember
10 whether they were students or regular. I can't
11 remember.

12 Q. At paragraph 15, you say that over the 11 years that the
13 school existed, there were about 120 admissions, which
14 works out at about ten a year.

15 A. Yes.

16 Q. You say:
17 'This meant that the children got to know their unit
18 staff and teachers very well and would become more
19 emotionally secure which in turn helped their
20 development at all levels.'

21 So was there stability in terms of the staffing?

22 A. Yes.

23 Q. I suppose some people would have come and gone, a bit --

24 A. Yes, and there were some who came from England,
25 I remember. I don't know whether they were VSO

1 students, rather than education or social work, but
2 I remember they would come for a year, rather than the
3 local university students who would come for the
4 duration of their studies.

5 Q. At paragraph 16, you mention the involvement of the
6 consultant psychiatrist, and that's Dr Rodgers, is it?

7 A. That's right, yes.

8 Q. You say that he saw the children weekly or fortnightly
9 and if there had been a referral to him.

10 A. That's possibly not the best way of putting it. We
11 regularly reviewed the children, so really that would
12 have been -- probably that child would have been --
13 would be reviewed on that occasion. So all of the
14 children were reviewed over a period of time, because we
15 had a fortnightly meeting, not so many children, and we
16 might deal with three or four children at one session.

17 Q. Okay.

18 LADY SMITH: So this fortnightly meeting, is that what you
19 are referring to at the beginning of paragraph 16 --

20 A. Yes.

21 LADY SMITH: -- when you talk about the psychiatrist seeing
22 the children at that time?

23 A. Now, he would come before the meeting and he would see
24 children individually --

25 LADY SMITH: Right.

1 A. -- and he would see children with the head or with the
2 teacher or whatever, and then at the staff meeting, they
3 would be discussed.

4 LADY SMITH: So the psychiatrist would come to the staff
5 meeting --

6 A. Oh, yes.

7 LADY SMITH: -- to bring you up to date?

8 A. Not only to bring us up to date, but also if there were
9 any issues around management, and he would -- he would
10 help the staff team in general.

11 LADY SMITH: Okay. So that would be management of the
12 children?

13 A. Management of children, any issues with staff, anything
14 that we were finding difficult in the school at any
15 time. You know, if a member of staff, for example --
16 sometimes some of the children were very difficult, and
17 a member of staff might be anxious about managing
18 a particular child.

19 I remember, for example -- not that the students
20 would -- the students never came to these meetings, but
21 I just remember an example of a student or a little
22 group of students on a Saturday, and they would take the
23 children out, and I remember this big lad, very fine
24 young man, and he said, 'Please don't give me [so and
25 so]', because he was anxious. He said, 'I'm not sure

1 I can manage him'.

2 So there were occasions when individual children

3 were difficult and staff needed a bit of guidance or

4 support.

5 LADY SMITH: Thank you.

6 Ms Innes.

7 MS INNES: Thank you, my Lady.

8 If we move on to page 4 of your statement, and to

9 paragraph 17, you refer there to Sister Therese Welch.

10 She was the headmistress --

11 A. Yes.

12 Q. -- and the line manager when you were there.

13 You describe her as being a 'wonderful pioneer in

14 work with maladjusted children'.

15 A. Mm-hmm.

16 Q. Can you explain that, please?

17 A. I think the work with maladjusted children, particularly

18 in schools, was really just taking off at that time.

19 They were beginning to provide for the more specialist

20 kind of help for these children, and she was --

21 I remember we used to -- we were all members of the

22 Association of Workers with Maladjusted Children, and at

23 all of our meetings and so on, she was always in demand

24 to talk to the workers.

25 She just had a special interest, a special care.

1 She also was an exceptional teacher. She was
2 particularly good in management of these children. She
3 was just very special.

4 Q. Was she the driving force behind the school being
5 opened?

6 A. Yes. Yes.

7 Q. You said that you thought the approach to children at
8 Ladymary was very special and you wanted to be a part of
9 this kind of culture of care.

10 A. That's right.

11 Q. Is that why you went back to Ladymary?

12 A. Yes. Yes.

13 Q. Then you mention the staff. So there were the unit
14 leaders, as you've mentioned, there were teachers in the
15 school --

16 A. Mm-hmm.

17 Q. -- and there was a play therapist.

18 A. Yes.

19 Q. Then you've mentioned the number of staff on duty at
20 a unit at any one time.

21 Did you live in --

22 A. Yes.

23 Q. -- at Ladymary? So did you have a shift that you worked
24 and then somebody else covered?

25 A. I think I worked every day. In those days, we worked

1 long hours, and I don't -- no, we didn't just work
2 a shift, no. It wasn't like that. We didn't do
3 a 40-hour week.

4 Q. So you lived in the unit, and did the two ladies who
5 worked with you on the unit, did they live in as well?

6 A. Yes. There was a staff area upstairs on another floor,
7 and all of the staff who were not unit leaders, they
8 lived up there.

9 Q. I see.

10 A. So they were accessible, but they had their own space.

11 Q. Okay. So did they work more regulated hours than you
12 did?

13 A. No, no, no. What happened, they were there when the
14 children got up in the morning. They had their
15 breakfast, saw them off to school, and then they had
16 most of the day off. Then when the children came out of
17 school in the afternoon -- unless they had a reason to
18 be there, they may have had one day of duties, say
19 playground duty or something like that, but for the most
20 part, they had all of the rest of the day off until the
21 children came out of school.

22 Q. Then they'd be on duty in the evening, presumably, with
23 the children?

24 A. That's right.

25 Q. What about overnight? Who was responsible for the

1 children overnight?

2 A. The unit leader.

3 Q. Okay. So did that mean that you had to be awake

4 overnight?

5 A. No, no, no. Nobody was awake overnight. And if

6 anything happened in the night, you heard it. You were

7 close enough to hear it. And it did sometimes.

8 Q. Okay.

9 Did the other units work in the same way as yours?

10 A. Yes. Yes.

11 Q. Thank you.

12 Now, you go on to note that you also had volunteers

13 to come in to help.

14 A. Mm-hmm.

15 Q. And you have mentioned some of those.

16 At paragraph 22, you say:

17 'The volunteers and students had to stay for a long

18 period. There was no "in and out" of new people as

19 these children were already insecure with the people in

20 their lives.'

21 I wondered, how did you ensure that the volunteers

22 and students stayed for a long period?

23 A. They were -- they came for interview, they were vetted,

24 and they had to make a commitment to stay put at least

25 for an extended period, if not for -- some of them were

1 there for the duration of their studies and others had
2 to be there at least for an extended period. So they
3 were well known. And they all came with
4 a recommendation from the university or from somebody
5 else who was well known to them, like the chaplaincy or
6 whatever.

7 Q. So if we move on to page 5, please, and paragraph 23,
8 you talk there about your role as unit leader.

9 What were your responsibilities in that role?

10 A. Just as I say there, for the smooth running of the unit,
11 ensure that the staffing levels were what they needed to
12 be, managing -- organising and managing the unit, the
13 children and the staff and the volunteers, and arranging
14 activities.

15 Q. Okay.

16 If we go down to paragraph 26, you say that one of
17 the reasons that you wanted to go back to Ladymary after
18 your placement was because, for the first time in your
19 work with children, you encountered:

20 '... an establishment where there was a culture that
21 was nurturing, respectful of the children and one where
22 they were given their dignity. It was a loving
23 establishment.'

24 What made it a loving establishment?

25 A. The culture, and it came from the top. There was

1 an expectation, really, that people would -- I mean
2 staff, the adults in the children's lives, would be
3 caring and respectful and so on, and this was emphasised
4 often.

5 Q. Sorry, I should have asked this earlier, probably, but
6 at the time, you were a layperson.

7 A. Yes.

8 Q. And presumably there were other lay staff members?

9 A. They were all lay staff members.

10 Q. All lay staff members?

11 A. Apart from three Sisters, I think. If I remember -- one
12 was teaching, another was a unit leader and then there
13 was the headmistress.

14 Q. Okay. Thank you.

15 In this paragraph, you go on to say that:

16 'No matter what the children did, or how difficult
17 their behaviour, they were never diminished, they were
18 never chastised in such a way that reduced their
19 confidence or their self-esteem. That is the first and
20 only place I have ever experienced that kind of
21 culture.'

22 A. Absolutely, yes.

23 Q. Obviously we know about your experience prior to going
24 to Ladymary. Did you continue to work in similar
25 settings involving childcare?

1 A. Before or after?

2 Q. Before and after.

3 A. Yes, yes.

4 Q. You say at paragraph 27 that you never experienced any
5 member of staff who was negative or who got angry with
6 the children.

7 A. That's absolutely right, yes. It sounds kind of unreal,
8 but in fact it was true. It was just an expectation,
9 and people were happy in their work, and there was a lot
10 of support for staff as well.

11 Q. When you say a lot of support, from whom?

12 A. Everyone. It was, again, part of the culture, from the
13 top down. So everybody supported everybody else. If
14 somebody was having difficulty, say, with a child or
15 children, others were supportive, yes. And the
16 different disciplines of staff got to know each other
17 very well, and we kind of worked -- it was like
18 a therapeutic establishment, although we wouldn't have
19 known that term at the time.

20 Q. How well did the care and education staff work together?

21 A. Very well. The -- every morning -- any member of
22 staff -- I shared earlier that the younger care staff
23 would be free after the children had gone to school, but
24 if they were still around, at break time, when the
25 teachers came for their break, anybody who was there

1 came and we had a break together. And I know we always
2 had fresh rolls from the bakers and cheese. I don't
3 know why, but -- and some people just came for the roll
4 and cheese. But it was a lovely time for interacting
5 with each other. And then at the staff meetings, again,
6 plenty of opportunity for interaction.

7 And then there was always someone on duty during the
8 day. I'm not sure what the term was. When the children
9 were in school, there was always a member of the senior
10 care staff on duty in case there was an issue. There
11 were alarm bells. If a child got out of control in
12 class, the child couldn't remain in class because that
13 would be disruptive, so the senior member of the care
14 staff would be alerted and come and take the child out.

15 So -- I'm not sure why I'm saying that. What was
16 the question?

17 Q. I was asking about the co-operation between the care
18 staff and the education staff.

19 A. Yes, that's right.

20 And also, the playroom was a very special kind of
21 experience, and often the care staff would go in -- we
22 had a little room with a window, the children couldn't
23 see through, but the care staff could see when their
24 child or children -- if there was -- perhaps they were
25 acting out or something in the unit and they wanted to

1 see if anything was showing in the playroom, and that
2 was very enlightening.

3 So often the care staff would go and spend a bit of
4 time there if their child was in the playroom.

5 Q. When you say in the playroom, was that with the play
6 therapist?

7 A. With the play therapist, yeah. It was play therapy.

8 Q. Now, can I move on, please, in your statement to page 7
9 and paragraph 33, where you again refer to
10 Sister Therese, and you say:

11 'She was outside of the box in her thinking but
12 inside the child's mind and behaviour.'

13 A. Yes. It's a bit slangy, isn't it, to say she was
14 outside of the box, but she was. She was kind of --
15 yes, I can't think of another way of expressing it. She
16 wasn't the run-of-the-mill in the way that she
17 approached the children or understood their needs. She
18 just was very special at this job and could anticipate
19 how a child would react to something, or would have
20 an understanding where the rest of us might be kind of
21 at a loss. She would somehow have some understanding,
22 and she would -- I never, ever knew her to be wrong,
23 I have to say. She always had that special kind of
24 awareness and understanding.

25 So I guess that's what I mean about her being inside

1 the child's mind.

2 Q. Now, if we can move over the page again, please, to

3 page 8, and, at paragraph 35, you were asked some

4 questions, I think, about recruitment.

5 A. Yes.

6 Q. Am I right in understanding that you weren't involved in

7 formal interviews of staff, but you did see them when

8 they came to visit the unit?

9 A. Yeah, there were different stages of interviews, yes.

10 So I -- at that stage, I was quite young, and, no,

11 I wasn't involved in interviews in the formal sense.

12 But the people who were there for interview would spend

13 time in the units, would be observed by the unit staff

14 in how they interacted with the children, and whether

15 the children were suspicious of them or whether they

16 took to them or -- you know, that kind of thing. And

17 you would get a sense of whether they would be good with

18 the children, and that would be taken into account.

19 Q. At paragraph 39, you refer to receiving ongoing training

20 on an evening every week or two weeks.

21 A. Yes.

22 Q. And it would be input from a professional, for example,

23 the play therapist or Dr Rodgers.

24 A. Yes.

25 Q. Do you have any recollection of the type of things that

1 were covered in that training?

2 A. Not particularly, but it would be about child -- about
3 behavioural issues, child development, loss, and -- some
4 children might be grieving and it might -- they might
5 present this in some acting-out behaviour, difficult --
6 angry or whatever. So things like that, just to help to
7 understand the children, to make some sense of some of
8 the behaviour.

9 Q. At paragraph 40, you say that appraisal, in essence, was
10 an ongoing process, rather than a formal appraisal, but
11 you say that you do recollect meeting the psychiatrist
12 with the headmistress and discussing your work with the
13 children.

14 So was that a meeting for the purpose of you
15 discussing, sort of, your own progress as opposed to the
16 children's progress?

17 A. Yes, it was an opportunity, yes. And it was offered
18 and -- yes, always very welcome. But nowadays --
19 I mean, in years after this, we had much more formal
20 policies, procedures, and appraisals would be annual or
21 six-monthly. But then, it wasn't, and the idea that
22 there was any kind of appraisal was really quite
23 exceptional, I think, compared to other places.

24 Q. Then, at paragraph 41, you mention a group appraisal,
25 where staff shared and supported each other, a form of

1 group supervision.

2 Is that something different to the staff meetings

3 that you've talked about?

4 A. Oh, yes, yes.

5 Q. So can you explain what this was?

6 A. I'm not sure 'appraisal' is the right word there. It

7 would be a, kind of, group supervision, staff support

8 and supervision, again linked to how people were feeling

9 about how they were dealing with the children, anything

10 that they were finding difficult, any personal issues

11 that they might have that might be getting in the way.

12 Anything, really. And other members of staff might have

13 experienced similar things, so they might share their

14 experience, and then more experienced staff would be

15 able to give support.

16 Yes, it was a kind of healthy group support, yeah.

17 Q. Was that led by Sister Therese?

18 A. No. No. It might be a unit leader. It could be the

19 educational psychologist. It could be -- it could be

20 anyone, really, depending on the group and depending if

21 there were particular issues.

22 Q. Did it happen on a regular basis or was it more ad hoc?

23 A. I don't think it was ad hoc, but I can't remember, to be

24 honest, how often it happened, and -- no, I don't think

25 it was ad hoc.

1 Q. If we go on to page 10 of your statement, you tell us in
2 the first half of that page, paragraphs 49 to 52, about
3 the unit, and you have already described that. You say:
4 'The unit leader slept in the unit ... they had
5 their own bathroom, bedroom and a little area to relax
6 in.'
7 That's what you had as a unit leader?
8 A. Yes.
9 Q. At paragraph 53, you say that there was a quiet room in
10 the school. Can you explain what the purpose of that
11 was?
12 A. It was -- very often, when the children were distressed
13 or disturbed or maybe fighting or upset in any way, and
14 sometimes really acting out, they were taken to the
15 quiet room, and they could shout and swear and do what
16 they liked, in the sense that they weren't disturbing
17 other people and -- they weren't -- they weren't causing
18 any -- they weren't hurting anybody or harming anybody.
19 So it was what it says: it was a room where they could
20 act it out, get it out of their system, and then have a
21 time where they were quiet.
22 Q. You say a member of staff would be in the room with the
23 child?
24 A. Yes, yes, always.
25 Q. Was that always the case?

1 A. Always, and the door was always open. That was
2 certainly in my time.

3 LADY SMITH: Do you mean open or simply unlocked?

4 A. Open, wide open.

5 LADY SMITH: Thank you.

6 MS INNES: You say:

7 'The member of staff was there to support the child
8 and not to be negative.'

9 A. Yes.

10 Q. You would often read a story to the child or hold on to
11 the child in an embrace until they calmed down.

12 A. Yeah.

13 Q. Just to be clear, in terms of holding on to the child,
14 was that to stop them lashing out?

15 A. Yes, usually. You just put your arms around them
16 (indicated).

17 Q. Would you have seen that as a form of restraint?

18 A. Probably, yes. Yeah. But not -- just to stop them
19 hurting themselves or others. I mean, for example, some
20 of them would be headbutting the wall or punching the
21 wall and harming themselves and anybody else who
22 happened to be in the vicinity. So, yes -- yes, it
23 would be a form of restraint.

24 Q. Was there any training given in relation to restraint?

25 A. Not formal, but informal. Again, the idea was just to

1 stop the child harming his or herself or other people.

2 Q. When you say that training wouldn't be formal, it was

3 informal, what do you mean?

4 A. Mm-hmm. Well, again, it would be just part of --

5 I talked about group supervision, or talking with the

6 psychiatrist or -- those kind of things would be

7 discussed then.

8 Q. Okay.

9 A. But I'll give you an example.

10 The alarm bell went off in one of the classrooms --

11 the alarm bell often went off -- and there was an older

12 child there with the teacher. I happened to be on duty,

13 and when I went in, all the children were out of their

14 desk and around the wall. The teacher was on her knees

15 and the child was holding the teacher by the hair, and

16 she couldn't get up. She couldn't get free, and she

17 couldn't do anything about it. So I had to go and hold

18 this child -- take this child and take her away from the

19 teacher and out of the room, until she was able to calm

20 down. I can't remember why she was so upset.

21 So sometimes we had to do that.

22 Q. Okay.

23 A. But do it in such a way that the child was not harmed or

24 not -- it wasn't heavy-duty restraint in any way.

25 Q. At paragraph 54, you say:

1 'I want to be clear, the quiet room wasn't
2 a punishment ...'
3 A. Never.
4 Q. '... it was a place the children and staff looked on as
5 a place of safety.'
6 A. Yes.
7 Q. Why do you say that the children looked on it as a place
8 of safety?
9 A. Because the children -- some of the -- the children all
10 knew that each one of them was capable of acting out and
11 being aggressive, and they could frighten each other
12 when they were like that. Sometimes they didn't know
13 why they felt the way they were feeling, but they knew,
14 when they were there, that it was okay. They couldn't
15 do any harm to themselves or others.
16 Q. Then if we go on over the page to page 11 at
17 paragraph 55, you say:
18 'There was no maximum time a child would spend
19 there ...'
20 A. No.
21 Q. '... it took as long as it took.'
22 A. Yeah.
23 Q. Okay.
24 A. I don't think anybody thought of time, really. But they
25 wouldn't be there for an afternoon. They wouldn't be

1 there -- no, it might be -- these were young children,
2 and young children change. They don't -- they're not
3 like the teenagers. I worked with teenagers for many
4 years, and they could hold on to their anger or their
5 fury for a whole day.

6 No, these young children didn't. It might be half
7 an hour. It might be an hour if they needed a story or
8 needed something else, or -- it just varied such a lot.

9 Q. Then you go on to say that there was no record kept of
10 when a child went to the quiet room?

11 A. I don't think there was. Because it wasn't a -- it
12 wasn't a punishment and it wasn't a -- yeah, I don't
13 think there was any -- it was just -- you could dot in
14 and dot out, you know, if somebody was a bit out of
15 order.

16 Q. And then you say:

17 'Nor was there any cap on the number of times
18 a child could go there.'

19 A. No. No.

20 Q. If a child was going to the quiet room quite a lot, is
21 that something that would be looked into?

22 A. That didn't happen, really. I might not have expressed
23 that very well. A child might go there once in a week
24 and never go again for weeks, or somebody might go -- if
25 it was particularly difficult one day, he might be there

1 in the morning, have his dinner, kick a few people after
2 dinner and go back again for half an hour. You know, it
3 just -- it was that kind of thing.

4 But because these were young children and they
5 were -- these are very damaged children, and sometimes
6 something would trigger something in them. They
7 wouldn't know why they were behaving the way they were
8 behaving.

9 I'll give you another example. It wasn't to do with
10 the quiet room, but just the kind of things that happen.

11 I remember one little lad, he was about 7 or 8, and
12 in the morning when he was going downstairs to school,
13 the ladies would be coming up with their mops and
14 buckets and -- you know, the ladies who would come to
15 clean. He kicked every mop and bucket and -- on his way
16 down, and somebody would come and say, 'Oh, he's kicking
17 everybody'. So I would go down. No sign of him. And
18 on more than one occasion, I -- I got to realise where
19 I'd find him: I'd find him in the playroom in the
20 cupboard under the sink. Now, he had bashed everybody
21 on the way down.

22 By the time I got down there, found him in the
23 cupboard under the sink, and I'd say, 'Mm, who have we
24 got here?' And he would say, 'It's a rabbit.' 'It's
25 a rabbit? It looks like a scared rabbit.' 'Yes, it's

1 a scared rabbit.' 'Do you want to tell me what the
2 rabbit's scared of?' And so he would come out and talk
3 about what was frightening him. But if you saw him
4 coming downstairs kicking everybody, you wouldn't think
5 he was a scared rabbit.

6 So you would have that kind of behaviour, and you
7 had to find out why, what was going on for the child,
8 and it may just take five minutes of a little talk, he
9 was fine.

10 So it varied a lot.

11 Q. You note at paragraph 56 that there was one time that
12 you were in the quiet room and someone passed by and
13 you'd both fallen asleep.

14 A. Absolutely. You see, sometimes a child would climb on
15 your lap and want to be held, cuddled. It was
16 exhausting, honestly, and, yes, both of us fast asleep.

17 Q. Now, if we can move on, please, to page 12, you talk
18 about some activities that went on.

19 A. Yes.

20 Q. You mention ballet classes.

21 At paragraph 64, you mention the male ballet
22 teacher. Did you ever hear of any complaints or
23 concerns about the male ballet teacher?

24 A. No. No. He was very well known. He was in the Royal
25 Ballet School, I think, in Edinburgh. No, he was --

1 I never heard anything.

2 It wouldn't be every child's cup of tea, going to
3 ballet, I appreciate that, but -- and I know I read
4 something in one of the statements about his little
5 stick. Yes, he did have a little kind of thing and he'd
6 point it at your feet. But I never heard of a problem,
7 no.

8 Q. If we can move on, please, to page 13. At paragraph 71,
9 you talk there about schooling, and you say there were
10 three classrooms and a playroom in the school, and
11 you've been talking about the playroom.

12 Was the school a separate building to where -- or
13 was it the same --

14 A. No, everything was in the same building. The school was
15 on the ground floor. Yeah.

16 Q. Okay.

17 Did you have any involvement with the children when
18 they were at school, other than going in when you were
19 on duty, as you've described?

20 A. No.

21 Q. At page 14, paragraph 77, you say:

22 'Most of the children went home at every second
23 weekend ...'

24 A. Yes.

25 Q. Were there any children that didn't go home and remained

1 in the school?

2 A. Yes. There would be about half a dozen children --

3 maybe five. In my time, I remember one little family of

4 three and another couple of children, individual

5 children -- maybe five, yeah -- who didn't go home at

6 the weekends, and so we'd have something special for

7 them, and holiday times as well.

8 Q. Who would be looking after or supervising the children

9 over weekends? Was it still the unit leader or somebody

10 else?

11 A. Yeah. Yeah. It would be one of the unit leaders and

12 staff. Again, the same number of staff and one of the

13 unit leaders. But that's where we could be

14 interchangeable, the unit leaders, maybe on those

15 weekends.

16 Q. So if we go on to page 16 and paragraph 84, you mention

17 there, as you've told us, that all of the unit staff

18 lived in the school and, as a unit leader, you say if

19 you were away, another female member of staff slept in

20 the unit with the children.

21 A. Yes.

22 Q. At the time that you were there, can you remember there

23 being any issues with having sufficient numbers of

24 staff?

25 A. Never, no.

1 Q. Okay.

2 Could I ask you, please, to look at BSC-000000571,

3 please. It will come up on the screen. We can see,

4 I think, that this is a report to the hierarchy in 1972.

5 If we could move on, in this document, to page 10,

6 we see an entry there beginning, 'David Hobman'.

7 A. Yes.

8 Q. And ... (Pause)

9 LADY SMITH: There is a reference to him in the paragraph

10 that was near the top of that page.

11 MS INNES: Yes, sorry, I'm trying to find it on my own

12 screen because I can't read it.

13 LADY SMITH: The paragraph starts:

14 'The work of the Sisters at Colinton ...'

15 Is that the one?

16 MS INNES: Yes, that's the one. Thank you, I've got this on

17 my own one now so I can actually see it:

18 'The work of the Sisters at Colinton, Edinburgh, is

19 also being assessed by David Hobman as to whether it

20 should be concentrated on the Ladymary School for

21 emotionally disturbed children or the hostel complex for

22 girls. The education and social work authorities have

23 expressed a willingness to give more funds for the

24 expansion of the Ladymary School but the Sisters believe

25 that this field of work is one which should not be

1 undertaken unless the Order itself can provide
2 sufficiently qualified personnel. At the moment their
3 staff resources are fully stretched.'

4 A. Yes. Have you got the date of this?

5 Q. I think this was in 1972, so it's maybe after you had
6 left. If we go back to page 5.

7 A. Yes. '71.

8 Q. 1971. Sorry, I was reading it at a distance.

9 A. Yeah, 1971.

10 David Hobman was engaged by the congregation
11 throughout the country to review all of the Good
12 Shepherd communities and ministries' projects throughout
13 the province, and it's at a time when -- I don't know if
14 any of you would be familiar with Vatican II, and after
15 Vatican II, many people left religious life and fewer
16 people applied to join religious life, and so the
17 numbers of Sisters would have reduced.

18 And so this person did a review of all -- the whole
19 country; Scotland, England and Wales, and we had
20 projects, many, many projects, schools, special
21 residential units and so on, and this was a concern at
22 the time: how can we maintain our ethos and values if we
23 don't have enough Sisters qualified in this work?

24 I know it was a concern in Ladymary School, and
25 I know the school didn't last for very long after that,

1 Going back to your witness statement on page 16 at
2 paragraph 85, you say there that there was discipline in
3 the school, in that children would be told that they
4 couldn't do things, but there was no punishment that you
5 were aware of.

6 A. No.

7 Q. So no sanctions for any misbehaviour?

8 A. Not that I remember.

9 Q. Okay.

10 A. And I can't imagine what would be used as a sanction.

11 Q. Okay.

12 I think you tell us, or have told us previously in
13 your responses to the Inquiry, that there are practical
14 rules?

15 A. Yes.

16 Q. I wonder if we could look at that now, please:

17 GSH.001.001.0252. We see that these are excerpts from
18 the practical rules published in 1943 and the
19 conferences published in 1896.

20 Can you just explain briefly what these are?

21 A. Every Sister, when she made her final vows, her final
22 commitment, was presented with these, but during
23 a period of formation, which lasts about seven years,
24 you would be learning all of this, the expectations, the
25 kind of values and so on, and so in our work with the

1 children, this is what we were guided by.

2 Q. So I would just like to refer to some paragraphs.

3 So we see here, for example, the paragraph
4 beginning:

5 'When reprimanding, she should not always name the
6 child in fault, unless in case of a public scandal; she
7 should use the tact and prudence inspired by Christian
8 charity and maternal devotedness by which she should
9 always be guided. Whatever be the faults, whatever the
10 necessity for reprehending or even punishing, she should
11 take care not to outstep the measure and above all not
12 to wound the culprit by harsh words or reproaches
13 founded on what she knows of her past life.'

14 And that would be one of the guiding principles?

15 A. Yes.

16 Q. If we move on to the second page, the first paragraph on
17 that page emphasises the need for kindness as, again,
18 a guiding principle.

19 A. Yes. Mm-hmm.

20 Q. It refers to being kind to her Sister and being kind to
21 the children, so children who were being cared for by
22 the Sisters.

23 A. That's right. I think this is why I was saying to you
24 that the culture came from the top, because there was --
25 and I know when I was in that role myself, the

1 expectation, and my expectation of myself as well, would
2 be that you would model these kind of principles.

3 Q. The paragraph just below the one I referred to,
4 beginning:

5 'The first and most indispensable condition of
6 authority is to be irreproachable in manner and conduct.
7 To command others it is necessary to be master of self.
8 One should never give an order when under the influence
9 of any violent emotion.'

10 Then it goes on to essentially -- 'We must never
11 lose our calm', it says.

12 A. Yes, yes.

13 Q. Then if we go on to page 3, and in the second half of
14 that page, there's a paragraph beginning:

15 'Our children sometimes have the right to complain:
16 we should listen to them without anger. It is well to
17 know what they think and it is better that they complain
18 to us than amongst themselves. If their complaints be
19 just, they ought to be taken into account. If the
20 Sister to whom the complaint is made cannot remedy the
21 evil, she will inform the first mistress who will do
22 what is necessary, without letting herself be influenced
23 by reports being made in anger.'

24 So that seems to suggest that complaints made by
25 children should be taken seriously.

1 A. Yes, yes.

2 Q. Then on page 4 of this document, in about the middle of
3 the page, the paragraph beginning:
4 'The religious of the Good Shepherd should never
5 forget that it is forbidden to strike the children.'
6 Then the paragraph below that:
7 'If we be obliged to separate a child from her
8 companions, we should never shut her up alone; solitude
9 is a bad counsellor for a child who is not good. This
10 point is of extreme importance; she should be given in
11 charge to a person of confidence.'

12 A. Yes.

13 Q. So that might reflect what you told us earlier about the
14 quiet room --

15 A. That's right.

16 Q. -- that a staff member had to be with the child.

17 A. Yes, yes.

18 Q. Now, I'm not going to go through any more of this
19 document, but I think that --

20 A. It's rather lovely though, isn't it, as a document?
21 Yes.

22 Q. As you say, this sets out the foundational principles
23 for the work of the Sisters.

24 A. It is, yes. Yes.

25 Q. Obviously, you had lay staff members and, when you were

1 a lay staff member, were these principles shared with
2 you or were they more, sort of, modelled?

3 A. No, they weren't -- I didn't know anything about them,
4 but I experienced all of this. And at the time
5 I thought it was because this particular headmistress
6 was so special, but in fact it was part of her training
7 as well as who she was.

8 Q. Now, if we go back to your statement, please, and
9 page 16 and paragraph 87, you say:

10 'I was never aware of anything that concerned me
11 about the institution while I was there.'

12 Then you note that you heard of an issue a few years
13 after you left about a male staff member. You were led
14 to believe that a child had verbalised what had
15 happened, but that didn't give much cause for concern,
16 but nonetheless the headmistress rang the consultant
17 psychiatrist who came immediately to the school to hear
18 from the parents and the child concerned.

19 Now, is this an issue in relation to Brian Dailey?

20 A. Yes.

21 Q. Okay.

22 Now, can I ask you, please, to look at the A to D
23 response at GSH.001.001.0382, and to page 15. It's at
24 the bottom of the page.

25 This refers to a specific complaint, and it says:

1 'Although we can find no record, the following
2 recollection was shared by a now 88-year-old Sister.'

3 Is this the complaint that you're referring to in
4 your statement?

5 A. Yes.

6 Q. You note that this was a complaint made by the child's
7 parents when the boy returned from holiday. It was
8 against a member of the care staff, Brian Dailey, and
9 the complaint was that he had sexually abused the boy
10 when he was alone with him that one evening. The boy
11 had refused to go out with the group and the staff
12 member had invited him to prepare the tea, and the
13 incident had happened once.

14 Now, just to be clear, were you told of this by this
15 other Sister?

16 A. Yes.

17 Q. Yes.

18 A. Not the original Sister I worked with. She had died by
19 then. This was her successor as the headmistress, yeah,
20 who has since died as well.

21 LADY SMITH: So that's the one that's referred to in
22 box (i), just under 5.9, the 88-year-old?

23 A. Yes, yes.

24 LADY SMITH: Thank you.

25 MS INNES: She had told you that this had happened.

1 Just to be clear, I don't think you ever worked at
2 Ladymary at the same time as Brian Dailey.

3 A. No, I had gone probably two or three years before.

4 Q. We see here that:

5 'The consultant psychiatrist, who was a professional
6 adviser to the establishment, was informed immediately
7 of this allegation. He came to the school to see the
8 parents and, following his discussion with them, he
9 judged that, since the alleged offence had taken place
10 before the summer holidays, and the parents had said
11 that they had enjoyed a very good holiday with the boy,
12 he did not appear to have been affected by the alleged
13 incident.'

14 So that was Dr Rodgers, was it?

15 A. Yes.

16 Q. And that was his conclusion, having spoken to the boy?

17 A. Yes, at that point, and then of course it goes -- does
18 it go on to say that, in fact, he interviewed
19 Brian Dailey on a few -- two or three occasions and
20 judged then that there was nothing in it, sadly?

21 LADY SMITH: You deal with that at box (x).

22 A. Okay.

23 LADY SMITH: You're correct, you did, just a little bit
24 below.

25 A. Yes.

1 MS INNES: Yes, it says:

2 'We have no record but the former headmistress
3 informed us that the staff member concerned was
4 suspended while the accusation was investigated. He was
5 interviewed twice by the psychiatrist, who judged that
6 there was no basis for the accusation and he was allowed
7 to return to work.'

8 If we go down the page a little bit further, in the
9 final paragraph on this page, it says:

10 'This was the first time something like this had
11 happened and it was completely new to the school.
12 Unlike today, when there are safeguarding procedures in
13 place in every organisation and all matters are referred
14 to the police, in those days there was no specific
15 procedure for dealing with this kind of complaint. The
16 headmistress referred it to the person considered to be
17 the highest authority and from whom professional advice
18 would always be sought in relation to the children in
19 the school. They were advised by [him]. There was no
20 mention of reporting to the police.'

21 Did the headmistress feel that she had done all that
22 she ought to have done in relation to that?

23 A. I gathered from her later that she never felt entirely
24 comfortable, but didn't really know what else to do
25 beyond that, because there were no policies and

1 procedures, as such, at that time. But I think it
2 disturbed her, because she didn't feel adequate -- and
3 not that she didn't feel adequate; perhaps the way that
4 it was dealt with, with hindsight -- I'm talking about
5 years later -- it wasn't as good as it should have been
6 or could have been. But it was very different in those
7 days.

8 Q. If we could look, please, at another document,
9 GSH-000000092, which are minutes of an advisory
10 committee meeting on 11 December 1974. Now, obviously
11 you weren't there then, but this has been provided by
12 the Good Shepherd Sisters.

13 If we go on to the second page, please, and to
14 letter (h), it says:

15 'There had been two departures and two admissions at
16 midsummer and for Christmas it had been foreseen that
17 there would be one departure and two admissions.
18 However, one violent boy had been putting the children
19 and staff at risk and Dr Rodgers had advised his
20 discharge. The department had been notified but had not
21 replied. There had been two unexpected departures, one
22 girl whose parents, although very co-operative, had been
23 against residential placement and had not returned after
24 the mid-term break. A boy had made serious false
25 allegations against the housefather and Dr Rodgers had

1 advised his dismissal.'

2 Now, although it uses the word 'dismissal' there,
3 which might be thought to refer to a staff member, the
4 context of this paragraph seems to be talking about two
5 unexpected departures of children, perhaps.

6 I wondered if this was the same incident, if the
7 boy's --

8 A. I really don't know.

9 Q. You don't know from your discussion with the
10 headmistress as to whether the boy then left the school?

11 A. No, I don't know. I don't know.

12 Q. Okay, thank you.

13 A. Nor do I know anything about whether this was the
14 same -- Brian Dailey, that Dr Rodgers had advised this
15 man's dismissal.

16 Oh, it was a child. Sorry, Dr Rodgers had advised
17 the dismissal of the child.

18 LADY SMITH: Yes.

19 A. Mm. Gosh.

20 MS INNES: So you don't know, from having spoken to the
21 headmistress, whether the child was then asked to leave
22 the school or not?

23 A. I -- I honestly can't remember anything about that.

24 LADY SMITH: It seems that Dr Rodgers was very influential.

25 A. Very influential. But if you knew anything about him,

1 he was -- he was another very exceptional person in the
2 Sick Children's Hospital, and he was very influential
3 here, because he was on the advisory and -- yeah.

4 MS INNES: We have heard about Dr Rodgers before. He used
5 to work at -- prior to being in Edinburgh, I think he
6 was at Ladyfield, so another psychiatric unit that we
7 have been looking at.

8 A. Is that Dumfries?

9 Q. Yes.

10 A. Ah. That's interesting. Anyway, he was held in high
11 esteem, whether that was -- yeah, anyway.

12 LADY SMITH: I should put this to you, in fairness,
13 Sister Rosemary, and I know it wasn't you that was
14 making the decisions here, but he seemed to be relied on
15 in relation to the complaint by the child against
16 Brian Dailey for a decision as to whether the child was
17 to be believed or not. A psychiatrist doesn't have
18 special skills in doing that.

19 A. No, special powers, no.

20 LADY SMITH: No.

21 A. I have no idea why that would have been the expectation
22 of him, and maybe that particular Sister just felt
23 uncomfortable with the whole situation. I know she was
24 uncomfortable with the whole thing later, and I think
25 perhaps she had been reflecting that it wasn't the

1 way -- well, the way that it was dealt with perhaps
2 wasn't ideal.

3 LADY SMITH: And maybe Dr Rodgers was allowed to hold sway,
4 if I could use a colloquialism, in a way that wasn't
5 perhaps wise?

6 A. Perhaps, yes.

7 LADY SMITH: Thank you.

8 MS INNES: If we could go back to your statement again,
9 Sister Rosemary, and back to page 17 and paragraph 90,
10 you are referring there to having met Brian Dailey.
11 I think you met him a couple of times in passing.

12 A. I was introduced to him by this same Sister, and she
13 thought, you know, he's very, very nice, and she said --
14 I remember thinking, 'Hmm'. She said, 'What's wrong?'
15 and I said, 'I don't know, but there's something about
16 him', and I couldn't explain it, but I just had
17 an uncomfortable feeling about him, and she said, 'Oh,
18 no, he's lovely and everybody thinks he's wonderful'.
19 He was a pillar of society and a pillar of the church
20 and all the rest of it, and I had discomfort about him,
21 so -- which I couldn't explain.

22 Q. Now, if we go on, please, to page 18 of your statement,
23 and at paragraph 96, you say there that your experience
24 of the establishment was that it was an open, trusting
25 environment with easy interaction between children and

1 staff.

2 A. Yes.

3 Q. You talk about, just in paragraph 95, for example, about
4 the -- you believe the most trusted person would have
5 been the play therapist. She had a particularly good
6 relationship with children.

7 A. Yes.

8 Q. Do you have any comment or insight into how, in that
9 environment, it was possible for Brian Dailey to
10 perpetrate the offences that he then did?

11 A. You know, by the time Brian Dailey came along, there
12 were probably quite a few changes. The original
13 headmistress wasn't there. She was a very astute lady.
14 I would say the next person wasn't as astute. And some
15 of the well-experienced staff I think had moved on,
16 although there were some wonderful staff there at the
17 time. But I don't know what would have changed.

18 But I'm also aware that -- having worked with people
19 who have been abused since then, that the abusers are
20 very often very experienced groomers and they can groom
21 everyone around them to think that they're wonderful and
22 so trustworthy and so on.

23 So who knows? I don't know if things had changed
24 much. I really can't answer. I can only answer for
25 when I was there, and it was a very open and trusting

1 environment.

2 Q. Then at paragraph 97 on this page, you say that:

3 'There was no definition of abuse in the school, it
4 never came into our thinking.'

5 Is that perhaps an issue, that the possibility that
6 such things might happen didn't cross people's minds?

7 A. No, and in any other setting, even in any kind of
8 training that I ever did, it was never mentioned. No,
9 I don't think it was even -- it didn't come into our
10 thinking because we hadn't experienced it, and maybe
11 because of that, when Brian Dailey came along, people
12 were just not alert. I don't know, but it didn't come
13 into our experience.

14 Q. If we go on over the page in your statement, page 19, at
15 paragraph 101 you are talking about the report to the
16 psychiatrist and then not to the police, and at 102 you
17 say:

18 'I don't really feel abuse was a police matter all
19 these years ago ...'

20 Why do you say that?

21 A. Well, I suppose because it wasn't part of our
22 experience. And I do recall, post-Ladymary, I had
23 occasion to go to the police because I was aware that
24 abuse was happening to somebody and, to be honest, the
25 police weren't trained. They didn't know what to do

1 with that allegation and, you know, one spoke to the
2 next one and weren't sure what to do about it.

3 So I think it just wasn't in our experience at that
4 time. It's very different nowadays.

5 Q. Then at the bottom of this page, at paragraphs 103 and
6 104, you refer to record-keeping, and obviously in
7 response to notices that have been served by the
8 Inquiry, you tried to find records in respect of
9 Ladymary School.

10 A. Yes.

11 Q. And, essentially, you weren't able to find very much.
12 We've got some material that you have shared with us,
13 but --

14 A. Yes, my understanding was that because the children had
15 come through the psychiatric services and had been
16 assessed, that their records went back to the Sick
17 Children's Hospital in Edinburgh, so I went there
18 looking for them, but they said, 'Oh we don't -- these
19 children would be grown up by now, we don't keep
20 records'.

21 Q. Then if we go on over the page to page 20, you mention,
22 at paragraph 105, that, as you know, Brian Dailey was
23 convicted in respect of offences in 2017 --

24 A. Yes.

25 Q. -- which you didn't know anything about at the time that

1 you gave evidence, because that hadn't been shared with
2 you by the police.

3 A. That's right.

4 LADY SMITH: That was the date of his conviction, 2017.

5 MS INNES: Yes.

6 You then say, at paragraph 106, that after the
7 Inquiry, the Order was approached about another
8 allegation involving Brian Dailey, and you remembered
9 who the person was and you were so angry when you heard
10 about this. It's at paragraph 106.

11 A. Yes. Yes. I happened to be in Manchester, and
12 Police Scotland sent two detectives, and I was made
13 aware. I was really furious about this, because
14 I remember meeting this little girl, innocent little
15 girl, and -- yeah, I was very angry, yeah.

16 But although they came, the Sister who was her unit
17 leader was in Manchester, and so they were coming to
18 talk about it, we never heard anything else. They came
19 that day and that was the end of it.

20 Q. Okay.

21 Now, we know that Brian Dailey was convicted again
22 of offences in 2022. When did you find out about that
23 conviction?

24 A. A couple of weeks ago.

25 Q. Right. So you hadn't been made aware that he had

1 been --

2 A. No.

3 Q. -- convicted again?

4 A. And was that about that little girl? Maybe you're not

5 allowed to say that but --

6 Q. I don't know specifically, but --

7 A. No. No, I -- no.

8 Q. I think --

9 A. So I think what you're asking is: were we approached?

10 Police Scotland didn't approach us again. We didn't

11 hear anything else.

12 Q. And I think you know now, perhaps, that Brian Dailey was

13 convicted in 2022, and he was convicted in respect of

14 sexual and physical abuse, 13 charges involving seven

15 complainers, so seven children, who were at Ladymary.

16 A. Seven --

17 Q. Yes, seven.

18 A. -- complaints? Wow. Gosh.

19 Q. So when he was convicted in 2022, he was convicted in

20 respect of 13 charges involving seven children who were

21 at Ladymary, and three other charges in respect of

22 offences against children who were at Smyllum.

23 What's your reaction to hearing the extent of his

24 offending?

25 A. Absolutely disgusted. I was horrified when I heard what

1 had happened. I mean, there aren't even words to
2 express the dismay and the shock and the horror, and
3 I can hardly believe that an adult could do such things
4 to those little kids. They were small children.

5 Q. Yes, I think we know from the convictions that the
6 children were aged between 7 and 9 at the time.

7 A. Yeah. And they're damaged for life. It doesn't go
8 away.

9 I think the extent of it is just horrific, I have to
10 say. It makes me very angry, because it's a betrayal
11 not only of the children -- I mean, I don't know if
12 they'll ever get over that -- but also of everything we
13 stood for. Betrayal of everybody in Ladymary,
14 everything -- you know, all the wonderful people who
15 worked there as well, and he was behaving like that with
16 these children and nobody seems to have been aware.

17 I can't understand that nobody picked up on
18 anything. I find that difficult.

19 Q. Okay.

20 Can I take you, please, to the Part B response,
21 which was updated. GSH.001.001.0371, page 10. At the
22 bottom of the page, Part B.

23 This response was updated after the Order became
24 aware of the 2017 conviction, and the first question is:
25 'Does the Order accept that some children in their care

1 were abused at Ladymary?', and the answer to that is
2 'Yes'.
3 A. Which one are we on?
4 Q. 3.1(i), and the answer is 'Yes'.
5 A. Yes, okay.
6 Q. So the question that you were being asked was: did the
7 Order accept that some children were abused?
8 A. Absolutely, without question.
9 Q. In terms of paragraph 3.2, you are asked there:
10 'Does the Order accept that there were failures in
11 systems?'
12 A. Yes.
13 Q. And the answer to that is 'Yes'.
14 I suppose the next question would be: are you able
15 to identify, you know, what those failures were?
16 A. Really that there was no -- there was no training in
17 safeguarding, no real awareness, and a naivety,
18 I suppose, that anything like this could happen. So
19 a systemic failure, I suppose, is that we had no
20 policies or procedures in relation to safeguarding at
21 that time.
22 Q. Then if we go on to page 11, as you say in (iv) that we
23 see there, I think you are asked do you have
24 an explanation for these failings, and it says:
25 'We have no explanation. We are appalled and

1 dismayed to think that no one was aware of the actions
2 of the perpetrator. Relationships between staff and
3 children were very open in this establishment and based
4 on trust and respect.'

5 That's as you've already said in your evidence.

6 A. Yes.

7 Q. Then the next question is:

8 'Do you acknowledge that there were failures or
9 deficiencies in response [to abuse] ...'

10 I suppose, here, one might refer to what we have
11 just looked at, where this child made a complaint
12 through his parents and ultimately those were not
13 believed, it appears.

14 A. Not believed, and also that the leadership at that time
15 in the school placed far too much responsibility and
16 expectation on the consultant psychiatrist, and -- as if
17 he had all the answers. I think that was very wrong.

18 Q. Now, if we can move back, please, to your statement, and
19 to page 21. You talk about leaving Ladymary and, as you
20 tell us at paragraph 112, you left Ladymary in 1972.

21 A. Yes.

22 Q. We know that the school later closed, as you've
23 explained.

24 A. Yes.

25 Q. Do you know why it was that the school closed?

1 A. I think, as was suggested in David Hobman's review of
2 the whole country, the province, I think that we were,
3 at that stage, short of Sisters with the particular
4 skills and gifts to work with those particular children,
5 and so we would be depending more on, perhaps, Sisters
6 who weren't so well qualified or so suited to that
7 particular kind of work. So I think that might be why,
8 yeah.

9 Q. Then if we go down to the bottom of this page, and
10 paragraph 114, you have a section in which you are asked
11 essentially about any reflections, and in the first
12 paragraph you refer to a lack of policies and procedures
13 and, as you say, this has completely changed now.

14 A. Absolutely. We've got policies and procedures for
15 absolutely everything, and we have safeguarding
16 committees and safeguarding representatives, we have
17 safeguarding reviews, and we have it in every country,
18 in every project and throughout the whole congregation,
19 and we're in 70 countries. So it's big business,
20 safeguarding, nowadays, because, of course, it's
21 an issue everywhere now.

22 Q. Then if we go on to page 22 and paragraph 115, you say
23 that one of the things that we need to do to prevent
24 abuse in the future is that everybody has ongoing
25 training in relation to safeguarding.

1 A. Absolutely, yes, because I found that even with
2 safeguarding training, it's really surprising that
3 people are not alert to what amounts to abuse. There
4 are all kinds of abuse, whether it's bullying or
5 aggression or domineering, people can be abused in lots
6 of different kinds of ways, and people very often aren't
7 alert to that, and then, of course, the extremes of
8 sexual abuse and grooming and things like that, yeah.

9 Q. So it's something, from what you're saying here, that it
10 needs to be training on an ongoing basis?

11 A. Yes, and we would have mandatory training on an annual
12 basis with our staff.

13 Q. At paragraph 116, you say:

14 'We also need to create a culture of care and
15 respect so that any child or anybody else can have
16 confidence and feel safe enough to go to carers when
17 they have concerns.'

18 A. Mm-hmm.

19 Q. Can you tell us your reflections in relation to that?

20 A. To be honest, apart from a child, I was thinking of
21 adults as well, vulnerable adults, and I know that
22 one -- something that was referred to me just a few
23 months ago, where an elderly person, when the place was
24 being inspected by the local authority, she represented
25 her concerns, the inspector went to the manager, who

1 pooh-poohed it and nothing happened, and I was very
2 concerned about that. So I have taken that further.

3 Yeah, we need to pay attention when people have
4 complaints, and it doesn't matter whether we believe or
5 not, we cannot ignore a complaint nowadays, and must
6 not.

7 And also, if the culture is right, people would have
8 confidence and would feel safe enough. So, again, it
9 comes down, I think, to creating the right kind of
10 culture: a culture of care, a culture of respect and
11 a culture of justice.

12 Q. You say, at paragraph 118, that you observed some
13 terrible care situations as a student, and you talk
14 about people in charge had power and control.

15 How did that impact the culture and the ability to
16 share?

17 A. In those places that I witnessed? Well, the children
18 were just -- some of them were shivering wrecks, those
19 children. They were made to work. It was Dickensian.
20 It was awful. And that was in the '60s. So -- and the
21 people in charge may or may not have had any training,
22 but they had the power. It was just awful, yeah. It
23 was cruel.

24 Q. Then, at paragraph 119, you note that people had
25 positive experiences of care in different institutions.

1 A. Yes. Mm-hmm.

2 Q. Do you know if people had positive experiences of their
3 care at Ladymary?

4 A. Oh, yes, yes, certainly.

5 Q. What do you base that on?

6 A. Keeping in touch and sharing what it meant to them.

7 Q. And then, at paragraph 120, you talk about concern in
8 relation to resources being available for the care and
9 protection of young people.

10 A. Yes.

11 Q. And providing, effectively, sufficient resources to
12 provide that care and protection.

13 A. Yeah. There's a lot of abuse going on just now with
14 children in care and out of care, and I'm sure
15 everybody's aware of it. We're much more aware now, but
16 I think it's much worse now than it ever was, when you
17 think of all the grooming and, of course, social media
18 contributes a lot to that. But I know many young people
19 coming out of care and they just feel abandoned, and
20 they're resorting to drugs and alcohol and many are
21 homeless. I just know so many.

22 Q. So you're talking there about the transition from being
23 in care to being --

24 A. Yes. Yes. And for some, their experience in care has
25 been good, and others it hasn't been good, and for those

1 who have had a good experience, they very often maintain
2 the links with their carers. But for others who have
3 been moved around -- I know, in the prison, one of the
4 prisoners I worked with, he had been in 39 residential
5 establishments. 39. No wonder he was disturbed.

6 So people have different experiences, but there are
7 an awful lot of people without support and who continue
8 to be abused. It's very interesting for me that once
9 a child has been abused, an abuser elsewhere can pick
10 them out. I find that really interesting. And
11 I wouldn't be surprised -- and I'm not sure of the
12 situation with these particular children, but if they'd
13 been abused elsewhere, I wouldn't be surprised if that
14 had been picked up by the abuser.

15 I remember one young woman saying to me about
16 somebody else, 'This person,' she said, 'she has all the
17 appearance of having been abused'. Now, nobody else
18 picked it up, but another abused child -- abused person
19 picked that up. She was right.

20 So there is something about -- and something about
21 the people, the groomers, where they know.

22 MS INNES: I don't have any more questions for you,

23 Sister Rosemary. Thank you very much.

24 LADY SMITH: Thank you. Sister Rosemary, there's one thing

25 I would like to ask you, if I may, and forgive me if you

1 think I'm speaking out of turn, but still thinking about
2 Dr Rodgers --
3 A. Yes.
4 LADY SMITH: -- and you very frankly having accepted that
5 perhaps more heed was paid to him --
6 A. Yes.
7 LADY SMITH: -- by the Sisters than they should have done,
8 he held sway.
9 A. Mm.
10 LADY SMITH: Had Ladymary been run by a male religious
11 order, do you think Dr Rodgers would have had the same
12 degree of influence over them as he did over the women?
13 A. That's an interesting one, I don't think so. I don't
14 think so, no. And it would be certain women.
15 LADY SMITH: Yes.
16 A. It wouldn't have been everyone who would have given him
17 that freedom or that kind of regard. Others would have
18 had their own opinions, yes.
19 LADY SMITH: Yes. Particularly in that era.
20 A. Yes.
21 LADY SMITH: And, perhaps, when people of your religious
22 community and persuasion, women --
23 A. Yes.
24 LADY SMITH: -- were still feeling more suppressed, under
25 the cosh, as we say, than perhaps they are now?

1 A. Well, by that time -- I mentioned earlier, Vatican II
2 and, after Vatican II -- that was the early '60s --
3 religious were told to come out of their convents.
4 That's when we let go of habits and veils and all this
5 kind of thing. And -- and so this was just at the
6 beginning of this, you know, when the Sisters were
7 finding their own level, really, in society, because,
8 prior to that, they had been semi-enclosed.

9 LADY SMITH: Exactly. I think it was -- was it 1968 when
10 the output of Vatican II was first published --

11 A. Yes, yes.

12 LADY SMITH: -- so it took some time for the --

13 A. And resisted -- and resisted --

14 LADY SMITH: And resisted, yes.

15 A. -- in the church, as well as elsewhere. So -- yeah.

16 And so that's around this time --

17 LADY SMITH: Mm-hmm.

18 A. -- isn't it? Well, early '70s.

19 LADY SMITH: Yes.

20 Thank you for being so frank. That's the last
21 question I have.

22 A. Thank you.

23 LADY SMITH: Thank you again for coming here on this third
24 occasion.

25 And can I say, I picked up from your statement your

1 concerns about the drain on the public of running this
2 Inquiry --
3 A. Yes.
4 LADY SMITH: -- and let me just take this opportunity to
5 assure you that we are satisfied that, already, we have
6 effected changes in many types of practice.
7 A. I'm glad to know that, yes.
8 LADY SMITH: We're publishing all the time --
9 A. Thank you.
10 LADY SMITH: -- and I'm very pleased to see the evidence.
11 A. I hope it wasn't impertinent of me to say so.
12 LADY SMITH: Not at all, not at all and, of course, running
13 a public inquiry costs money. That can't be helped.
14 But the subject matter is very important and the terms
15 of reference of this Inquiry are extremely wide.
16 A. Yes, I realise that, compared to the English one as
17 well.
18 LADY SMITH: Yes, any form of abuse, back within living
19 memory and, as we have uncovered, areas requiring
20 investigation that run into more than 100; 117
21 investigations are nominated on our website. We have
22 got through most of them already, I'm delighted to say.
23 A. Right.
24 LADY SMITH: We're working hard, I promise you.
25 A. Good. Thank you very much.

1 LADY SMITH: No effort is left unspent.
2 A. Good. If people benefit, that's the important thing.
3 LADY SMITH: Well, thank you, and thank you again for coming
4 here.
5 A. Thank you.
6 (The witness withdrew)
7 LADY SMITH: Now, in our planning, we fast-forward to
8 Tuesday, I think, Ms Innes; is that right?
9 MS INNES: Yes, my Lady. Next week we'll be hearing
10 evidence from applicants and a family member of somebody
11 who was at a school that we're looking at. So
12 Melville House, Ovenstone, Linwood Hall and Starley Hall
13 will all be addressed next week.
14 LADY SMITH: Thank you very much.
15 Well, I'll rise now and sit again on Tuesday morning
16 at 10 o'clock.
17 Thank you.
18 (3.56 pm)
19 (The Inquiry adjourned until 10.00 am on
20 Tuesday, 3 June 2025)
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