

1 Wednesday, 16 July 2025

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to our
4 evidential hearings in relation to the provision of
5 residential care for children who had additional support
6 needs, healthcare needs or had disabilities.

7 Today, we move on to further oral evidence and the
8 oral evidence this morning, I think as we explained
9 yesterday, is going to start with evidence from
10 a provider, yes? Is that right?

11 MS INNES: That's correct, my Lady.

12 The Chief Executive Officer of Seamab School,
13 Stuart Provan, is here to give evidence.

14 LADY SMITH: Thank you.

15 Stuart Provan (affirmed)

16 LADY SMITH: How would you like me to address you? I'm
17 happy with Mr Provan or, if you prefer, your first name.

18 A. Stuart's fine.

19 LADY SMITH: Thank you, Stuart. You've found the documents
20 that we'll be looking at.

21 A. I have.

22 LADY SMITH: Thank you for getting that. And thank you for
23 the provision of the responses to the many questions
24 that we sent out in advance. We'll be looking at some
25 of those with you today. But be assured, we're not

1 going through everything line by line, there are some
2 particular aspects that we're going to cover.

3 The plan is that I will break at about 11.30 this
4 morning in any event, but if you want a break before
5 then, Stuart, do please feel free to ask. That's not
6 a problem. Or if you've got any other queries, do speak
7 up. If you don't understand what we're asking or why
8 we're asking it, that's our fault not yours --

9 A. Okay.

10 LADY SMITH: -- or if you think we're missing out something
11 that we should be talking about, do feel free to raise
12 that.

13 A. Okay.

14 LADY SMITH: We'll not only -- you've not only got the hard
15 copy there, we will bring up the documents on the screen
16 as we go to them and you might find that helpful too.

17 If you don't have any particular questions at the
18 moment, I'll pass over to Ms Innes and she'll take it
19 from there. Is that all right?

20 A. Okay, that's fine. Thank you.

21 LADY SMITH: Thank you.

22 Ms Innes.

23 Questions by Ms Innes

24 MS INNES: Thank you, my Lady.

25 Now, Stuart, we understand that you are Chief

1 Executive of Seamab School; is that right?

2 A. That's correct, yeah.

3 Q. And you've provided the Inquiry with a copy of your CV

4 and I understand that after leaving school, you

5 initially worked in a different area, not involved in

6 residential childcare; is that right?

7 A. Yeah, that's right, yeah.

8 Q. And then your first involvement in residential

9 childcare, I think, was when you started working at

10 St Philip's Secure Unit in Airdrie in April 2004?

11 A. Yeah.

12 Q. And we can see from your CV that you have gained certain

13 qualifications relevant to residential childcare, since

14 then; is that right?

15 A. Yes.

16 Q. And you tell us about the various places that you worked

17 and I think we can see between 2012 and 2013, you worked

18 in Balnacraig School in Perth as Deputy Head of Care?

19 A. Yes.

20 Q. And, as you know, that was a residential school for

21 children impacted by trauma, who found mainstream

22 settings to be challenging?

23 A. Mm-hmm.

24 Q. And then you worked at the new school in Butterstone for

25 a period and that was a school for young people on the

1 autistic spectrum?

2 A. Yes.

3 Q. And then you spent a period of about three years between
4 2014 and 2017 as an operational manager for Quarriers,
5 with various responsibilities that you set out in your
6 CV. And then in 2017 to 2020, you became CEO of
7 Ochil Tower School and you note there that you were the
8 first CEO at that school as it then made various
9 transitions in terms of its provision for young people;
10 is that right?

11 A. Yeah, that's right, yeah.

12 Q. And you became CEO at Seamab in July 2020?

13 A. Mm-hmm.

14 Q. That's your current role?

15 A. Yeah.

16 Q. Now, if we can look, please, at LMS-000000002, this will
17 come up on the screen.

18 This is a history of Lendrick Muir School, or
19 Lendrick Muir Seamab as it says there, and this begins
20 by going back to 1936 when a school was set up by a Mr
21 and Mrs Grieve and if we look down to the bottom half of
22 this page, we see a heading:

23 'Lendrick Muir School.'

24 And we can see that the Grieves set up a school
25 called Naemoor and that was a different entity to

1 Lendrick Muir School and we can see that
2 Lendrick Muir School Limited was incorporated on 19
3 March 1962 and registered with Companies House?
4 A. Yeah.
5 Q. Now, am I right in saying that although the name of the
6 entity has changed over the years, it's been the same
7 company that's been operating?
8 A. Yes, it's the same Company House number, yeah.
9 Q. And it notes there that the company's charitable
10 objective was to promote the work in Scotland of
11 an educational establishment for boys and girls who had
12 been ascertained as requiring special educational
13 treatment because of maladjustment. That was the
14 original purpose stated?
15 A. Yeah.
16 Q. Okay, and it notes just below that, that there was
17 a condition at the beginning that the company would
18 purchase the property at Naemoor with the assistance of
19 a capital grant from the Scottish Education Department
20 on condition that the school would not be open to
21 private pupils and then it notes that the nature of the
22 new pupils varied hugely from the former private pupils,
23 who'd moved over, I think, from the previous school; is
24 that your understanding?
25 A. Yeah, I believe so, yeah.

1 Q. And then it also notes that many were from deprived
2 backgrounds and all were termed 'maladjusted' and this
3 then goes on to say that the now outdated term was
4 defined as:

5 'Pupils who show evidence of emotional instability
6 or psychological disturbance and require special
7 education in order to effect their personal, social or
8 educational readjustment.'

9 And I think that seems to be a quote from a book
10 that I think referred to Lendrick Muir School at that
11 time.

12 Then it says:

13 'Lendrick Muir had between 80 and 100 pupils, which
14 was twice the recommended size for a school of its
15 type.'

16 A. Mm-hmm.

17 Q. Just to give us -- we'll look at some numbers when we
18 come to look at the Part A response, but how many
19 children are now at Seamab?

20 A. There's 19 residential young people who live with us
21 most of the time and six day pupils, so numbers are
22 considerably smaller.

23 Q. Okay.

24 LADY SMITH: Stuart, could I ask you just to get a little
25 bit closer to the mic.

1 A. Yeah.

2 LADY SMITH: You can pull it towards you as well as move
3 your chair.

4 A. Sure.

5 LADY SMITH: Thank you.

6 MS INNES: If we move on to page 2 of this document, please,
7 it notes at the start of the page:
8 'With high numbers of maladjusted children together,
9 the school became more authoritarian.'
10 So I think more authoritarian than the previous
11 entity?

12 A. Mm-hmm.

13 Q. Then it says that the Grieves retired from Lendrick Muir
14 in 1963. And then there's a note:
15 'Special school for dyslexia.'
16 And there's a news article there, I think, we see as
17 well, where it says in the late 1980s, there was another
18 change of direction where the school seemed to close
19 down and then re-open.

20 A. Yeah, I think -- does that sound all right?

21 Q. Mm-hmm.

22 Erm, I think they went through some financial
23 difficulty at that time, I think it closed down for
24 a year and then re-opened again and at that time, maybe,
25 they were looking to specialise in dyslexia, I believe.

1 Q. If we scroll down to the bottom of this page, we can see
2 that it says that:
3 'A series of cumulative events in the late 1980s led
4 to the closure of Lendrick Muir. In 1985, the Scottish
5 Educational Department withdrew a grant which had made
6 up half of the school's funding.'
7 A. Yeah, I think it was a combination of the withdrawal of
8 a grant and also I think there was a loan made by
9 a trustee at the time and when she passed, the bank were
10 looking for that loan to be repaid and my understanding
11 is that's when the school was -- the Lendrick Muir
12 building was sold at that time.
13 Q. Okay, I think if we go on over the page, we see
14 reference to difficulties, I think it's probably later
15 in the 1990s --
16 A. Ah, okay.
17 Q. -- where there was an unfavourable report, which
18 mentioned issues such as shared bedrooms and communal
19 showering.
20 A. Mm-hmm.
21 Q. Then it notes that an Edinburgh accountant, Helen Lowe,
22 who I think had been involved -- very involved with the
23 school before then --
24 A. Yeah.
25 Q. -- she had died and there was some hope that she might

1 have left some money in her will to the school and
2 I think she hadn't?

3 A. Yeah. No. I don't think she'd written a will actually,
4 I believe. So that was a big moment in terms of that
5 money being paid back to the bank and the school
6 subsequently closing.

7 Q. So as it notes there, the Clydesdale Bank called in the
8 debts very shortly after her death and the buildings had
9 to be sold, so the building that was known as
10 Lendrick Muir School closed in 1998 and the buildings
11 were sold at that time?

12 A. That's right. They were sold to Scripture Union and we
13 retained 7 acres and I think about six or seven
14 buildings, former teachers' houses --

15 A. Okay.

16 A. -- and that's become the care campus today.

17 Q. Okay, and if we go down it tells us a bit more about
18 Seamab House School. It says that a Mr and Mrs Quinn
19 were houseparents at Lendrick Muir School, John Quinn
20 was also a teacher, and they approached the board with
21 a proposal to open what had been the girls' boarding
22 house as a residential primary school for children with
23 social, emotional and behavioural difficulties and that
24 was then set up and it notes that -- I think -- so the
25 Quinns, I think, were in charge for the initial period

1 until Anne Anderson became the principal?

2 A. Yeah, I think they started, as I understand it, with two
3 children in the house that was formally -- sorry, on
4 Rumbling Bridge itself and that was the start of Seamab
5 as a primary school. Erm, I think they did that for
6 about ten years and then Anne Anderson took over.

7 Q. Now, if we can look on, please, to your Part A response,
8 which is at LMS-000000009.

9 And if we look on to page 2 of this, at the -- in
10 the first box on top of the page it says:

11 'In 1998, Seamab School achieved social work
12 registration and accepted its first 52-week placement,
13 becoming a residential provider as well as
14 an independent school.'

15 So it looks like, from a relatively early period,
16 Seamab was taking children on a 52-week basis?

17 A. Okay, yeah.

18 Q. Does that continue to be the case?

19 A. It does, yeah.

20 Q. Now, I noted from your CV that when you were at
21 Ochil Tower School, you had been involved in
22 a transition from, I think, a 38-week to a 43-week,
23 moving to a 52-week?

24 A. That's right, yeah.

25 Q. And the Inquiry has heard some evidence about schools

1 moving over time to provide 52-week placements. What --
2 are there particular challenges with managing that sort
3 of transition?

4 A. Yeah, there are. I mean, when you start off with 38
5 weeks, in the setting I was at previously, there's a lot
6 of parental involvement and I think, back in
7 Lendrick Muir days, there must have been a lot of
8 parental involvement with children, young people were
9 going home at weekends, going home at holidays and
10 things like that.

11 So once you switch to 43 or 52, then you become
12 completely responsible for the children all of the time,
13 which is a greater responsibility.

14 Q. And how does that impact on staffing?

15 A. You have to look at staff rotas and, you know, staff up
16 in order to meet that increasing demand. So it does
17 bring a lot of new challenges and pressures.

18 Q. Now, if we look down on this page, we see again about
19 the establishment of Lendrick Muir School and below the
20 part in italics, it says:

21 'At the time of the establishment of
22 Lendrick Muir School, the governing body included
23 a professor of education at Edinburgh University and two
24 consultant child psychiatrists.'

25 Then it refers to, I think, a separate advisory

1 committee including certain professionals. Does Seamab
2 continue to have a governing body?

3 A. Yeah. There's a board of trustees with a kind of range,
4 a skill set, some business, some social work, some
5 education.

6 Q. If we go on to page 3, I think we see the periods of
7 time over which the two differently named entities
8 operated. So we see reference at 5 to
9 Lendrick Muir School, Rumbling Bridge, 1962 to 1998, and
10 then Seamab School, which I think -- although it refers
11 to 2013 there, I think it did start in 1998, I think
12 that was maybe a change of name in 2013?

13 A. Yeah.

14 Q. Then if we look on, please, to page 5, so again if we
15 look down -- first of all it tells us that the
16 organisation in the shape of Seamab continues to provide
17 residential care and education to children aged 5 to 18?

18 A. Yeah.

19 Q. So you mentioned that when the Quinns began Seamab, they
20 began with primary-aged children, but it looks as though
21 it's extended over time?

22 A. Yeah. For many years it was aged 5 through to really
23 about 12/13 and then young people would often move on to
24 another secondary, you know, residential school. The
25 board of trustees a few years ago, in line with

1 fulfilling our part of The Promise, was to think about
2 what could we do differently and part of that was about
3 extending the school age and making the school secondary
4 provision.

5 We've also opened up another community house where
6 young people can move to and can -- so the oldest at the
7 moment is about 14, but they will stay with us through
8 to 18 and beyond, if that's what's required for them.

9 Q. Okay. If we look down to the bottom of this page, we
10 see reference to the trustees, the current trustees, so
11 it says that:

12 'Seamab has a dedicated team of trustees who meet
13 regularly to form strategy review progress against our
14 vision and oversee the work of the organisation.'

15 A. Yeah.

16 Q. That continues to be the role of the trustees?

17 A. Yeah, very much so. There's sort of four board -- full
18 board meetings a year, but there's subcommittees;
19 Children's Committee, Development Committee, and lots of
20 day-to-day contact really with the board.

21 Q. And then you refer to, as you've mentioned, the various
22 skills that the trustees bring and then if we look over
23 the page in terms of a senior leadership team, you talk
24 about the current structure.

25 So you're the chief executive and then, reporting to

1 you, are the Head of Care and the Head of Education?

2 A. Yeah, that's right.

3 Q. And then presumably below them there are various

4 teachers or residential --

5 A. Yeah, teachers for the education, the education support

6 workers and on the care side, there would be team

7 managers, assistant managers, seniors and care staff and

8 then also reporting to me would be, you know, HR,

9 finance, psychology, things like that.

10 Q. So do you have in-house psychology?

11 A. We do, yeah. In the past couple of years we initially

12 got funding and we're able to have a full-time

13 psychologist for four days a week, so that's been a real

14 sort of bonus to have that in-house.

15 Q. And presumably the work that the psychologist then does

16 informs the work that other staff members do?

17 A. Yeah. At the time we advertised broadly for

18 a psychologist to see, you know, who was out there and

19 who was going to be interested. It turns out it's

20 an education psychologist we have, so that really helps

21 with, you know, the education plans, but also that

22 person needs to be comfortable working within the care

23 side and supporting the care staff as well.

24 We've also got, you know, training managers and

25 we've got some interesting roles as well. Erm, we've

1 got a restraint reduction associate, who is part of
2 a partnership with the Knowledge Transfer Partnership
3 and Strathclyde University, so that gives us a really
4 solid, dedicated person to look at kind of reflective
5 practice for the staff team.

6 Q. Okay, and what sort of things do they do? Do they speak
7 to staff one-to-one about restraints, for example?

8 A. They do. They now chair the Restraint Reduction
9 Committee and then they will speak to staff post
10 incidents, just to do analysis and work out, you know,
11 ways in which we could improve practice.

12 Q. And do they carry out any broader analysis? We'll come
13 later on in your evidence to look at an audit that was
14 done back in 2014 of incidents; is that the sort of
15 thing that they would do?

16 A. Yeah, we do -- we actually collate, you know, a lot of
17 statistics round about incidents, the type of incidents,
18 the duration of incidents, erm, this type of thing. We
19 give case studies to the board to do analysis like that
20 so they're kept up to date with that. We're really
21 hoping that this Knowledge Transfer Partnership role,
22 which was a two-year funded role, I want that to change
23 into a practice and research lead. So I'm taking that
24 to the board in August, actually, for this new post to
25 be created on the back of the funded post.

1 So the answer is that this person provides a lot of
2 reflective practice, both individually and collectively,
3 to teams, because the nature of the work can be very
4 demanding on individuals and if you're involved in
5 situations that are, you know, very highly charged, you
6 need that opportunity to share that with someone.

7 Q. So the practice and research lead would perhaps have
8 a broader role than just restraint?

9 A. Erm, well, the practice element would be that they would
10 link in with the learning co-ordinator and be able to
11 work with inductees to really prepare them for the work
12 and be able to check in with them over the course of
13 their induction period and beyond.

14 The kind of research aspect is that things like
15 SPRAG, you know, the Scottish -- I wish I could remember
16 all the -- help me, help me -- restraint --

17 LADY SMITH: Scottish Partnership Reduction --

18 A. Action Group.

19 LADY SMITH: It focuses on restraint.

20 A. It absolutely does and it's a collective of lots of
21 organisations looking at restraints, so we're feeding
22 into that process and I think that person is very
23 academic, very -- you know, is a doctor and links in
24 with Strathclyde University. So I think there's a lot
25 of potential for that, for Seamab to kind of be part of

1 that conversation about reducing restraint to go
2 forward.

3 LADY SMITH: Stuart, on a couple of occasions now you have
4 referred to the 'Knowledge Transfer Partnership'. Tell
5 me about that?

6 A. Yeah. It's -- Knowledge Transfer Partnership, I hadn't
7 heard of it before, but it's often involved in commerce,
8 so it's people making widgets and how can we make more
9 widgets, so they look at ways of improving systems, if
10 you like, in the commercial world. It's unusual for
11 them to get involved in the social care world, but we
12 managed to kind of have a persuasive conversation on
13 that.

14 So they funded this role for two years along with,
15 erm, Corra as part of The Promise, so we were able to
16 have this conversation with Strathclyde Uni and create
17 this role. So we saw it as being quite an innovative
18 role in the type of work that we do.

19 MS INNES: So does the Knowledge Transfer Partnership
20 essentially link people who are within universities
21 to --

22 A. Well, what we had to do was we had to advertise for the
23 role at that point, so they link with a university, so
24 it's Strathclyde, who have a big specialism within their
25 department around residential childcare, and there's one

1 individual in particular, Laura Steckley, who has, you
2 know, written a lot about restraint, restraint
3 reduction, holding safely. And so we're linked in with
4 her and with another academic on a kind of children's
5 rights aspect. So it's a really interesting project.
6 So we had to advertise and when we did, we were kind of
7 fingers crossed, hoping there was somebody out there
8 that would meet the kind of job description, and
9 lo and behold, there was somebody with really good
10 practical experience as well as the right academic
11 background, so yeah.

12 Q. Now, if we move on down the page that we're looking at,
13 there's reference to funding and we've seen some of this
14 in the history already that over the initial period,
15 there was funding from the Scottish Education Department
16 but that was then removed?

17 A. Yeah.

18 Q. And in terms of funding, is Seamab grant-aided or not?

19 A. No, it's not. It's -- we're just reliant really on the
20 fees from the young people through the local
21 authorities.

22 LADY SMITH: And these fees are coming from local
23 authorities, I take it?

24 A. They are, yeah. Generally, social work would initiate
25 the placement referral and if it was a care and

1 education placement, I believe they would split that
2 50/50 type thing with education.

3 LADY SMITH: Are you able to take any private placements or
4 is that still excluded as it originally was?

5 A. Erm, we don't take private placements, but I just think
6 probably we're a high cost, you know, because of the
7 nature of the specialism. Erm, my previous school,
8 there was the occasional private placement, but not in
9 Seamab.

10 Q. And I think you mentioned that in your previous school,
11 there was a lot of parental involvement, whereas at
12 Seamab the children are mainly --

13 A. Much less so. There's still -- of course there's still
14 parental involvement, if that's deemed to be healthy and
15 appropriate, erm, but it's more in a controlled-type
16 situation, not going home necessarily for full weekends
17 or holidays, things like that, although we do have some
18 young people who can do that as well, so it's
19 a case-by-case basis really.

20 Q. If we can move on, please, to page 13, and to the ethos
21 of the organisation.

22 So at the bottom of the page, beyond the object of
23 the company that's noted there, it says:

24 'The primary purpose of the organisation was as
25 a school, residential care being ancillary to that but

1 with the move to 52-week care ...'

2 That changed the function and mission to providing
3 a more specialised residential resource?

4 A. Mm-hmm.

5 Q. And that continues to be the case?

6 A. That's right, yeah.

7 Q. Now, if we can move on in the next page to page 15,
8 there's a question about what the organisation's
9 attitude was to discipline of children and there's
10 reference there to a care and control policy from round
11 about 2010, and I wonder if we could have a look at that
12 document, please. It's LMS-000000033.

13 And we can see that this is a care and control
14 policy and there's reference just below the bullet
15 points to note that part of the school's culture is that
16 positive behaviour is modelled and rewarded and that
17 behaviour which is destructive or threatening is
18 discouraged and seen to have consequences.

19 And then it goes on beyond that and, if we look down
20 to the bottom of the page, there's a heading:

21 'Consequences.'

22 It says:

23 'Any consequence to behaviour has to be seen to be
24 fair and to be exercised with regard to generally
25 acceptable standards of the school. Consequences also

1 need to be related to the individual needs of the child
2 and to be understandable in his or her terms.'

3 And then over the page, there's a list of various
4 consequences. So, for example: restriction of leisure
5 activities; going early to bed; time in with adults;
6 allocation of additional tasks or duties; reparation;
7 restitution; removal to an alternative setting and then
8 it notes that certain actions and consequences are
9 prohibited, such as, for example: physical punishment;
10 deprivation of food and sleep; and suchlike.

11 Now, this was from round about 2009/2010. Has the
12 approach to discipline or behaviour changed since then?

13 A. Yes.

14 Q. And can you give us a picture of how things have
15 changed?

16 A. Yeah. This document no longer, you know, exists.
17 'Consequences' is a word that's -- I remember in my
18 early days of being a residential care worker, erm, that
19 some staff, you know, were a little preoccupied with
20 consequences. Maybe it was part of their own upbringing
21 that they brought to their work, but over the years, the
22 'consequences' word is not really used in the same
23 degree at all.

24 It's really more on a case-by-case basis and within
25 each house, the manager, assistant manager and key

1 workers, will link in with the young person and work
2 out, you know, what was the reasoning behind the
3 particular behaviour and it's much more about
4 encouragement, help, support, trying to get to the root
5 of the issue that's maybe caused a problem for the young
6 person and for them to act out in a way that's maybe
7 trying to convey a message that we need to be aware of.

8 In terms of reactions to situations, that may well
9 be a young person has been unsafe in a vehicle, for
10 example. So we might then say: 'Actually, you're unable
11 to travel in a vehicle for a short period of time, until
12 we have that conversation about safety and if you've
13 placed people at risk', so that's more of the -- it's
14 much more conversational about how -- overcome an issue
15 and get to the source of the problem or the issue.

16 This type of document is not an overarching document
17 that we would at all use now.

18 Q. So it would be on a case-by-case basis?

19 A. Yeah.

20 Q. And presumably the terminology of control, so care and
21 control policy, that wouldn't be used?

22 A. No, no. We wouldn't use that language.

23 Q. Okay. Now, if I can ask you to go back to the Part A
24 response, please at LMS-000000009. And if we can look
25 at page 19. And we see some -- a reference to numbers

1 on this page.

2 So it notes that Lendrick Muir School had capacity
3 to accommodate up to 80 children and Seamab House could
4 accommodate 12 children and then, as you've already
5 noted at the bottom, it says:

6 'Seamab now looks after 19 children for residential
7 care and education, a further six for education only.'

8 So that must be the day pupils?

9 A. Mm, yeah.

10 Q. And if we look on to page 20, I think we see some
11 further reference to numbers that you've been able to
12 find from the school records, which indicate that at
13 particular years, there was a certain number. So these
14 seem to have broadly reduced between 1972 into the 1980s
15 and down to very low numbers in 1988 --

16 A. Yeah.

17 Q. -- when we know that the school closed?

18 A. It's just to say, Ruth, you know, having 100 pupils is
19 a lot, erm, and I think the ratios would have been
20 almost one teacher to ten young people, whereas at the
21 moment the class size might be five young people
22 actually with a teacher and two support staff. So the
23 ratios are entirely different and I think that's maybe
24 where that care and control aspect comes, because maybe
25 trying to 'control' a situation with 100 pupils may have

1 been a different approach to the one we would use today.

2 Q. Yes, I see here that on 5 September 1996, it notes that

3 there were 39 average per term, which does seem

4 relatively high again in more modern times?

5 A. Mm-hmm, yes.

6 Q. But since then it's reduced again?

7 A. Yeah. Some of the larger schools would have those

8 numbers -- I worked at Ballikinrain School many years

9 ago and I'm sure there were 35 young people. So some of

10 the numbers were really quite high at that time.

11 Q. And did that have an impact on the ability to support

12 the individual needs of the young people?

13 A. Yeah, with the staff ratios and I suppose the group

14 living situation, just having so many young people in

15 the one place, it's -- all with quite complex histories,

16 so if you can work in smaller kind of groups, it gives

17 more one-to-one time and more time to understand and

18 support -- certainly speaking in today's context -- the

19 children through their traumatic histories.

20 Q. If we can move on, please, to page 22, and question 1.7

21 refers to the background or experience of the children

22 who were admitted.

23 And in the early years of Lendrick Muir School,

24 there's reference to the term 'maladjustment', which you

25 note, and then there's a quote from a document from 1969

1 saying:

2 '55 per cent of the children admitted come from
3 families where there is an atypical structure, for
4 example where one or both parents are dead, but 45 per
5 cent come from apparently normally constituted homes.
6 Children from either group present the same variety of
7 symptoms, on average three each. The most common are
8 stealing, aggressive behaviour, behaviour difficult in
9 other ways, incontinence and lying; but there are many
10 more ranging from running away from home to refusal to
11 leave home.'

12 Now, that's obviously from 1969 and are these
13 behaviours that you would see in a residential context
14 now or not?

15 A. It's really interesting language, isn't it, you know,
16 from that era? It's quite shocking language actually.
17 You would still see behaviours, you know, that could
18 involve stealing, difficult behaviours, aggressive
19 behaviours. We will have young people who have -- who
20 wet the bed. We will have young people who will tell
21 mistruths, but it's an entirely different context of
22 understanding why and how can you support them.

23 Q. And then if we look, please, at this document that's
24 quoted from, there was something else that I wanted to
25 refer to, so it's at LMS-000000028.

1 And we see that this is from a review of the school
2 and it's covering the period from 1965 to 1969 and it
3 talks about the places from which children have been
4 admitted to the school and then there's reference to the
5 girls' house and about four lines from the bottom of the
6 paragraph that is before the paragraph beginning '55 per
7 cent', so there's a line beginning:

8 'For further enlargement ... '

9 And then it says:

10 'We continue to reject applications from those who
11 have a history of delinquency or sexual promiscuity,
12 from those who are schizophrenic or physically
13 handicapped and from those of not above average
14 intelligence.'

15 So in addition to saying who was being admitted, the
16 school at that time seems to have taken an approach of
17 rejecting applications from certain people?

18 A. Yeah. It's the first time I've seen this document. Was
19 that 1969?

20 Q. This is 1969 as well, yeah.

21 A. Wow. Erm, yeah. I'm sort of a bit speechless at the
22 wording, to be honest.

23 Q. And I think we know that when Lendrick Muir School was
24 in operation, there was this idea that it would cater
25 for children who were, as it was said, 'maladjusted',

1 but above average intelligence. So it looks like there
2 was some kind of perhaps IQ testing or something that --

3 A. I'm not sure how they would have -- how they would have
4 done that.

5 Q. If we look back to LMS-000000009 and the section A
6 response and page 23 and, at the bottom of the page,
7 there's reference to how long did children typically
8 remain in the care of the organisation. It's not known
9 in respect of Lendrick Muir School because of the lack
10 of records, and it then says:

11 'In Seamab School, between 1988 and 2014, children
12 remained in the care of the school for an average of 29
13 months.'

14 And I think that was a calculation that was carried
15 out in order to ascertain how long children were at
16 Seamab.

17 In terms of what happens now, you mentioned that
18 you've got the -- 52-week care and also taking children
19 from primary age up until 18?

20 A. Yeah.

21 Q. Do children tend to stay at Seamab for a long time or
22 not?

23 A. Erm, it's -- again, it's really variable, Ruth. It's --
24 we had one young person recently who did move on, but
25 she had been with us for seven years, so that's probably

1 quite unusual to have been with us for that length of
2 time, but, erm, you can have examples where children
3 spend less time than this average year. They may come
4 to us for a year at the age of 6 and be helped to kind
5 of almost stabilise some behaviours and be able to make
6 sense of some of their historical backgrounds and have
7 the support of a team and then be able to return to
8 a foster care placement, for example, so that can be
9 seen as a really positive experience of coming to
10 Seamab.

11 For others now, having this additional house and
12 being able to provide a secondary education, we're
13 pretty sure there'll be, you know, obviously more young
14 people will spend longer with us and then we'll be
15 helping them with the next stage of their lives, post
16 school.

17 LADY SMITH: Stuart, can you just get that microphone in
18 a better place. I'm losing you sometimes.

19 A. Okay, all right.

20 LADY SMITH: Not too close, that's probably a bit close, but
21 somewhere in between the two, that would be great, thank
22 you.

23 A. All right.

24 MS INNES: So you mention, for example, children might go
25 back to a foster care placement.

1 A. Yeah.

2 Q. Would they go back to mainstream education or would
3 there perhaps be a day school that provides special
4 education and support?

5 A. It's quite a tricky one. Returning to mainstream.
6 Quite a lot of our young people have had very poor
7 experiences in a mainstream setting, so they may have
8 had a number of mainstream schools and the sheer
9 enormity of a mainstream school, 1,200 pupils or
10 something like that, is really intimidating and daunting
11 for our young people.

12 So it has happened that they -- when I first started
13 at Seamab, there was one young man who managed to
14 maintain a mainstream placement but really not since
15 then. Erm, so they would tend to stay with us in that
16 setting, where they're receiving an education but
17 they're also receiving a lot of social and emotional
18 support in school as well as on the care campus as well.

19 Q. Okay. Now, if we can look on, please, to page 27, this
20 is where staffing is referred to and we can see at
21 paragraph 1.8, towards the bottom of the page, there's
22 reference to Lendrick Muir School having employed
23 teachers obviously as well as houseparents or matrons
24 and then, moving forward in time, it's noted that a Head
25 of Care was recruited by Lendrick Muir School in August

1 1995.

2 And you've gone on to explain the current structure.

3 If we go on over the page, please, to page 28, at the
4 bottom of the page, it's noted there that Seamab
5 currently employs 42 permanent and eight sessional staff
6 who have responsibility for the residential care of
7 children?

8 A. Yeah.

9 Q. Is that still round about the same?

10 A. Probably slightly more than that now with the new house
11 and also the structure has changed slightly, I think,
12 you know, team manager, assistant manager, senior as
13 well within the teams and then maybe seven staff in each
14 house. Erm, so -- but I think certainly of our overall
15 staff numbers, I think about 60 per cent would be
16 residential staff.

17 Q. And then in terms of teaching staff?

18 A. Teaching staff; six teachers, a principal teacher,
19 a head of education, an education support worker --
20 sorry, an education service manager, who largely deals
21 with the outdoor activities and the wider achievement
22 and our education support workers who are kind of like
23 classroom assistants. So again, the ratios are really
24 high, maybe five pupils in a class with three staff.

25 Q. And in terms of the teaching staff, do they come in to

1 Seamab as though they were essentially a teacher in
2 a day school and work as teaching staff only or does
3 that --

4 A. Erm, they come as teacher only. So they'll -- in order
5 to attract good quality teachers, you really have to
6 match the conditions of a mainstream setting to attract
7 good quality. What you want to do is try and attract
8 actually people who've come from the mainstream who can
9 bring that kind of rigour in terms of curriculum
10 delivery, erm, rather than someone who -- this is just
11 my own personal opinion about it but rather than
12 somebody who's only worked in the independent sector.
13 So we try to keep the educational standards as high as
14 we can and fulfil the Curriculum of Excellence as much
15 as we can. So, yeah.

16 Q. Okay. Over the page -- sorry, going on to page 30,
17 there's reference to recruitment and it notes there
18 that -- this is in respect of residential care
19 workers -- it says it has become increasingly
20 challenging to employ experienced and qualified staff;
21 does that remain the position?

22 A. I think across the whole sector it's challenging to
23 recruit staff, possibly post-pandemic. There was a bit
24 of a change round about attitudes in terms of
25 recruitment. Erm, I was speaking to the HR manager

1 about this yesterday and I think 54 per cent of people
2 that we invite for interview either don't turn up or
3 something very similar, but basically it's a very high
4 number of people who don't turn up or just don't get
5 back in touch. So I don't know what's happened,
6 particularly in the employment sector, but there's
7 definitely been a shift where it's really hard to rely
8 on people to turn up for interview.

9 So you do have that issue where sometimes you're
10 looking at experience but you're also looking at, you
11 know, people who have similar backgrounds, you know, so
12 that you can see the potential to work within the care
13 sector. So -- but we do follow the SSSC guidance for
14 safer recruitment, of course. We have -- the learning
15 co-ordinator, spoke about the KTP person, the
16 psychologist, so we try to build a really robust
17 induction process so that we can really, in those very
18 early days, you know, look to kind of retain staff and
19 give them the learning opportunities and also have that
20 structure where people can see there's promotional
21 opportunities as well.

22 So within that kind of mix, we do have actually some
23 really long-standing members of staff who've been with
24 us, the longest serving is 27 years. There's others
25 15 years, 12, you know, that type of thing, so it's

1 a kind of mixed picture.

2 Q. Now, if we can move on, please, to page 32, and you're
3 discussing here again the issue of governance and this
4 starts on page 32 and if we move to page 33, it refers
5 to the selection of members of the governing body and it
6 notes that the original memorandum of association states
7 that a member of the governing body must be a British
8 subject and either a member of the school or a person
9 approved by the governing body on account of his
10 experience and knowledge of education, administration or
11 finance as a suitable person to be elected as a member
12 of the governing body.

13 And it then goes on to note, bringing matters up to
14 date, that trustees of the governing body were and are
15 selected for their skills and experience relevant to the
16 management and operation of the charity and the services
17 that it provides.

18 So as you have already said, you're looking for
19 people with a variety of skills and experience?

20 A. Yeah, yeah. You're looking for that mix and it wouldn't
21 just be his experience, it would be his or her
22 experience these days. But you're looking at that mix
23 that you do want a well-run, you know, financially
24 strong organisation, but you also want people that can
25 understand education and social work and come and

1 provide that governance and oversight and ask those
2 questions of the leadership team.

3 Q. Then if we go over the page at page 34, it notes that
4 the original governing body back in the Lendrick Muir
5 days, they used to have meetings predominantly held in
6 Edinburgh and then it says from then on there's no
7 indication as to the location of meetings. Do the board
8 of trustees come to the school, do they see what's going
9 on?

10 A. They do, Ruth. They -- we do still actually hold some
11 meetings in Edinburgh, you know, for space reasons at
12 the moment. We're building a new school which will be
13 ready in October and we will have much more space. But
14 the Children's Committee will meet at Seamab and
15 trustees will visit and meet with staff, both on care
16 side and education side.

17 I think from the historical side, it struck me that
18 I think all of the meetings took place in Edinburgh.
19 I'm just not sure how much contact there was back in
20 that time and I think also in that ten-year period that
21 Seamab existed alongside Lendrick Muir, looking at the
22 minutes, I don't think there was much contact between
23 the two. I think they kind of went in separately to the
24 office in Edinburgh. I don't think there was much
25 dialogue particularly at that time.

1 Q. And then, if we move on over the page to page 35, it
2 notes that Seamab trustees are required to undertake
3 annual child protection training?

4 A. Yeah.

5 Q. And I think you've also told us that if they were
6 speaking to a child, they would always be accompanied by
7 a staff member?

8 A. Yes.

9 Q. Just below that, there's a question about culture: 'What
10 was the nature of the culture within the organisation?'.
11 And historically, as you say, it's very difficult to
12 tell because there's very little in the way of existing
13 records. What would you say the culture of Seamab is
14 now?

15 A. The culture of today is extremely child-centred, I would
16 say. It's a very nurturing organisation. Just the kind
17 of history of Seamab now really has been working with
18 very young children and that was a specialism for many
19 years, so that has created a very nurturing kind of
20 environment. The staff team are completely and utterly
21 motivated, I would say, to really support, particularly
22 vulnerable children, so that's the overriding sense.

23 LADY SMITH: Stuart, I can understand exactly why you say
24 these things, but if I was to walk into Seamab today,
25 how would I pick up what the culture of the place was?

1 A. Yeah. I mean, I dropped a child off myself at Seamab
2 when he was moving when I was a manager in a previous
3 establishment, so I went in to one of the houses on that
4 day and I just kind of got a sense, you know, because
5 people talk about getting a sense of a place so actually
6 I think there is something in that, a feeling in the
7 gut, a feeling of -- there's a good feeling in this
8 place, I think -- I hope you would feel that.

9 LADY SMITH: Can you remember what it was that made you feel
10 that?

11 A. Erm, I think probably the warmth of the welcome that you
12 might get. The openness that you would feel and the
13 sense that, you know, people are focused on the child
14 that you would have been there talking in relation to.
15 So I think it's just that openness and wish to support
16 the children.

17 LADY SMITH: Thank you.

18 MS INNES: Then, if we could move on, please, to page 38, we
19 see there a list of the previous -- well, headmasters of
20 Lendrick Muir School, so that was the title of the
21 person who was in charge over that period.

22 We can see, for example, Mr Thornber from 1965 to
23 1985, so a 20-year period. And then Mr Hayles from 1987
24 to 1997, so a ten-year period. So those people appear
25 to have been there for quite a long time. And then

1 Seamab, as you've already mentioned, the Quinns were
2 there to begin with and then it was Anne Anderson, 1995
3 to 2011, and then Joanna McCreadie from 2011 to 2019 and
4 she was your immediate predecessor?

5 A. Yeah, that's right.

6 Q. And we can see that the name of the role changed.
7 I think Anne Anderson was described as the Principal,
8 but Joanna McCreadie was the Chief Executive?

9 A. Yeah, I think some of the titles changed, just,
10 I suppose, kind of looking to professionalise the
11 services or people who didn't necessarily have
12 an education background, but maybe a social work
13 background, for example, could become chief executive.

14 Q. I suppose 'principal' does make one think of a teacher
15 in a school?

16 A. Yeah. It's that kind of -- old school literally,
17 really, isn't it?

18 Q. Now, I'd like to move on to some other documents that
19 have been looked at in some other evidence. So first of
20 all Education Scotland's report to the Inquiry which is
21 at SGV-001033536. If we can look, please, at page 147.
22 Sorry, if we just go back to page 146 so that you can
23 see that this is the section of the report that deals
24 with Lendrick Muir.

25 A. Mm-hmm.

1 (11.10 am)

2 (A pause for a technical issue)

3 (11.17 am)

4 LADY SMITH: Stuart, I'm so sorry about that --

5 A. No problem.

6 LADY SMITH: -- but it looks as though things are running
7 all right now.

8 A. Okay, thanks.

9 LADY SMITH: Ms Innes.

10 MS INNES: Thank you, my Lady.

11 Now, just before the break I was referring to
12 a document which is SGV-001033536 and this is Education
13 Scotland's report to the Inquiry and at page 146, it
14 starts dealing with Lendrick Muir and Seamab.

15 If we could move on to page 149, please, and if we
16 can look at the entry at the bottom of the page, 7 July
17 1979, which is referencing a visit by HM Inspectors to
18 the school in June 1979.

19 And if we go on over the page, at the top of the
20 same column, we see reference to concerns about a lack
21 of discipline, children engaging in sexual activity,
22 vandalism and obscene insults to staff and that's in the
23 context, I think, of a visit by the solicitor -- the
24 then Solicitor General to the school.

25 It says the report also notes that four female

1 pupils were recently expelled due to alcohol, drug
2 taking and sexual activity. So those issues are
3 highlighted, but then it goes on:
4 'HMCi reported that without underestimating the
5 seriousness of the complaint from the Solicitor General,
6 the complaints from Fife Education Authority were
7 somewhat more serious.'
8 And this notes the complaint included the standard
9 of residential provision having fallen below tolerable
10 standards and then it goes on to refer to a lack of
11 cleanliness and --
12 LADY SMITH: Sorry, where are we in the report?
13 MS INNES: The paragraph beginning:
14 'HMCi.'
15 LADY SMITH: Reported, yes and the date of this?
16 MS INNES: Is June 1979.
17 LADY SMITH: 1979. Thank you.
18 MS INNES: So it notes complaints from Fife Education
19 Authority and this is reflecting more broadly, I think,
20 on the standard of residential provision having fallen
21 below tolerable standards.
22 A. Yeah.
23 Q. And I think you had seen this when you were looking at
24 this?
25 A. Yes, aye. Yeah, clearly there were problems at the

1 school at that time. I think the Solicitor General
2 happened to be the MP for the area, Nicky Fairbairn,
3 I believe, so he was maybe there in his capacity as
4 an MP, but despite that, obviously there was a lot of
5 issues coming to light, just basic standards,
6 cleanliness, as you say, and they probably were still
7 living in a kind of dormitory-type accommodation at that
8 time.

9 Q. Now, I want to move on and look at some other material
10 that was shared with the Inquiry by the
11 Care Inspectorate and first of all I'd like to look at
12 an inspection report from 2003.

13 So it's CIS-000011353 and we can see that this is
14 a follow-up inspection, 2003 to 2004, and if we look on
15 to page 3 of the document, at the final page -- the
16 final paragraph on this page, it notes that:

17 'The last inspection took place in January as part
18 of the programme of integrated inspection of residential
19 schools by the Care Commission and HMIE. The latter
20 also following up work undertaken by the school in
21 respect of the main points for action identified in an
22 earlier report.'

23 It says:

24 'The January inspection covered key aspects of the
25 work of the school, including the school's environment,

1 ethos, support for pupils, learning and management
2 encompassed in selected national care standards and
3 quality indicators. This inspection is one of the twice
4 yearly inspections undertaken by the Care Commission,
5 one of which must be unannounced.'

6 And then we see -- in the basis of the report, we
7 see that this was an unannounced visit.

8 Now, if we look on to page 7 of the document, we see
9 in the bullet points, so the second last bullet point,
10 there's reference to discussions being:

11 '... underway with the Forth Valley Child Protection
12 Co-ordinator with regard to further training in child
13 protection. While the Head of Care is the named child
14 protection officer and has liaised closely with the Care
15 Commission on this issue, the school is mindful of
16 recent national guidance. Revised policies and
17 procedures in relation to child protection are still
18 outstanding despite ongoing urgency arising from
19 frequent child protection concerns presented by this
20 group of children.'

21 So it appears that the Care Commission at that stage
22 were drawing the school's attention to having to make
23 sure that their policies and procedures in relation to
24 child protection are up to date and I assume that's
25 something that you continue to review on an ongoing

1 basis?

2 A. Yeah, we do. We have to deliver face-to-face child
3 protection training annually to all of our staff, and
4 it's part of the induction as well that we would deliver
5 child protection training, yes. It's very high on our
6 priorities.

7 Q. And then the next bullet point says:

8 'All staff have now been re-accredited in
9 therapeutic crisis intervention with only an internal
10 trainer awaiting re-accreditation for his specific role.
11 There continues to be a disparity of incidents between
12 the units but an audit and review of care practices has
13 shown that this reflects the different levels of
14 challenging behaviour.'

15 So therapeutic crisis intervention I think we would
16 understand as being a particular method of restraint?

17 A. Yeah, there are a few. TCI, MAPA, CALM, we use CPI
18 currently, Crisis Prevention Institute, so it's
19 another -- they're all broadly similar. But all of our
20 staff are trained in those practices and if somebody
21 starts new and happens to fall just outwith one of those
22 training opportunities, then they wouldn't be involved
23 in any physical interventions until they'd had that
24 training.

25 We've really focused on making sure that that's not

1 the first experience that staff have, that they learn
2 how to do this physical intervention but in actual fact
3 they start with a thing called PACE, which is
4 Playfulness, Acceptance, Curiosity and Empathy, which is
5 the core of our training. So that they understand
6 about, you know, different approaches, de-escalation,
7 and how to, you know -- have good communication with
8 children in any circumstance.

9 LADY SMITH: Stuart, can you tell me again what PACE stands
10 for?

11 A. It's Playfulness, Acceptance, Curiosity and Empathy.

12 LADY SMITH: Thank you.

13 A. So it's really part of the kind of attachment model of
14 how, you know, you'll work with our children.

15 MS INNES: And then if we go on over the page, to page 8,
16 the third bullet point on this page, it says:

17 'Recording of incidents other than accidents
18 continues to reflect the inherent inadequacies of the
19 three recording formats for incident, physical restraint
20 and assaults on staff with both unnecessary duplications
21 and omission of essentials leading to confusion and
22 excessive paperwork for staff for whom incidents are
23 often a frequent part of their day.'

24 The writer offered to provide materials for
25 adaptation to Seamab's specific requirements.

1 So obviously we would be aware that, even today,
2 recording of incidents has to be undertaken, physical
3 interventions have to be reported. How do you ensure
4 that the recording is as essentially straightforward as
5 possible for staff, whilst at the same time making sure
6 that you get enough detail into these records?

7 A. Yeah, it's really about the format of the form and
8 understanding, you know, what's an incident, what
9 constitutes an incident, you would update social work
10 and parents, for example, and it's about the
11 communication thereafter. So the template will inform
12 the information that needs to be gathered and then
13 that's checked, you know, the person who's involved in
14 the situation will be the primary writer of that, but
15 then that will be checked by a line manager and it will
16 be checked for, you know, kind of grammatical, you
17 know -- the fact that it's correct and is in a good
18 format by the administration staff and then it will be
19 sent out at that point.

20 That's for incidents or, you know, physical
21 interventions, and then any physical intervention, there
22 will be a notification to the Care Inspectorate so
23 they'll be notified and that's the same with any visits
24 to hospitals, for example, for any reason. So, yeah,
25 it's just about all-round communication with the

1 regulators and the responsible people involved with the
2 child.

3 Q. Now, if we move on, please, to 2004 and if we can look,
4 please, at a document CIS-000011291. This is
5 a reference to a complaint which had been made against
6 Seamab at the time.

7 If we look on to page 2.

8 It begins there saying:

9 'On 6 July 2004, the Care Commission received a
10 telephone call from a third party, indicating concerns
11 about the care practices of a member of Seamab School
12 care staff which had been expressed to them indirectly.'

13 Now, pausing there, the indirect source of this
14 information was a person who had reported it in the
15 context of an interview for another job and having to
16 explain why they -- there was a gap in their CV.

17 And then the source of the information agreed to
18 speak directly to the duty Care Commission officer and
19 then at point -- there's a list of points, where there
20 are concerns expressed about pushing children to the
21 ground, holding children roughly, a child appearing with
22 bruising around his neck. And then, if we look down on
23 to page 3, we can see in the middle of the page that the
24 complaint was partially upheld and it says that:

25 'The staff member has been the subject of concern on

1 previous occasions on a couple of dates in 2001 in
2 relation to inappropriate use of restraint. The staff
3 member was advised not to initiate restraint for three
4 months and to undertake further training in TCI.'

5 There was an allegation of inappropriate verbal
6 communication, which had resulted in a first written
7 warning in 2001, and then there was another issue in
8 relation to the use of inappropriate language.

9 And then if we go on again to page 5, and to the
10 paragraph beginning 5, towards the bottom of the page,
11 there's -- the first line says:

12 'Children were not interviewed on this occasion.'

13 Then it goes on in the next paragraph under point 5
14 to say:

15 'It is a matter of judgment as to whether the
16 incidents witnessed by the source showed excessive
17 force, as the source felt, and whether they could have
18 been handled differently with the same outcome, namely
19 the children's safety. It is unfortunate that the
20 source did not feel able to report and record these
21 matters at the time so that they could be dealt with
22 timeously and the children's welfare safeguarded. Other
23 staff, including those on the staff member's own team,
24 endorsed the school's ethos of being able to question
25 staff behaviour, in a number of settings, in

1 a constructive and supportive manner.'

2 So it appears that this -- the person who made the
3 allegations didn't raise them at the time, and how do
4 you ensure that staff feel comfortable to be able to
5 raise an issue of concern about the practice of another
6 staff member?

7 A. Yeah, it's really part of the child protection training.
8 It's really about standards and having that conversation
9 very early on, that it's in everyone's interest to
10 ensure that the standards around child protection are
11 kept to the highest degree. So that would form part of
12 the child protection training, to talk about
13 whistleblowing policy, to talk about reporting poor
14 practice so that hopefully these kind of situations
15 wouldn't reoccur.

16 Q. And do you write into staff contracts now that they have
17 a duty to report if they witness abuse, for example?

18 A. I'm not sure it's written into the staff contract, but
19 it's certainly part of the child protection training, so
20 therefore-, you know, it's --

21 LADY SMITH: Do you have a whistleblowing policy?

22 A. We do, yeah.

23 LADY SMITH: Is it written into that?

24 A. Erm, I would need to check on that.

25 LADY SMITH: If it's not written into the contract that

1 might be where a member of staff would look to see what
2 to do in such circumstances?

3 A. I would need to check on that as well. Yeah. I'd need
4 to check on the detail of that, but, you know, people
5 are coming -- excuse me, to work in this environment so
6 from the very word go it's what we talk about, child
7 protection, so I think the child protection training and
8 the induction period is where you underscore that, where
9 you emphasise that.

10 LADY SMITH: Ms Innes, would that be a good place to break?

11 MS INNES: It would.

12 LADY SMITH: Stuart, I promised you a break at about 11.30,
13 so I'll take the break just now and I'll sit again in
14 about a quarter of an hour.

15 (11.32 am)

16 (A short break)

17 (11.49 am) .

18 LADY SMITH: Stuart, welcome back. Is it all right if we
19 carry on?

20 A. Yes, of course.

21 LADY SMITH: Thank you. Ms Innes, when you're ready.

22 MS INNES: Thank you, my Lady.

23 If we could now look, please, at CIS-000011365, so
24 we're moving forward in time into 2013 and some issues
25 that arose over the 2013 to 2014 period.

1 So looking at this note, which is dated 18 October
2 2013, this is a meeting, I think, between the inspector
3 from the Care Inspectorate and the headteacher is noted,
4 Joanna McCreadie, a board member, and a team manager,
5 and it says:

6 'The aim of the meeting was for Seamab to give
7 updates on the current situation with staff and outline
8 plans to overcome [the] current situation.'

9 But then notes that the board member gave background
10 information. The board had recognised that the quality
11 of care was not satisfactory and had appointed
12 Joanna McCreadie to bring about change.

13 'This followed a joint inspection with Education
14 Scotland where a number of failings were highlighted.
15 Education services were restructured first, followed by
16 administration systems. A new Head of Care was
17 appointed. She then restructured the care staff teams
18 with the deliberate intention of putting skilled and
19 qualified staff into teams where there were long,
20 established practices, in the knowledge that this was
21 likely to lead to questioning of staff practice.'

22 It then goes on:

23 'Meanwhile the staff rota was restructured. Staff
24 had organised shifts to suit themselves previously and
25 it had been evident that this was not planned around the

1 needs of the children and young people. Staff were
2 given child protection training.'

3 And then it says that Joanna McCreadie advised that
4 she was aware that some staff had worked together for
5 a long time and there were very close relationships
6 between some staff members.

7 And I suppose there are positives and negatives from
8 people having worked together for a long time. There
9 might be a negative in the sense that practices might be
10 accepted which were unacceptable?

11 A. Mm-hmm.

12 Q. So there seems to be an issue about mixing the teams up
13 a bit more --

14 A. Yeah.

15 Q. -- to allow more challenge?

16 A. Mm-hmm.

17 Q. And then it says:

18 'This led to whistleblowing from staff to the Head
19 of Care regarding the practice of PSC [REDACTED] who
20 had worked in the post of Senior Care Worker. These
21 were allegations about favouritism towards particular
22 children.'

23 And then going on over the page, there was
24 an investigation:

25 'Most of the staff team confirmed the allegations

1 and during the course of the investigation, it became
2 apparent that he had taken a child off campus with no
3 explanation and made no records of the event.'

4 There was a consultation and then there was
5 consideration of a disciplinary investigation, and then
6 it goes on to say:

7 'During this investigation, it became apparent that
8 a team leader, Linda Laidlaw, had a file in her filing
9 cabinet containing concerns that had been raised about
10 him previously, both individually by staff and through
11 team meetings.'

12 And this included that he had shared a sleeping bag
13 with a child, various occasions when boundaries had not
14 been held to and then work was going to be undertaken to
15 look at these matters.

16 So it looks like a number of issues came to light as
17 a result of this restructuring, which allowed more
18 challenge and one of the issues appears to be that
19 a team leader wasn't following up on complaints that
20 were being made.

21 How would you ensure that that doesn't happen? Are
22 team leaders' files scrutinised by somebody above them,
23 for example?

24 A. Yeah, this is the first time I've seen this document.

25 LADY SMITH: Stuart, what's your reaction to it?

1 A. Well, I knew there was a turbulence at that time, you
2 know, because it's unprecedented there would be three
3 inspections within the one year, which is what happened
4 in 2013. I am aware of this situation with PSC
5 PSC in terms of looking through his
6 disciplinary -- looking through his HR file and finding
7 the disciplinary record and the fact that he was
8 dismissed and went through a disciplinary process, so
9 I knew all of that had taken place.

10 My reaction is of surprise, my Lady, about this
11 information in this meeting with the care inspector.
12 I've never seen this. This wasn't on the records that
13 we have, which are obviously patchy in that regard.
14 I did look through the three care inspection reports
15 from that year to try and kind of piece together exactly
16 what was going on at that time.

17 So I didn't know in relation to things that had
18 happened previously with this individual, PSC
19 PSC, and the fact that somebody had a file, I had
20 no idea about that until this moment.

21 So an answer to your question is that it's really
22 down to supervisions, level of supervision, quality
23 assurance processes is one thing, but I think
24 supervision is more important in this regard.

25 LADY SMITH: So that's going back to Ms Innes' question.

1 A. Yes.

2 LADY SMITH: You say generally supervision, but specifically
3 what do you do about your system to see that, for
4 example, a really worrying concern, that has been
5 documented, doesn't just get filed away and have
6 something done about it?

7 A. Yeah, well, this is a thing. Obviously that individual
8 chose to, for whatever reason, I think it's Linda
9 Laidlaw, to keep this in her filing cabinet. I mean,
10 I think the quality of supervision and those
11 conversations that you have are what would basically
12 counter this from happening. Because within a properly
13 functioning team, there would be regular oversight and
14 supervision and conversations with each individual
15 within a team around practice issues, around concerns,
16 around dynamics, relationships, working with young
17 people, working with colleagues, all of these are part
18 of a properly functioning supervision.

19 Now, it's not 100 per cent watertight and
20 guaranteed, but if that is working as well as it should,
21 this should never occur in the way it did.

22 LADY SMITH: I get what you're saying generally about
23 supervision and relationships, but when it comes to the
24 specifics, and this is a specific of a failure to take
25 appropriate action in the light of something that

1 justified serious concern, what do you do with your
2 system?

3 I can't see how saying generally, 'Oh it's all to do
4 with supervision and talking'; how do you design your
5 system to see that something like that doesn't just lie
6 hidden?

7 A. Well, I do return to supervision.

8 LADY SMITH: Supervision by whom -- by who of who?

9 A. Yeah, as I was explaining, supervision of staff members
10 within a team by line management, who are able to
11 regularly meet with individuals, speak to them about
12 dynamics, relationships within that house, between staff
13 members, any concerns that they may have. That's -- if
14 supervision is conducted in a proper way then it's
15 a thorough process in which these kind of situations
16 should not arise.

17 So it is a system failure if, possibly, that --
18 there was a lack of supervision. We use that word
19 'supervision' obviously, as you understand, in social
20 care and it's about -- again, it's that template, it's
21 the training, it's how you coach people to ask the right
22 questions, to be inquisitorial, to probe, to look into
23 situations and make sure that children are safe at all
24 times.

25 So I would say that would be my answer. Looking

1 back on this, I just did not have this awareness. I
2 knew and I can speak about the care inspections of that
3 time, but this is the first time I've seen this and
4 I've never heard any follow-up, for instance, with Linda
5 Laidlaw to see, you know, where is the disciplinary
6 process with her. I haven't seen anything that would
7 say that there was a follow-up to that individual.

8 MS INNES: I think, in fairness to you, Stuart, there was
9 a follow-up process in relation to Linda Laidlaw. If we
10 look down, it says:

11 'Senior management team have put in place vision and
12 values to ensure staff now have an understanding of
13 what's acceptable.'

14 There's then reference to team meetings being
15 compulsory, previously having been optional, and then
16 there's, 'Supervision and appraisal has been put in
17 place. This was not in place previously.' And then it
18 says the member of the board of trustees, I think,
19 indicated that it was a staff group of very mixed skills
20 and experience, some of whom would need to make
21 significant progress to reach a satisfactory level:

22 'Linda Laidlaw previously supervised other team
23 leaders. This has been restructured so that Dawn Ward
24 [who I think was now the Head of Care] now supervises
25 all team leaders. The member of the board of trustees

1 indicated that it was his view that Linda Laidlaw lacked
2 the competence to understand what was required of her as
3 a team leader and had not understood the significance of
4 the information given to her raising child protection
5 concerns in the past. A disciplinary hearing will be
6 held regarding her practice.'

7 So I think she was suspended and then there was
8 a disciplinary process.

9 A. I think what happened around that time, if
10 Joanna McCreddie had started in 2011, there maybe was
11 that thing that happens when somebody comes into an
12 organisation, there's maybe a year or so of getting
13 familiar, understanding what's not working and then
14 beginning to challenge that. And I think in -- during
15 2012, my understanding was there was quite a turnover in
16 staff and maybe that was challenging some of those
17 perceived norms of people being overfamiliar with one
18 another, standards being poor, bringing more rigour to
19 the process, supervision, proper team meetings, all of
20 that.

21 Some people would have chosen to leave at that time.
22 Some people may have been encouraged to leave. So there
23 may have been a turnover of staff which can then have
24 a knock-on effect, erm, a kind of unstable feeling and
25 I think that would coincide with the Care Inspectorate

1 visit of late 2011, which then resulted in three
2 inspections over the course of 2012, in January, June
3 and November, and the grades at that time for care and
4 support were 2, 3 and 4 respectively, so over the course
5 of that year, there was a rigour and a detailed
6 oversight by the care inspection.

7 Q. So if we look at -- I think you perhaps mean 2013,
8 there's -- at CIS-000011414, you'll see that this is
9 an inspection report which is dated -- it's unannounced
10 and it says the inspection was completed on 21 January
11 2014?

12 A. Yeah.

13 Q. And then if we look on to page 3, we see the gradings
14 and we can see that, as you've mentioned, that quality
15 of care and support was graded as weak?

16 A. Mm-hmm.

17 Q. And then if we look at what the service could do better,
18 just further down the page, we can see that the -- it's
19 noted that the service needed to take urgent action in
20 order to address issues raised in the report which
21 included child protection procedures, medication, safe
22 holding, recording systems and risk assessments?

23 A. Yes.

24 Q. And so, for example, if we move on to page 16 of this
25 report, towards the bottom -- maybe about the middle of

1 the page there's a paragraph beginning 'Information':

2 'Information which was possibly a child protection
3 concern was recorded in a child's daily record, but had
4 not been passed on. The team leader in the bungalow
5 hadn't been informed of it and the Head of Care, who's a
6 child protection co-ordinator, did not know of it. This
7 meant that the service had not been in a position to
8 implement their child protection procedures to follow up
9 the incident.'

10 So that was one of the failings identified in this
11 report?

12 A. Yeah, there was a number of failings at that time, but
13 I think in that visit there was a young person who had
14 been there for three months and didn't have a care plan.
15 There was a young person who had spoken about suicidal
16 ideation, which is this case that you've spoken about,
17 which had not been updated in the risk assessment and
18 failures of record keeping, incident reporting, that
19 type of thing.

20 So there was really serious concerns and I think the
21 previous year, the care and support had had a 5, you
22 know, very good grading, but I haven't really seen quite
23 a shift like that of three points to the negative
24 really, but obviously things were happening at that time
25 and there was a lot of things being missed about the

1 care of the children.

2 Q. I suppose, when you're restructuring, then that

3 transitional period could be a time of additional risk?

4 A. Yeah.

5 Q. You've got new staff members coming in, staff members

6 are unhappy with what's going on, people might take

7 their --

8 A. Yeah.

9 Q. -- eye off the ball, as it were, in terms of what you

10 might regard as the fundamentals?

11 A. Yeah, I think that's really true. I mean, it's --

12 I don't -- I wasn't around at that time. I can only

13 make comparisons of previous experiences I've had, but

14 residential care and education can be quite a delicate

15 ecosystem, erm, and if you have a period of turmoil and

16 you don't have the correct leadership in place, you can

17 go through periods where there's maybe a lack of trust

18 can exist and I think young people are very attuned to

19 relationships and adult relationships, so that can lead

20 to them feeling more unsafe, actually.

21 So it's -- it can be hard to turn that around and,

22 you know, make that impact and I think, looking at 2014,

23 by the time the second Care Inspectorate visit came,

24 there were further requirements asked for, even although

25 the grade did go up by one point and I think by the end

1 of that year, in November, the grade went up again. So
2 the systems and processes were being embedded over the
3 course of that year to make a difference and to satisfy
4 the Inspectorate.

5 Q. Okay, if we can look at that report or another
6 Care Inspectorate report from 2014, so this is
7 CIS-000011199 and I think we see that it says that the
8 inspection was completed on 6 June 2014 and it's
9 an unannounced inspection, but I think the visits for
10 this started in April 2014. And if we go on to page 3,
11 we can see that the grading in terms of quality of care
12 and support has gone up, as you say, by one point to 3.
13 And if we look down to what the service could do better,
14 there are issues about developing appropriate systems to
15 ensure staff are responsible and accountable to senior
16 managers, issues about care plans and then it says
17 training in further specialist areas of work should be
18 undertaken by staff to meet the diverse needs of
19 children who live there.

20 So there's a suggestion that more needs to be done
21 in terms of training and then if we go on over the page,
22 to page 4, at the top of the page, it says:

23 'The service needs to review the significant
24 incidence of restraint and absconding and take
25 appropriate action to minimise the frequency of these

1 events.'

2 LADY SMITH: I'm sorry, my feed has stopped again. Has

3 yours? (Pause)

4 I'm sorry, we're going to have to break again. This

5 has got to be sorted out. I'm really sorry about this,

6 Stuart.

7 (12.10 pm)

8 (A pause for a technical issue)

9 (12.28 pm)

10 LADY SMITH: Stuart, my apologies once more and welcome

11 back.

12 And before we get back to your questioning, perhaps

13 we can get it into the transcript now that SPRAG stands

14 for Scottish Physical Restraint Action Group.

15 A. Thank you.

16 LADY SMITH: And it brings together a whole range of

17 organisations that provide residential care for children

18 and are interested in reaching out to limit or eliminate

19 physical restraint of children.

20 A. Thank you for that.

21 LADY SMITH: Thank you.

22 Ms Innes.

23 MS INNES: Thank you, my Lady.

24 So we're looking at CIS-000011199 and we were at

25 page 4, where the Care Inspectorate said that the

1 service needed:

2 'To review the significant incidence of restraint in
3 absconding and take appropriate action.'

4 And if we go on to page 32 of the report, towards
5 the bottom of the page, we see in the second-last
6 paragraph on that page that it says, it is on the
7 screen:

8 'We noted that there is a significant incidence of
9 restraint and absconding taking place within the
10 service. Restraint should only take place as a last
11 resort. We will require the provider to carry out
12 a review of the incidence of restraint and absconding to
13 determine the circumstances in which these incidents
14 occurred and, from the analysis of the findings,
15 identify any learning or action which needs to be put in
16 place to reduce the frequency of these incidents.'

17 And then, I think, over the page, at page 33,
18 there's reference to the requirement of the audit and
19 there's a list of things that the review must consider,
20 including the quality of care planning and risk
21 assessments, whether restraint is taking place as a last
22 resort, whether staff have the necessary skills,
23 environmental factors, patterns, and issues in relation
24 to staff ratios and deployment.

25 So do these all seem to you to be things which would

1 be important to analyse in terms of restraint?

2 A. Yes, yeah, of course, we're always looking at incidents
3 and restraints and the numbers of those and the
4 triggers, why that would occur. We have -- as I said
5 earlier, we have an incident reduction, you know,
6 committee, and restraint reduction committee so there's
7 all these conversations that are going on all of the
8 time.

9 We have three trainers now for Crisis Prevention
10 Institute training so -- and we also have that, you
11 know, other approach to training, just -- and within the
12 CPI training, there's always de-escalation approaches
13 and how you do avoid going to a restraint situation.

14 That can be difficult with our young people because
15 of their ages. They're actually, sort of, close to
16 their trauma, if you like, and traumatic events that
17 have happened in their lives and they're at an age where
18 they may be less able to contain their emotions at
19 times, so part of our job is to keep them safe in those
20 most difficult of circumstances. But, yes, it's
21 an ongoing analysis to keep restraint to a minimum.

22 Q. And if we can look on, please, to CIS-000011254, we can
23 see that this is the audit that was carried out by
24 Seamab following that requirement from the
25 Care Inspectorate and it notes, below the bullet points,

1 that the audit was completed over several days,
2 including reviewing incident recordings, forms, logs,
3 observations, child plans, risk assessments and crisis
4 development models for intervention were reviewed for
5 each child. There were review of care and education
6 team minutes and discussions with managers and
7 practitioners.

8 And then, if we go on over the page at the top of
9 page 2, it notes that in the period April to June, there
10 were 28 recorded incidents of restraint and this -- in
11 the next paragraph it says:

12 'This represents a significant reduction in the
13 number of restraints from the previous quarter where
14 there were 66 restraints.'

15 So there was some statistics in relation to that and
16 you mentioned earlier in your evidence, I think, that
17 the statistics in relation to restraint would be
18 something that you would analyse on an ongoing basis?

19 A. Yeah, we do. Statistics can be helpful, of course, but
20 they can also sometimes not give a truly accurate
21 picture. Sometimes it can be down to spikes in
22 statistics where one young person may be very
23 dysregulated and requiring help and support over
24 a period of time and it might take longer before you see
25 the benefits of that. So that's why we do sometimes --

1 you know, with the board we'll do case studies and we'll
2 talk about individual young people and actually, rather
3 than just being a number on a chart, we'll tell a story
4 of how that young person has made progress and how the
5 amount of physical interventions may well have reduced
6 significantly.

7 LADY SMITH: Would you agree that statistics are at least
8 a starting point?

9 A. Oh, absolutely, yeah, and we do, you know, of course,
10 use the statistics to just help us to focus and drive
11 down on that number, but we will -- actually more
12 recently we've started saying: 'Can we do this kind of,
13 rather than a broad analysis, care and education,
14 breaking it down house by house so -- for the board', so
15 that we can better explain some of the statistics.

16 LADY SMITH: And I suppose you will want to know, for
17 example, the sort of thing you've just referred to, if
18 a lot of these incidents relate to one particular child?

19 A. Yeah, yeah.

20 LADY SMITH: Also perhaps what the severity of the incidents
21 are in each case, because if, for example, you had 50
22 incidents in three months that were lower level, you'd
23 want to know that, just as if they were high-level,
24 you'd want to know that --

25 A. No, absolutely, we do -- we do break that down,

1 Lady Smith. We -- you know, if you turn and guide
2 a child away from a situation, you have physically
3 intervened, therefore you would -- that would be
4 a statistic. So we break it down into time periods, how
5 long a situation would last for and on the scale of what
6 type of intervention took place, so that we really
7 understand that.

8 LADY SMITH: Yes. Thank you.

9 MS INNES: And then at the bottom of the page, we see that
10 the analysis starts in relation to restraint recordings
11 and if we go on over the page, there's some areas of
12 strength noted. And then, in terms of areas for
13 development, there's a number of bullet points, noting
14 in the first one:

15 'Whilst there were examples of good practice, there
16 were inconsistencies in detailing links to the child's
17 plan and risk assessment and CPI crisis intervention
18 model.'

19 Then at the second bullet point:

20 'The section in the report detailing the "reason for
21 the restraint" was consistently limited in providing any
22 detail. Common language used refers to "keeping the
23 child safe" or to "prevent harm to others", rather than
24 a detailed description of why a restraint was
25 necessary.'

1 A. Mm-hmm.

2 Q. And so I suppose this is indicating that you can't just
3 put in an anodyne statement like 'it was because
4 I needed to keep the child safe', but the practitioner
5 would need to give a lot more detail as to the lead-up
6 to the incident?

7 A. Yes. I mean, there's analysis of the reasons why and
8 the wording used within forms. So it's always been my
9 practice to look at each of the incidents myself.
10 They'll come to me as well as other people. So the
11 Head of Care can challenge why something happened,
12 a team leader can -- a team manager can challenge or,
13 indeed, I can challenge as well.

14 LADY SMITH: Does it also have to be recognised, Stuart,
15 that the decision whether or not to intervene is not
16 something about which staff can sit down and have
17 a meeting and reason it through and note the points for
18 their decision in advance, because it can be a dynamic
19 situation --

20 A. No, very much --

21 LADY SMITH: -- a quick decision has to be made?

22 A. Yeah, absolutely. It's a very dynamic situation and one
23 person's perception of high risk in that moment might be
24 different to another's, depending on experience,
25 depending on relationship. But I think relationship is

1 the key and I think it's about being able to ascertain
2 whether a change of face is really going to help in that
3 moment, how's the young person going to respond. Often,
4 you know, speaking less is very important, just allowing
5 the person to be in that moment and support them through
6 it. But you're right, you know, that really comes
7 through the training, about how people are confident to
8 --

9 LADY SMITH: I was going to say, is it a matter of both
10 training and reflective practice being key, with a view
11 to helping individual members of staff develop the best
12 instincts they can?

13 A. Yes, it's about the learning from the situations and,
14 you know, you may have one young person at any given
15 time who may be going through a huge amount of kind of
16 anxiety and that can play out in all sorts of different
17 ways, whether that be looking to abscond, put themselves
18 in danger, it can be sometimes lashing out at staff
19 members. So it's constantly looking at the risk
20 assessment and working out the strategy and having some
21 of those conversations of course with the young person
22 as well, you know, when they're in a bit different frame
23 of mind to be able to explore that with them so that
24 they understand people are there to support them and not
25 to just simply hold them in those moments.

1 MS INNES: Yes, in the next bullet point it touches on the
2 reflective element, so it says:
3 'In almost all of the life space interviews, the
4 child was asked to reflect on what they could do
5 differently. There was no emphasis on staff reflection
6 on strategies that have worked or what measures staff
7 could adapt in their intervention with the child to
8 de-escalate the situation or avoid a trigger point.'
9 A. I think there's been a big shift since then, because
10 there's a lot of reflection by staff members now and
11 that's built into our processes. I've always struggled
12 a wee bit with asking a child for them to reflect,
13 because often they say they don't want to be part of
14 that. So although it kind of appears on forms and
15 things like that, it is kind of difficult if you've been
16 a young person who's gone through a really difficult
17 moment and you're being asked, you know, 'What would you
18 have done differently?', you know? It's kind of a tough
19 one.
20 Q. And then the final bullet point on this page is that
21 there was no evidence of analysis of spikes in
22 restraints for individual children leading to revised
23 planning or intervention with the child, and again,
24 that's something that you've alluded to in the
25 discussion already, that if there were spikes for

1 a specific child, that might then have an impact on
2 their care plan or the risk assessment?

3 A. Yeah, absolutely. You can sometimes see with young
4 people, if they have anxiety, even about going on a home
5 contact or coming back from home contact, that those
6 kind of situations can create a spike in incidents
7 because they're feeling anxious or upset.

8 Q. And then we can see, if we go on to page 7, for example,
9 that there were a number of recommendations made in the
10 report or this analysis, talking about debriefing
11 sessions, talking about discussion, so things coming out
12 of the points that have already been raised. And then,
13 at page 8, there's reference to quality assurance
14 systems to be developed and shared oversight of
15 incidents by operational manager and senior management
16 team and that's the type that you've been referring to?

17 A. Yeah, absolutely. Again, I'm a little bit on the back
18 foot here, Ruth, because I have not seen this document
19 before now, so it just speaks to poor recording
20 processes at the time, that I wouldn't be able to access
21 this now. But we do have very thorough quality
22 assurance processes in place, whereby the Head of Care
23 will conduct quality assurance on all of the paperwork,
24 risk assessments, all of that.

25 We'll also have peer quality assurance checks and in

1 the past year we've introduced an external quality
2 assurance independent organisation, so they'll come, for
3 instance, in the next couple of weeks, which will be
4 prior to a care inspection, so there's real rigour
5 around the paperwork and the processes, which should
6 have true meaning on the impact on the care for the
7 young people.

8 Q. And then in the next line it notes that this report
9 should be shared with all staff. So if you were doing
10 this sort of audit now through the person that you've
11 referred to, you've talked about material being shared
12 at board level, for example. Would it also be shared
13 with all staff for -- to aid practice and learning?

14 A. Yes, absolutely. Just so that they're really
15 transparent so that people know what's going on and
16 they're all part of -- every one of us is responsible
17 for the quality of the paperwork that informs how we
18 look after the children.

19 Q. Now, if we can move on, as you've noted yourself, that
20 period between 2013 and 2014, there was quite a high
21 level of Care Inspectorate involvement in relation to
22 these issues?

23 A. Yeah.

24 Q. If we can look, please, at LMS-000000046, which is
25 an addendum report prepared by Seamab in relation to

1 allegations of abuse, and if we can look, please, at
2 page 5, and this was to provide additional material.

3 For example, the first person who is referred to
4 there is **PSC**, who was mentioned earlier,
5 and there's detail about the investigation of the
6 allegations and the fact that he was ultimately
7 dismissed.

8 And you've reviewed the disciplinary file in
9 relation to that, I think, you said in your evidence
10 earlier?

11 A. Yeah, that's right, yeah.

12 Q. And then there's reference to two people, who were
13 dismissed, I think, following an incident in which
14 a child was put in a bath?

15 A. Yes.

16 Q. And this, we know, was reported to the SSSC and we have
17 heard evidence from them about these staff members?

18 A. Mm-hmm.

19 Q. And again, have you reviewed the disciplinary files in
20 relation to these --

21 A. Yes -- yes, I have.

22 Q. -- people.

23 The first person there, so going from the bottom of
24 page 5, on to page 6, whilst this person was ultimately
25 disciplined for and dismissed for the bath incident,

1 this incident seemed to be an allegation that she had
2 dragged across -- a child across the floor and
3 restrained him on a sofa by herself. The child said
4 that she was going to break his ankle to which she
5 responded saying this would be his fault and she
6 continued the physical restraint and this was reported
7 by a student, I think.

8 And then if we look at the final bullet point, we
9 can see that the senior management team was reported to
10 the child's placing Social Work Department and the staff
11 member was suspended from her employment.

12 And then there were various investigations. If we
13 look down to the bullet point beginning, 'No
14 disciplinary action was taken'? So it says:

15 'No disciplinary action was taken but there were
16 serious practice issues around safe holding, recording
17 and good practice in teamwork for these reasons.
18 A performance management programme was put in place and
19 dealt with through formal supervision. An update was
20 provided to the SSSC, the Care Inspectorate and the
21 Social Work Department advising them of the outcome of
22 the fact finding exercise.'

23 So there appeared to have been an allegation which
24 resulted in some additional work being required with
25 this staff member and then obviously at a later stage we

1 know that a further issue arose?

2 A. Yeah. I do find that quite disturbing. There was
3 a very serious incident in the 2011 and, 2013, the same
4 person was involved in that child in the bath situation.
5 And in 2011, as part of that process, they were told not
6 to take part in restraint for a three-month period,
7 I believe, from reading, which seems a strange way to do
8 things at that time. It's not necessarily -- it's not
9 how we would do things now.

10 Q. So if this sort of issue arose now, how would you deal
11 with it?

12 A. Erm, there would be a full disciplinary process about
13 the allegation made in 2011, erm, and all the
14 appropriate people would be interviewed and ultimately
15 would be a decision taken as part of the disciplinary
16 process and the person would either remain in employment
17 with you or not. It seemed that there was a bit of
18 vagueness around, possibly around the decision-making
19 and what they could and couldn't do in terms of
20 restraint, it just seemed to me, it's hard to know for
21 sure, but -- and it's the first time I've seen this
22 document as well, unfortunately, again, record keeping
23 was obviously not good. I've read certain background.
24 It seemed that the first incident was very, very serious
25 to me, but yet the action taken ultimately was not as

1 strong a sanction as I might have expected.

2 Q. If we could look on, please, to page 8, in the middle of
3 the page there is reference to a person against whom
4 there's an allegation that is made and this person was
5 dismissed in 2012.

6 And it says -- so the fourth bullet point from the
7 bottom of this section says he was dismissed on 29
8 March 2012 as the allegations were upheld and there was
9 a final written warning on his file for failure to
10 register with the SSSC. So it appears that this staff
11 member hadn't been appropriately registered. How do you
12 ensure that staff members are registered with the SSSC?
13 How do you check on that?

14 A. Well, our HR manager and administration team will keep
15 a check on that, so they'll check on registration. The
16 SSSC will also forewarn us if people's registrations
17 need to be updated.

18 I know there's one case at the moment where someone
19 has to fulfil certain qualifications and they were given
20 an extension, so we're already in dialogue with the SSSC
21 about that to ensure that they meet the expectations
22 around qualifications but, yeah, there's a dialogue with
23 the SSSC. And it is the responsibility of the staff
24 members ultimately to make sure that they pay their dues
25 and are registered as well.

1 Q. And then you go on in this document, to refer to certain
2 other staff members who were given written warnings and
3 some arising in the context of restraint.

4 Just in terms of record-keeping, if we could look on
5 to page 10, in the middle of the page there's again
6 an incident from 2014 that's referred to and there's
7 references to a complaint made in a staff file. One
8 inviting the person to an investigation meeting and then
9 one to a disciplinary hearing. And then it says in the
10 file there's no detail given regarding the name of the
11 young person and no further information or outcome of
12 the investigation or disciplinary.

13 I just wondered if that was an issue of concern to
14 you that, even in this more recent staff file, that
15 there doesn't seem to be full records as to what
16 happened with the staff member?

17 A. Yeah, that is concerning. It's 11 years ago.

18 I wouldn't expect that would happen now but --

19 Q. It's just that obviously there's -- you hold some
20 information, so you know there's been an investigation
21 meeting and you know there's been a disciplinary
22 meeting, but then the rest of the file seems to be
23 silent on what happened. So it looks like some
24 information has been retained but not all?

25 A. Yeah, that would be appear to be the case. We did pool

1 all of the HR records that we held, really record-
2 keeping at Seamab was much better from 2011 onwards, so
3 I would have expected all of the detail to be here, but
4 clearly I'm seeing things here for the first time that
5 were not in the file that I looked at.

6 We also were in contact with the SSSC to try and get
7 as much information as we could from them, but it was
8 mainly, kind of, headlines, dates, situations, rather
9 than the real detail that I'm seeing here.

10 Q. Okay. Now, this is an addendum that was provided --
11 that was given -- you gave us more information on what
12 you could find from the files in terms of any instances
13 of abuse or any concerns that arose.

14 I'm going to take you back to the Part B response,
15 so LMS-000000007, which was part of your original
16 submission to the Inquiry, so first of all, the question
17 is: 'Does the organisation/establishment accept that
18 between 1930 and 2014 some children cared for at the
19 establishment were abused?'

20 And I think that you have a statement perhaps to
21 read out, which might be appropriate at this stage?

22 A. Yes. Thank you.

23 I would like to make an apology on behalf of
24 Lendrick Muir School and Seamab School. As Chief
25 Executive of Seamab School, I want to apologise for any

1 and all harm and abuse experienced by any child or young
2 person whilst they attended Lendrick Muir School.

3 Also, I wish to make it clear that I wish to make
4 an apology to any child or young person who experienced
5 any form of harm or abuse at Seamab School.

6 I also wish to apologise for the lack of historic
7 records that are available. Records must have been lost
8 or destroyed over the years. Seamab recognises the
9 subsequent impact that this lack of records has for
10 former residents wishing to explore their past. It is
11 upsetting that we're unable to help people to better
12 understand their early part of their own life stories.

13 We know that -- we now know the importance attached
14 to record-keeping and contemporary policies ensure that
15 long-term record keeping is, of course, of paramount
16 importance.

17 I would say that the Seamab of today is entirely a
18 different organisation to that of Lendrick Muir and I
19 hope very different to the Seamab School formed in 1988.

20 We are entirely committed to working with the
21 Inquiry to support ongoing improvements to protect
22 children and young people through our care for them and
23 also through our processes, procedures, governance and
24 oversight.

25 I think the examination of past events at

1 Lendrick Muir and Seamab is critically important today,
2 because we want to play our part in contributing to the
3 continuous improvement of residential school and care
4 services, to truly ensure the lessons of the past can
5 shape a residential future that's built on care,
6 compassion, support and empathy.

7 Q. Okay, thank you.

8 Now, can I just, in conclusion, just go through the
9 three questions that are asked at the end of the -- in
10 this Part B. So: 'Does the organisation accept that
11 between 1930 and 2014 some children cared for at the
12 establishment were abused?'

13 A. Yes.

14 Q. And in terms of the next question: 'Does the
15 organisation or establishment accept that its systems
16 failed to protect children cared for at the
17 establishment from abuse?'

18 So that's on the next page, sorry, page 2.

19 A. Yes.

20 Q. And have you been able to identify any of these failures
21 in systems?

22 A. Yeah. I think we spoke earlier about the numbers of
23 young people that attended the school. We also,
24 of course, know now that the regulation changed in the
25 early 2000s so the oversight of organisations such as

1 Lendrick Muir and Seamab changed, you know, quite
2 dramatically only a short time ago, really. So the
3 subsequent changes in processes, risk assessments,
4 Getting It Right for Every Child, you know, all of those
5 initiatives have made a huge difference. So I think
6 it's, you know -- there's been massive strides been
7 taken in these past years.

8 Q. I think we have seen in the Care Inspectorate
9 documentation some of the issues that perhaps, you know,
10 paperwork not being completed properly, a lack of
11 supervision, a lack of quality assurance, a lack of the
12 sort of rigour or scrutiny, so some of those issues
13 might be failures that happened in --

14 A. Yeah, yeah, they did happen in the past, far more likely
15 to have happened in the past. You can't rest on your
16 laurels, to be honest. It really is about continuous
17 improvement, always looking to improve your systems and
18 make sure that things are carried out thoroughly
19 and diligently with the proper kind of oversight all the
20 way through.

21 Q. And then the final question in the Part B at the bottom
22 of page 2 that's come up on the screen: 'Does the
23 organisation or establishment accept that there were
24 failures or deficiency in its response to abuse or
25 allegations of abuse?'

1 A. Yes, we do. And I'd just like to point out when we
2 completed this document, you know, we really had-- were
3 at the start of a process of really looking back into
4 some of the history, because we just didn't have records
5 from Lendrick Muir, for example, but -- and reading the
6 witness statements and building a much more of a picture
7 then I'm able to answer in the way I have.

8 MS INNES: Thank you, Stuart. I have no more questions for
9 you.

10 LADY SMITH: Stuart, I don't have any further questions
11 either.

12 Thank you so much for coming to spend your entire
13 morning with us, being questioned in relation to Seamab
14 and Lendrick Muir. It's been really helpful to hear
15 from you. I'm grateful to you for being so patient,
16 thank you.

17 A. Thank you. Thank you.

18 (The witness withdrew).

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

21 MS INNES: Thank you, my Lady.

22 (12.59 pm)

23 (The Luncheon Adjournment)

24 (2.00 pm)

25 LADY SMITH: Good afternoon.

1 Now, I think we're ready with another witness to go;
2 is that right, Ms McMillan?
3 MS MCMILLAN: Yes, my Lady, that is correct.
4 The next witness that we have is 'Jason'.
5 'Jason' attended Lendrick Muir between 1980 and 1982
6 and unfortunately there are no records to be able to
7 confirm that, my Lady.
8 LADY SMITH: Okay. Thank you.
9 (2.01 pm)
10 (Pause for a technical issue)
11 (2.19 pm)
12 LADY SMITH: We'll try again. We'll try and bring the
13 witness in again.
14 I think we're okay.
15 'Jason' (affirmed)
16 LADY SMITH: 'Jason', I'm very conscious of the fact that
17 you've had to wait for the last 20 minutes. We were
18 ready to go and then a technical problem cropped up and
19 I have no control over that. I do apologise.
20 A. Don't worry. It's a -- day off today, nothing much to
21 do, so it's a day of rest otherwise for me.
22 LADY SMITH: Well, it's very good of you to be so
23 understanding, but I hate to have done that to you.
24 Now, thank you for coming along this afternoon.
25 It's very good to have you here in person and thank you

1 also for providing your written evidence in advance,
2 because I've been able to study that and that's been
3 a great help to me.

4 We are not going to go through it word by word,
5 don't worry, but there are some particular parts that
6 we'd like to focus on.

7 I see you've already got your hands on the red file.
8 That's got your written statement in it, so you can
9 refer to that if you want.

10 We'll also bring it up on screen, if that's okay.

11 A. Yep, mm-hmm.

12 LADY SMITH: If you don't like the screen being on, we can
13 switch it off, but most people find that quite helpful.

14 'Jason', otherwise, could I just explain, I know
15 what we're asking you to do isn't straightforward.
16 Coming into a public place and talking about yourself,
17 your own life and your own life when you were a child,
18 is difficult, and at times people may think they're
19 prepared and it's all going to be straightforward and
20 then their emotions catch them out. And it's not so
21 straightforward after all.

22 I understand that. If you need a break at any time,
23 you just say.

24 A. Okay.

25 LADY SMITH: It's no problem to accommodate that.

1 I'll break anyway just after 3 o'clock, because I
2 usually have about five minutes in the middle of the
3 afternoon as a pause, but if otherwise you want to go
4 out of the room or just sit and pause where you are, do
5 let me know.

6 And if you've got any questions at any time, speak
7 up, will you?

8 A. Yeah. Okay. Thanks.

9 LADY SMITH: If you're ready, I'll hand over to Ms McMillan
10 and she'll take it from there.

11 Ms McMillan.

12 Questions by Ms McMillan

13 MS MCMILLAN: Thank you, my Lady.

14 Good afternoon, 'Jason'.

15 A. Good afternoon.

16 Q. Just as a matter of formality first, can I ask you,
17 please, to look at the last page of your witness
18 statement, so that's page 17, and the reference for your
19 statement is WIT.001.001.9135.

20 Do you have that page there?

21 A. Yes, I do.

22 Q. Now, you will see at the paragraph 99, it says:

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

25 I believe that the facts stated in this witness

1 statement are true.'

2 And I think you signed that statement quite some

3 time ago on 29 May 2018; is that right?

4 A. Yes.

5 Q. Thank you. Now you can turn back to the front page of

6 your statement.

7 And I think you tell us that you were born in 1966?

8 A. Yes.

9 Q. And you go on to talk a bit about your life before going

10 into care, so I think you tell us that you lived in

11 Leith with your mother, father and then your brother?

12 A. Yes.

13 Q. And you talk at paragraph 3 that you remember your

14 mother saying that she had a difficult birth with you

15 and she thought that you may have suffered from oxygen

16 starvation and then you go on and say about five years

17 ago you were diagnosed with Asperger's syndrome?

18 A. Yes.

19 Q. Do you know when that was -- what year that was?

20 A. Well, I remember the exact time, like the -- it was this

21 time when Gary McKinnon was being -- what do you call

22 it? The USA was trying to get him extradited and I was

23 reading up about the -- what made him tick and the --

24 I just read up a whole load of stuff about it, I was

25 there for ages and I realised wi' a shock that

1 90 per cent, 95 per cent of what applied to him applied
2 to me, so I decided to go and get myself tested.

3 So it was the -- I think a psychologist, so I was
4 interviewed and just told them everything about me and,
5 you know, I just -- been bullied at school and so I got
6 the diagnosis fairly quickly.

7 Q. Do you know what age you were when you were diagnosed?

8 A. It would be 44/45 approx. I don't know the exact date.
9 I cannae remember when I spoke to this psychologist, but
10 it was my mid-40s.

11 Q. Now, you had mentioned there about some of the bullying
12 when you were younger and we will touch upon that as we
13 go through your evidence, but you tell us that the first
14 school you went to was Fort Primary in Leith?

15 A. Mm-hmm.

16 Q. And you say that when you started school you didn't fit
17 in?

18 A. Yes.

19 Q. What -- why didn't you fit in?

20 A. Er, I didnae like the rough and tumble that a lot of the
21 other kids got up to. You know, I was just happy to
22 stand at the door and watch things go -- go past, but
23 there's still -- even still at the age of not quite 5
24 years old, as I was still 4 when I got started at Fort
25 Primary, I was still -- er, you know, I was getting

1 picked on there and I was getting picked on for the full
2 five years that I was at this school and, you know,
3 I think it affected bits of my schoolwork and because
4 the -- the disorder wasn't discovered until 1980 by Hans
5 Asperger, the teachers always thought, 'Oh, he's no
6 paying attention', and, you know, I would often get the
7 blackboard duster rattled off the desk in front of me
8 and, you know, it certainly didn't help, but was
9 regularly yelled at by the -- whatever teacher, you know
10 and -- but I can remember there's only two of them out
11 of the five that I had at Fort Primary that I thought
12 was good, you know, and I liked them and, you know, we
13 got on reasonably well, but three of them were just, er,
14 quick tempered, you know, and it didn't do the education
15 any good.

16 Q. You go on and you say that you were a difficult child
17 and I think you say you caused a lot of bother around
18 the house?

19 A. Mm-hmm.

20 Q. What sort of bother were you causing?

21 A. It was just -- see, by the time I was about 7 years old,
22 I thought this was the normal way of doing, you know, so
23 I was getting picked on by other kids that was in
24 primary 6, primary 7, -- you know, when I was in
25 primary 2, and the -- I thought this was the normal way

1 of doing, so I was often picking on ma younger brother.
2 He's seven years younger than me and, er, you know, ma
3 mother -- she did her best to try and separate us and
4 keep us as best we could to be good brothers to each
5 other, but that didn't always work, you know. So I was,
6 er, just belittling him, exactly the same as what was
7 happening to me at school, you know. So that was the --
8 that was like one thing and we were sharing a bedroom
9 and the whole way through, I was always wanting my dad
10 to go and buy us a bigger hoose, you know, so as I could
11 have my own bedroom so as I wouldnae have to suffer my
12 brother and, you know, Dad was still maxed out with the
13 mortgage and going out and working overtime whenever he
14 could, so that was -- it was just picking on my brother
15 in return for what I was getting in primary school.

16 Q. And you do say in your statement that because of some of
17 your behaviours, your mother and father didn't know what
18 to do with you?

19 A. Yeah, mm-hmm.

20 Q. And I think you tell us that they contacted the
21 education services?

22 A. Mm-hmm.

23 Q. And at paragraph 7 of your statement, you say that in
24 1977, it was decided that you would go to Forteviot
25 House?

1 A. Yeah.

2 Q. Now, we understand that to be part of the
3 Sick Kids Hospital in Edinburgh?

4 A. Yeah, mm-hmm.

5 Q. Were you told the reason why you were going there?

6 A. No, it was just -- the decision was made for me and it
7 was assumed that I think because it was a specialist
8 environment, er, away from a mainstream primary school,
9 that the -- it would bring some beneficial results, but,
10 er, I'm doubtful about that. I don't think it was any
11 better, but because it was residential, I couldnae get
12 away fae it. I couldnae get home until the Saturday
13 morning. So I was, you know, so I was stuck there six
14 days a week and couldnae escape it. It was a lovely
15 location, you know, it was just a huge mansion in its
16 own grounds and, er ...

17 Q. Do you remember getting any medical treatment there?

18 A. I can't remember any medical treatment. I remember
19 getting my blood pressure tested at the age of about 10,
20 which I think was okay, but the -- I do remember getting
21 put into a -- what I can best describe as a cupboard
22 with a window. It was the quiet room, I remember that,
23 and it was -- it was halfway up the connecting corridor
24 between 14 and 16 Hope Terrace, it was like two mansions
25 knocked into one, sort of, establishment.

1 And the -- so this was just put us into this room,
2 sort of a cooler, if you like, you know, just to sit
3 there for half an hour to -- to cool off. So that was
4 what I remember about Forteviot, yeah.

5 Q. Do you recall how long you were at Forteviot for?

6 A. Er, A few months to a year, maybe. I cannae remember
7 the exact dates, but I do remember there was a horse
8 parade on Kilgraston Road for the time that the Jubilee
9 was happening, so I think that was maybe about the June
10 1977. But that was -- that was one of the good things
11 that I can remember, yeah.

12 Q. Now, skipping on a bit in your statement to page 5, you
13 say it was roughly about [REDACTED] Primary 6 that you
14 left Forteviot --

15 A. Mm-hmm.

16 Q. -- but you say that, I think, looking back it had been
17 identified that you had some learning issues that needed
18 looked into.

19 Do you know what sort of learning issues those were?

20 A. Er, just -- it was thought that a lot of the time
21 I wasn't paying attention. You know, you get the
22 reading and comprehension class and, you know, so I
23 wisnae making the best progress there, but, you know,
24 there was possibly learning difficulties, you know, and
25 that continued for the rest of the education. So when

1 I left school as soon as I was 16 without a Standard
2 Grade to my name, so, you know, it was -- I couldnae
3 really concentrate much, so the concentration is maybe
4 not the best.

5 Q. You go on in, I think, to tell us that you -- when you
6 left Forteviot, you went to the Pennywell Day Unit,
7 before ultimately beginning your secondary education at
8 Trinity Academy?

9 A. Yep.

10 Q. So I take it this was you going back to mainstream
11 schooling at that point?

12 A. The Pennywell Day Unit, that was -- again, it was small
13 classes. Er, and I think a sort of halfway house,
14 a stepping stone back to mainstream education.

15 Q. And Trinity Academy, was that mainstream education?

16 A. That was fully mainstream, yeah, so this was the older
17 building in North Junction Street, which was a quick
18 walk fae the house, but, you know, I didnae do
19 brilliantly well there. I did most things about
20 average, er, but the German classes, this is the foreign
21 language, the only foreign language that I think was
22 taught at this school, I was absolutely hopeless. But
23 the -- most of the rest of the things that I did there
24 was kinda average or just below, so I did reasonably
25 well, all things considered.

1 Q. And you say then that your mother decided to take you to
2 have a look at Lendrick Muir School?

3 A. Mm-hmm.

4 Q. Do you know why your mother did that?

5 A. I was still having bullying problems at Trinity Academy
6 and the -- I was still, like, causing damage around the
7 house, so there's still a hole in the toilet door to
8 this day that I kicked in, just out of frustration and,
9 you know, the -- being bullied and my dad never bothered
10 getting it repaired. But the bullying to the younger
11 brother, that continued apace, you know. So there
12 was -- I think the previous place that suggested
13 Forteviot, they had suggested Lendrick Muir and it was
14 put forward as a specialist establishment with trained
15 professionals, I mean -- so I look back on that now, but
16 a lot of them were no so much professionals, but just
17 they had probably been given the job because they knew
18 somebody in the Education Department, and --

19 Q. What makes you think that, looking back now?

20 A. The disorder that was happening fae the four worst
21 perpetrators of this, most of the staff, they were okay,
22 but there was four of them that ma complaint focuses on,
23 er, and it was -- there was two of the teachers, they
24 were just thugs, you know. They thought that we wurnae
25 paying attention so they got violent and SNR

1 SNR [REDACTED], he couldn't give a monkey's about the
2 bullying that was going on and the -- between SNR [REDACTED]
3 and SNR [REDACTED], it was thought: 'Well, just carry
4 on and you'll eventually toughen up. You've got to
5 learn to be tough', and, well, no against two or three
6 of them and no when they're three years older than me,
7 no, I cannae work like that.

8 Q. So we'll come to talk about some of the specific things
9 you say about the teachers this afternoon, but before we
10 do that, just going back to when you went to
11 Lendrick Muir for the first time, do you remember ever
12 seeing, for example, a psychologist before you went to
13 the school?

14 A. There might have been a talk. I think that there was
15 somebody that ma mother had spoke to, but what I do
16 remember is that when ma mother was getting interviewed,
17 I was asked to leave the room and I thought: well,
18 that's a bit strange, and so, I mean, this is all spoken
19 about behind ma back. So it was obviously, by the look
20 of it, it was this is now, this is the best place for
21 him, so send him there. So we had already been and had
22 a look at the place in, I think, [REDACTED] 1979.

23 Q. But when you went in to see the place, what were your
24 impressions of it, the first time?

25 A. It was a bit run down. Er, the structure of the

1 building was nice and the older part of the building was
2 nice, but the dormitories, they -- the beds and the
3 dormitories, they looked like they were relics from
4 World War II, you know, it was old metal bed frames wi'
5 paint chips and the decor in the dormitories was a bit
6 the worse for wear, you know, just chipboard walls that
7 looked like the paint on them was 20-odd years old. So,
8 the -- you know, the -- they were all covered in marks.
9 Probably because of all the vandalism that was going on,
10 but, you know, even my dad at the time, he was looking
11 at the main room, so this is room 3, where the
12 television was and there's a full-size snooker table
13 there and I thought: well, if that's okay -- I might be
14 able to have a game of snooker, which the juniors
15 weren't allowed to play, but a lot of the shelves in
16 this room 3, they looked as though they hadnae been
17 dusted in a year, you know -- you would do that with the
18 finger and there'd be dust on the finger like that
19 (indicating). And, er, you know, so my dad had spoke to
20 one of the people from the Education Department and he
21 says, 'Oh, no, it's a bit of a dive', you know, and my
22 dad mentioned the dust that he'd seen, it was,
23 obviously, you know, they're no all that good.

24 But the building was nice, the -- we could escape to
25 the estate. There was, I think, 40 or 50 acres' worth

1 of land that we could just go and explore and, you know,
2 just get out of the school, get out of the school
3 buildings and, you know, put some space between the
4 bullies. But, you know, if it was the middle of winter,
5 then that wasnae really a, you know, a pleasant thing to
6 do, yeah.

7 Q. Now, at paragraph 29 you talk about that first visit,
8 but you say it was SNR that showed you
9 around?

10 A. Mm-hmm, yeah.

11 Q. I think you go on to say that he said you weren't there
12 for an easy time. You were there to work?

13 A. Yeah.

14 Q. What did you make of that interaction with him?

15 A. The -- I didnae mind that at all. You know, so if it
16 was going to be -- giving me a decent bit of education
17 and learning, then, you know, I was all for that, but
18 SNR says, 'Well, understand that if you come here,
19 you're not here to be wrapped up in cotton wool. You're
20 here to work'. Mother says, 'Right, have you got
21 that?', I says, 'yeah, aye, I understand that, that's
22 good', but that was -- that was kinda done and dusted.
23 So -- but even after that, I'm sure my dad wasn't all
24 that keen on me going to this place, just because of the
25 state of the decor.

1 But over the next few months, I was still giving my
2 brother a hard time and eventually ma dad bribed me. He
3 says, 'Look, get over there and I'll gi' you extra
4 pocket money', and I thought: well, okay, and, you know.
5 Q. I think you tell us about that at paragraph 30 and
6 I think you say that your dad did keep to his word and
7 gave you the extra pocket money?
8 A. Yeah, he did do that, yeah.
9 Q. So, you go on then to talk about the school in a bit
10 more detail. So I think you already told us it was a --
11 it was -- it was claiming to, well, specialise in
12 children from all over and you've mentioned that at
13 paragraph 33 that there were a lot of kids there as
14 a last-chance saloon after being at a Children's Panel?
15 A. Mm-hmm, yeah.
16 Q. Can you tell us a wee bit more about that?
17 A. Just about some of the other pupils that was in the
18 school?
19 Q. Or why did you think it was a last-chance saloon?
20 A. Er, ma mother was continuing to be frustrated about ma
21 brother, you know, just always complaining and going
22 through and crying his eyes out because I had done this,
23 that or the other to him, er, and mother was pressing my
24 dad for a solution to this and I think ma mother was
25 ready to take a bit of action, saying: 'Well, you better

1 do something about this'. This is what was going
2 through my mind seven years ago, and ...

3 Q. Just to back up, I think you have told us about how your
4 mother and father came to the decision that you went to
5 Lendrick Muir School. But did you get the impression
6 from the other children that were there that it was also
7 like a last-chance saloon for them?

8 A. Oh, yeah. There was a lot worse than me that was at the
9 school. They were there for all sorts of problems and
10 I realised that once I had been sent there and that
11 became apparent pretty quickly, but the -- there was --
12 I was told about, you know, the speciality environment
13 which was Lendrick Muir and the -- you know, it was --
14 mother had mentioned to me, says: 'Look, you cannae be
15 going on like this. This isnae good gi'ing your brother
16 a hard time like this', and -- but it still continued
17 because I was getting this at Trinity Academy.

18 LADY SMITH: 'Jason', you say that there were children at
19 the school that were a lot worse than you.

20 A. Mm-hmm.

21 LADY SMITH: Can you give me an example of a way in which
22 other children were worse?

23 A. Yeah. I mean, the -- there was quite a number of
24 smokers at the place and, you know, they wurnae
25 bothering where they were smoking, so this was -- could

1 be in the dormitories at night and a lot of them were
2 talking about how, you know, the -- when they had been
3 home that they had nicked a couple of cars, which was
4 very easy to do 45 years ago. You just know how to do
5 it, you know. And the -- I mean, it was between smoking
6 or nicking cars or just creating merry mayhem, you know,
7 just you name it, everything that's going on wi'
8 juveniles now, it was the most -- most of it was
9 happening 45 years ago.

10 LADY SMITH: Okay.

11 A. And it was kinda nicking old ladies' handbags, smashing
12 shop windows, so it's -- I mean, people think it's -- a
13 new habit, more of a recent thing, but it was every
14 aspect, the disorder that's going on now, it was going
15 on 45 years ago, but not nearly as much. It was a lot
16 less.

17 LADY SMITH: That's very clear. Thank you for that.

18 Ms McMillan.

19 MS MCMILLAN: Thank you, my Lady.

20 Now, you say that - so, you went to the school
21 I think Monday to Friday and then you went home on
22 a Friday and came back on a Sunday?

23 A. Uh-huh, yeah.

24 Q. Turning on to page 7 of your statement, you talk a bit
25 about the staff and you say it was quite a high ratio of

1 staff to pupils?

2 A. Mm-hmm.

3 Q. How many staff were there to pupils? Can you describe

4 the ratio?

5 A. Er, so, let me see if I can remember their names, so --

6 Q. Don't worry if you can't --

7 A. Mm-hmm, aye.

8 Q. -- if you've even got numbers, that's okay.

9 A. So I'd say staff, including the janitor and the caring

10 staff, 20 to 25, you know, I can -- I've got the names

11 of them in the memory, but I'd need to try and write

12 them down on a piece of paper --

13 LADY SMITH: 'Jason', don't worry about names --

14 A. Aye.

15 LADY SMITH: -- I don't need that. It's really just the

16 numbers that we're interested in here --

17 A. Yeah, I'd say about 20 to 25.

18 LADY SMITH: Thank you.

19 MS MCMILLAN: And how many pupils do you think there were?

20 A. Usually about 70.

21 Q. So it was about 25 staff members roughly to about 70

22 pupils?

23 A. Yeah, and there was usually five, six or maybe seven

24 girls, always a lot more boys than girls.

25 Q. And when you talk about the rough staff numbers being

1 about 25, was that teachers as well included in that?

2 A. That was teachers, caring staff, janitor, you know.

3 Everything as far as I can remember, yeah.

4 Q. Now, you go on to talk about the dormitories, which

5 I think you've already mentioned in the description of

6 them, and you say that there were about five or six boys

7 in each dormitory?

8 A. Yeah.

9 Q. At paragraph 38, you say that:

10 'If you didn't sleep at night, one of the seniors

11 would take you to the gym [and] they would make you run

12 ... around until you were tired.'

13 A. Mm-hmm.

14 Q. Can you tell us anything else about this?

15 A. There was obviously some of them that was just up to

16 mischievous and they weren't happy unless they were causing

17 problems, so the -- a lot of what would be happening

18 would be a dorm raid. So there was four rooms in the

19 junior corridor, four dormitories in the junior

20 corridor, 10, 11, 12 and 15. This is the dormitory

21 numbers and the -- there wasn't any particular dormitory

22 that caused more bother than the others, but, you know,

23 they'd be coming through in the middle of the night wi'

24 a pillow slip, with a couple of Dr Martens boots or

25 rugby boots in it and just, you know, wallop. A lot of

1 the time they'd just be coming through and tipping
2 everybody's beds over.

3 Q. Was this the senior boys?

4 A. No, this was other juniors.

5 Q. Other juniors?

6 A. Aye. And they -- it mightnae happened for a couple of
7 weeks, but then it could be happening two or three
8 nights during one week and, er, there's one of the names
9 that I've mentioned, er, so he's about the same age as
10 me and he did this five or six times during one night,
11 and, you know, so I never got any sleep that night.

12 Q. Was there a member of staff that slept near the juniors
13 or anyone nearby that could help?

14 A. There was a member of staff that would be sitting,
15 I think, in a chair at the end of the corridor, so like
16 the entrance to the corridor. So he'd be like sitting
17 wi' a book and having a quiet read, and if anything
18 untoward would happen, he'd be along like a shot and
19 giving the perpetrator a rollocking and a report to the
20 headteacher. But a lot of the time, you know, the
21 whole -- the corridor was frogmarched down to the games
22 hall and chased around, you know, just made to run until
23 we were just about out of breath. But I mean, I was
24 never the one to be instigating any of this disorder.
25 I just wanted to get to sleep and get on with it, with

1 trying to be involved in as little trouble as possible.

2 But, you know, as happened -- as always happens, the --

3 we were all tarred with the same brush. That's about

4 the best way of putting it.

5 Q. When you say that you were taken or frogmarched down to

6 the hall, who was this by?

7 A. Just whatever teacher was on lates, as they say, so

8 he -- I think he'd be on duty until about 1 o'clock in

9 the morning. So that was usually MKF [REDACTED], or

10 [REDACTED] SNR [REDACTED] or SNR [REDACTED] that's also

11 named here. Should I mention his name?

12 Q. It's up to you if you feel you need to do that.

13 A. Aye. So it was usually KVV [REDACTED], SNR [REDACTED],

14 [REDACTED] KMN [REDACTED], [REDACTED] SNR [REDACTED], MKF [REDACTED], the first

15 year form teacher, or KIT [REDACTED], the French

16 teacher. Sometimes Brian Smythe, the art teacher, got

17 a turn. He was one of the nicer ones and he was an okay

18 guy, to be honest. He was respected by most of them.

19 Q. And just following up again on what happened in the gym

20 hall, when you were frogmarched down, would you have

21 been in your nightwear, would you have any trainers on?

22 A. Pyjamas.

23 Q. Yep. Any shoes on?

24 A. We were usually told to take the training shoes and

25 I think there's a lot of the time, one of the seniors

1 would be asked to attend and if there was any of the
2 slackers or somebody that wasnae running fast enough,
3 he'd be ready wi' a hard kick to get us to run faster,
4 but ma protestations, 'Look, this -- I wasnae anything
5 to do with this'. 'Shut your mouth and get a move on',
6 you know.

7 That was the usual thing, but it was usually one of
8 the school bullies that often made ma life difficult
9 there.

10 Q. Now, you move on in your statement to talk about the
11 routine and you've been talking about some of the
12 mischief at night. Moving down to the bathing and
13 showers, so that part of the routine.

14 You say that in your first week at the school you
15 were waiting for one of the showers to become available
16 and they were communal showers?

17 A. Yeah, mm-hmm.

18 Q. I think you tell us then about an incident that happened
19 while you were waiting for one of the showers?

20 A. Yeah.

21 Q. Are you able to tell us about that?

22 A. Yeah, mm-hmm.

23 So I was waiting for the -- what I think was the one
24 that had been in the shower longest and he just seemed
25 to be waiting ages, so I was waiting at the entrance to

1 the shower and, you know, with all three showers still
2 being used, I got a very hard slap on the back fae
3 KVV and, you know, he just -- he was
4 frustrated at the boy that was in the shower longest not
5 moving, so he -- he just -- he exploded, lost his temper
6 at me because I was the nearest one to him and it was
7 just like the hardest slap on the back that I've ever
8 had.

9 So there was a huge red hand mark on my back for
10 hours afterwards, you know, it was just (indicating)
11 and, you know, completely out of proportion for, you
12 know, what was necessary, you know, a quick prod would
13 have been, 'Come on, on you go, on you go'. That's what
14 should have done, but (indicating) that was ...

15 Q. And how often did, for example, he loses his temper and
16 take -- you mentioned -- this person taking --

17 A. He wasn't the most violent, but, you know, when he lost
18 his temper, it was like a hydrogen bomb going off, you
19 know, you knew about it. But, you know, he'd be fae
20 time to time but not -- he had to be severely provoked
21 to do it and it was just this incident in the showers,
22 that was enough to provoke him into exploding like this.

23 Q. You say in relation to that incident that you think that
24 the boy in front of you was taking his time because he
25 knew what was going to happen?

1 A. Yeah.

2 Q. So was it regular practice that, for example, a teacher
3 would have an outburst if someone was taking too long in
4 the shower?

5 A. No, I think this was deliberate by this one, it was
6 another one of the junior corridor thugs, and he was
7 just looking to try and cause bother, you know, wherever
8 he went and it was -- and this was the -- it was the
9 right time and place and I think he predicted correctly
10 what would happen. So, you know, it was just to try and
11 get KVV [REDACTED] to lose his temper. But he was that
12 tough, this one that was in the shower, that he could
13 put up wi' something happening. But I wasn't. I was,
14 like, about the second softest one in the school.
15 That's what I was like, yeah.

16 Q. Now, moving on to paragraphs 43 to 45 of your statement,
17 you talk a bit about the school itself and you say that
18 there were different teachers for each school subject.
19 Did you move from class to class?

20 A. Yeah. I think -- so we had the French teacher and the
21 maths -- could I nip through to the toilet, please?

22 LADY SMITH: Yes, no problem. We'll just have a quick
23 break.

24 A. Right, okay. Just a need for the ...

25 (3.01 pm)

1 (A short break)

2 (3.09 pm)

3 LADY SMITH: Welcome back, 'Jason'. Are you ready for us to
4 carry on?

5 A. Yes.

6 LADY SMITH: Thank you very much.

7 Ms McMillan.

8 MS MCMILLAN: Thank you, my Lady.

9 'Jason', turning back to your statement then, I want
10 to ask you a couple of questions about punishment at the
11 school. So you talk about this at paragraph 46, on page
12 8 of your statement --

13 A. Yeah.

14 Q. -- and you say that if you did something wrong you might
15 get a hefty slap around the ear?

16 A. Yeah.

17 Q. So who would slap you around the ear?

18 A. The only time I can ever remember anything like that
19 happening was from the four perpetrators.

20 LADY SMITH: So these are the four men you already mentioned
21 before?

22 A. Yeah, yes. There was a couple of times I got shouted at
23 by ^{KDG} [REDACTED], this is the maths teacher, but that was
24 the -- the extent, you know. He just -- shouting at the
25 top of his voice, 'You, pay attention'. And, you know,

1 sometimes he would be rattling the blackboard duster off
2 the desk, so that brought, you know, everybody into
3 a bit of sharper focus, this would be the best way
4 I could put it.

5 Q. What sort of things would you be punished for?

6 A. It was just anything that -- well, usually it was the --
7 if it would have been deemed that I wasn't paying
8 attention, you know, if I was maybe daydreaming,
9 something like that, so that would be a big bunch of
10 keys thrown at me by MKF . So he had
11 a squint in the eye so his aim was rubbish. So usually
12 they went whistling past my ear or once or twice,
13 I think, the blackboard duster got thrown. But the
14 French class led by KIT , I mean, I think
15 he -- his temper was, if anything, even worse and his
16 teaching just wasn't sinking in one day and, you know,
17 trying to teach first year French and it just wasn't
18 sinking in so he kept me back after the end of classes
19 at 3.30 for at least another 40 minutes and I was
20 getting more and more frustrated when he was trying to
21 teach me the word for this, that or the other, and: no,
22 I can't think of it, what is the word again? And, you
23 know, he was -- I could see his blood pressure was
24 probably getting higher and higher and eventually he
25 lost his temper and brought a big French dictionary down

1 on the back of my head. He just (indicating) so that
2 was it, I was just in hysterics and, you know --
3 Q. Could you tell anyone about that or report it to anyone?
4 A. No. The -- I had complained about his attitude once or
5 twice before and I was given the brushoff.
6 Q. Who did you complain to?
7 A. KMN [REDACTED], SNR [REDACTED], and this is, you know,
8 KIT [REDACTED], he's been violent towards me'. 'Don't
9 tell tales, now get out of here. Don't waste my time'.
10 So I knew that any further complaints about any other
11 member of staff would have just been given a similar
12 brushoff, but it was this episode with KIT [REDACTED].
13 So eventually he just -- he grabbed the back of my head,
14 he grabbed the hair on the back of my head and bounced
15 my forehead off the desk.
16 Q. Was this after he had hit you with a dictionary?
17 A. Yeah, mm-hmm. And -- so I was just, you know -- you
18 know, just like hysterics. Not able to take anything
19 more in and eventually he went back to his desk and
20 says, 'Oh, get out'. And so -- I was the only one that,
21 to my knowledge, that had got this sanction, but I think
22 it was -- the next year French was taken by SNR [REDACTED]
23 SNR [REDACTED], KVV [REDACTED], and I think maybe the third
24 year was from Mike Sale.
25 He was a lot easier going, but, you know, I think

1 the teaching methods used by some of them were just
2 detrimental, you know, completely not teaching us awfy
3 much, you know.

4 Q. Can you explain by what you mean by their methods being
5 detrimental?

6 A. Just with the habit of losing their temper too quickly.
7 So, you know, I'm -- with the physics class and most of
8 the other classes that were -- that I was attending,
9 the -- all the rest of the teachers, they were really
10 good guys and the lessons were sinking in, you know,
11 I was learning something from them. But the French,
12 just never learned anything more than a few words and to
13 this day, I particularly don't like that language, but
14 that was the detrimental bit. Just losing their temper,
15 yeah.

16 Q. Now, you've obviously mentioned some of the punishments
17 from staff. Would the older pupils ever be involved in
18 any sort of discipline or punishment?

19 A. Like dishing out the discipline?

20 Q. Yes.

21 A. Yeah. Well, the -- they were -- as I had mentioned
22 with the games hall, so obviously KVV, he was
23 mid-50s, late 50s by this time and he was obviously no
24 quick enough to chase teenagers round the games hall, so
25 it was one of the fourth or fifth year pupils that would

1 get that pleasure and I think they took pleasure in it,
2 but, no, not any regular style of discipline. Any of
3 the regular style of discipline, that would be dished
4 out by one of the staff.

5 Q. You talk about chores and you say that some of the
6 chores were given to you by the older pupils?

7 A. Yeah, mm.

8 Q. So what would happen if, for example, you didn't comply
9 with your chores or you didn't do your chores, would the
10 older pupils do anything?

11 A. Yeah, I mean, I remember one of them, it was on the
12 fourth time that week being given this same chore and
13 I says, 'No, I'm no doing it. I've already done it
14 three times this week, go and find somebody else to do
15 it, because I'm no putting up with your crap any mair'.
16 There was a bit of Dutch courage there and, you know,
17 what is he gonnae do? You know, is he gonnae break my
18 nose, you know? And at the time I thought, well, he can
19 try it, but I'd go in and complain and -- but, yeah, it
20 was this particular one and I don't know if he got took
21 off that particular duty, but I think he was only
22 a couple of years ahead of me, but it was another one
23 that was just a thug, yeah.

24 Q. What sort of chores were you being asked to do?

25 A. It was pick up, er, litter from around the classroom

1 block, which included any amount of cigarette ends,
2 cigarette packets, sweetie wrappers, that kinda thing,
3 or go and sweep the games hall. Sometimes take a mop
4 and bucket. That was like only a couple of times, but
5 I do remember getting told to get a mop and bucket and
6 go and mop the corridors around the classroom block.

7 Q. And how often were you given a chore to do?

8 A. It was usually only once a week. So this is what I'm --
9 what gave me this Dutch courage to go and give the two
10 fingers to this bully. So I says: 'I'm no doing it.
11 Just -- what you going to now?' And I think there's
12 a few times he caught me on ma own and gave me a proper
13 pasting.

14 Q. And what do you mean by that?

15 A. Punching, kicking, head bounced against a wall and as
16 I say, he was only a couple years older than me, but he
17 was much stronger than me, so I couldnae really do much.

18 Q. And was there anyone that you could report that to? Did
19 you try and report it?

20 A. Again, I mean, I could, er -- actually I did go and
21 complain to SNR [REDACTED], 'I've just been kicked and
22 punched by him'. 'Oh, well, that's a shame.
23 Don't you -- haven't you learnt to punch back yet?',
24 'Well, no', 'Well, go and do it then, boy'. And this
25 is -- this was the belittling fae the teachers, but, you

1 know, so somebody that strength compared to somebody of
2 ma strength, you know, I could try and punch him but it
3 would be like something more like a half-hearted slap
4 and the reply would have been another pasting. You
5 know, but, never did I think about taking a weapon into
6 school, because that would have been 'Goodnight,
7 Vienna', you know. So there was never any thought about
8 me bringing a knife in, you know. So that particular
9 sort of offence never happened there. It was always a
10 Doc Martens boot or a hefty punch fae one of them that
11 regularly worked out, you know, just, you know, done
12 boxing regularly, that kind of thing.

13 Q. When you say that you done the boxing regularly, was
14 that you fighting back or was there organised boxing?

15 A. The gym teacher, he was always encouraging anybody to do
16 any kinda sport that they wanted, you know, so whether
17 that be football, rounders, cricket. We did play
18 cricket. But, you know, if somebody wanted to learn
19 boxing, he was right there and handed out a couple of
20 pairs of boxing gloves, yeah.

21 Q. And is that an activity that he would teach, teach
22 boxing, or were children, sort of, fighting each other?
23 How did that all work?

24 A. I think if he had caught a couple of them fighting in
25 the corridor, he'd yank them apart and say, 'Right, if

1 you're wanting to fight each other, the two of yous,
2 into the games hall', and hand you a pair of boxing
3 gloves. And he goes, 'Right, now you can do it'.
4 Because I think he was bothered that they might end up
5 injuring each other, you know, a kick in the wrong
6 place, knuckles in the wrong place, i.e., the eye,
7 'cause obviously that can cause blindness if somebody
8 gets hit in the eye too hard. But, you know, boxing
9 gloves -- it's -- there is a tiny wee bit of merit in
10 doing that, but I was again never one for, like, er,
11 contact sports or anything like that. Cycling was
12 always my preferred choice of thing.

13 Q. Now, moving on in your statement, you -- to
14 paragraph 54 -- you talk about running away. You tell
15 us that you ran away quite a lot, because of bullying?

16 A. Yeah.

17 Q. So what would happen when you ran away?

18 A. Er, if I got home during the evening and my dad was
19 home, there would be a lot of anger and usually, on the
20 Sunday evening, there -- it would be a family member
21 that would be roped in wi' payment of fuel and, you
22 know, an extra few quid to take me over there. So they
23 were always helpful in doing that for me. And I
24 appreciated no having to get the bus back up from
25 Stirling to Dollar, because that was as far as the bus

1 went on a Sunday evening. There was no connection
2 beyond Dollar. But, you know, if everything was okay,
3 then I wouldnae be returning home mid-week. You know,
4 I was happy enough to be getting on wi' it, but the --
5 Q. What about if everything wasn't okay?
6 A. No, so -- sometimes I was coming home a couple of times
7 a week, you know, I'd be running away on the Monday
8 evening and middle of the Tuesday, SNR
9 turned up at the door once or twice and I'd be away on
10 the Thursday and ma protestations weren't being listened
11 to by ma parents and ...
12 Q. You mention in your statement about an incident when
13 it's either SNR or SNR
14 KMN would turn up at your house?
15 A. Yeah.
16 Q. Do you remember what happened when he turned up?
17 A. Oh, yeah, vividly. It's one of the most extreme things.
18 So I've since found out that ma dad was threatened
19 wi' legal action, prosecution, if he didnae put his foot
20 down. So my dad was, 'Well, that's it. I'm no going to
21 court for you. You get back there and, you know, if
22 you've got any complaints, you send ...', 'Well, I have
23 complained. Do you think I haven't complained?
24 I've complained loads of times'. But anyway, so
25 KMN, he turned up and he says, 'Right, you're

1 coming back now, so get a move on and we'll have less of
2 your backchat'.

3 So dad was like prodding me, he says, 'Come on,
4 move', and I'm pushing back and says, 'No, I don't want
5 to go. I'm going to be getting another doing. I just
6 don't want to go'. So -- and KMN says,
7 'Listen, don't have any of your lies'. I says, 'No,
8 I'm not lying'. You know, 'I'm done trying to complain.
9 I've complained to you plenty of times. I'm complaining
10 to you now. I'm not lying'. And he's, 'No, no, come
11 on, you're meant to be at the school. That's it.
12 That's the rules, you're going, now move'.

13 And there's the railing that's still there to this
14 day between the front door and part way down the 12
15 steps that lead to the tenement door. So that's --
16 I can vividly remember to this day, I was grabbing hold
17 of it like that (indicating) tightly like that with all
18 fingers, and my dad was peeling each finger off and
19 putting his hand underneath each finger as he managed to
20 lever my fingers off and KMN had hold of ma
21 feet and I was just dragged, literally kicking and
22 screaming, into the car.

23 And, you know, once my dad had all the fingers
24 released fae this banister, you know, that was it.
25 I kinda gave up. But I think, so -- KMN, he

1 had -- this was during the evening, probably mid-week
2 that he'd came down to the flat and so got back out to
3 outside the school building and so he opened the door,
4 he's, 'Come on, out'. And so by this time it was
5 quarter to 9, 9 o'clock at night and says, 'Right,
6 I want less of your nonsense. Now stay there', and
7 about 3 o'clock the next morning, I just upped and left
8 and came home again and I was home at -- be about 7 or
9 8 o'clock that morning, having thumbed my way from
10 Kinross on the M90, you know, often getting lifts fae
11 lorry drivers or strangers in cars, you know, oblivious
12 to what to -- what might befall. But, you know,
13 I just -- that was a bit more pleasurable and less
14 dangerous than the next kicking that I was going to get
15 to my 14-year-old mind at the time.

16 Q. And when you talk about that next kicking, was that --
17 did you expect a punishment from someone like
18 KMN or was it kind of the examples of bullying
19 that you've been talking about?

20 A. It was -- a lot of the -- the punishments fae
21 KMN or SNR, KVV, it was a hefty
22 thwack on the side of the head, you know, so just, you
23 know, like that (indicating) and sometimes it would be
24 warning me not to try this again or it will be worse.
25 But, you know, it wasnae working, you know, so I was

1 still returning home mid-week and for the whole three
2 years, the -- it was often the same thing that was
3 happening, you know what I mean?.

4 In fact, the next kicking that I got, I'd be liable
5 to return home, you know, middle of the night.

6 Q. You talk in your statement as well at page 10, about
7 an incident where you ran home and KVV turned
8 up at your house with some boys?

9 A. Yeah.

10 Q. Do you remember what happened on that occasion?

11 A. Er, well, it was -- at least half of the time, it was
12 KVV that was turning up wi' two of the school
13 bullies. He knew that, you know, the school bullies
14 that was causing me all this grief and he would usually
15 turn up wi' two of them just to rub salt into the
16 wounds. And there was one time that his mission had
17 failed. He turned up in the middle of the afternoon and
18 the doorbell went. Uh-huh, that's funny, we're not
19 expecting anybody. So I looked out the peephole.
20 I just crept up behind the door and looked out the
21 peephole and they had their finger over it. So -- and
22 like an idiot I had opened the door and then saw who it
23 was and then immediately slammed it shut in their face.

24 And so KVV tried to persuade me to open
25 the door and, you know, 'Just come back wi' us'. I

1 says, 'No, I'm not opening the door 'cause I know what's
2 going to be happening and it's going to be starting in
3 the school minibus on the way back'. But there was --
4 he had -- every other time he turned up at the door or
5 KMN had turned up at the door, I was back at
6 the school within the hour. But there was one time that
7 KVV had turned up wi' two of the bullies and
8 so the three of us were sitting on the back seat of his
9 car, so they were either side of me to restrain me and
10 I had tried to do a runner up the street and the -- but
11 I wasnae quite quick enough to get away fae him. So
12 he -- the age of it, like 55 or 56, he was still
13 semi-fit and he was able to catch me, 'cause he was down
14 the stairs first after me and they -- he was grabbing --
15 just keeping a hold of me and -- fae the front seat and
16 he had barked a couple of orders at the seniors that was
17 sitting beside me, it was the -- and something to the
18 order of he says, 'Look, restrain him'. And so I was --
19 I had tried to open the car door and so I had got the
20 front seat tipped forward. It's a two-door car, so I
21 tipped the front passenger seat forward, unlatched the
22 door and I had ma hand on the doorframe and then he
23 slammed the door shut on ma fingers. So it had caused
24 a few bits of bruising, but nothing -- nothing
25 permanent. But -- so I was fighting and struggling wi'

1 this bully all the way up from Newhaven to past Cramond
2 Brig.

3 Once we were past Cramond Brig, I thought, 'What's
4 the point?', but as per usual, middle of the night, next
5 morning, I was offski and much to the severe annoyance
6 of ma dad and the, you know, 'What is it with you? You
7 no take a telling?'. Usually if it's -- if any problems
8 that I was causing, he says, 'Listen, if I end up in
9 court because of you, then woe betide you, I'm going to
10 stiffen you'. So that usually meant taking his belt off
11 and thrashing me, which, with my dad, it would usually
12 bring better behaviour, but, er, you know, all the way
13 through the three years, it was -- they were fighting
14 a losing battle wi' me and I was fighting a losing
15 battle trying to get my complaints heard.

16 LADY SMITH: 'Jason', when you got up in the middle of the
17 night and ran away, how did you get out of the school?

18 A. Well, the doors weren't locked. They were never locked.

19 LADY SMITH: But were there no adults around on duty?

20 A. No. The -- I think nowadays in institutions like this,
21 the doors would always be locked and there would
22 probably be motion sensors, you know -- just the march
23 of technology, and -- but the -- I was always very quiet
24 and just to no put my shoes on until I was at the front
25 door.

1 LADY SMITH: Was it always the front door you went out of?
2 A. Yeah. So that was just the big grand entrance to the
3 main building, and -- but, yeah, the place was never
4 that secure, so anybody could have got in and anybody
5 could have got out.
6 But there was two other doors that was down near the
7 games hall and they were never locked either.
8 LADY SMITH: Oh, right.
9 A. So it was different times, yeah.
10 LADY SMITH: You knew how to sneak away?
11 A. Yeah.
12 LADY SMITH: I see.
13 A. And ma -- even at the age of 14, ma geography was pretty
14 good. And I've always been a, kinda, a traveller,
15 a wanderer and -- yeah.
16 LADY SMITH: And once you got to the main road, you had
17 signposts to assure you you were going the right
18 direction?
19 A. Yeah, I mean, I knew the road off by heart, you know, so
20 there was down to Crook of Devon or down to the
21 Rumbling Bridge and across Knockhill and Dunfermline,
22 you know.
23 LADY SMITH: Mm-hmm.
24 A. And we were always at the risk of being seen by the
25 police and there was a couple of times when I was

1 thumbing ma way up the road to -- the Kinross roundabout
2 and so obviously I was just walking at the usual walking
3 pace, facing ahead and my thumb was like that
4 (indicating) and it seemed that every vehicle was
5 passing on the other side of the road and I thought: why
6 are they passing on the other side of the road? And
7 then I looked round and it was a cop car, and so they
8 must have been there for maybe five or six minutes. So,
9 you know, I don't know if it was like these two police
10 officers having a wee side bet as to how long it would
11 be before I recognised that there was somebody there.
12 But they took me up to Kinross Police Station and says,
13 'Oh, you're from Lendrick Muir, aren't ya?'.

14 I didnae have to say anything, but -- you know, so
15 they phoned the school up and there was the English
16 teacher that had to come up to Kinross at 3.00 in the
17 morning and drive me back, yep.

18 LADY SMITH: Thank you. Ms McMillan.

19 MS MCMILLAN: Thank you, my Lady.

20 Now, I think you go on to say that one of the
21 consequences of you running away was that in the winter,
22 your jacket and shoes were taken from you by

23 KMN [REDACTED] ?

24 A. Yes, mm-hmm.

25 Q. And I think you also say -- when you talk about running

1 away -- that one of the boys or the bullies, as you've
2 called them, who came, was someone that had previously
3 knocked one of your teeth out?

4 A. Yeah, yeah, that tooth there. It's -- I've got a bridge
5 there now, yeah.

6 Q. I want to move on a bit in your statement, now, to
7 page 11, where you start to talk about some of the
8 teachers that we've been discussing this afternoon.

9 So the first one being MKF . And you go
10 on at page 12, so paragraph 68, to say that he was fine
11 when things were going okay. And I think you've already
12 talked about the incident where he threw a bunch of
13 keys. Do you know why he threw the keys?

14 A. The -- we were -- over the course of the week, we all
15 had copies of this book and, you know, they were each
16 taking a couple of pages at a time, reading through this
17 book. I forget what the book was, but it was just --
18 this was a reading and comprehension, and so I had, er,
19 turned the page and what had happened, somebody had
20 ripped a couple of the pages of this book out and then,
21 you know, I'm -- I got to the end of page 34 and then:
22 that's not making sense. And then MKF , he
23 had came over, firstly had threw the bunch of keys at me
24 and I had done that (indicating) and so if I hadnae done
25 that, they'd have scuffed past my ear or possibly hit me

1 in the forehead, but he had came over and just yelling
2 loudly at me to pay attention, and it was -- and it was
3 after picking his keys up, he had a couple of slaps on
4 the back of the head and, you know, I was like cowering
5 away like this (indicating) and just ready for what
6 to -- what the next hit was going to be, and -- but I
7 didnae get to mention that, you know, these pages were
8 missing fae this book, 'I'm wasting my time here.
9 Right, [REDACTED], you carry on. You're probably a bit
10 better'.

11 But, yeah.

12 Q. Did you get the impression when -- you tell us that you
13 ducked from the keys. Did you get the impression that
14 he was trying to throw them at you to hit you with them?

15 A. Oh, aye. He was doing that quite frequently. Anybody
16 that was trying his patience or just misbehaving, if
17 there is any -- if he detected any mischief that was
18 going on at the back of the class, so it was usually --
19 that was his first weapon of choice. Then I think maybe
20 the next one would be the blackboard duster. That
21 was -- seemed to be the favourite way of doing, you
22 know, but he was the only one that had like a large
23 bunch of keys like this. So, you know, it was a hefty
24 bunch of keys. You're talking that size (indicating) so
25 (indicating) and yeah.

1 Q. You go on to say that I think you saw another boy being
2 slapped on the head by MKF at paragraph 70,
3 but you say that he made him take his glasses off before
4 he slapped him?

5 A. Er, no, I remember that one vividly as well. And it was
6 always mentioned, 'Oh, you shouldnae be hitting a kid
7 with glasses'. And he -- but for whatever reason, so
8 this one, he was always kinda a bit of Jack the Lad and
9 he was having a laughing session at MKF no
10 being able to control some of the rest of the class, so
11 he went over and he yanked the glasses off of this one
12 before thumping him over the ear. So I think it was
13 just a hefty slap over the left ear. But this one, this
14 was the same one that was -- took great delight in
15 tipping ma bed.

16 But he was always ready for a bit of wise-crack to
17 some of the teachers and, you know, it's difficult to
18 say if he deserved that, but he was certainly one of the
19 more disruptive members of the school, yeah.

20 Q. You go on to talk about MKF being on lates
21 and him pacing up and down the corridor.

22 A. Mm-hmm.

23 Q. I think you say at paragraph 71 that he would check to
24 see -- check the boys to see if they were wearing
25 underwear beneath their pyjama bottoms?

1 A. Oh, yeah. Mm-hmm.

2 Q. Was this something that other staff members would do as
3 well?

4 A. Oh, no, no, no, he was the only one, yeah. Without
5 a doubt. He was the only one that was at this.

6 Q. And what would he do?

7 A. Er, he had already checked me maybe three times over
8 this past fortnight 'cause I think he was probably
9 gonnae try and groom me for a bit of special attention,
10 shall we say, if that's the correct word, and he says,
11 'Right', so he had singled me out, so he said, 'Come
12 here, come here. You wearing underwear?', 'Yeah.
13 'Well, get them off. You're not allowed to wear
14 underwear'. And I thought, 'Well, that's a bit strange,
15 I've never been told that one before', and a couple of
16 times I think I said, 'Why?', 'Because I told you. Now,
17 do as you're told'.

18 So this was in the full presence of the junior
19 corridor houseparents. So this was Mr and Mrs Bissett
20 and I think Norman Bissett, he was maybe a bit
21 intimidated by MKF's temper, because I think
22 MKF had been a bit aggressive towards some
23 of the other members of staff for whatever reason, and
24 so it was -- it had happened a couple of more times and
25 it was like later on that week, checked again.

1 Of course, I had the underwear on, as per usual. So
2 I was walking along towards the toilet block, so that
3 was like -- they had the toilets at the far end of the
4 corridor, the showers --the three shower units on the
5 left and the wash hand basins on the right, so I was
6 going along to brush my teeth. And, he says, 'Just
7 before, come here'. And yanked the pyjama bottoms open,
8 he says, 'Right, I've already told you, get back now,
9 get them removed, and don't let me catch you again'.

10 And I thought, you know, this is in the presence of
11 the houseparents and, you know, Mr and Mrs Bissett, they
12 weren't replying, they weren't making any protestations
13 about this. So I thought I can't just -- for the want
14 of a bit of peace and quiet, that's my 58-year-old
15 thinking just now, but, 'For the want of a bit of peace
16 and quiet, I'll just do as he says', but fae what
17 I'd heard in subsequent years, maybe had realised that
18 he was wasting his time with me and I would really start
19 screaming if he tried anything with me. But he tried
20 something on wi' a pupil that was a year younger than
21 me. And I think he was making some success wi' him.

22 Q. Was this something that you remember seeing when you
23 were at the school, him and his interactions with this
24 other pupil who was younger than you?

25 A. No, that was -- I had been moved up to the middle

1 corridor in 1981. So he was free to do what he wanted
2 and, you know, for the remaining year or so that
3 MKF was a teacher at the school. So he left, for
4 whatever reason I don't know, but he was grooming this
5 other one and this kid that was a year younger than me,
6 he had really serious problems. He had been like in
7 bother wi' the law quite a few times.

8 Q. When you say that you obviously got the impression he
9 was grooming him, what sort of things was he doing
10 towards this other boy?

11 A. Er, just looking for a bit of something sexual, you
12 know. I'm thinking that's what he was up to, you know.

13 Q. You say that there was sort -- you talk about this at
14 paragraph 73 of your statement, you say the talk was
15 rife with the other boys that something was going on.
16 Do you know what the talk was, what they were saying?

17 A. It was just whether there's -- one of the pupils that
18 I think would be two, maybe three years older than me,
19 so MWK was always going around with MKF and, you
20 know, it was always sort of, 'There's something going on
21 there', you know, and I'm thinking that MKF always had
22 a few demijohns on the go in his bedroom, so that he'd
23 sometimes take the class into his bedroom and there was
24 always a few demijohns wi' wine getting brewed. And we
25 were always wondering where's all this wine going? And

1 I'm thinking he was -- 15 or 16-year-olds was getting
2 plied with it and that was about the only thing I can
3 think. He was obviously drinking some of it himself.
4 You know, his nice home brew. So he was probably plying
5 some of the pupils with it.

6 Q. When you talk about the -- I guess the relationship
7 between this pupil and MKF, was it different, in your
8 opinion, to the sort of standard relationship that you
9 would have seen between a teacher and a pupil?

10 A. Er, well, I thought it was just a good friendly
11 relationship. I just thought they were like good
12 friends at the time and, you know, to think that
13 something like this was happening, there were a few of
14 us saying, 'No, that doesnae happen'. You know, what
15 you just see, he's 40 and the senior pupil, he's getting
16 on for 16. 'Och, don't be ridiculous. No, that's no
17 what's happening', and couldnae be more right. That's
18 exactly what was happening. But whether or no it was
19 actually getting up to anything untoward, I really don't
20 know. I'm just surmising. But I'm pretty certain he
21 was getting plied wi' as much wine as he could drink.
22 Yeah.

23 Q. Now, moving on in your statement, you talk about the
24 other teachers. You talk about KIT.
25 I think we've covered him today and some of the boys who

1 were bullying you as well.

2 So I want to just skip forward to page 14 of your
3 statement, where you say again what you've been telling
4 us this afternoon, when you talk about reporting of the
5 abuse at Lendrick Muir.

6 And you say it was like the survival of the fittest.
7 So can you tell us what you mean by that?

8 A. We were -- the -- as I maybe mentioned, there was a few
9 o' us that was never any good at hitting back. So I was
10 about the equal second fae the bottom o' the pecking
11 order and they -- unless somebody was getting really
12 heavily laid into, there was never anything happening
13 fae the vast majority of the staff. There was one of
14 them that had witnessed me getting ma face spat in and
15 he went over and spoke to this thug and I'm thinking
16 something like, 'Cut it out, it's no nice'. But that
17 was the extent of it, but if there was anybody like
18 having a quick squabble or even something heavier, they
19 were just allowed to get on with it. Even if it was
20 a 16-year-old against a 13-year-old, 'Oh, just let them
21 do it. They'll eventually toughen up'. Yeah.

22 Q. You go on, 'Jason', in your statement, to tell us then
23 about how you ultimately left Lendrick Muir. And you
24 say that it was just two days after your 16th birthday.
25 You had been assaulted by one of the pupils, and

1 effectively that was it, you ran home and never really
2 came back?

3 A. I was 16. So I'm not sure if I was legally being
4 allowed to finish school or that it was because I was 16
5 that they couldnae take me back. But, er, you know,
6 I was never making any progress with any of the exams
7 that I was doing, you know. I was getting low marks on
8 most of it and I was getting maybe 20 per cent marks in
9 French. So, you know, the regime, it was a failure.
10 That's about the best way I can put it.

11 Q. And really just taking that then, looking back at that
12 regime, and your time in Lendrick Muir, what do you
13 think was the impact of that?

14 A. It's teaching me that there was -- you can't trust the
15 so-called professionals to be doing a decent job, you
16 know. I knew for a fact that all this bullying,
17 intimidation and violence fae, you know, the four
18 teachers that I'm talking about, it's wrong, and getting
19 pastings and belittling fae some of the pupils that's
20 a year older, I knew from the word go that that was
21 wrong, you know, so it's just why I decided: no,
22 I'm just -- no, I'm out as soon as I'm 16 and that was
23 it and, you know, that was it, end of [REDACTED], goodbye.
24 Yeah.

25 Q. And just finally, 'Jason', is there anything from

1 looking at the Inquiry, is there anything that the
2 Inquiry should take from your experience in care that
3 could help children now?

4 A. Er, I mean, again, it's difficult to put it into the
5 words that I'd like to use. I'm trying to think of the
6 best way of putting it.

7 There's so much o' this grooming that's happened
8 from so-called educational professionals that education
9 departments and, I think, the special institutions, they
10 are a lot better nowadays. You know, they cannae fail
11 to be better than what they were 45 years ago, but, you
12 know, I'm no, nor never have been, an educational
13 professional myself, but -- the -- it seems that as
14 though time has went on, the disorder amongst school
15 pupils, it has got worse. And really the, like, the
16 corporal punishment maybe ought to be getting brought
17 back, because, you know, ma dad and anybody the age of
18 ma dad and older than that, they -- they've always told
19 me that when they were teenagers, so 1940s and 1950s,
20 there was always a lot more respect for staff and there
21 was -- there wasnae -- there wasnae a small percentage
22 of the violence that's going on nowadays. But
23 I'm thinking, you know, discipline ought to be a lot
24 more tougher than it is now, you know, and it's just --
25 I mean, kids nowadays, as I say, in ma job, I can see

1 the best and the worst school pupils and the best ones
2 are from the fee-paying schools, you know, George
3 Watson's, George Heriot's, Daniel Stewart's Melville's
4 and they're always very polite, kids, yeah.

5 MS MCMILLAN: 'Jason', thank you very much. I don't have
6 any further questions for you.

7 A. Thank you.

8 LADY SMITH: 'Jason', nor do I, but I do want to thank you
9 again for coming here this afternoon to help us with
10 your evidence. I'm so sorry again about the
11 interruptions that have been because of the technology.

12 A. It's okay, it's technology, it goes wrong.

13 LADY SMITH: You are through and out the other end now and
14 I'm able to let you go and I hope relax for the rest of
15 the day.

16 A. Aye. Thanks.

17 LADY SMITH: We'll tidy up. don't you worry about it, thank
18 you.

19 A. It's been good getting somebody to listen to what I have
20 to say but if this had happened 45 years ago, we
21 wouldn't have this --

22 LADY SMITH: No, I know.

23 A. So, thank you very much.

24 LADY SMITH: Thank you.

25 (The witness withdrew)

1 LADY SMITH: There are some names of people whose identities
2 are protected by my General Restriction Order and
3 mustn't be identified as referred to in our evidence
4 outside this room.

5 Some of them you have heard already, some are new.
6 There was KMN, KIT, KVV,
7 MKF, KDG and somebody called MWK,
8 who was also a boy at Lendrick Muir.

9 Now, that's it for today, Ms McMillan. Tomorrow?

10 MS MCMILLAN: Yes, my Lady. There will be more oral
11 evidence tomorrow, commencing at 10 o'clock.

12 LADY SMITH: Thank you very much. I'll rise now until then.

13 (4.05 pm)

14 (The Inquiry adjourned until
15 10.00 am on Thursday, 17 June 2025)

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