

1 Friday, 11 July 2025

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome to the last day this  
4 week in which we're hearing evidence in relation to the  
5 part of this phase that's particularly looking at the  
6 provision of additional support needs, residential care  
7 for children.

8 We move on to, I think, a provider witness this  
9 morning; is that correct, Ms Innes?

10 MS INNES: Well, in a sense, he is a provider witness --

11 LADY SMITH: Is or was, yes.

12 MS INNES: The witness today is 'Martin'. He came to  
13 Starley Hall School as SNR [REDACTED] in 198[REDACTED]. He became  
14 [REDACTED] of the school in 199[REDACTED] and remained actively  
15 involved in [REDACTED] the school until 201[REDACTED]. He  
16 was [REDACTED] of the operating company  
17 until 202[REDACTED].

18 LADY SMITH: Yes, thank you.

19 Good morning, 'Martin'. Could we begin with you  
20 raising your right hand, please, and repeat after me.

21 'Martin' (sworn)

22 LADY SMITH: Sit down and do make yourself feel comfortable,  
23 'Martin'.

24 'Martin', thank you for coming along this morning to  
25 provide evidence in person to the Inquiry here in

1       Edinburgh, it's very helpful that you've been able to do  
2       that. I'm grateful to you for coming along.

3           I think it's been explained to you what will happen  
4       this morning. I've already got your detailed written  
5       statement. Thank you so much, that's already evidence  
6       before me and it's been very helpful to be able to study  
7       that in advance, but there are parts that we'd like to  
8       focus on in detail --

9   A. Uh-huh.

10  Q. -- in this oral hearing, if we may.

11           If, at any time, you've got any questions, please  
12       ask, please speak up. I do appreciate that we're asking  
13       a lot of you, dragging your memory back quite a long  
14       distance back to your 20s, I think, when you were first  
15       involved with Starley Hall, and things that happened in  
16       the decades after that.

17           I know just the whole business of giving evidence in  
18       public is stressful, and, added to that, you had  
19       previously the stress of having to deal with the witness  
20       statement, which has been a lot of hard work.

21           So speak up if you've got any queries. If you want  
22       a break, that's fine, I'll take a break at about 11.30  
23       anyway, but if you want a break at any other time,  
24       please just say.

25  A. Yeah.



1 LADY SMITH: And other than that, the key really is,  
2 'Martin', I want to do what I can to enable you to give  
3 your evidence as comfortably as you can, so if it works  
4 for you, it will work for me, whatever it is you're  
5 asking for. Broadly speaking. I'm sure you won't ask  
6 for anything unreasonable.

7 If you're ready, I will hand over to Ms Innes and  
8 she'll take it from there.

9 MS INNES: My Lady, there will be allegations to put to  
10 'Martin' during the course of his evidence and I wonder  
11 if you wish to deal with that now.

12 LADY SMITH: Yes, thank you for that confirmation, Ms Innes.

13 One other thing, 'Martin'. This is not a courtroom,  
14 it's a public inquiry, but you do have all the rights  
15 that you would have if you were in court. That means  
16 that you're entitled to decline to answer any question  
17 the answer to which could incriminate you. Broadly, you  
18 will know that you have a right not to incriminate  
19 yourself if you choose not to talk about that matter in  
20 a question that's been asked of you.

21 If you decide to answer, of course I expect you to  
22 do so fully, but you have that protection and if you're  
23 in any doubt as to whether we're in that territory,  
24 please ask. Don't just guess and then, afterwards,  
25 wonder whether you got it wrong, all right?

1 A. Okay. Yep.

2 LADY SMITH: Ms Innes.

3 Questions by Ms Innes

4 MS INNES: Thank you, my Lady.

5 'Martin' if I can take you, first of all, to your  
6 witness statement which is at WIT-1-000001627 and if we  
7 could look first of all at the final page of it,  
8 page 99, we can see that you say at paragraph 528:  
9 'I have no objection to my witness statement being  
10 published as part of the evidence to the Inquiry.  
11 I believe the facts stated in this witness statement are  
12 true.'

13 And we can see, I think, that you signed your  
14 statement on 2 July of 2025; is that right?

15 A. Yeah, I can't see my signature on that, but yes, I did  
16 sign it, yes.

17 LADY SMITH: You maybe recognise the handwriting and the  
18 date, do you?

19 A. Well, no, there's -- where it says I've signed it, it's  
20 just a black square so ...

21 LADY SMITH: Yes, I know, but below that you see there's  
22 a handwritten date.

23 A. Oh, sorry, yes, of course, yes.

24 LADY SMITH: That looks like your handwriting, does it?

25 A. Yeah.

1 LADY SMITH: Thank you.

2 MS INNES: The statement is -- you'll see, it's redacted in  
3 certain respects to protect your anonymity.

4 A. Okay.

5 Q. If we can move back to the first page, and at  
6 paragraph 1, we see that you were born in 1955; is that  
7 correct?

8 A. It is.

9 Q. At paragraph 3, after telling us that you graduated in  
10 1997 -- 1977, with your degree, you say at paragraph 3  
11 that you then did a Post Graduate Certificate in  
12 Education in 1978 and that was specialising in middle  
13 years?

14 A. Yes.

15 Q. What age group of children would that be?

16 A. Erm, roughly primary 3 to year 14 -- sorry, age 14.

17 Q. Age 14, okay.

18 A. And it doesn't say that St Martin's College was in  
19 Lancaster.

20 Q. Okay. And, at paragraph 4, you go on to say that,  
21 during the course of your teacher training, you did  
22 a special education placement at Cedar House Residential  
23 School near Lancaster, and you were then offered a post  
24 there and you tell us that you then worked in that group  
25 of schools, I think, between 1978 and 1981?

1 A. That's correct, yes.

2 Q. Right, okay.

3 The schools that you were working in, were they all

4 residential special schools?

5 A. They were all -- yes, the age group differed, but they

6 were independent residential special schools, yes.

7 Q. Okay.

8 Then you go on at paragraph 5 to refer to [REDACTED]

9 [REDACTED] SNR [REDACTED] that you worked with, being

10 a Mr FXE [REDACTED], and he had come to Scotland to [REDACTED]

11 Starley Hall school, I think, in 198 [REDACTED]; is that correct?

12 A. It is.

13 Q. Were both of them teachers?

14 A. FXE [REDACTED] was a clinical and educational

15 psychologist, his wife was a teacher.

16 Q. Okay.

17 A. Registered as a teacher in Scotland.

18 Q. Okay.

19 And when FXE [REDACTED] left the group of schools

20 that you were originally working with, did he continue

21 any connection with them or did he break that and move

22 to [REDACTED] Starley Hall School?

23 A. Bar social contact, there was no professional link

24 between the two organisations.

25 Q. Okay, so it was a complete break for him?

1 A. It was, yes.

2 Q. Okay.

3 You then go on, over the page, to say that after  
4 a couple of years, they asked you to join -- you at the  
5 school?

6 A. That's right.

7 Q. Okay. And there was no formal interview process when  
8 you came to Starley Hall School?

9 A. Well, I think no formal interview process in the sense  
10 of there was a formal application. I think, as I said  
11 in my statement, I mean, we remained in contact after  
12 FXE and [REDACTED] moved to Scotland. I'd [REDACTED]  
13 for over -- for three years, he'd seen my work as well  
14 and was aware of my work, so in that sense I was  
15 approached rather than a formal interview.

16 If you're -- if we're comparing it with a formal  
17 interview with an application and an advertisement in  
18 the paper and people applying, that isn't how they went  
19 about it, no.

20 Q. Okay.

21 And the role that you were appointed to was SNR  
22 SNR [REDACTED] at Starley Hall; is that right?

23 A. It was.

24 Q. And prior to taking up that role, were you in  
25 a management position?

1 A. I was.

2 Q. And so in your -- in the original group of schools that  
3 you worked in, what management position did you have?

4 A. So when I moved from the first school to Witherslack  
5 Hall, which was part of the same group, I was -- there  
6 were three houses. The school was divided into three  
7 sections and I was head of one house. But during that  
8 first year, I was involved in long discussions about --  
9 I felt that the education programme, the three houses  
10 were not working efficiently. In a sense, three schools  
11 had been created in one building and so some subjects  
12 weren't being covered by one house as well as other  
13 houses.

14 So after discussion in that first year, it became  
15 one educational resource and I was the head of that  
16 educational resource.

17 Q. And roughly how many staff were reporting to you?

18 A. Within the house, when I first moved there, maybe ten.

19 Q. Okay.

20 A. And as Head of Education, there probably were around  
21 about 15 teachers/instructors involved directly with the  
22 education programme.

23 LADY SMITH: And have I done my arithmetic correctly by  
24 saying that you must have been in your mid-20s about  
25 then; would that be right?

1 A. Erm, later 20s, but, yes, mid-20s when I first moved to  
2 Witherslack, yes.

3 LADY SMITH: When you first went to Witherslack. I thought  
4 -- you moved to Scotland when you were about 21?  
5 A. I did.

6 LADY SMITH: So it's before that?  
7 A. Yes.

8 LADY SMITH: Thank you.

9 MS INNES: Then you were appointed SNR [REDACTED] at  
10 Starley Hall and you say, at paragraph 10, at the bottom  
11 of this page, that it was a fairly quick promotion for  
12 you.

13 Did you feel that you had the requisite knowledge  
14 and experience to take on the role at Starley Hall?  
15 A. I did.

16 Q. And why was that?  
17 A. Well, I mean, I was -- well, I guess part of it was that  
18 I felt that I'd had good experience from both through  
19 university days as well, I had a special -- I had  
20 an interest in special education, and I'd had a number  
21 of different roles that had -- I had been successful in.  
22 A lot of confidence comes from when two people, who'd  
23 [REDACTED] approached me and asked if  
24 I would come along and help them take it to the next  
25 step forward.

1 I did have support directly from FXE as he  
2 was still there, but I certainly thought I had  
3 sufficient experience. I'd had experience of working  
4 with Children's Panels in Scotland as well, because of  
5 the link -- Witherslack had young people, children.  
6 Sorry, I'll differ between saying 'young people' and  
7 'children' because, in latter years, we always referred  
8 to them as 'young people' -- went to Children's Panels,  
9 so I'd had experience of working directly with  
10 professional organisations in Scotland as well.

11 Q. Okay.

12 LADY SMITH: Is that because Witherslack were doing work in  
13 Scotland?

14 A. Sorry, I didn't explain that. Children -- some children  
15 were placed in the Witherslack group from Scotland.

16 LADY SMITH: Ah, of course, yes.

17 A. That was really the trigger for FXE thinking  
18 that children would  
19 not need to be bussed/trained down to the Lake District.

20 LADY SMITH: Yes, that does explain it. I know there was  
21 a point at which, later, Witherslack nearly became  
22 involved in the new school at Butterstone and I thought  
23 that was the first time that they'd dipped their toe in  
24 the water in Scotland. But your explanation makes  
25 sense, that it was their English --



1 A. Well, yes, and the Witherslack group of those days, of  
2 the Butterstone days, it's a completely different  
3 organisation to the Witherslack group back in the 1980s.

4 LADY SMITH: Yes, yes. Thank you.

5 MS INNES: And you say at paragraph 10 that there was  
6 a teaching team in place at Starley Hall. Roughly how  
7 many staff were reporting to you at that time when you  
8 began?

9 A. Okay, well, my role as SNR in a residential  
10 school also meant that I had some oversight at other  
11 aspects of the programme as well, it wasn't just focused  
12 on education. I think the -- one of the important  
13 features of the residential school was the very fact  
14 that the residential programme was an important part, in  
15 some ways more important than the education, but they  
16 both added significance.

17 So a teaching team, probably six teachers.

18 Q. Okay.

19 A. An overall staff team around about that time in the  
20 whole organisation was mid-30s to 40. But, I mean, that  
21 was the whole of the staff team.

22 Q. Okay.

23 And you say at -- going back up to paragraph 8, that  
24 you had to do a period of two years' teaching at  
25 Starley Hall because your qualification that you had was

1 from England. So did you have to do further work to  
2 register with the GTC in Scotland?

3 A. Well, I was registered with the GTC from the moment that  
4 I came to Scotland, but because the middle years  
5 qualification wasn't on their list of -- middle years  
6 wasn't a qualification that the GTC registered  
7 automatically -- sorry, recognised automatically. So  
8 I was a probationary teacher for two years.

9 So yes, there was contact, but I think it was  
10 nothing more almost than a rubber-stamping. They just  
11 couldn't work out how to approve a middle years  
12 qualification.

13 So there was contact with HMIs and -- but there was  
14 no formal training involved.

15 Q. Okay, and then you say at the bottom, going back again  
16 to paragraph 10 and the very bottom of the page, you say  
17 that when you took up your role, you were more  
18 overseeing the education programme and [REDACTED] the whole  
19 organisation rather than being as actively involved in  
20 teaching.

21 But were you actually teaching in the school at the  
22 very beginning of your time there?

23 A. Yeah, I taught lessons -- not every day, but every day,  
24 most days, there would be some subjects or class groups  
25 that I would work with, but it was a smaller part of my

1 responsibility.

2 Q. Okay.

3 And did that change over time?

4 A. My involvement in the classroom?

5 Q. Indeed, yes.

6 A. It did, yes.

7 Q. Okay, how did it change?

8 A. It reduced to the point that I wasn't involved in the

9 classroom, directly involved in the classroom.

10 Q. And roughly when did -- was there a point when that

11 change came; can you remember?

12 A. Erm, not one specific point but it gradually, as the

13 teaching team got stronger and we appointed new

14 teachers, which happened over time, my subjects weren't

15 necessary, so -- and as FXE also then started

16 to ease back a little bit on his responsibilities, I was

17 starting to pick up more responsibilities for the

18 whole -- excuse me -- for the whole organisation.

19 LADY SMITH: When you say your 'subjects', 'Martin', what

20 subjects are you referring to?

21 A. Well, as -- so although my qualification was middle

22 years, the main focus would be on literacy and numeracy,

23 so primary education.

24 My specialities, if -- which -- I'm saying

25 specialties with respect to teachers who do the subject,

1           was art and primary -- sorry, and physical education.

2   LADY SMITH: Thank you.

3   MS INNES: You mentioned that **FXE** was initially  
4           there and I think that his involvement decreased over  
5           time. Roughly how long was he around for on  
6           a day-to-day basis after you started?

7   A. So in the first -- if I, sort of, think of it in terms  
8           of two-year periods, the first two years, **FXE** was  
9           directly involved in the evening programmes. He was one  
10          of the duty staff as well. So he would be around most  
11          days, some weekend duties and the programme was every  
12          second weekend the school closed, young people went  
13          home, and school holidays as well. So there was  
14          a slightly different calendar, but -- so during term  
15          time, he would work two or three evenings, including one  
16          weekend day, a fortnight.

17          As maybe in the second -- in the year three and  
18          four, he would maybe go down to one night working and  
19          less weekend time, and then probably after five or six  
20          years, he did no evening duties and his involvement then  
21          would be being there just during the day. But as time  
22          went on, his involvement on a day-to-day basis -- excuse  
23          me -- wasn't essential. It wasn't felt that it was  
24          essential that he was there, but he would be there from  
25          time to time.

1           By then I think it's fair to say I was responsible  
2           for the day-to-day [REDACTED] of the organisation.

3   Q. Did you feel that you had enough support from  
4       Mr FxE [REDACTED]?

5   A. Yes. Yeah.

6   Q. Okay.

7           Now, if we look down to the bottom of page 3 of your  
8           statement, and paragraph 16, you talk about the children  
9           who were at the school in the earlier period, and you  
10          talk about it being educational placements, not social  
11          work placements.

12          I think, again in your statement, you tell us that  
13          this changed over time. How did the children -- how did  
14          this change from educational placements, the social work  
15          placements?

16   A. So the educational placements were -- so youngsters who  
17       weren't managing in mainstream school in a number of  
18       authorities in Scotland, erm, the special school  
19       placement was the alternative to -- compared to what  
20       there is now that were developed during the 90s, and  
21       there are so many examples now of hubs and small support  
22       groups for young people. So the Education Department  
23       looked for -- to use special schools and, if there  
24       weren't sufficient resources in their own authority,  
25       independent schools to provide an educational placement.

1           The reason why those young people didn't  
2           necessarily -- weren't getting on in mainstream schools  
3           was for a whole number of factors, not just because they  
4           may have had specific learning difficulties, but it  
5           might have been to do with behaviour problems, as they  
6           were seen then.

7           As we went through the 90s, and towards the end of  
8           the 1990s, our programme of going home every second  
9           weekend and school holidays, we would, from time to  
10          time, have a young person placed with us and an issue  
11          would arise at home and the Social Work Department would  
12          say -- so I'll pick a name -- 'Oh, no, [REDACTED] can't go  
13          home this weekend because there's been an event at home.  
14          Can [REDACTED] stay an extra weekend or stay at the  
15          close-down weekend?' And on two or three occasions, we  
16          made extra special arrangements to change staffing rotas  
17          so that young person could have more time for what would  
18          have been normally a weekend at home. But it started to  
19          become -- and if that was a long-term problem, then that  
20          would mean that the placement was no longer suitable  
21          because we wouldn't be able to sustain that for -- well,  
22          it would be a 39-week programme, but then have to offer  
23          a 52-week programme, for one thing, we weren't  
24          registered to do that. The fact that the Social Work  
25          Department allowed us to have a young person, that was

1 possible in the days 'cause the circumstances that it  
2 was an emergency situation.

3 So -- and as the Education Department, social  
4 education authorities, started to develop more  
5 specialised units, the number of referrals was reducing,  
6 the need for a Starley Hall or similar resources wasn't  
7 the same.

8 So we -- and there were lots of changes in the  
9 culture in government expectations, registration  
10 expectations, so that's when we started the process of  
11 becoming registered with the Social Work Department, so  
12 we then could have children, young people, for -- not  
13 necessarily for 52 weeks without going home, but there  
14 was complete flexibility in the home contact.

15 Q. Okay, so you moved from a 39-week facility to a 52-week  
16 arrangement, or the possibility of people being there  
17 for 52 weeks?

18 A. Well, once we completed the move to a 52-week, it was  
19 a 52-week placement, so young people -- there were no  
20 39-week placements once the move had been completed.

21 Q. Okay.

22 And roughly when did that change happen?

23 A. In the late 1990s. Really the critical thing was the  
24 inspection with the Fife Social Work Department which  
25 then led to the Care Inspectorate and the Care

1 Commission. They took over that role from the local  
2 authority Social Work Department.

3 Q. Okay.

4 At paragraph 19 of your statement, on page 4, you  
5 say that [REDACTED] there were about 39  
6 residential pupils and you went up to a maximum of 48.

7 A. Yeah, the number from 39 would be because, at one point,  
8 we had a significant number of day pupils as well.

9 Q. Okay.

10 A. So there were never more than 39 residential pupils. So  
11 it was -- there was a period of -- a short period of  
12 time where we had as many as nearly ten day pupils.

13 Q. Sorry, you had as many as?

14 A. Ten.

15 Q. Ten day pupils in addition --

16 A. Well, nine or ten day pupils to take the number up to  
17 48, yeah.

18 Q. I see.

19 So the maximum number of residential pupils was 39?

20 A. It was.

21 Q. Okay.

22 And did that then reduce from that peak of 39 over  
23 time?

24 A. During the time that we operated a 39-week programme,  
25 36, 37, 38 would be more likely to be the norm. Once we



1 moved into 52-week programme, the numbers significantly  
2 reduced to around about 22, 23.

3 Q. Okay. But residential pupils?

4 A. Yeah. And that's a little bit -- I'm now jumping into  
5 thinking of figures in the 2000s when Starley Hall also  
6 then had houses off site and those numbers were included  
7 as well. So the numbers varied -- on the actual  
8 Starley Hall site, the maximum would be about 18.

9 Q. Okay.

10 And at paragraph 20, you note, as you've mentioned  
11 already in your evidence, that the young people went  
12 home initially every second weekend and during the  
13 school holidays.

14 Why was it every second weekend and not every  
15 weekend?

16 A. Some young people did go home every weekend.

17 Q. Right, okay.

18 A. In the discussions with the Education Department and  
19 parents, the extra time of -- with the weekend was  
20 considered to be an appropriate part of the placement.

21 Q. Okay.

22 And you also mention that there was a week back  
23 during the school summer holidays because of the length  
24 of the summer holidays, I think?

25 A. Yeah. I think that was already in place when I came to

1       Starley Hall and I think the long summer break of eight  
2       weeks was almost -- or seven weeks -- was too long for  
3       sometimes the young people and their families, but  
4       equally the routines and that -- the sort of settling  
5       into school almost had to start all over again.

6       In addition, some young people weren't getting the  
7       experiences that they might have got, you know, that  
8       other children would have got in families with holidays  
9       and so on, so it was a good opportunity to have  
10      a recreational week in the middle of the school, in the  
11      middle of the summer holidays.

12      So in essence, we had four terms rather than three.

13   Q.   Okay, so although they'd be back for a week in the  
14       summer holidays, it wasn't for school, it was for  
15       a recreational week?

16   A.   Yeah, yeah. Well, I mean social learning was  
17       an important part of what was on offer as part of the  
18       placement, so, yeah, there was lots of learning  
19       opportunities, but it wasn't a formal school day, that's  
20       correct.

21   Q.   Now, if we go to the top of page 5, so from paragraph 21  
22       which goes from the bottom of page 4 onto page 5, you  
23       talk about the needs of young people not being  
24       recognised back in the 1980s as they would be now, and  
25       you say Asperger's, for example, wasn't a term that was

1       used in Scotland, people didn't know what it was then  
2       and you say:

3             'We were certainly working with young people who had  
4       conditions and special needs at the time.'

5             So I'm taking from that, that although perhaps the  
6       condition might not be recognised in the way that it  
7       might be now, so ASD, for example, and other special  
8       needs, the children and young people that you were  
9       working with did have those needs?

10    A.   They did.

11    Q.   Now, if we move to the bottom of page 5, at  
12       paragraph 26, you talk about psychological input and  
13       initially you note that Mr FXE gave that input  
14       because of his expertise in that area; is that right?

15    A.   Yes, he would, I mean, the educational psychologist from  
16       the local authority was -- would be always the lead  
17       psychologist in the placement, in terms of helping work  
18       out or discuss how to provide education for any  
19       particular youngster, but FXE's experience, you know,  
20       allowed him to sort of monitor that and help myself and  
21       others develop, you know, awareness of his profession  
22       and skills.

23             We also -- one of the really important people was --  
24       I mentioned the consultant child psychiatrist, so he was  
25       on call and visited regularly. So once a fortnight, we

1       would have a consultation -- during term time and was  
2       always available, if necessary, and sometimes would be  
3       a key person in having a discussion, whether or not  
4       young child X, it was an appropriate placement for  
5       Starley Hall, so ...

6   Q.   Okay, and who was that?

7   A.   Sorry, who --

8   LADY SMITH:  No, it came from Ms Innes.  She was asking who  
9       it was.

10  MS INNES:  Who it was.

11  A.   James Rogers.

12  LADY SMITH:  Thank you.

13  MS INNES:  Where was James Rogers?

14  A.   Certainly Dr Rogers, I think James, Dr Rogers.

15  Q.   Where was Dr Rogers based at the time; can you remember?

16  A.   Down at Crichton Royal Hospital in Dumfries, that was  
17       his -- where his main work was, but he travelled from --  
18       I think he lived around Edinburgh, so yeah.

19  Q.   Okay.  I think we've heard about Dr Rogers before and we  
20       know that he worked at the Crichton Royal --

21  A.   Yes, yeah.

22  Q.   -- and also that he worked in Edinburgh at some point?

23  A.   That's right, yes.

24  Q.   So he also worked with you over a period?

25  A.   He was involved in the -- in Starley Hall from -- he was

1           involved when I arrived and he certainly was involved  
2           through probably until the end of the 1980s.

3           I can't be sure that he was much -- much more than  
4           that, but he certainly was for the -- let's say, the  
5           first eight, nine, ten years, he was involved.

6   Q.   And after his involvement ceased, was there another  
7       psychiatrist?

8   A.   Then we -- erm -- the name has just slipped, but  
9       a consultant psychiatrist from Fife -- her Christian  
10      name is Dorothy and, I'm sorry, the surname has just  
11      slipped.

12  LADY SMITH:   Don't worry.   It may come back to you.   Let us  
13      know if it does.

14  A.   Yes, yeah.

15  MS INNES:   Was she based at Playfield House, do you know?

16  A.   Erm, in Fife, yes.   I think so.

17  Q.   Now, if we can move on, please, in your statement to  
18      page 6 and paragraph 27.

19           You talk about what you brought to the school and  
20      you say that things changed all the time, and you talk  
21      about your -- the idea of building a team supporting the  
22      young person, helping them to make choices and you say:

23           'You have to make the young person feel safe if you  
24      want to support them making better choices.'

25           I wonder if you can explain further this issue of

1       the young people making better choices, so it might be  
2       said that some of the young people, because of their  
3       additional support needs, perhaps didn't have the  
4       ability to make choices in the same way?

5   A.   Erm, if you understand and work closely with  
6       an individual, then -- and get to know that young  
7       person, then you can still help them make better  
8       choices.

9       I'm not quite sure, erm --

10   Q.   Well, it implies that they are making wrong choices and  
11       that they have some responsibility for making those  
12       wrong choices.

13   A.   Erm, yeah, I don't think -- I -- yeah, okay,  
14       I understand the point you are making now.

15       It would be unreasonable if a youngster, a young  
16       person -- at an extreme, if a young person had a visual  
17       issue and then you were expecting them to deal exactly  
18       the same way as everyone else in a classroom, and I  
19       think the same way in -- if someone had, let's say,  
20       an anger management -- an anger issue, which probably  
21       would have been in that case one of the reasons why they  
22       didn't manage mainstream school, then you could help  
23       that young person try and get new skills and understand  
24       what might be happening.

25       That wouldn't mean that there's necessarily a cure,

1 but it would be the responsibility to help that  
2 youngster. So it may well be more about where they sit  
3 in the classroom, where -- the activities they're  
4 involved in, which peer groups they get involved in.

5 So I think that was one of the reasons, and one of  
6 the key responsibilities, not only back then but I think  
7 even now in special education, indeed, in education,  
8 working with young people to understand how best to help  
9 them manage.

10 So in that sense, then they can make better choices.

11 But it -- making better choices doesn't immediately mean  
12 that there was always wrong choices because sometimes --

13 LADY SMITH: Well, I think that's what Ms Innes is trying to  
14 explore.

15 A. Yeah.

16 LADY SMITH: Better than what? Better choices than what  
17 choices they've made?

18 A. Okay, so improve their involvement, their  
19 decision- making so that they could maybe understand why  
20 they weren't getting on with their family or how they --  
21 why they were -- also their issues in terms of peer  
22 friendships so I think it's trying to help them manage  
23 things better.

24 LADY SMITH: All right.

25 A. Poor choices would have to be discussed and try and

1       understand why the youngster might be behaving that way.

2   MS INNES:   So --

3   A.   Better choices, we would see it as being, you know, the

4       tag line for Starley is: 'Better choices are positive

5       choices'. So we always talked in terms of ways of

6       trying to make young people succeed better and make --

7       and feel a good sense of self-worth. So that's where

8       the issue -- where the talk about making better choices.

9       It doesn't -- there's no sense of punishment or it

10      being wrong for them not to make better choices because

11      we understood that young people came to the organisation

12      to be helped -- that was one of the reasons they came,

13      so that we could help them manage things and manage

14      themselves better.

15   LADY SMITH: I think we've got the point from you, 'Martin',

16       but it does sound, when you put it that way, as though

17       it's -- the presupposition is, the assumption is, that

18       the young person or the child has been at fault in some

19       way, as opposed to simply saying all behaviour is

20       communication from a child, and even if it's behaviour

21       that adults find very difficult to handle, the challenge

22       is for the adult to work out what it is this child is

23       trying to communicate. And it may be nothing to do with

24       the child having failed in some way or being at fault in

25       some way.



1 A. Absolutely.

2 LADY SMITH: However appallingly difficult it is to handle  
3 the way they're behaving.

4 A. Yeah -- no, I agree with that absolutely.

5 LADY SMITH: Perhaps 'choice' isn't the ideal principle to  
6 apply here.

7 A. Well, certainly, you know, back in the 1980s, the  
8 language that was being used by professionals and with  
9 the organisation, it didn't seem to be out of character.  
10 We're now, you know -- this is now looking at how we  
11 understand behaviour and the fine-tune -- fine details  
12 that are really critical.

13 So back in the 1980s, talking about making better  
14 choices, being more successful, enjoying activities, was  
15 a reasonable and did seem to be -- and was the way that  
16 we spoke about improving things. It wasn't about young  
17 people came because they were bad or they were wrong or  
18 they did things deliberately. You had to understand  
19 that.

20 But, you know, so the language was we supported them  
21 to make better choices -- I understand the point that  
22 has been made but back in the 1980s, it was appropriate  
23 to talk in that way.

24 LADY SMITH: Thank you.

25 MS INNES: If we can look down in your statement on page 6

1 to paragraph 28, you say that children were at  
2 Starley Hall as young as 8 and they might remain with  
3 you for a period of time. You talk about the aim. Was  
4 the aim to get them back to mainstream education?

5 A. In almost every case that was what would have been  
6 expected. If a young person came to us though aged 14  
7 or towards the end of the secondary school, that  
8 wouldn't have been an expectation. But certainly  
9 children who came to us at primary age, a key point of  
10 aiming -- sorry, a key aim would be aiming to have a  
11 return to mainstream school at secondary age. That  
12 would be the expectation of the local authority and no  
13 doubt, you know, in discussion, parents and sometimes  
14 even the young person themselves saw that as the target,  
15 you know, to aim for that.

16 Q. Okay.

17 You say that you think that about a third of young  
18 people successfully returned to mainstream school over  
19 the whole -- presumably that's a broad proportion over  
20 the whole period of time that you were involved with the  
21 school?

22 A. Yeah.

23 This is the days when it was a 39-week programme.

24 Q. Okay.

25 A. So youngsters -- young people coming to us after we

1        became a 52-week resource, the focus on returning to  
2        mainstream school was not the focus because young people  
3        were placed with us for care reasons rather than for  
4        educational reasons. And could well be on a Children's  
5        Panel order or something -- I would say something like  
6        that, a Children's Panel order or a very clear reason  
7        why young people couldn't go back.

8                So the reference to a focus on going back to  
9        mainstream school was really back in the 80s into the  
10       mid-90s.

11    Q.    Okay.

12                So if we could move on in your statement now,  
13        please, to page 11, and paragraph 51.

14    A.    Yeah.

15    Q.    You talk about your initial involvement in the school  
16        where, as you say, you were working alongside  
17        FXE. At paragraph 52, you say, I think, that  
18        by 198█, you were really █ the school on  
19        a day-to-day basis. Then you say:

20                'After about four or five years, I started thinking  
21        about my career development.'

22                And you looked at another job. Were you thinking  
23        about leaving a school environment completely at that  
24        stage?

25    A.    Sorry, I missed that last -- I didn't catch the last --

1 Q. You say that you were -- at paragraph 52, you say you  
2 started thinking about your career development and you  
3 looked at a job -- was that outwith education?

4 A. No. So my wife and I met in Durham and we always sort  
5 of had an affinity to the north-east of England, so  
6 after -- there was an advertisement for a post at  
7 Beamish Museum which we knew of and thought was a good  
8 organisation, a good facility and the post was Education  
9 Manager. So it was developing educational resources for  
10 schools to go into the museum and learn more about  
11 history and so on, social history.

12 When I, you know, got the job prospectus and found  
13 out more, Education Manager was actually the title for  
14 Fund Raising Manager rather than education.

15 So that discussion, that -- I didn't consider it any  
16 further, but because, you know, I'd always had an open,  
17 you know, discussion with **FXE** about, you know, how  
18 things were going in a career, I had mentioned that I  
19 was looking for another job, not because I was unhappy,  
20 but, you know, I wanted to develop the career and he  
21 came up with a plan which I refer to a little bit later,  
22 I think.

23 Q. Yes, you go on to speak about that at paragraph 53,  
24 where you essentially describe a plan in terms of which  
25 he says if you stay on **SNR** until about 199█, then

1           you would have the opportunity to [REDACTED] the business?

2   A.   That's right.

3   Q.   And that's what [REDACTED] did; is that right?

4   A.   It is.

5   Q.   And [REDACTED] purchase the business and the

6       buildings [REDACTED] Mr FXE [REDACTED]?

7   A.   Initially the business and not the buildings.

8   Q.   Okay, and did [REDACTED] the buildings from him at

9       a later stage?

10   A.   Not him. His wife. FXE [REDACTED] died -- I don't remember the

11       exact year, so it was his wife who owned the building,

12       so ...

13   Q.   Okay, [REDACTED] the buildings from her or from after

14       FXE [REDACTED] had passed away?

15   A.   That's right.

16   Q.   Okay.

17           Now, if we move on to page 12, you talk about your

18       involvement, at paragraph 57, in duty days and you've

19       already told us about that. At paragraph 58, you say

20       that you became a key feature at Starley Hall and you

21       were the person linking in with external resources. As

22       you've already said, your teaching commitments reduced

23       and then you became involved in other things, such as,

24       I think, the Scottish Independent Special Schools Group.

25       I think you were -- were you [REDACTED] that group?

1 A. For a period of time I was, yes. Again, this was  
2 through the 1990s, through my external links, in those  
3 first few years at Starley Hall were very much  
4 concentrating on Starley and the psychologists and links  
5 with local authorities.

6 Q. Okay. At paragraph 59, you say that during the 1990s,  
7 part of your role was:

8 '... about developing resources and new ideas. One  
9 was making sure parents had all the right information  
10 and it was presented to them in a positive way.'

11 Can you explain what you mean by that?

12 A. So it was very important that -- because parents in the  
13 1990s still had a key role in the placements of  
14 children, because the children weren't being taken into  
15 care, they were going to residential special school.  
16 There was -- deemed to be a significant difference.

17 So it was important that parents had the right  
18 information about how we would -- you know, the  
19 programme at Starley Hall, the information, that -- how  
20 we linked with local authorities, how we hoped to work  
21 with parents or hoped that parents would support the  
22 work that we were doing.

23 So it was really a -- as time went on, we increased  
24 the depth and quality and level of information in the  
25 brochure, if you like, in the publicity of the school.

1 Q. Okay.

2 At paragraph 61, you refer to the introduction of  
3 the role of an Independent Adult, and you employed  
4 a former reporter from the Children's Panel to take up  
5 that role. Roughly when was that role introduced?

6 A. I think early 1990s. I can't remember -- I haven't been  
7 able to sort of narrow it down more, but certainly  
8 during the 1990s.

9 Q. And why did you introduce this role?

10 A. Okay, so there were organisations -- there were  
11 organisations developing in Scotland where young people  
12 could have a Children's Rights Officer. Again, that  
13 might not be the correct term. But we couldn't be sure  
14 when those -- some organisations would only work for  
15 young people with different -- so -- an Edinburgh or  
16 Lothian worker would only work, come to Starley Hall, to  
17 talk to the Lothian youngsters, and someone from  
18 Aberdeen would only come and speak to the Aberdeen  
19 youngster.

20 So it sort of made sense, having had a discussion,  
21 because we worked quite often with -- experience of  
22 working with children -- sorry, people working in the  
23 Children's Panel system, and I think I remember  
24 a discussion with Sandra Elgey one day, as a reporter,  
25 about how there was a gap. And, from that, we came up

1 with a plan of, well, if we have an Independent Adult  
2 and you come into the organisation -- into the school,  
3 on a regular basis, would you be prepared to take on  
4 that role and as you have such experience, and, you  
5 know, was highly regarded in that, I guess, the  
6 community working with young people, it seemed a -- it  
7 seemed a really positive, new way of giving children  
8 an independent way of dealing with issues if they had  
9 not been able to manage with the staff who were around.

10 Q. Okay.

11 And then if we go on over the page, to -- well, it's  
12 up just now, paragraph 62, it says that you always felt  
13 that you had some checks and balances, but you say:

14 'In the 1980s and 1990s, the level of involvement of  
15 HMIE was limited compared to what it is now.'

16 Again, can you explain what you -- why you say the  
17 role of HMIE was limited?

18 A. Okay, that's comparing it to the involvement of Care  
19 Inspectorate, Care Commission, where you could certainly  
20 expect to have an announced inspection regularly -- you  
21 know, at least one a year and sometimes twice a year.  
22 The unannounced inspections came whenever, you didn't  
23 know when that was going to happen. I don't ever  
24 remember an unannounced HMIE inspection during my time.  
25 And certainly the frequency of inspections, they were



1 not annual, they probably were every two or three years,  
2 and again that -- so that was the HMI involvement.

3 Local authorities would have visits if they were  
4 starting to -- thinking of placing a youngster in the  
5 school for the first time and local authorities' workers  
6 would come for reviews. But in terms of formal  
7 inspections, the number of inspections that were -- that  
8 took place by HMIE in residential special schools,  
9 compared to the rigour and number and frequency of  
10 inspections, past Social Care Inspectorate Commission  
11 inspections or registration was -- excuse me --  
12 significantly different.

13 LADY SMITH: So have I got you right, 'Martin', you're  
14 comparing the time before the creation of the Care  
15 Commission and then the Care Inspectorate with the time  
16 when the Inspector of Education was --

17 A. Would be registered with the independent schools, yeah.

18 LADY SMITH: -- expected to cover everything?

19 A. Yeah.

20 LADY SMITH: Education and the quality of care?

21 A. Yeah.

22 LADY SMITH: Thank you.

23 MS INNES: If we look down to paragraph 63, you say that  
24 there was an advisory board for the school which had  
25 been established by Mr **FXE** when he first came to

1 the school. And you say:

2 'It was a group of professionals from local  
3 authorities to advise the management. It was not  
4 an executive body.'

5 And you say it was made up by various people.

6 So this body, I think, as the name suggests, was  
7 there to give advice only, it didn't have a role of  
8 oversight of the management and running of the school?

9 A. Well, I mean, I think the key word that I would --  
10 I used was 'executives', so the members of that group  
11 wouldn't have a responsibility or a role to dismiss  
12 a member of staff themselves.

13 They wouldn't have a direct involvement. I mean, if  
14 they were involved, it would be in a discussion to say,  
15 'We've got a problem, how do we -- have you got any  
16 thoughts on how we can manage this?' But they did not  
17 have responsibility for the finances of the school, for  
18 example.

19 Q. But equally, did they -- they didn't have a role that  
20 you might have as a board which might include  
21 non-executive members where somebody might report into  
22 that board?

23 A. So were the board -- did the staff team have access to  
24 the individual board members? Yes, they would, for  
25 example, James Rogers was on that executive -- was on

1 the advisory group.

2 So -- and a key psychologist who might have young  
3 people -- who might have referred or might have young  
4 people at the school while they were still their  
5 psychologist would be on the board, so there was  
6 contact.

7 I think I specifically mean that they weren't --  
8 they had an influence as an advisory group, but they in  
9 the end were not the -- they had no final  
10 decision- making

11 Equally, if they raised significant points, it would  
12 be foolhardy not to take into account the points that  
13 they were making, but in the end the organisation had to  
14 -- FxE [REDACTED], [REDACTED], would have to  
15 take that into account before making a decision.

16 Q. Okay.

17 Now, if we go on to page 14, and paragraph 67, you  
18 talk about the transition to a 52-week programme and you  
19 say that you needed to acquire more accommodation in  
20 order to facilitate that. You say, at the end of that  
21 paragraph:

22 'It was a difficult time for the business but we did  
23 get through it and expanded Starley Hall to the 52-week  
24 resource.'

25 Just in terms of when you say 'a difficult time for

1       the business', do you just mean financially or were  
2       there other challenges arising from that transition?

3   A.   The major point would be for the finances of the  
4       business and making the major changes. But we also had,  
5       at that time, then you suddenly having to put a lot of  
6       focus onto increasing staff recruitment because the  
7       number of staff involved in a 52-week programme isn't  
8       just a quarter more, it's, you know, at least twice as  
9       many staff than you would need for a 39-week programme,  
10      simply because of the way that our 39-week programme  
11      ran.

12   LADY SMITH: So you needed more buildings, and you needed  
13      more staff --

14   A.   More staff.

15   LADY SMITH: -- equals more cost?

16   A.   Yeah.

17   MS INNES: Did your existing staff stay with you through  
18      that process, or did some of them leave?

19   A.   Erm, I don't recall anyone ever leaving because they  
20      didn't want to be part of what was happening at  
21      Starley Hall but, you know, some people would have left  
22      because they didn't want to lose the school holidays,  
23      you know, for example, they might -- but there was never  
24      any -- I never got a sense of people leaving because  
25      they weren't happy with the change. Everybody involved

1       recognised that this was what we had to do.

2           I mean, there was a lot of support for -- to  
3       developing the resource. I think I mentioned -- I'm  
4       aware that there was a trickiness of, for a period of  
5       time, we would have some staff on a 39-week contract and  
6       some staff on a 52-week contract and there were  
7       sometimes, you know, tricky conversations or comparisons  
8       that would be made that were realistic comparisons, but  
9       just the very nature of people -- because people who  
10      were newly appointed were immediately on a 52-week  
11      contract, there had to be negotiations for the people on  
12      the 39-week contracts for them to move to a 52-week  
13      contract.

14   Q.   Okay.

15           If we look down on page 14 to paragraph 69, you say  
16      that you were then working with young people who might  
17      have been going to secure care, so you were the last  
18      stop. And you say this in the context of moving towards  
19      the 52-week resource. I just want to be clear if the  
20      reference to working with young people who might have  
21      been going to secure care is at the time that you moved  
22      to a 52-week resource?

23   A.   Okay, in my statement, when I say that we're working  
24      with young people who might have been going to secure  
25      care, I think that's -- it wasn't that Starley Hall was

1 an alternative to secure care. If a young person needed  
2 to go into secure care, that was the appropriate  
3 placement and it wouldn't have been appropriate for them  
4 to be placed at Starley Hall.

5 I think the last stop was this was another  
6 opportunity to try and work with a young person before  
7 they had to be or were placed, you know, a decision was  
8 made by the Children's Panel, for example, that they had  
9 to be placed in secure care.

10 So it refers to the fact that, you know, as time  
11 went on, we were increasingly involved, the focus at  
12 Starley Hall and other residential schools that moved  
13 from being 39-week providers, working with children with  
14 more challenging behaviour, which -- and sometimes  
15 putting themselves in situations where they weren't  
16 looking after themselves as well as they could.

17 If a young person needed to be in secure care, they  
18 went to secure care. If a young person needed to be in  
19 secure care, we wouldn't have been able to offer  
20 a placement, we wouldn't offer a placement. I don't  
21 know that -- sorry, answered your question?

22 LADY SMITH: I rather took from that paragraph previously,  
23 'Martin', that what you were trying to say was these  
24 were young people who were getting very close to having  
25 to be put in secure care, but this was the last chance

1           to put them somewhere that was residential but wasn't in  
2           the secure category; have I got that right?

3   A.   Yes, some young people, that would be the case.

4   LADY SMITH: Did that then mean that they were more likely  
5           to require 52-week cover than 39-week?

6   A.   Yes.   Yes.

7   LADY SMITH: Yes.

8   A.   Well -- so the 52 weeks was the placement was available  
9           at any time during the 52 weeks. A significant number  
10          of the young people who were placed with us still went  
11          home at regular intervals.

12   LADY SMITH: Yes, I get that.

13   A.   But it just meant that they -- there was always a place  
14          for them at Starley Hall.

15   LADY SMITH: Right. Thank you.

16                Ms Innes.

17   MS INNES: Thank you, my Lady.

18                At the bottom of this page, at paragraph 71, you say  
19                that during the period of time you were involved, you  
20                were an independent resource and on several occasions  
21                you had big private groups coming along showing interest  
22                and wanting to buy your service and [REDACTED] dismissed those  
23                offers. So would these be groups like, for example, the  
24                Witherslack group? I'm not asking specifically, you  
25                know, which groups they were, but a large group of

1 schools coming along wanting to buy your provision?

2 A. Yeah -- you know, organisations was a large group of  
3 schools, or indeed having a wider portfolio of social --  
4 of covering hospitals and so on as well, so ...

5 Q. Okay, and what do you mean that [REDACTED] dismissed them,  
6 because they would have changed the culture?

7 A. I think I anticipated this question and I sort of put  
8 some thoughts on paper. Is it okay if I refer to them  
9 to make sure I get it --

10 LADY SMITH: Please do if it helps you.

11 A. Yes, okay.

12 So during the 2000s and into the next decade, there  
13 were a number of independent services that were required  
14 by large corporate companies, owned by companies that --  
15 you know, and in my view they were evaluated by  
16 shareholders by the level of dividend they received, not  
17 necessarily by what happened at the very -- actually in  
18 the organisation.

19 So -- and, you know, being driven by dividends was  
20 the opposite of the driving force, and certainly driving  
21 factors for my involvement in residential care.

22 As [REDACTED] the Special Independent Schools  
23 Group, there were a number of schools over that period  
24 of time that were taken over by, you know, the company  
25 you mentioned, or others.



1           The Independent Schools Group was an organisation to  
2           offer support and share ideas and, you know, we had  
3           direct dialogue with the Scottish Government, and so it  
4           was an important organisation. But at the same time,  
5           I also realised that some of the schools that were taken  
6           over, the expectations that were promised or the  
7           expectations that people expected, didn't arise.

8           Staffing structures changed, the culture of  
9           organisations changed, and I know one particular  
10          organisation, it was usual for someone to be asked, the  
11          head of the organisation, to stay on for a period of  
12          time. And you know, in this one particular  
13          organisation, that person changed the whole agreement  
14          because what was happening just didn't fit with what the  
15          organisation had.

16          So it didn't feel that we wanted to have  
17          a discussion with a group like the ones you've mentioned  
18          and feel that Starley Hall was going to change and have  
19          no control over that.

20          I think the unique qualities that Starley Hall were  
21          developing, which we felt that we had, would have just  
22          been eroded or just dismissed by that -- sorry -- by  
23          that bigger organisation.

24    Q.    Okay.

25          Just while we're discussing the independent special

1 school sector, if you like, there might be criticism of  
2 people operating in this way and essentially making  
3 profit from this type of educational provision. What's  
4 your view in relation to that?

5 A. Well, I think I'm aware of, you know, those comments and  
6 have been -- they have been around and -- you know,  
7 providers, we had to respond to that over many years.

8 I think the reason that special independent schools  
9 existed in the first place was there was insufficient  
10 provision in local authorities and so they fulfilled  
11 a need. Some of those organisations are charitable  
12 organisations and some of them were independent -- you  
13 know, independent organisations. Whether you're  
14 a charitable organisation or an independent  
15 organisation, you know, the word 'profit' is used as  
16 a negative in independent schools, where they're not  
17 charities and not regarded as being important.

18 So charitable organisations also have to operate at  
19 a surplus, and that's the view that I would take, that  
20 independent schools use that surplus, that profit, to  
21 develop the organisation, so that they could continue to  
22 provide the services.

23 If someone has a view that, you know, I would  
24 certainly say -- and I had said it on many occasions --  
25 if at any point during the 1980s or the 1990s, there was

1 not a need for the independent sector, because local  
2 authorities could meet the needs of all of the young  
3 people in their own authority, that would have been the  
4 most wonderful step. So we were filling a need but it  
5 wasn't, in our case, driven by the bottom line, the  
6 profit. But without having a surplus, then you couldn't  
7 continue to operate and develop the organisation,  
8 whether or not a charity or not.

9 Q. I suppose some might draw a distinction between  
10 a charity, where the profit is being reinvested, and  
11 an independent owner where, say, the shareholders of  
12 that company are the beneficiaries of the profits  
13 generated; do you have any comment in relation to that?

14 A. Well, certainly up till 201█, when I was █  
15 involved in Starley Hall on a day-to-day basis, then  
16 I can say that, you know, the salary that I █ and the  
17 income that we took from the organisation was probably,  
18 you know -- was respectful of the role that I had. It  
19 wasn't excessive and it certainly wasn't driven by  
20 profit making at the end of the year.

21 Some years we actually found it difficult to cover  
22 all the costs, the period of time when we moved from  
23 39-week to 52-week. It was a very -- the difficult time  
24 was we had to adjust lots of issues so that we could  
25 remain active and keep the service open.

1           It wasn't certainly a question at that time of  
2           having -- making lots and lots of profit and, you know,  
3           hiding it -- well, not hiding it, you know, just taking  
4           it.

5           So I think if you were a responsible person, there  
6           was a place for independent schools, where there'd be  
7           an independent provider or not.

8   Q.   Now, if we move on, please, to page 15 of your  
9           statement, and at paragraph 73, you say there that  
10          sometimes some of the complaints that are made in  
11          residential schools aren't about abuse, they are about  
12          misunderstandings. You say:

13          'Someone has had a view and sometimes it's years  
14          later looking back and thinking it was horrible.'

15          Can you explain what you mean by saying that some  
16          complaints aren't about abuse, they are  
17          misunderstandings?

18   A.   I think, when you're looking back over something over  
19          many years, how you remember something can change.  
20          I have no doubt that there are some -- there are  
21          examples and situations where many young people have had  
22          to deal with abusive situations in residential schools.  
23          But there are -- and you know, I've come across  
24          experiences, you know, in more formal settings where  
25          discussions between who were young people but now

1 adults, they encourage each other to -- they've  
2 encouraged each other to change the -- change the -- not  
3 the content necessarily, but how that's viewed.

4 So I think that sometimes an issue that was dealt  
5 with at the time, 20 years later, can become -- can  
6 become, in terms of how it's described, much more --  
7 appear to be much more serious. But actually, if one  
8 was still there back in the time, it wouldn't be -- it  
9 wouldn't be, for example, a criminal offence, which  
10 obviously has taken place in some organisations, and  
11 that's what this Inquiry has focused on.

12 So I think that, you know, whether it's -- I've  
13 heard the term 'false memories' mentioned and indeed  
14 anybody can have what -- a recollection of something  
15 that happened many years ago. I think that all the  
16 stories I mention there -- I can't remember using that  
17 word that's in that paragraph, but, you know, I could  
18 have stories about my time at school and say, 'Oh that  
19 teacher was a real so-and-so'. But actually he was  
20 doing his job. It wasn't necessarily that anything bad  
21 happened, he was just, you know, being a very strict or  
22 a, you know, good teacher.

23 LADY SMITH: But the impact at the time could have been  
24 really hard for the child to take. A teacher of that  
25 sort?

1 A. Oh yes, it could. Yes. Yeah.

2 LADY SMITH: Have long-term impact on that child?

3 A. In some cases there's absolutely no doubt that that's

4 the case.

5 LADY SMITH: Yes. I'm sorry to take you back a moment --

6 a few moments ago, you said that the income you [REDACTED]

7 from the organisation was respectful of the role that

8 you had.

9 What did you mean by that?

10 A. I mean that the salary that I [REDACTED] -- I always felt that

11 the salary that I [REDACTED] was less than I would have had if

12 I had been SNR [REDACTED] in another organisation. So if there

13 was some other -- so over the whole period of time,

14 I feel that the salary -- I wasn't very clear in terms

15 of -- I don't think that my remuneration over the whole

16 period of time was really any significantly different

17 than it would be if I was SNR [REDACTED] in a similar

18 organisation.

19 LADY SMITH: In -- in another school?

20 A. In another school.

21 LADY SMITH: An independent school?

22 A. I'm only guessing because I don't have all the figures.

23 But from my discussion with SNR [REDACTED] of other

24 organisations, I think that the salary was respectful of

25 the role, but wasn't excessive.

1 LADY SMITH: Okay. Who decided what you were being paid?

2 A. Well, in the days that -- when I worked [REDACTED]

3 [REDACTED] FXE [REDACTED], FXE [REDACTED]; but after that it would be

4 [REDACTED] but the local -- sorry.

5 LADY SMITH: Did you carry out any inquiries to see what the

6 going rate for SNR [REDACTED], either in the independent or the

7 state sector, was?

8 A. Yes. Yeah.

9 LADY SMITH: Right. And did you arrive at figures that were

10 in line with that or not?

11 A. I would like to think that they were less than some, and

12 obviously, in some cases, more than others, depending on

13 the size of organisation.

14 Once we got into -- beyond the -- into the days of

15 social work registration, local authorities became much

16 keener in asking us for more information -- financial

17 information, so although they didn't have full access to

18 all of the information, there was much better sharing of

19 information like that.

20 LADY SMITH: Yes.

21 A. And then when -- in the days when latterly, so we are

22 now talking 2010 and so on, when local authorities and

23 Scotland Excel and -- took on a role of looking at the

24 finances in a much -- scrutinise them in a much harder

25 way than they had done before.

1 LADY SMITH: Thank you, 'Martin'.  
2 Ms Innes.  
3 MS INNES: Thank you, my Lady.  
4 If we can look down to paragraph 76 on the page that  
5 we're looking at, you say:  
6 'Lots of people wanted to say that bad things  
7 happened at Starley Hall. Some people's lives haven't  
8 turned out like they wanted them to and there's lots of  
9 reasons why they haven't. I still believe we did a good  
10 job and I hope I did my best.'  
11 So when you say 'lots of people wanted to say that  
12 bad things happened at Starley Hall', what are you  
13 referring to?  
14 A. Well, I think the question -- when I was giving my  
15 statement, I was asked, 'Why do you think that, you  
16 know, people are making complaints?'. So there was  
17 a general question.  
18 Q. Okay.  
19 A. So that's -- that was referring to that open question.  
20 I think, you know, in the last few years, I've also been  
21 aware that, you know, young people have been encouraged  
22 to make statements and, you know, sometimes -- and have  
23 been in contact with each other and have encouraged each  
24 other.  
25 I think it's -- sitting here, knowing the



1       seriousness of this Inquiry, that looks a little bit --  
2       because you will have experienced and heard stories --  
3       not stories, about facts and situations that are very,  
4       very difficult. This feels a little bit trite seeing it  
5       in front of this Inquiry. It is not dismissing the fact  
6       that difficult, wrong things happened, but I do think  
7       that some of the events that have taken place -- some of  
8       the stories that have come out have come from people  
9       talking with each other and being -- encouraging each  
10      other to -- this particularly refers to, I imagine that  
11      you're going to ask me about one of the statements that  
12      came from another person who's -- you've already said  
13      you will be asking me questions.

14           I think it was in reference to 'Helen's' statement  
15      about how things weren't managed back in the 1980s and  
16      how they are now. It's very clearly an issue and maybe  
17      it would be appropriate to wait until you ask me about  
18      that statement, or --

19   Q.   Okay.

20   A.   Yeah?

21   Q.   So when -- we obviously know that there have been  
22      various allegations against you --

23   A.   Yeah.

24   Q.   -- of abusive behaviour, some of which ultimately went  
25      to trial and you were acquitted?

1 A. Yep.

2 Q. So would I be right in thinking of -- that you're  
3 referring to those sorts of allegations when you're  
4 referring to the people that are saying that bad things  
5 happened?

6 A. Yeah, they are.

7 Q. And you say that -- when you say that some people's  
8 lives haven't turned out like they wanted them to, the  
9 implication from that might be that you're suggesting  
10 that they're looking for somebody to blame for that? Is  
11 that what you mean?

12 A. I think they're trying to understand why they're in that  
13 position. I'm not sure that I would always say that  
14 they're looking for someone to blame, because sometimes  
15 they may well consider it's themselves. But certainly  
16 trying to work out why they're in the position that  
17 they're in, or their life hasn't been as fulfilling as  
18 they expected.

19 I don't think that's something that's just for young  
20 people who've been in residential schools; I think  
21 that's part of human nature sometimes to do that.

22 Q. And you mentioned in your evidence a moment ago that  
23 people have been encouraged or encouraged one another to  
24 make statements. So are you suggesting that people have  
25 essentially colluded to make the allegations that were

1       made against you?

2   A. Well, you've referred to the trial of which I was  
3       acquitted, and I think that that became quite clear  
4       through the -- the prosecution and cross-examination,  
5       and interviewing witnesses, that that was the case in  
6       some examples. I don't -- it wasn't possible to say in  
7       all examples. The acquittal came for other reasons.

8   Q. Okay.

9       If we can move on, please, to page 16, and to  
10      a matter that you mention at paragraph 79, when you talk  
11      about a daily assembly at the school. And you talk  
12      about this elsewhere in your statement as well. You  
13      talk about rules and guidelines being spoken about at  
14      the assembly and expectations of behaviour being spoken  
15      about.

16      Were matters individual to particular children  
17      spoken about at the assembly?

18   A. Certainly, if you wanted to highlight something that  
19      good had happened, that was absolutely appropriate.

20   Q. And what about if something bad had happened?

21   A. I think if there was an issue that'd involved a group,  
22      sometimes it might be appropriate to talk about, within  
23      the school group, an issue, but you had to be sure that,  
24      I mean, you weren't -- to belittle a child to --  
25      wouldn't be a very helpful way of managing things

1       because you would get -- you could hardly expect that  
2       young person to gain and learn from that.

3               So if there were issues to manage about reminding  
4       people about how, you know, compliment a young person if  
5       they showed a visitor round very well or they did  
6       something exceptional, but I would -- you know,  
7       I couldn't say to you that a young person who had not  
8       managed to do things well would never be singled out,  
9       but it wouldn't be the norm to do that and wouldn't be  
10      the best practice. Certainly I would endeavour to  
11      always find a way of learning from something, rather  
12      than putting somebody down.

13   Q.   Okay.

14             I think you do tell us later in your statement that  
15      this was perhaps something that was highlighted once the  
16      Social Worker Care Inspectorate became involved and they  
17      suggested that it was, I think, a powder keg?

18   A.   Well I think we were still -- I mean, the original  
19      Monday to Friday, there was a daily assembly, we were  
20      a school, it wouldn't be appropriate to have that sort  
21      of feature in a school day.

22             And I think, as we gradually moved towards -- the  
23      main reason why young people were placed at Starley Hall  
24      was through social work registration and not education,  
25      then the whole balance of how days were managed,

1 changed. And there were not -- we did not have those  
2 same assemblies once we became a 52-week service.

3 Q. Okay. If we can move on, please, to page 17 of your  
4 statement, and paragraph 85. Sorry, 86. This is  
5 talking about your role in strategic planning at  
6 Starley Hall. And you say:

7 'It's very difficult to say that everything was all  
8 down to me and I made all the decisions because it never  
9 felt like that. Clearly if someone had said we were  
10 going to do something and I didn't think it was a good  
11 idea, they would have to work blooming hard to convince  
12 me or it wouldn't have happened.'

13 So presumably you were the [REDACTED] once  
14 you [REDACTED]?

15 A. Yes.

16 Q. Yes.

17 And then if we go onto the next page, please,  
18 page 18, and paragraph -- so, at paragraph 89, you talk  
19 there about considerations of abuse and you say that you  
20 wouldn't start the day thinking, 'We've got to stop  
21 abuse', you would think, 'Can we have good experiences  
22 today?'. So it was the other way round.

23 At paragraph 90, you say:

24 'Things change with the passage of time but even at  
25 the time people had different views on what had

1       happened, so we had to address it. What one person  
2       might say was wrong, another might call abuse.'

3           Can you explain what you mean by that, because this  
4       is looking back at people's perceptions at the time?

5   A. Yes, could I just refer back to the last paragraph,  
6       because if they're linked, just so I can just see  
7       what --

8   Q. Yes, if we scroll to see paragraph 89.

9   A. Yes, thanks. (Pause)

10           Yes, so I think this comment is really referring to  
11       the fact that making observations from what were deemed  
12       to be good practice back in the 80s, when I was first  
13       involved, not only at Starley Hall in residential care,  
14       to what would be regarded as good practice, let's say,  
15       in the 2010s.

16           So I am really just trying to have a view that  
17       that's what people would -- so, for example, corporal  
18       punishment, to use a -- was never used in any  
19       organisation that I worked in, but corporal punishment  
20       was allowed in schools in Scotland in the 80s and then  
21       at some point was stopped.

22           So that would be an example that fits with this  
23       comment. Now that would be completely out of order. We  
24       have now issues where people talk about the whole issue  
25       of gender assignment and so on. That's a massive topic

1       that's being dealt with. Again, that wasn't an issue  
2       back in the 1980s and 1990s, but it is now.

3       And if someone uses the lens of 2020 to look at  
4       everything that went on 20 years ago, 30 years ago, then  
5       I think that's what this is referring to.

6       So if, you know, I know that there are teachers who  
7       have been disciplined for not referring to a child who  
8       wishes to be known by a different gender. Now, that's  
9       something completely -- that I have not directly  
10      experienced, but that would be something that I would  
11      say, if, back in the -- 20 years ago, that would not be  
12      regarded as something that a teacher could be  
13      disciplined for, but they can now.

14   Q. I see that point which you make at the beginning of  
15      paragraph 90, so you say:

16           'Things change with the passage of time.'

17           But then you say:

18           'But even at the time, people had different views on  
19      what happened, so we had to address it.'

20           So that looks like you're saying that back 20 years  
21      ago, people had different perceptions of what was abuse  
22      and what wasn't?

23   A. I think that's true.

24   Q. Can you give an example of that, what you mean?

25   A. I can't think of a specific example, but, because I've

1       used the word 'abuse', then it really has flagged it up  
2       as to being something which is criminal in that sense.

3           I think that what I'm referring to is that something  
4       might have happened, an event in Starley Hall, let's  
5       say, and we feel that it's been managed, but then  
6       someone else comes along and says, 'Well, actually, I'm  
7       not happy about that', or, 'I'm not quite sure that's  
8       what happened', then you would have to review that.

9   LADY SMITH: 'Martin', not every type of abuse would  
10       necessarily amount to a crime in our law. If you take,  
11       for example, all forms of emotional abuse I have heard  
12       powerful evidence about, but much of it couldn't form  
13       a criminal charge. It's a very wide concept.

14   A. Yeah, so -- but in the context of professional work and  
15       helping our young people develop, emotional abuse would  
16       be completely out of order.

17   LADY SMITH: Yes.

18           It's just you suggested, with one of your earlier  
19       answers that --

20   A. Yes, okay. Sorry.

21   LADY SMITH: -- abuse related only to what was criminal, but  
22       it doesn't, it goes wider than that.

23   A. No. No, I -- I --

24   LADY SMITH: Doesn't it? You agree?

25   A. -- I fully understand and I ...



1 LADY SMITH: Yes, thank you. Ms Innes.

2 MS INNES: Just looking down this page at paragraph 91, you  
3 talk about the structure and you describe yourself as  
4 being answerable to the whole team all the time. You  
5 say there was an advisory board, but in the end, when  
6 you were [REDACTED], [REDACTED] were answerable to yourself  
7 and the local authorities. So I presume you mean the  
8 local authorities in relation to each child who was  
9 placed at the school; is that right?

10 And you then say after 199[REDACTED], you were obviously [REDACTED]

11 [REDACTED] SNR [REDACTED].

12 Did you ever consider that you lacked a full  
13 governance structure or a requirement for yourself to be  
14 accountable to a board?

15 A. Well, I think what I was trying to say at the start of  
16 that paragraph is I always felt that I was answerable to  
17 anyone involved in Starley Hall, whether it be the  
18 staff, or a local authority's representatives who were  
19 involved in Starley Hall.

20 It never felt like what I said had to go without --  
21 without question. I always felt that I was answerable  
22 to the colleagues in the team, the young people and  
23 local authorities. But as an independent service, in  
24 that sense, I was asked the question while taking the  
25 statement, 'And did you have [REDACTED]?' Well, the answer

1 to that is, well, no, because I was SNR, but it --  
2 that did not mean that I wasn't answerable or had  
3 support or could seek guidance from other people.

4 Q. You didn't think that there was something missing in  
5 terms of a board of management or a board to which you  
6 might be accountable?

7 A. No.

8 Q. Okay.

9 If we look on to page 19, and paragraph 94, you talk  
10 about teaching staff and initially you say that  
11 teachers, I think as you potentially also did, undertook  
12 residential duties and that stopped in the 1990s or from  
13 the late 1990s. Why was it that teachers stopped being  
14 involved in residential duties?

15 A. Well, I think this was the period of time when we were  
16 moving from being a 39-week to a 52-week programme, and,  
17 you know, we had to -- as the demands and expectations  
18 on the education provision that we could provide, that  
19 young people experienced, the teachers had to spend, you  
20 know, more time to ensure that they could deliver  
21 a teaching programme. And at the same time, the moving  
22 into a 52-week programme, that really conflicted with  
23 teaching salaries and conditions of having basically  
24 term-time employment, which was -- were always the case  
25 in the 39-week programme.

1           So it really became difficult. There were one -- so  
2           new teachers coming into the service at that time did  
3           not get involved in residential duties. The only  
4           involvement a teacher might have would be they might  
5           offer an after-school activity on certain evenings, for  
6           a specific period of time. But they would not be  
7           regarded as being active contributors to the care  
8           programme as such. The care staff would be responsible.  
9   MS INNES: Okay.  
10           I'm conscious of the time, my Lady.  
11   LADY SMITH: 'Martin', as I said at the beginning, we  
12           usually take a break at about this point. If that would  
13           work for you, we we'll do that now and then we'll sit  
14           again in about 15 minutes.  
15   A. Thank you.  
16   LADY SMITH: Thank you.  
17   (11.31 am)  
18                               (A short break)  
19   (11.45 am)  
20   LADY SMITH: Welcome back, 'Martin'. Are you ready for us  
21           to carry on? Thank you very much.  
22           Ms Innes.  
23   MS INNES: Thank you, my Lady.  
24           If we could move on, please, to page 26 of your  
25           statement and, at paragraph 136 you talk about the

1 routine of children lining up in uniform, and then going  
2 to their classes. And I assume this was at the early  
3 time of your involvement with Starley Hall?

4 A. It was.

5 Q. And at paragraph 137, you say:

6 'It does all sound very institutional but it was  
7 a way of giving a sense of order and nobody minded it.'

8 How do you know that nobody minded it?

9 A. Well, I don't know that, I mean, because obviously some  
10 people did mind that 'cause it was a change, but it was,  
11 you know, this was part of the school day, there was  
12 probably an expectation in most schools to have, you  
13 know, order before you went into classes and so on, and  
14 I think, you know, the aim was to try and not replicate  
15 exactly what was in mainstream schools, that wouldn't be  
16 possible, and probably wouldn't actually help in any  
17 way, if it was exactly the same as mainstream schools  
18 where these youngsters had failed, but, you know, try  
19 and get some order and it was an expectation, indeed  
20 an expectation from HMIE, that there was some structure  
21 and order to the school day.

22 Q. And as you say, that changed over time; is that right?

23 A. It did.

24 Q. And if we can look on to page 27, please, at  
25 paragraph 139, you say:

1           'When you start working with groups of youngsters  
2       like that, it's important for the staff to understand  
3       the key issues that they have to take into account  
4       before the youngsters come to us. That was really  
5       important.'

6           So I assume you mean that staff would have to be  
7       informed about maybe the background of the child and  
8       given certain key information?

9   A.   Yeah, I mean, I think it was important that, before any  
10       young person came to Starley Hall, there was some  
11       discussion with the staff team about a youngster and  
12       their situation.

13           Two or three staff would be given specific  
14       responsibility to have a key involvement with that young  
15       person, but it was really -- it was important and, you  
16       know, at the end of every fortnight, or the beginning of  
17       a fortnight, depending on who was available, there would  
18       always be reviews of the previous fortnight,  
19       highlighting key points, changes that needed to be made,  
20       something that might help a young person that -- you  
21       know, manage better the week after and so on.

22           But informing all adults about young people before  
23       they came was really important.

24   Q.   And when you say there was a fortnightly check of  
25       highlighting key points, was that a discussion between

1       you and a member of staff or was that a discussion  
2       involving the young person?

3   A.   The reference I was making, during the 39-week programme  
4       when young people were taken home at the end of a  
5       fortnight and collected from home at the beginning of  
6       the fortnight, the staff who were not involved in  
7       transport and meeting the parents and families would be  
8       in a staff meeting for all staff. Contact with  
9       individual staff would take place numerous occasions on  
10      any day through the fortnight.

11       Once we became a 39-week programme, it wasn't  
12      possible to have that full staff meeting every fortnight  
13      because we were always -- had a responsibility for some  
14      young people at different times. Staff meetings had to  
15      be managed and they were in smaller groups then.

16   Q.   You said 39-week programme there, when it wasn't  
17      possible to have a full staff meeting, but I think you  
18      mean when you became a 52-week programme, you couldn't  
19      have the full staff meeting; is that right?

20   A.   Yeah.

21   LADY SMITH: What information about the young person or  
22      child's background were you provided with and what  
23      information were the staff provided with?

24   A.   Over time, the rigour and detail that we would get when  
25      it was a social work placement was quite different. If

1 I talk about the 39-week programme first -- excuse me --  
2 I think the report would come from a psychologist to the  
3 school; it may well be a psychologist who knows the  
4 school, it might have been a psychologist looking for  
5 a suitable placement that comes the first time and there  
6 would be, in the first instance, probably a verbal  
7 conversation with a key person at Starley Hall. It  
8 could be me, it could be **FXE**, it could be one  
9 of the other senior staff.

10 We would then have a sense of -- about that young  
11 person and their situation, and we would get school  
12 reports and consider whether or not we felt that we had  
13 the resources, as well as the local authority  
14 considering that, to meet the needs of that young  
15 person.

16 LADY SMITH: Did that mean that you were able to make up  
17 a file relating to that child before the child even  
18 arrived?

19 A. We would have -- we would have information about the  
20 child before they arrived, yes, because we would need to  
21 have a--

22 LADY SMITH: That wasn't what I asked, 'Martin'.

23 I was wondering whether you had ready for the  
24 child's arrival a documentary resource containing all  
25 the information you already had about the child?

1 A. Yes, I think that's -- we would, yes. Have as much  
2 information as we were provided with and as much  
3 information as we asked for, because sometimes we would  
4 have to ask more questions.

5 LADY SMITH: Was that made available to the staff who were  
6 going to be working with the child?

7 A. The full file would be made available to the key people,  
8 the teacher particularly.

9 The full file wouldn't be open access, I don't  
10 think, to anybody who wanted to see it. But there would  
11 be a plan of work for a youngster that all adults  
12 involved would know about.

13 LADY SMITH: Okay, thank you.

14 MS INNES: If we can move on now, please, to page 29 of your  
15 statement, and to a section where you talk about washing  
16 and bathing. At paragraph 156, you talk about  
17 showering, particularly for the boys, being in a shower  
18 room.

19 Did you consider that there was adequate privacy for  
20 the boys whilst showering?

21 A. Yes, I think so, yes.

22 Q. You'll be aware that, in at least one statement that you  
23 will have seen, there has been an assertion that there  
24 was inadequate privacy, and a child felt uncomfortable  
25 being supervised in the shower.



1 A. Yes, I'm aware of that, and there was never any intent  
2 on our part to not feel that it was managing the showers  
3 in the best way possible. But then we didn't have  
4 an expectation of having single bedrooms and individual  
5 showers and so on, which was obviously a key ingredient  
6 of -- a key thing we had to manage and make sure we had  
7 for social work registration. We always met the  
8 requirements that were set for us and at no point would  
9 anybody have wanted it to be anything other than an okay  
10 experience for your youngster in, you know, toileting  
11 and bathing and so on.

12 Q. And if we could look on, please, to page 30, and  
13 paragraph 159, you talk about group activities, and you  
14 say that they got on those group activities if they were  
15 doing well.

16 So am I right in understanding that attending group  
17 activities was a reward for doing well?

18 A. I think the -- what that's really referring to is you  
19 had to be sure that a young person would get  
20 something -- you know, so if a young person had  
21 misbehaved in a vehicle, for example, then it may well  
22 be that they didn't go in a vehicle for that next  
23 activity, if they disrupted the activity in a certain  
24 way.

25 Some activities carried on whether or not they'd

1       been difficult or not, particularly the ones that spring  
2       to mind are if we got to a point where a young person  
3       might be in the local scout group or go to a local  
4       swimming class, that -- you know, it would take  
5       an extreme situation for them not to be encouraged to  
6       make a commitment to keep going to that class.

7             But yes, so answering your question, did the  
8       behaviour of young people sometimes affect them being  
9       able to go on activities; yes, it did.

10    Q.   And at paragraph 161 at the bottom of this page, you  
11       say:

12             'Some youngsters could probably work the system  
13       better and got on more trips than others.'

14             Can you explain what you mean by that? How were  
15       they working the system?

16    A.   I think these were probably the youngsters doing really  
17       very well and realising that, you know, developing more  
18       social skills and, you know, the good footballers  
19       playing well in the football team, they knew that they  
20       were going to get the chance to go and play more  
21       football, for example. I don't think there's any --  
22       it's not meant to be a negative thing about that. It's,  
23       you know, I think it's true in life as well, that, you  
24       know, people who do well learn how to get on well with  
25       other people and manage things, so ...

1 Q. In terms of a system, did you have a points system in  
2 place at any time; can you recall?

3 A. Erm, I don't recall a formal -- no, there was never  
4 a formal points system as such, a grading -- no,  
5 managing at the end of the day, 'Oh, that youngster's  
6 got six out of six or ten'.

7 But I think that socially and in one's mind, you  
8 started to -- you were monitoring how and considering  
9 how well the staff team were working with young people  
10 and, equally, how well young people were doing. But no,  
11 there was never a formal grading in terms of points per  
12 day.

13 Q. Okay, if we can move on, please, to page 33 and  
14 paragraph 175, where you are talking about classes, and  
15 you say they were made up around -- mostly made up  
16 around ability, but you had to take age into account as  
17 well:

18 'The first class would be those who had little or no  
19 literacy. Children with serious learning difficulties  
20 were viewed differently in the 1980s to what they are  
21 now.'

22 How did you divide the children into the various  
23 class groups?

24 A. Well, I think really, as it -- age had to be taken into  
25 account, 'cause we had some youngsters who were of

1 secondary age, and secondary age youngsters would  
2 undoubtedly be in groups but not necessarily correlate  
3 with the year group that they might have been in  
4 a mainstream school. You know, we didn't have the same  
5 flexibility.

6 But a youngster had to be suitably, you know -- the  
7 peer groups were looked at as well. Although age --  
8 I don't recall a case, for example, where there was  
9 an 8-year-old with a 14-year-old in a class, or anything  
10 as extreme as that. But, you know, there would be  
11 occasions where an 8-year-old might be in class with  
12 a 10-year-old or a 9-year-old with an 11-year-old. You  
13 know, the youngsters we worked with had, you know,  
14 developed emotionally and physically sometimes, you  
15 know, they were quite different.

16 It was an all round decision as to which class the  
17 groups -- the youngsters would be in, and sometimes for  
18 different activities, they would be in different groups.

19 Q. And presumably there would be a range of different needs  
20 in each class?

21 A. There would be.

22 Q. How did you ensure that the teacher was able to meet the  
23 needs of all of the children in the class?

24 A. Well, certainly we relied on the fact that we hopefully  
25 employed skilled teachers who could do individual work.

1       The class groups were small enough for individual  
2       programmes to take place, as well as class activities as  
3       well. The educational progress was, you know, reports  
4       were produced for reviews and the psychologist and  
5       parents would -- would have access to those. The detail  
6       of those reports, certainly from my experience, was  
7       certainly, as you would expect, far more detailed than  
8       one would get from a mainstream school.

9   Q.   Okay.

10       If we can move on, please, to page 35 of your  
11       statement and paragraph 188, you're talking there about  
12       contact with home and you say -- I think you're saying  
13       that any form of contact with the child's parents was  
14       never, ever sanctioned.

15       Is that correct?

16   A.   That's correct.

17   Q.   Okay.

18       And you will know that the Inquiry has heard  
19       evidence from a person with the pseudonym 'Claire', that  
20       she was not permitted to see her son when she had made  
21       an arrangement to see him, it was cancelled by the  
22       school?

23   A.   That would not be true.

24   Q.   Do you have any explanation as to how she says that it  
25       was cancelled?

1 A. I mean, it -- there may well have been a communication  
2 issue, but at no point would -- if a parent had arranged  
3 to visit, unless there was an explanation of why that  
4 visit could not take place, the social worker might not  
5 be able to bring that person down or any reason, then  
6 there would be -- I mean, it just would not happen that  
7 a parent would be banned or forbidden to meet a young  
8 person.

9 Q. I don't think there would have been social work  
10 involvement in the example that 'Claire' gave.

11 A. Well, then I don't know why she says that, but that  
12 wouldn't be because she was forbidden or banned from  
13 making contact.

14 Q. Okay.

15 LADY SMITH: You keep saying 'that wouldn't have happened'.  
16 Do I take it, 'Martin', that you had no direct  
17 involvement in decision-making in relation to 'Claire'  
18 visiting her son?

19 A. In relation to?

20 LADY SMITH: In relation to 'Claire' visiting her son? You  
21 didn't have any direct involvement?

22 A. I wouldn't necessarily have -- decision-making in that,  
23 yeah.

24 LADY SMITH: Because it could have been a different member  
25 of staff or members of staff handled this.

1 A. It could. But at no time would I have supported or at  
2 no point have I -- any reason to think that that  
3 happened.

4 LADY SMITH: Ms Innes.

5 MS INNES: Can we look on, please, to paragraph 194, which  
6 is on the next page, page 36.

7 And the context of this paragraph, if you maybe look  
8 at paragraph 193, is about absconding.

9 A. Yep.

10 Q. So a child that might abscond, and then, at  
11 paragraph 194, you say:

12 'A youngster who ran away may not get to go out on  
13 special activities for some time, a couple of days  
14 maybe. They wouldn't lose pocket money...'

15 Et cetera.

16 Why wouldn't they get to go out on activities if  
17 they had run away?

18 A. I think that the assessment would be about whether or  
19 not, you know, they were vulnerable and going to, you  
20 know, be away from school and then not have the support  
21 of others.

22 It would be -- it doesn't say that they don't,  
23 wouldn't have an activity. An assessment would be made  
24 of whether -- you know, one would have to understand why  
25 in the first place -- the young person had run away in

1       the first place and that would have a significant effect  
2       on what happened next.

3   Q.  It sounds like it's a punishment for running away; is  
4       that the way that it worked?

5   A.  I think it's a consequence of running away.  It could  
6       be.  I think at the same time, for example, the local  
7       police were likely to be involved if a young person had  
8       run away, because a social worker would be advised, not  
9       necessarily at 9 o'clock at night if it was in the  
10      evening, but certainly would be advised.  And it  
11      wouldn't necessarily give the right message, not only to  
12      that young person, others, if they were deemed to be  
13      rewarded for running away.  I think, you know, there are  
14      consequences in family life for managing behaviour and  
15      even within families, there are, you know, rules and  
16      sanctions.  So was it -- is it a punishment for running  
17      away?  I think it's a consequence of running away.  It  
18      may well be that that youngster couldn't have a special  
19      activity.

20       It certainly would give the wrong message, depending  
21      on the activity, to other young people.  If -- I mean,  
22      if one understood the reason for running away and it  
23      was -- I mean, there was a -- you would have to deal  
24      with the reason why they were running away and it might  
25      well not affect activities, but it might well be to do



1           with --

2   LADY SMITH: 'Martin'. Sorry, you keep using the word

3           'consequence'. Isn't the consequence you're talking

4           about somebody else, a member of staff, you, whoever,

5           deciding, making a decision, that the child won't get to

6           go on special activities?

7           The child hasn't brought that about automatically by

8           running away. That's independent of the running away

9           and it's a decision that, on the face of it, from the

10          child's perspective, is against the child's interests,

11          yes?

12   A. Erm, yeah, so adults would make that decision, yes,

13          that's right.

14   LADY SMITH: So why don't we just call it a punishment or

15          a sanction? Why do you have to keep saying, 'oh, it's

16          a consequence'?

17          That's what it was, wasn't it?

18   A. That -- I think that's the way that we'd try to help

19          young people understand it was about -- but, yes, it

20          was -- some people would easily call that a punishment

21          or a sanction.

22   LADY SMITH: Thank you.

23          Ms Innes.

24   MS INNES: Would there always be a discussion with the young

25          person about the reasons why they had run away?

1 A. There would.

2 Q. Would social workers be involved in that discussion?

3 A. Not necessarily immediately because they would -- but

4 they would be caught up in -- you know, have some part

5 to play in that, but they wouldn't be necessarily

6 available immediately to talk about that. But all

7 events of running away would be discussed with, stroke,

8 psychologists because there might not be a social worker

9 involved.

10 Q. And what about parents, would they be involved in

11 a decision?

12 A. They would as well, yes.

13 Q. And if we could look on to page 37, and paragraph 198,

14 you talk about placements ending abruptly and not being

15 planned. You said that was difficult because usually

16 someone doesn't know what's happening.

17 And you'll be aware that 'Claire' has said in her

18 statement that her son was removed from Starley Hall

19 without any prior notice, that she was called when he

20 was in a car on the way to her, having been told to

21 leave Starley Hall.

22 A. I think, from what I recall of that period of time, it

23 was a really difficult period and series of events that

24 we were dealing with, but with the Social Work

25 Department, they had a key role of communicating with

1       that parent as well. And, you know, so we would not  
2       have -- the young person wouldn't have been moved  
3       without us thinking that the parent was aware of that.  
4       That might not have been our responsibility to share  
5       that information.

6   Q. Can you recall the ending of 'Claire's' son's placement  
7       being on an unplanned basis?

8   A. It wasn't the same plan as expected when the placement  
9       started. It was not unplanned in the sense of, erm,  
10      an alternative placement had to be found, but yes, it  
11      took place far quicker than one would have expected, and  
12      in fact Starley Hall -- we endeavoured to keep the  
13      placement going by providing individual support for  
14      longer than we wanted to, but that was so that the local  
15      authority could find an alternative placement.

16   Q. Now, if we move on, please, to page 39, and  
17      paragraph 210, you refer to the different situations  
18      that the young people came from and the range and scale  
19      of those situations were so different. You note that  
20      many had been abused in horrible ways and some had been  
21      abusers themselves.

22           Can you explain what you mean by that, that the  
23      children were abusers themselves? (Pause)

24   A. I think, you know, there are young people who have  
25      suffered abuse and then they've also, you know,

1 committed, you know, abuse with other young people. So  
2 it's not really saying that that's generally what  
3 happened, but, you know, in summarising it in terms of  
4 giving a statement to the question that I was asked,  
5 that's a fact, that some young people were abused in  
6 horrible ways, and I wasn't asked to describe what they  
7 were, and the fact that some of the youngsters have been  
8 abusers themselves.

9 Those youngsters were in front of Children's Panel,  
10 perhaps being considered for a new safe placement, their  
11 behaviour had been discussed and was part of what we  
12 were asked to consider.

13 Q. How did you guard against young people and prevent young  
14 people abusing other young people who were with you?

15 A. A high level of staff support. A high level of, you  
16 know, encouraging, you know, again talking about good --  
17 again, when I was starting to talk with young people,  
18 this is now starting to move into the later stages,  
19 social work registration, where I think the -- well,  
20 there's two levels. Prior to that, there was lots of,  
21 in the 39-week programme, one had to be really aware of  
22 that, but you had to have good staff attention.

23 In the time when we became a 52-week resource, the  
24 number of young people in individual houses reduced so  
25 that the staff ratio was even -- in some cases, young

1 people had a staff ratio of one to one. So that was  
2 a key issue. But I think staff understanding what was  
3 important, how to guard, how to see the signs for  
4 difficult, you know, concerning behaviour, all of those  
5 things had to be in place.

6 Q. Were there issues of young people abusing other young  
7 people?

8 A. There were.

9 LADY SMITH: 'Martin', you've explained you might get  
10 information about the young person themselves having  
11 abused others before they came to you from, for example,  
12 what had been put before the children's hearing. So  
13 they come to you and you have that knowledge.

14 When planning, in relation to that young person,  
15 formulating your care plan, your educational plan, what  
16 was done to take account of that, not only from the  
17 perspective of what you wanted to try and do with that  
18 young person, but the protection of others?

19 Do you see what I mean?

20 A. Well, one thing that we didn't do would be to talk to  
21 other children about other children.

22 LADY SMITH: I wasn't suggesting that.

23 A. No, no, sorry, I'm just saying what --

24 LADY SMITH: Sorry, go on.

25 A. -- what we didn't do.

1           I think the awareness of staff was the key issue and  
2           being aware -- and knowing where young people are,  
3           certainly places where the bedroom -- I mean, when we  
4           had more than one young person in a bedroom, it was very  
5           important that, you know, where young people were placed  
6           in rooms was important. It was a really important big  
7           step when we could move towards, you know, initially two  
8           bedrooms in Bendameer House -- sorry, two per bedroom in  
9           Bendameer House -- and then beyond 2001 or thereabouts,  
10          where we had single room accommodation, made lots of  
11          decisions far easier.

12          I think, you know, staff awareness, staff presence,  
13          was really the key issue there.

14   LADY SMITH: Yes.

15   A. In managing -- if a difficult situation then arises with  
16          a youngster, then you would have to spend some time  
17          talking to that youngster to help them, not necessarily  
18          understand what had happened but, give them support.  
19          Because there were examples where, you know, fights  
20          might take place over a spat in the playground and  
21          someone get hurt; things were said about other people's  
22          families perhaps from time to time, which could all  
23          cause distress, and staff would have to be aware and  
24          deal with that.

25   LADY SMITH: Okay. Not to put too fine a point on it,

1 I suppose you had to regard your existing population of  
2 children and young people as being at risk if you were  
3 introducing into the community somebody who you knew had  
4 previously been abusing their peer group.

5 A. I think --

6 LADY SMITH: Is that right?

7 A. I think that there was a vulnerability and without  
8 having single person placements, it would be very  
9 difficult not to -- to say that that was never going to  
10 be the case.

11 LADY SMITH: Thank you.

12 Ms Innes.

13 MS INNES: Thank you. My Lady, if we move on to the issue  
14 of restraint, which you start discussing at the end of  
15 page 39 and then on to page 40, I think essentially, you  
16 say that up until training in the late 90s, there wasn't  
17 a sort of recognised method of restraint or training in  
18 relation to that; is that correct?

19 A. And that's the case not only just at Starley Hall, but  
20 in most residential schools in the UK.

21 Q. And then if we look at paragraph 216 on page 40, you say  
22 that you got a company in who ran a management of  
23 violence course and we trained all our staff in the  
24 management of violence.

25 You say:

1           'This training came from institutions with young  
2           offenders and it was helpful to have.'

3           You used that model for a couple of years until you  
4           moved on to the CALM method that you tell us about  
5           later.

6           Why did you think that the management of violence  
7           course that was used with young offenders would be  
8           appropriate for Starley Hall?

9    A.   Well, firstly, it was a course that was recommended to  
10       us and it was one of very few that were available.  
11       During the late 80s into the 90s, one of my regular  
12       calls, when I was involved in national organisations  
13       and, indeed, when referrals were being made, to ask for  
14       the local authorities to be helpers because there was no  
15       prescribed, there was no clear support for any  
16       organisation in terms of the better ways to manage  
17       physical intervention or restraint.

18       We referred to it as physical intervention, but it's  
19       restraint, in those situations where young people had to  
20       be held to keep themselves and others safe. And as much  
21       as we ask the local authorities and the government to  
22       give us advice, it actually was not coming. It didn't  
23       even come through with the Skinner Report.

24       But gradually I think from America, I think TCI --  
25       Therapeutic Care and Intervention -- was an American



1 model that started to be used. It was used in Edinburgh  
2 and that was by David Leadbetter, who then eventually,  
3 with his colleague, developed the CALM model, was also  
4 dissatisfied with some of the models that were around in  
5 terms of physical intervention.

6 So it was a really difficult area and people had to  
7 manage it in the best way that they could and I have to  
8 say that's what we did in terms of trying to keep --  
9 hold children as safely as possible.

10 The management of violence came to us because it was  
11 recommended by the new Head of Care at the time --  
12 sorry, the new senior social worker at the time, and we  
13 gave it a two-year run.

14 Why we felt that it wasn't -- why we moved on,  
15 I think the degree of being able to describe the  
16 management of violence and the writing up of -- we  
17 needed to have a better system. PNC [REDACTED], who came  
18 in to join us around about that two-year period -- after  
19 that two-year period, was very clear that CALM was  
20 a model that we should develop and we embraced that  
21 pretty quickly.

22 Q. Did the management of violence approach involve pressing  
23 on joints or what might be called pain control; can you  
24 remember?

25 A. Erm, I think, yes, there was one hold that -- and

1 I don't remember the details, but that was one of the  
2 reasons why we realised and we felt that it was not --  
3 I mean, pain control wasn't the motive, but actually  
4 CALM as a model was far better because it was designed  
5 to take into account all of the autonomy of people, so  
6 that holds would not rely on pain control.

7 Pain control wasn't the motive in holding a young  
8 person under the management of violence, but it was one  
9 of the factors that we realised had to be addressed.

10 Q. At paragraph 218 at the bottom of this page, you talk  
11 about the strict reporting process?

12 A. Yep.

13 Q. With a report being completed in full and it included  
14 a space for comments by the young person, and there  
15 would be a discussion with the young person afterwards.

16 Was this reporting in place from the inception of  
17 the CALM model?

18 A. Yes, I mean, there was a report written as well  
19 beforehand, but with the CALM model, one could have  
20 a better description from an adult point of view of the  
21 different levels of intervention that you could have  
22 and, you know, from the first level, which was just  
23 a verbal one to the second one, which was, if  
24 I remember, turning and guiding a young person, to, at  
25 one point, I think it was level 5, which was holding

1 young people in a prone position, which was approved and  
2 acknowledged as being okay. And at some point after we  
3 used CALM -- sorry, we were using CALM, we took that  
4 model out of our system, if you like, and as did CALM as  
5 well.

6 Q. Okay.

7 If we can move on, please to, page 42 and  
8 paragraph 225, you talk about a situation where you were  
9 called in to the school where a young person had been  
10 taken out of the building earlier in the evening to try  
11 and calm things down.

12 Was he outside of the building with a staff member  
13 or was he on his own?

14 A. There was a staff member.

15 Q. And you say that he tried to get back in by smashing  
16 a window with his arms and you pulled him away from the  
17 window to stop any injury and held him on the ground.

18 Why did you hold him on the ground?

19 A. Erm, this was really a violent situation. This  
20 youngster, prior to coming to Starley Hall, I was always  
21 struck by the one description that his parents had,  
22 because he actually had serious lacerations on his arms,  
23 I mean before he came to Starley Hall, and they were  
24 very concerned that, you know, when he lost his temper  
25 or got angry, that he would, you know, repeat that

1       action.

2           I was called in, a member of staff was outside with  
3       this young person, he was endeavouring to try and get  
4       back in the building by smashing, you know, his arms  
5       against the window. So I just simply went up behind  
6       him, pulled him down and held him on the ground. That  
7       was the only way to be sure that he couldn't cause  
8       damage. And while I was holding him on the ground, the  
9       police arrived because they had been called at the same  
10      time as I was called as on call person, they came from  
11      Burntisland, I came from the other side, I'd happened to  
12      get there two or three minutes before they did.

13   Q.   When you say holding on the ground, was this in a prone  
14       position or not?

15   A.   I think the initial situation was, I went behind him,  
16       pulled him back and I was holding him on the ground. It  
17       was not a CALM hold, it was simply a way of preventing  
18       him immediately of damaging. Damaging himself.

19   Q.   If we look down to the bottom of this page,  
20       paragraph 229, you say that you are not aware of any  
21       incidents at Starley Hall where you would describe the  
22       use of physical intervention as excessive.

23           Then you go on to reflect that sometimes a staff  
24       member might reflect that they perhaps might have dealt  
25       with a situation differently and that the physical

1 intervention might not have needed to go to the level  
2 that it went to.

3 Is that something that happened?

4 A. Yes, I mean, there would be occasions where, for  
5 example, you know, a change of room, a change of person,  
6 might have eased the situation. If an adult ever --  
7 a member of staff, acted in a way deliberately to, you  
8 know, use force on a young person, then that would be,  
9 you know, an issue of misconduct.

10 I think it's a reasonable -- we don't always, in  
11 the -- in dealing with a difficult situation, wherever  
12 we are, always look back and say, 'That's exactly the  
13 way that I would have managed it next time'. So there  
14 is learning involved.

15 Q. Okay.

16 Now, if we move on, please, to page 43, and  
17 paragraph 233, you remember a time when HMIE came in and  
18 said that you needed to change some of your subjects to  
19 offer a wider curriculum, and I think you will be aware  
20 that there were conditions placed on Starley Hall's  
21 registration at some point.

22 One of those conditions was in relation to the  
23 curriculum, and the other condition was in relation to  
24 staff being fully aware of the school's policy on  
25 managing challenging behaviour of young people.

1           There was a condition placed to ensure that staff  
2           were -- knew about policy and were implementing it  
3           consistently; is that correct?

4   A.   I think so, yes.   I mean, I don't remember the date, but  
5           I do remember that, you know, from time to time and, you  
6           know, when the HMI came in and said, 'We're really  
7           concerned that you're not covering the range of  
8           subjects', it was something that we addressed.

9   Q.   If we could look at another document, please,  
10          SGV-001032162?

11   A.   Sorry, yes, I was smiling, during preparing for the --  
12          during the statements, all the numbers were coming out  
13          and it was quite difficult to find what they were.   So  
14          this is the documentation that I got this last week?

15   Q.   No.   The document -- this is a document that you have  
16          seen before, and it is referred to in your statement?

17   A.   Okay, thank you.

18   Q.   It's coming on the screen, so you will see it there.

19          This is a report of a visit to Starley Hall School  
20          in relation to conditions that were set on 2 May 2007.

21   A.   Yes.

22   Q.   And you have seen this before.

23   A.   Okay.

24   Q.   If you can look, please, on to -- well, just if we look  
25          down in the background notes, we see that it says the

1 Head of Education had been in post since March 2007?

2 A. That's a new Head of Education, yes.

3 Q. I think you say in your statement that this person  
4 brought quite a lot of change to Starley Hall; was that  
5 right?

6 A. She did.

7 Q. Okay.

8 And if we look on to page 4, and to the bottom of  
9 the page, there's a note of an interview with her and  
10 it's noted that her findings on arrival said she found  
11 that education wasn't valued by the staff, and that  
12 existing teachers under the previous Head of Education  
13 had given up.

14 Do you agree with her assessment?

15 A. I think that it was very important that we recruited  
16 this new Head of Education. [REDACTED] SNR [REDACTED] had made  
17 several changes to education which over time eroded the  
18 significance of, for example, public examinations. We  
19 had young people in Starley Hall who were capable of  
20 achieving public examination success and [REDACTED]  
21 SNR [REDACTED], who we mentioned, PNC [REDACTED], we made the  
22 decision that -- you know, I had to make the decision  
23 that he was no longer fulfilling his responsibilities.  
24 The plan was, you know, made for him to leave.

25 The teachers had become disillusioned and given up,

1 I don't think is -- I think they had given up in the  
2 sense of maybe trying to push their points forward. We  
3 needed a new Head of Education.

4 She came in. She was quite right to make a number  
5 of these comments and she wanted to make sure that, you  
6 know, HMIE understood, maybe some of them are slightly  
7 -- look starker when they are put in print like that,  
8 but absolutely we needed to make big changes to the  
9 education. We had already made a massive commitment by  
10 converting the sports hall, capital investment, and  
11 converting that into a new school building and we were  
12 ready to take things forward, which future reports  
13 demonstrated that we did.

14 Q. And if we look at the fifth bullet point there, she says  
15 that class had become protectionist and about  
16 containment, and she also refers to behaviour issues not  
17 being jointly or well handled in the final bullet point.

18 Again, would you agree that that's what --

19 A. I think from Alison's point of view, as a Head of  
20 Education, she felt that things needed to be changed.  
21 The one big issue that she -- that I remember being very  
22 clear about, was if a young person had opted out of  
23 class, then she felt that the care staff allowed them to  
24 return to their room and sit out of school rather than  
25 finding some way to get them back into school and be



1 part of the education programme.

2 So that was the big issue that she felt in terms of  
3 the divide between care staff and education. Care staff  
4 weren't valuing the significance of education as much.  
5 I remember those discussions.

6 Q. Obviously, we know that the conditions were ultimately  
7 lifted.

8 A. And met.

9 Q. And if we move back to your statement, please, and  
10 paragraph -- page 43 and paragraph 235, you are talking  
11 there about a situation with the Care Commission, and  
12 you say that there was a situation that you got agitated  
13 by where a member of staff had had a relationship with  
14 a young person and the police were involved. The police  
15 had provided you with certain information and you dealt  
16 with that, and then the Care Inspectorate gave you  
17 additional information which you hadn't been given by  
18 the police and I think a complaint was upheld by the  
19 Care Commission in relation to the way in which that had  
20 been handled; is that correct?

21 A. It is.

22 Q. Okay. When you say you got agitated by it, what --

23 A. What did that mean?

24 Q. What did that mean? Yes.

25 A. The agitation was that the Care Inspectorate came in and

1       gave, I think it was, a grade of 2 for our inspection on  
2       this issue. Because technically we had continued -- we  
3       had disciplined the member of staff, we had moved him  
4       and put action in place, but we didn't get the  
5       information from the police which they gave to the Care  
6       Inspectorate some months later, or a period of time  
7       later, that they were still investigating an allegation  
8       against this member of staff, which we were not told.

9       So we felt that we had acted appropriately by moving  
10      this member of staff to a different house and giving  
11      additional training. If we -- once we had the  
12      information that the care inspector brought to us, that  
13      member of staff was immediately suspended and didn't  
14      return to work. He was dismissed.

15      The agitation was we were being, if you like,  
16      downgraded for something we didn't know.

17   Q. Okay.

18      If we --

19   A. Sorry, I wasn't the only one of [REDACTED] senior team who were  
20      agitated as well. I think it's an organisation sense of  
21      we were let down.

22   Q. Let down by whom?

23   A. The police not sharing the information that they should  
24      have done.

25   Q. If we can look on to page 45 of your statement, and

1 paragraph 244, you say:

2 'Looking back over any year at Starley Hall, my  
3 overall view would be what a great job we've done and  
4 what a great service we're offering. That was how each  
5 year would have been summarised.'

6 Is that how you felt at the end of each year during  
7 your time at Starley Hall?

8 A. That's not dismissing what we had to make changes to and  
9 improve, but yes, I felt at the end of every year,  
10 everybody had worked as best as they could to deliver  
11 the best service.

12 It wasn't -- you know, it's other people's  
13 responsibility to come in and help us take a view on  
14 that. I'm not dismissing the comments that were  
15 referred to just a few minutes ago about education.  
16 Clearly, you know, at the end of that year, we can't say  
17 it was the best educational service in Scotland. What  
18 we could say is we did the very best we could to improve  
19 on that.

20 Q. Okay.

21 Now, if we move on, please, to page 47 of your  
22 statement, and you are talking here about when  
23 complaints were made and how they were dealt with.

24 If you can look, please, at paragraph 254, you say:

25 'Anyone who thinks these organisations should never

1       have had a problem are living on the wrong planet. Our  
2       service or sector was dealing with the most difficult,  
3       damaged young people who have gone on to have difficult  
4       and damaged lives. You couldn't sort them, mend them,  
5       or heal them.'

6             Can you explain what you mean by this? You're  
7       obviously referring to 'our service or sector', are you  
8       talking about residential special education?

9   A. I think -- I'm reading that statement now and thinking,  
10     out of the context of the discussion, it sounds a pretty  
11     outrageous statement in the sense that it's sort of  
12     putting -- I think the question followed -- sorry, the  
13     answer followed a question of, you know: why do you  
14     think things aren't, you know, being managed? What's  
15     the issue around here in the whole residential sector?

16            I think if anyone -- and I say that, so  
17     organisations, we had to deal with lots of problems,  
18     that was the nature and I would like to think that  
19     Starley Hall was one of the services that did the best  
20     that it could. But the reality of it is that, you know,  
21     however hard we tried, there weren't necessarily the  
22     right services for some young people to recover the  
23     trauma that they'd experienced well before they came to  
24     resources like Starley Hall. It's in that context that  
25     I was making this statement. Standing up and just

1 reading that by itself, I'm thinking, 'Cor, that's  
2 a pretty wild statement to make'.

3 But it is really referring to the fact that, you  
4 know, as much as resources like Starley Hall did what  
5 they could, it's very difficult sometimes to have helped  
6 young people get over the trauma that they'd experienced  
7 before they came and, in some cases, you know, in later  
8 life.

9 Q. So I suppose it begs the question of what was the  
10 purpose of them being at Starley Hall if you couldn't do  
11 anything to help them?

12 A. I don't think that's -- I don't think that's -- to  
13 accept that would seem a lot like as if it was  
14 Starley Hall's -- you know, didn't do a good job.  
15 People and all residential schools, I think, endeavour  
16 to do the best that they could and certainly, you know,  
17 it would be the case in -- of medicine. Some would say,  
18 'Well, it's a very difficult job, we won't find a new  
19 cure because ...', you know, to say why did we bother?  
20 Well, it was the responsibility of the local authorities  
21 to find a resource where they felt that the needs of  
22 these young people could be met.

23 The fact that, you know, young people might have  
24 gone on and not had successful lives doesn't mean that  
25 it shouldn't have been attempted or that plan put in

1 place.

2 Q. In the next paragraph, you say:

3 'It's not that this isn't an issue that should be  
4 addressed at all. I hope that eventually there's  
5 a balance that comes out of it so that it's addressed  
6 with some level of understanding of things and not just  
7 looking at it from one viewpoint.'

8 Now, am I understanding you correctly to be  
9 referring to -- that the issue that you are referring to  
10 is that of abuse; it's not that abuse shouldn't be  
11 addressed at all?

12 A. Sorry, is this linked to the statement before, which  
13 I can't see?

14 It looks like it's -- it follows on from 254.

15 Q. If we just scroll, so we can see 254.

16 A. Yes, okay.

17 Q. So you say:

18 'It's not that this isn't an issue that should be  
19 addressed at all. I hope that eventually there's  
20 a balance that comes out of it so that it is addressed  
21 with some level of understanding of things and not just  
22 looking at it from one viewpoint.'

23 So I am trying to understand what you mean by  
24 looking -- what is the viewpoint?

25 A. I'm absolutely very clear, yes, issues of abuse should

1           be looked at and addressed. There is no question about  
2           that.

3   Q. What do you mean that they should be addressed with some  
4           level of understanding of things?

5   A. I think, again, in the context of the discussion, 'cause  
6           it was more of a conversation, putting this statement  
7           together, was trying to get an understanding that some  
8           of the ways that expectations, regulations, cultures  
9           around in 1980 and around a 39-week programme were very  
10          different than if measured through the lens of something  
11          from 2000.

12                That isn't to say that any -- in any shape or form  
13           that abuse should be accepted and it should be condoned.  
14           But I think in terms of what is now sometimes described  
15           as abuse, emotional abuse, in some ways how people speak  
16           with each other, is certainly not the way that it would  
17           have been talked about and measured back in the 1980s.

18                That was the theme of the discussion, if I remember  
19           correctly, when I was making these statements.

20   Q. When you say not just looking at it from one viewpoint,  
21           what is the one viewpoint that you think abuse is being  
22           looked at from?

23   A. With a -- again, with a sense that sometimes people are  
24           starting to look at it as if a statement is made, abuse  
25           took place, and the statement perhaps feels like

1 sometimes someone makes a statement that abuse took  
2 place and it's taken for granted that that is the case,  
3 when it might not be.

4 Q. Okay.

5 If we could move on, please, to page 48 of your  
6 statement, and paragraph 257, you talk about external  
7 monitoring, and you have already told us about the  
8 change from the HMIE to the Care Inspectorate and you  
9 also mentioned the involvement of social work. And  
10 there came a time that you had to register with the  
11 local authority registration and inspection unit and  
12 I would like to take you to a report that was prepared  
13 at the time that you were registering with the Social  
14 Work Department.

15 So if we could look, please at FIC-000001472, and we  
16 can see here that this is a report of an announced  
17 inspection from May 1998. And if we go on, please, to  
18 page 3, and towards the bottom of the page, there is  
19 a summary of the report and it says that at that time,  
20 Starley Hall was a school in a state of transition and  
21 there's reference to the physical accommodation and the  
22 changes that you were making around that time.

23 Would that have coincided with the change from the  
24 39 to the 52 weeks?

25 A. Yes.



1 Q. Okay. And then, if we go on over the page, there is  
2 a paragraph beginning 'During the course of  
3 inspection ...':

4 'During the course of inspection, all the main areas  
5 of care and support were considered. A commitment to  
6 the promotion of the Skinner eight principles for  
7 underpinning residential child care has been identified  
8 in the recent application to register Starley Hall. It  
9 is the view of the inspection officers that theory does  
10 not match practice.

11 'Children do not have a feeling of safety. The  
12 anti-bullying strategy which was reported to be in  
13 preparation was referred to by several staff and  
14 monitoring of incidents is being done. Various comments  
15 made by staff, however, indicate that in practice there  
16 is clearly a lack of consistency and promotion of good  
17 practice in this area.'

18 Then in the next paragraph it goes on to express  
19 some concern about the compatibility of some children  
20 that attend the school.

21 Do you have any comment in relation to the  
22 inspector's finding that at that time they considered  
23 that children didn't have a feeling of safety in the  
24 school?

25 A. No, I mean -- that was a time of great change in

1 Scottish -- in residential schools across Scotland,  
2 especially those registered as independent special  
3 schools. We really were behind the pace of what we came  
4 to see as the standard that was expected.

5 I mean, I'm not saying that this report wasn't valid  
6 at all, I certainly know that we welcomed the challenge,  
7 some of the positive statements that were made reflected  
8 the appointment of the Independent Adult and a new Head  
9 of Care, a qualified social worker, a consultant social  
10 worker, and we were getting [REDACTED] House to improve  
11 the quality of accommodation, were all things that were  
12 recognised but at the same time, the social workers in  
13 Fife, the Social Work Department of Fife were  
14 responsible for coming to do the registration.

15 We accepted, we welcomed the challenge. The letter  
16 for registration shows and all future inspection reports  
17 recognised we responded positively to any changes  
18 required and from then on, we had a positive rating  
19 from, you know, above average to very good.

20 It was a disappointing response -- sorry,  
21 a disappointing report to get this. We weren't ever  
22 questioning the validity of it. The Social Work  
23 Department had come in and said, 'You've got some  
24 concerns, you're not quite up to speed where you need to  
25 be', and we had to respond.

1 Q. If we go on to page 11, and if we look down, there is  
2 a heading 'Care and Control, when there is a policy  
3 document in relation to that.

4 Towards the end of that section, there is  
5 a paragraph beginning:

6 'Whilst there were two situations observed ...'

7 Yes:

8 'Whilst there were two situations observed where  
9 staff members put this philosophy into practice by using  
10 appropriate means to de-escalate a situation, there were  
11 more situations observed where staff were not following  
12 this positive practice and young people's behaviour  
13 continued to escalate.'

14 So there seemed to be an issue picked up by the  
15 inspectors that there was a policy in place, which ought  
16 to have directed staff towards de-escalation strategy,  
17 but that wasn't being put into place in practice.

18 A. That was the observation that they made, yes.

19 Q. Did you agree with that at the time?

20 A. Well, we didn't question any of the observations.  
21 What -- we used it, those observations, to make sure  
22 that we continued to improve our practice.

23 It wasn't for us to say, you know, to the  
24 inspectors, for example, the next paragraph, where  
25 a member of staff talked sharply to a young person, we

1       weren't questioning any of those, that feedback. It was  
2       a completely different level of inspection for us to  
3       experience. HMI inspections never lasted four days.  
4       They certainly didn't last the sort of 24-hour, 24-hour,  
5       you know, full-time inspection.

6       Like all residential schools, we, moving from being  
7       a special independent school, we realised that there was  
8       a big step up to meet the expectations to be a  
9       residential -- sorry, a care provider for young people  
10      over 52 weeks.

11     Q. And if we can look on to page 12, they did a review of  
12      the incident books in the various houses and if we look  
13      down to the middle of the page below the heading 'The  
14      School', and so it notes various incidents, and then it  
15      says:

16      'This catalogue of 260 serious incidents and  
17      accidents in three months for a residential school,  
18      which at the time of inspection had 30 residential and 9  
19      day pupils, is of very serious concern. The risks to  
20      pupils and staff is considerable and the school appears  
21      at times to be out of control.'

22      Was that -- does that accord with your memory of  
23      what the school was like at the time?

24     A. It was obviously a difficult time at the school. The  
25      view of the inspectors was they have used that language.

1       At no point did we ever feel that it was out of control,  
2       as in there was no control -- we weren't managing  
3       things, but clearly we had to make some changes and make  
4       some improvements.

5   Q.   I think we see, if we look up to the heading 'The  
6       School', we see that:

7       'The 94 incidents include many involving serious  
8       physical violence to other pupils and staff.'

9       So those were the types of incidents that they were  
10      referring to?

11   A.   It looks like it, yes.

12   Q.   Okay.

13       Ultimately, as you say, you were registered by the  
14      council and if we can refer, please, to FIC-000001490,  
15      and we see there a letter to yourself saying that  
16      registration -- sorry, yes, FIC-000001490, a letter to  
17      yourself and if we scroll down to point 5, it says:

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

22       So that was a condition of your registration. Is  
23      that --

24   A.   Yeah, I think that would be a condition of registration  
25      for all organisations, but yes, that was a condition.

1 Q. Did you comply with that condition?

2 A. I can't remember a situation where we didn't.

3 Q. Okay.

4 Now, can I take you back to your statement again,  
5 please, and page 54, and paragraph 295 where you are  
6 talking about any allegations of physical assault, for  
7 example. You say that in relation to those, you  
8 wouldn't necessarily immediately call the police. There  
9 wasn't one single rule about when you would contact the  
10 police.

11 Now, you go on in the next paragraph to talk about  
12 sexual assault and you say that would go to the child  
13 protection team.

14 So I wonder if you can help us with the process that  
15 would be followed if a physical assault on a child took  
16 place? Who would that be reported to?

17 A. Okay, so there's a whole range of -- from talking about  
18 a physical assault, from whether it was a courtyard  
19 spat, perhaps, you know, someone lashing out, to, you  
20 know, a deliberate physical attack to harm somebody.

21 So there's a whole range involved there.

22 So if a young person had deliberately attacked  
23 another young person, then the first instance would be  
24 to try and make sure that the safety involved and  
25 distance between those youngsters and the young person

1       cared for. The young person who committed the assault,  
2       you know, in a safe place, and being supported.

3             If it had been an issue that had been raised between  
4       the social worker and it was part of the care planning  
5       as such, that any -- and it had been something that had  
6       happened before, the police were meant to be called  
7       straightaway, or involved.

8             We also had situations where to simply flag up and  
9       get the police involved wouldn't necessarily be very  
10      helpful for the young person who committed the assault.  
11      So there was a sensitivity and some decision making  
12      needed to be made then.

13            We did have a regular contact for many years from  
14      the -- the local police sergeant would come into the  
15      school on a regular basis, and his idea to begin with  
16      was, rather than be called up to talk to children when  
17      they have done something wrong or they have absconded  
18      and they wanted to speak to them when they brought them  
19      back, he felt that if the police got more involved, and  
20      they got to know the local police force, so there was  
21      a football match or an activity that they would put on.

22            So the police officers came into the school.  
23      Sometimes it was appropriate to wait until that visit  
24      rather than every time there was an assault, calling the  
25      police.

1           So there was, you know, decision making made about  
2           each individual situation.

3   Q.   Okay.

4           If we move on to the next page, please, at  
5           paragraph 297, you say that there was a teacher  
6           dismissed for hitting a child in the playground. Was he  
7           somebody [REDACTED] dismissed or was that in Mr [REDACTED] FXE [REDACTED]'s  
8           time?

9   A. [REDACTED] dismissed him.

10   Q.   Okay.

11           And then at paragraph 298, you refer to the  
12           dismissal of the member of care staff that you have  
13           already mentioned.

14   A.   That was the situation where we didn't have the  
15           information from the police, yes.

16   Q.   Now, if I can move on, please, to page 57 of your  
17           statement, and at paragraph 307, you refer to  
18           Bertie Jennings and you say that you are aware that he  
19           was convicted of abusing a child at Starley Hall.

20           Did you have any concerns about him at the time that  
21           he was working at Starley Hall?

22   A.   No.

23   Q.   Can you recall if there were any complaints about him at  
24           the time?

25   A.   Er, no.



1 Q. And can I ask you, please, to move on in your statement  
2 to page 62, and paragraph 334, where you refer to  
3 a teacher, Robert Taylor, and was he recruited [REDACTED] or  
4 by Mr FXE [REDACTED] ?  
5 A. [REDACTED]  
6 Q. Okay.  
7 And at the time that [REDACTED], as you say  
8 at paragraph 335, you say that you were led to believe  
9 that the Inquiry has information to the effect that he  
10 was dismissed from his previous employment.  
11 Were you aware that he had been dismissed from his  
12 previous employment for gross misconduct?  
13 A. His previous employment was another residential school  
14 with which we had regular contact, a primary school, and  
15 we knew of him during that time, and we did not receive  
16 any information to say that he had been dismissed.  
17 Q. Okay. And was that Harmeny that you are referring to?  
18 A. Yes.  
19 Q. So if the Inquiry has information that he was dismissed  
20 for gross misconduct, including a physical chastisement  
21 of children at a time that that was illegal, that comes  
22 as news to you?  
23 A. It does come as news to me.  
24 Q. Had [REDACTED] known that at the time, would [REDACTED] recruited  
25 him?

1 A. No.

2 LADY SMITH: 'Martin', did you seek a reference from  
3 Harmeny?

4 A. We always ask for references.

5 LADY SMITH: Did you in this case?

6 A. I don't know why there would be an exception. I mean,  
7 I can't remember the specific details, but we always ask  
8 for references.

9 LADY SMITH: But you can't tell me from your recollection  
10 that you definitely did?

11 A. I would say that we ask for references with all  
12 appointments.

13 LADY SMITH: All right. Thank you.

14 MS INNES: Then if we go on, please, to page 65, and to the  
15 bottom of that page, you are talking there at  
16 paragraph 353 about a social worker who was employed by  
17 the school at the time that you arrived and [REDACTED]  
18 dismissed him, I think, as you go on to say in the next  
19 paragraph, because he was drunk at work and driving  
20 a school car.

21 And that was the reason for his dismissal?

22 A. It was.

23 Q. Are you aware of any other allegations against this  
24 social worker in respect of abuse of children?

25 A. Erm, I heard, but we've got no -- but along the

1       grapevine, that there were allegations made, but by  
2       then, I mean, this was many, many years later, but we  
3       had no specific information. But I think there was  
4       a case -- I'm not sure what happened.

5   Q.   Okay.

6       Now, if we look on to page 72, and paragraph 388 of  
7       your statement.

8   A.   Excuse me.

9   Q.   You say there that you have not been back at the school  
10       since February 2016; is that correct?

11  A.   I visited twice; once after the trial was concluded and  
12       I was acquitted of all charges and on another occasion  
13       to meet someone who was having -- a lime stone --  
14       a milestone in their career, and I was asked to present  
15       the prize.

16       So two visits to Starley Hall since February 2016.

17       None before the end of the trial from February 2016.

18  MS INNES:   Okay.

19       My Lady, I am conscious of the time. Perhaps this  
20       would be --

21  LADY SMITH:   Yes.

22       'Martin', I think we should stop for the lunch break  
23       and take that now and I will sit again at 2.00; is that  
24       all right?

25  A.   Yes.

1 LADY SMITH: Thank you.

2 (1.01 pm)

3 (The Luncheon Adjournment)

4 (2.00 pm)

5 LADY SMITH: 'Martin', welcome back. Are you ready for us  
6 to carry on? Thank you very much.

7 Ms Innes.

8 MS INNES: Thank you, my Lady.

9 Now, we were at page 72 of your statement, 'Martin',  
10 and I wonder if we can look down to paragraph 390.

11 You talk there about essentially the corporate  
12 structure that was put in place and you tell us that  
13 Starley Hall School Limited was set up in August 1998  
14 and I think prior to that, [REDACTED] operating as a sole  
15 trader; is that correct?

16 A. It is, yes.

17 Q. Okay.

18 And so Starley Hall School Limited became the --  
19 essentially, the operating company of the school; is  
20 that correct?

21 A. Yep.

22 Q. And you note, I think, at paragraph 394 at the bottom of  
23 the page, that [REDACTED] had to -- when [REDACTED] perhaps acquired  
24 the business or maybe the premises, [REDACTED] had to put [REDACTED]  
25 house up as collateral at some point, to assist in

1 acquiring the business [REDACTED] FXE-SPO; is that  
2 right?

3 A. No. The house went up [REDACTED] to purchase  
4 [REDACTED] House, which was around about this time.

5 Q. Okay, sorry, yes, you say that over the page.

6 A. Yeah, that's okay.

7 Q. And since 2016 -- you tell us at paragraph 397 that, in  
8 2016, [REDACTED] started re-organising the company.

9 LADY SMITH: Sorry, just one thing there. [REDACTED], when  
10 did [REDACTED] buy that?

11 A. 1998 or thereabouts. It -- [REDACTED] acquired [REDACTED]  
12 House, [REDACTED] were able to get the social work  
13 registration.

14 LADY SMITH: Yes, I remember that. And that was about 1998  
15 [REDACTED] got that extra accommodation under [REDACTED] belt. Thank  
16 you.

17 MS INNES: So on page 73 at paragraph 397, you say that, in  
18 2016, [REDACTED] began to bring [REDACTED] members into the  
19 company and then ultimately, I understand, I think, in  
20 2021, that the business of the company was sold to, in  
21 essence, an employee ownership trust; is that right?

22 A. It is.

23 Q. And you say at paragraph 403 on page 74 that the  
24 employee ownership trust owe [REDACTED] a sum of money for the  
25 business -- well, when I say [REDACTED] I mean the

1           shareholders of the company that sold the business to  
2           the EOT; is that correct?

3   A.   Yeah, it's quite complicated -- so the EOT was created  
4           by another company and then that sold -- but in essence,  
5           yes, it was to the Starley Hall Properties and [REDACTED] own  
6           the properties -- sorry, [REDACTED] Starley Hall School  
7           leases the properties from -- sorry, the houses that  
8           they use from Starley Hall Properties.

9   Q.   Okay, so there are two separate issues.  At  
10          paragraph 404, you refer to Starley Hall Properties  
11          Limited.

12  A.   Yes.

13  Q.   And that still owns the land and buildings at  
14          Starley Hall and that leases it to the employee  
15          ownership trust?

16  A.   It does.

17  Q.   Separately, the business of the company was sold, as  
18          I understand it, to the EOT and it is paying off a sum  
19          of money over time?

20  A.   It is.

21  Q.   Okay.

22          And you say at paragraph 403:  
23          'The rate of that debt continues to reduce so that  
24          Starley Hall can survive.'

25          And I wonder if you can explain what you mean?

1 A. So that comment refers to the fact that the original  
2 agreement, which was a business transaction that was  
3 discussed with all concerned, that the payment due to  
4 Starley Hall -- sorry, due, would incur interest over  
5 the period of time.

6 Q. Okay.

7 A. And when we realised that the impact of that for Starley  
8 would be -- well, it wasn't helpful for Starley Hall, we  
9 have cancelled that. So the decision was made that, no,  
10 the debt just is -- the figure is the figure, and in  
11 addition we have also made significant changes to the  
12 rental agreement, so that they remain static for  
13 a period of time, so that, as -- the cost doesn't  
14 increase for Starley Hall, let's say.

15 LADY SMITH: Let me just unpack that a bit.

16 You said 'we realised the impact of ...' I take it  
17 you mean the interest payments, '...for Starley...' --  
18 is that Starley Hall Properties?

19 A. That's Starley Hall Properties.

20 LADY SMITH: Sorry, Starley Hall School.

21 The impact for Starley Hall School?

22 A. Yes, with dialogue with Starley Hall School.

23 LADY SMITH: Okay, then you said it wasn't helpful for  
24 Starley Hall -- Starley Hall School?

25 A. School.

1 LADY SMITH: So 'we' -- 'we have cancelled that'. Two  
2 questions, who's the 'we'?  
3 A. Starley Hall Properties [REDACTED]  
4 [REDACTED]  
5 LADY SMITH: And what do you mean by 'cancelled'?  
6 A. I mean that the original agreement had a clause that  
7 over time, interest would be added to the money that was  
8 to be paid back.  
9 LADY SMITH: Yes.  
10 A. And now that has been taken out of -- and there is no  
11 interest payment.  
12 LADY SMITH: There's no interest, but there's still  
13 a capital debt?  
14 A. There is.  
15 LADY SMITH: Is that being paid back in instalments?  
16 A. Yes.  
17 LADY SMITH: Right. Thank you.  
18 MS INNES: Now, I would like to move on and ask you about  
19 some allegations that have been made by applicants to  
20 the Inquiry. If we can move on to page 75 of your  
21 statement, and there, at paragraph 407, you deal with  
22 allegations that were made by a person who has the  
23 pseudonym 'Anthony'. And if we go down to  
24 paragraph 409, you note that he says that some children  
25 were force fed at Starley Hall.



1           Do you accept that that happened or not?

2   A.   That's -- absolutely did not happen.

3   Q.   And then if we go on to the next page, please, page 76  
4       and paragraph 413, 'Anthony' is speaking about what  
5       happened after you got back to Starley Hall after  
6       running away. He says sometimes he was beaten by staff  
7       and he says if you got Nigel Lloyd or you, he says you  
8       would get skelped and then restrained for being violent.

9           Did you skelp 'Anthony', can you recall?

10  A.   No.

11  Q.   Would you have restrained him on occasion?

12  A.   I can't say that, no, that never happened, but it's --  
13       this young person, it wouldn't have seemed necessary, he  
14       was a wee boy, as he says, he was quite young.

15           So restraining, holding him safely, that's possible,  
16       but it wouldn't have been done in a way to hurt him.

17  Q.   Then at paragraph 415, he refers to wetting the bed and  
18       being made to feel bad after that happened. He says  
19       there was a physical punishment for wetting the bed.

20           Did that take place?

21  A.   There was no physical punishment or behaviour which made  
22       young people feel bad if they wet the bed, we understood  
23       that it was an issue and they had, you know, to be  
24       managed sensitively.

25  Q.   He says that you were one of the people who would

1       perhaps either beat him or make him be seen as, as he  
2       says, in inverted commas, 'unholy'; what's your response  
3       to that?

4   A.   Well, that's -- that's just another false allegation,  
5       statement.

6   Q.   And he says he would be made to take the wet sheets down  
7       to the laundry, it was like a walk of shame and staff  
8       would be ridiculing him.

9   A.   Again, that didn't -- that would not have happened.

10  Q.   How can you be confident that that would not have  
11       happened?

12  A.   It just wouldn't be a way of dealing with a young person  
13       who'd wet the bed. That wouldn't be helpful at all.  
14       There would be adults there to support it -- I mean,  
15       there would have been a way of moving any soiled or wet  
16       laundry, but it wouldn't be necessary for the young  
17       people to take it -- the laundry was down a spiral  
18       staircase. It would be in a basket upstairs and taken  
19       down by staff at an appropriate time.

20  Q.   If we move on to page 77 and paragraph 416, he says that  
21       he was -- he started wetting the bed while he was at  
22       Starley Hall and this was linked to the abuse that he  
23       was suffering. Can you recall any particular issue with  
24       this child 'Anthony' and bed wetting starting while he  
25       was at Starley Hall or not?

1 A. I cannot remember any detail of that sort. I'm not  
2 saying that -- I mean, I'm not questioning the fact that  
3 he was an enuretic and wet the bed at times, but  
4 I certainly would challenge that it was linked to  
5 starting at Starley Hall. This was a young person,  
6 I remember, who was living with, and, you know  
7 well-recorded, with a very abusive father. So there  
8 were lots of issues in his life before then.

9 Q. And at paragraph 417, he says that if he didn't make his  
10 bed in the morning, he would get skelped by staff  
11 members 'with an open hand over the back of your hand'.  
12 Can you recall that happening at Starley Hall?

13 A. That did not happen.

14 Q. And then he goes on to talk about restraint again and he  
15 says why would that be required, and then he says you  
16 don't need to twist the boy's arm right up their back.  
17 So the suggestion there is that when he was  
18 restrained, it involved twisting his arm up his back.  
19 Did that happen?

20 A. That did not happen.

21 Q. Then at paragraph 418, he refers to you and he says that  
22 you were physically abusive, you would pull him out of  
23 the bed by the mattress or by his legs.  
24 Did you do that?

25 A. No.

1 Q. And then over the page at paragraph 419, he talks about  
2 a time when he and another boy were on a visit to  
3 Beecraigs in West Lothian, and I think that he says that  
4 they missed the bus back and they were eventually picked  
5 up, and when they were picked up, he says that he and  
6 the other boy were kicked and punched.

7 Can you remember any occasion when 'Anthony' and any  
8 other boy were left behind at Beecraigs?

9 A. I don't remember an incident like that, but I can  
10 certainly say that, no, I would not have kicked or  
11 punched anybody.

12 Q. Now, if we move down to the next section, paragraph 422,  
13 you're talking there about a statement given to the  
14 Inquiry by a person who has the pseudonym 'Ellen', and  
15 there's reference to sitting in your office and, in the  
16 very last line, it said that you were standing over  
17 'Ellen' and had pinned their wrists down on the armrest,  
18 'holding me down'.

19 Did that happen?

20 A. There would be occasions where -- and I don't remember a  
21 specific occasion for this young person -- but there  
22 were occasions when it was recognised by the social  
23 worker or parent, that the young person would cause  
24 a lot of anxiety or not want to stay and so in the room,  
25 in the office, which was always with another person,

1       there was a -- I think I've -- it's described as a big  
2       settee with soft arms and there -- you know, if  
3       a youngster -- then occasionally a youngster was --  
4       someone would sit by the youngster on the arm and, you  
5       know, put their arm across them so they couldn't run --  
6       run out after their parent.

7               So there were one or two occasions where I remember  
8       that being the case, but no one being held to be hurt.

9   Q.   Okay.

10              So you were indicating there as though somebody  
11       would be sitting to the side of a young person and then  
12       putting their arm across the young person to stop  
13       them --

14   A.   Yeah, I meant that -- yeah --

15   Q.   -- getting out of the chair?

16   A.   Uh-huh.

17   Q.   If we move on to page 80 and paragraph 431, in the  
18       second half of that paragraph, you say:

19              '... there were occasions [as you've said] where  
20       a child would make it hard for the parent to leave. It  
21       could be a pretty traumatic experience for parents and  
22       holding a child whilst a parent left was an important  
23       responsibility to keep the child safe. We understood  
24       that and the staff talked about holding children down by  
25       the arms.'

1 A. Okay, well, I-- my description of it -- I mean, it could  
2 well be putting a hold onto the arm across the body of  
3 him, but it was across the front of the body of the  
4 young person.

5 Q. So you don't mean holding each arm down --

6 A. No.

7 Q. -- whether either standing behind them or being in front  
8 of them?

9 A. Erm, no, my recollection was -- be sitting on an arm and  
10 putting an arm across, which might involve holding  
11 an arm, but not in the way described here.

12 Q. Okay.

13 A. Sorry, described by the young person in the previous  
14 paragraph.

15 Q. Okay.

16 Now, if we go on over the page, please, to page 82  
17 and paragraph 440, you say there:

18 'I don't want to be controversial but it does appear  
19 from my side, the Starley Hall side, that some people  
20 may have been encouraged to paint their memories in  
21 a negative way with a view to claiming compensation.  
22 I am not saying ['Ellen'] is in that situation at all  
23 but I do think that is an issue for people sitting on my  
24 side.'

25 You've already talked about people encouraging one

1 another to make allegations, but here I think you say  
2 this in the context of them claiming compensation?

3 A. Okay. Well, one of the reasons I say that is that  
4 during the trial, which has been referenced, that it was  
5 very clear from communications that were brought as  
6 evidence that several young people had worked together  
7 to -- and stated that was their intent. So I'm  
8 specifically referring to that group of young people who  
9 worked -- sorry, they're now adults, adults who worked  
10 together to do that. And evidence was presented to the  
11 court to demonstrate that.

12 Q. Now, if we move on to the next section, where you refer  
13 to evidence given to the Inquiry by a person who has the  
14 pseudonym 'Claire' and at paragraph 442, you say:

15 'I don't remember much about ['Claire's' son] but  
16 I do remember events around his time at Starley Hall.'

17 So is that your position, that you don't remember  
18 much about him?

19 A. About the young person?

20 Q. Yes.

21 A. I remember the event that ended around the -- what ended  
22 the placement, that's -- yeah. At this time,  
23 PNC was SNR of the school and he'd  
24 known that young person from his previous school.

25 Q. So if we go on to page 83 at paragraph 445, you say

1       there that you don't recall any individual incident  
2       where you had cause to restrain 'Claire's' son.  You  
3       say:

4             'I may have been involved at some stage in  
5       restraining him because he was one of the most  
6       difficult, violent youngsters at the school.'

7             Is that your recollection of him?

8   A.  Well, certainly, as the placement came to an end, that  
9       was certainly true, yes.

10  Q.  Okay.

11             And so is the basis for that statement the incident  
12       that happened that you say led to the end of his  
13       placement?

14  A.  There was an incident that led to the end of the  
15       placement, yeah.

16  Q.  Okay.

17             And then at paragraph 446, you refer to 'Claire's'  
18       evidence in which she references her son being in  
19       a class with severely autistic children.  And I think  
20       the reference was that the teacher said that her son was  
21       not accommodating of the other children in the class,  
22       and she considered it to be a matter for the teacher, to  
23       manage the different needs of the pupils in the class.

24             Would you agree with that, that it would be for the  
25       teacher to manage, rather than for the child to



1           accommodate?

2    A.   She described it as if it's a young person, I took that,  
3           as reading that, she was making a comment criticising  
4           the fact that he was in a class with other young people  
5           who weren't -- who she didn't feel he should be in class  
6           with.

7    Q.   Well, I think her comment was that the teacher said he  
8           wasn't being accommodating of them.

9    A.   Well, I mean, I would say that that -- that, I think,  
10           not -- not knowing the circumstances exactly what she  
11           was referring to, I can say that, you know, implying  
12           that the teacher was wrong isn't necessarily the case  
13           because I don't know the facts of that.

14   Q.   Okay.

15   A.   But certainly -- yeah.

16   Q.   Okay.

17           You say that -- in the final sentence of this  
18           paragraph, that 'Claire' and her son had strong negative  
19           prejudices and views of other children and their  
20           circumstances, which actually mirrored the very issues  
21           that 'Claire's' son himself was dealing with.

22           Can you explain that; what's the basis for that  
23           statement?

24   A.   From what I recall, 'Claire' was unhappy about her son  
25           being in residential school and rarely agreed with any

1 of the statements that were made and she had a very  
2 disrespectful view of all other children, thinking that,  
3 you know, her son shouldn't have been in school with  
4 children who she thought looked more -- I'm trying to  
5 remember the word she would have used, but more  
6 disadvantaged or looked like they should be in other  
7 schools and not the same as her son. So we were dealing  
8 with really a very difficult situation where the  
9 parent's views were mirrored, shared by the son, and,  
10 you know, he -- in a sense, he felt he was, to use  
11 I think a word he might use, better than anyone else.

12 Q. Well, she may have expressed the view that her son was  
13 perhaps -- his needs were different to other children in  
14 the school. So she describes him as quite a bright  
15 child and articulate, but with needs in relation to  
16 neurodiversity. Is that a description that you  
17 recognise?

18 A. I think that this young person had been in seven schools  
19 before he came to Starley Hall and was in numerous  
20 schools afterwards, or services, so it was very  
21 difficult to look back on his experiences, for his  
22 mother to say that she was satisfied with any placement.  
23 Although she does make some very positive comments about  
24 one of the previous schools.

25 Q. If we go on over the page, please, to page 84 and

1 paragraph 451, you're referring there to the allegation  
2 that's made at the top of the page in paragraph 449,  
3 that you would listen in to telephone calls between  
4 'Claire' and her son; did you do that?

5 A. Erm, I certainly wouldn't have disconnected the call as  
6 is said here. Sometimes a youngster would make a call  
7 and I or other staff may have been present, but that  
8 wasn't to control what was said, it was simply to offer  
9 support or -- of some kind.

10 There was no need to be worried about this young  
11 person saying anything bad about the school because it  
12 was, from the very beginning, it was a placement that  
13 was very difficult for him to accept and see as being  
14 okay. He wanted to be home with his parent.

15 Q. And at paragraph 453, so further down in the statement,  
16 I think, this is perhaps the incident that you say led  
17 to the end of his placement at Starley Hall.

18 A. It did.

19 Q. You say that, following this incident, he was, at the  
20 authority's request, placed in a separate building for  
21 sleeping.

22 Which authority's?

23 A. His local authority. I think at the time he was with  
24 Aberdeen.

25 Q. Okay.

1           And you say that you arranged the separate -- you  
2           found a house on a neighbouring property. I wasn't  
3           entirely clear whether you meant that this was  
4           a Starley Hall property or a --

5   A. It was.

6   Q. It was, okay.

7   A. It was a -- the lodge house on the Bendameer site, which  
8           is adjacent to Starley Hall.

9   Q. Okay, and was he in there on his own?

10   A. With staff, yes.

11   Q. Okay.

12           And I think 'Claire' suggests that he was there with  
13           24-hour supervision and sometimes that supervision was  
14           carried out by, for example, a caretaker.

15   A. That wasn't the case.

16   Q. So was it always qualified staff who were supervising  
17           'Claire's' son?

18   A. It was.

19   Q. If we look on to page 86 of the statement, and at  
20           paragraph 465, there's reference there -- and this is  
21           reference to the police statement that 'Claire's' son  
22           gave to the police, and there's reference to the threat  
23           of going into a secure unit.

24           Now, 'Claire' says in her evidence to the Inquiry  
25           that you told her over the phone that her son could be

1       sent to a secure unit and she wouldn't know where he  
2       was?

3   A. I don't remember any specific call. I know that  
4       PNC       was still at the school, so he had a lot of  
5       involvement. But any reference to a secure unit would  
6       come from the fact that that was being discussed by the  
7       local authority. As for saying, adding the barb 'and  
8       you won't know where he is', I wouldn't have said that.

9   Q. How can you say that you wouldn't have said that?

10  A. Sorry?

11  Q. How do you know you wouldn't have said that?

12  A. Because I wouldn't have said that.

13  Q. Okay.

14       If we go on over the page, just bear with me one  
15       moment.

16       At paragraph 466, you refer again to the incident  
17       which resulted in the end of the placement and you say  
18       that he and his mother belittled this incident and you  
19       talk about various options being considered for him.

20       And you say:

21       'The police were also involved and were considering  
22       serious charges and, from my experience with them, they  
23       made it clear that he was misplaced and required secure  
24       accommodation.'

25       I wasn't entirely clear whether you meant that you

1       recollect them saying that to you about 'Claire's' son  
2       or whether you think that's something that they would  
3       have said?

4    A.  I think the fact that it was in the statement saying  
5       that there were references to secure accommodation, it  
6       was not -- it was not very often, but if there was  
7       an incident and the police, our local police,  
8       particularly thought that they were poorly placed at  
9       Starley Hall -- and that might well become 'cause  
10      officers were, you know, not having a good day -- but  
11      certainly in this case, having had the allegation, and  
12      it was very clear what had happened, the police were  
13      saying something like, 'Why is he still with you? Why  
14      isn't he somewhere else like secure?' That's the sort  
15      of thing they might have said. I don't remember  
16      a specific conversation, I was responding to the fact  
17      that's what was said in 'Claire's' statement.

18   Q.  Okay.

19       And if we move on, towards the bottom of this page,  
20      you refer to 'Claire's' son's police statement in which  
21      he refers to being restrained in a manner that he was on  
22      the floor, that he was kned in the ribs, that he  
23      physically vomited, and so on. If you go on to page 88  
24      and paragraph 470, you say:

25       'The hold that he describes is an approved level 4

1 CALM hold.'

2 And do you think it's possible that he was placed in  
3 such a hold?

4 A. I think that actually, having -- I understand that he  
5 signed that, but the hold -- that is the prone hold,  
6 which is actually a level 5 hold, which was the one that  
7 eventually was taken out, where four adults are involved  
8 in holding a young person, if that is the hold that is  
9 being described. I don't remember that specific  
10 situation.

11 Q. Okay.

12 A. But --

13 Q. You say at paragraph 471, that:

14 'If there had been vomiting and so on, the hold  
15 wouldn't have continued and certainly not in the way he  
16 is describing.'

17 You say:

18 'It would not surprise me that he, at some point,  
19 did need a figure of 4-hold, but that's as far as it  
20 would have gone.'

21 A. Okay, yes, so certainly -- yep, so I've left it open.  
22 The way that the earlier description could have been  
23 a level of 5-hold. I'm thinking that, you know, we  
24 didn't really like using prone, but that is possibly  
25 a description of that. It would be an appropriate hold,

1           it would be a hold used to deal with the circumstances.

2   LADY SMITH: Do you remember when CALM themselves deleted

3           the level 5 hold, as you told us earlier they did?

4   A. I don't remember the exact date, no.

5   LADY SMITH: All right. Thank you.

6   MS INNES: Then you go on to respond to the allegations that

7           were made and if we move to page 90 and paragraph 480,

8           you describe 'Claire's' son and you say:

9           'He has had a very troubled, difficult life, all the

10          way from the beginning right through to adulthood.

11          That's who he is.'

12          Can you explain that reflection?

13   A. I'm responding to the statement, during 'Claire's'

14          description of what had happened, for a life -- in her

15          son's life, she was describing those -- troubled,

16          difficult life. So I was -- I'm really confirming that

17          that was clear to see from what happened.

18   Q. You will know from her statement that much of that was

19          attributed to his experiences at Starley Hall, that it

20          had a significant impact on his future life?

21   A. I don't agree with that. I think it's impossible for

22          that to be the sole -- the sole reason for the issues

23          that she describes.

24   Q. Okay.

25          Then beyond these allegations, can I just ask you



1 a couple of general questions in relation to  
2 allegations. Have you ever physically assaulted any  
3 child during your time at Starley Hall?  
4 A. No.  
5 MS INNES: I have no further questions for you, 'Martin'.  
6 Thank you.  
7 LADY SMITH: 'Martin', nor do I.  
8 I just want to thank you again for coming today and  
9 bearing with us as long as you have done to enable to us  
10 ask you questions in relation to the statement you have  
11 given and I know a little bit beyond that, as we've had  
12 to explore some things that are not covered there.  
13 Thank you for your patience. I'm sure we've  
14 exhausted you today and I hope you're able to have  
15 a restful time now. Safe journey home.  
16 A. Thank you.  
17 (The witness withdrew)  
18 LADY SMITH: Ms Innes, I think we have another witness lined  
19 up, so I suggest we take a short break now to  
20 re-organise the desk and so on and then get to that  
21 other witness thereafter.  
22 Thank you.  
23 MS INNES: Thank you, my Lady.  
24 LADY SMITH: Thank you.  
25 (2.35 pm)

1 (A short break)

2 (2.45 pm)

3 LADY SMITH: Good afternoon.

4 We turn now to the last witness for this week and  
5 I'll ask Ms Innes to introduce him.

6 Mr Innes.

7 MS INNES: My Lady, the next witness is Robert Jennings. He  
8 was a teacher at Starley Hall School. From information  
9 provided by the school, it is said that he was employed  
10 there from 1985 until 1993.

11 However, I would note that his own recollection from  
12 his statement suggests that he worked there for  
13 a shorter period, also in the late 1980s, so the timing  
14 doesn't quite work out but it's round about the same  
15 time.

16 LADY SMITH: Similar era.

17 MS INNES: Yes.

18 LADY SMITH: Thank you very much.

19 MS INNES: On 21 October 2021, Mr Jennings was convicted of  
20 a sexual offence in relation to a child at Starley Hall  
21 and perhaps if we could look, please, at JUS-000000258  
22 and, at the top of that page, your Ladyship can see that  
23 it was a single incident in respect of a girl at  
24 Starley Hall, and your Ladyship will also see from the  
25 indictment that there is notice that other evidence be

1           given.

2   LADY SMITH:   Yes.

3   MS INNES:   So, known as docket evidence, so that would be

4           evidence in respect of which the Crown would not seek

5           a conviction, but would rely on in order to corroborate

6           the offence.

7   LADY SMITH:   Yes, thank you.

8   MS INNES:   Then on page 2, for completeness, the extract

9           conviction shows that this was at the Sheriff Court in

10          Kirkcaldy, date of conviction was 21 October 2021,

11          sentenced on 29 November 2021, by jury trial. There was

12          one charge in respect of which Mr Jennings was convicted

13          and your Ladyship will also see the disposal, which was

14          a nine-month restriction of liberty order, certification

15          under the Sexual Offences Act and compensation.

16   LADY SMITH:   Yes. That was £2,000 compensation.

17   MS INNES:   Yes, that's correct, my Lady.

18   LADY SMITH:   Yes. Thank you.

19           Good afternoon.

20   A.   Good afternoon.

21   LADY SMITH:   Could we begin with you raising your right

22          hand, please, and then repeat after me.

23                           Mr Robert Jennings (sworn)

24   LADY SMITH:   Do sit down and make yourself comfortable.

25   A.   Thank you very much.

1 LADY SMITH: I hope you'll find the first question easy.  
2 How would you like me to address you? I'm happy to use  
3 your first name or 'Mr Jennings' if you prefer.  
4 A. Robert.  
5 LADY SMITH: Robert, thank you for that.  
6 Thank you for coming along this afternoon and thank  
7 you also for providing your written evidence in advance.  
8 That's been very helpful to me to be able to study it  
9 before meeting up with you today.  
10 We want to focus on some of the particular matters  
11 in your statement and maybe one or two other things that  
12 you can help us with, but Ms Innes will make that clear  
13 to you in a moment or two.  
14 But as a generality, Robert, I hope you will be  
15 assured that I want to make this business of giving  
16 evidence in public as comfortable for you as I can,  
17 whilst knowing it's not an easy thing to do and I know  
18 that I'm asking you to cast your mind back quite a long  
19 time to events that happened then and things to do with  
20 your working life then.  
21 I hope you'll bear with us and remember why we're  
22 doing what we're doing, because it's for the interests  
23 of all children in residential care --  
24 A. Yes.  
25 LADY SMITH: -- past, present and future, and I know

1           sometimes it can feel a bit difficult, being asked the  
2           sort of questions that we're going to have to ask you.

3           If at any time you need a break, please just say,  
4           that's not a problem and you can have a break either  
5           just pausing where you are or leaving the room and  
6           coming back. So do bear that in mind.

7   A. Yes.

8   LADY SMITH: And if you have any questions at any time, do  
9           feel free to speak up and ask.

10           Now, Ms Innes, I should have checked, is your plan  
11           to be asking Robert anything that I need to give him a  
12           specific warning in relation to?

13   MS INNES: I think it might be safer.

14   LADY SMITH: Yes.

15           Robert, we'll see how the questioning goes, but  
16           I also want you to bear in mind that, although this  
17           isn't a court, it's a public inquiry. You have all the  
18           rights that you would have if you were giving evidence  
19           in a court. That includes the right not to incriminate  
20           yourself. In practical terms, that means if you're  
21           asked a question and your answer to it would mean you  
22           incriminating yourself, that is admitting to having  
23           committed a crime, you don't have to answer it. It's  
24           a matter for you, but of course if you choose to answer  
25           it, I do expect you to give a complete answer.

1 A. Yes, thank you.

2 LADY SMITH: Does that make sense?

3 If you're in doubt at any time as to whether we're  
4 asking you anything that falls into that category, just  
5 say because I would much rather we explain it again than  
6 you remain in doubt and then wish that you'd said  
7 something differently, in asking me at the time, all  
8 right?

9 A. Yep.

10 LADY SMITH: Ms Innes, I'll hand over to you now.

11 Questions by Ms Innes

12 MS INNES: Thank you very much.

13 Robert, I wonder if we can look at your statement,  
14 please at WIT-1-000001629 and if we look at the final  
15 page of your statement, page 13, paragraph 64, we see  
16 that it says there:

17 'I have no objection to my witness statement being  
18 published as part of the evidence to the Inquiry. I  
19 believe the facts stated in this witness statement are  
20 true.'

21 I think you signed your statement on 8 July of this  
22 year; is that correct?

23 A. Yes, that looks like that, yes.

24 Q. Okay, and if we go back to page 1 of the statement,  
25 please, we see at paragraph 1 you give your name and you

1           tell us that you were born in 1955; is that correct?

2   A.   That's true, yes.

3   Q.   And then you tell us a bit about your career history.

4           At paragraph 3, you say that you've got a teaching

5           qualification in secondary education in PE and

6           mathematics awarded in 1979; is that correct?

7   A.   Yes.

8   Q.   Was that qualification in England or in Scotland?

9   A.   Er, it would cover England and Scotland because it was

10          Northern Ireland and they're part of Britain.

11   Q.   Okay, so it was Northern Ireland, sorry, I should have

12          added that. I was unaware of where your qualification

13          was.

14   A.   Yes.

15   Q.   You then tell us, if we go back up to paragraph 2, you

16          talk about the start of your working life and you say

17          that you worked initially in a mainstream high school

18          with day pupils; is that right?

19   A.   Yes.

20   Q.   Okay.

21   A.   Could I actually -- (Inaudible) and say I worked in

22          Wolverhampton in Pendeford High School for, I think,

23          about five years or something like that. It was quite

24          a long time. Yes.

25   LADY SMITH: And that was the first job you did after

1           qualifying, was it, Robert?

2   A.   Yes, that's right, yes.

3   LADY SMITH:   Thank you.

4   MS INNES:   And then, after that, well, you say that you were

5           initially employed as a maths teacher and then later on

6           you supervised at PE as well; that --

7   A.   Yes -- yeah.

8   Q.   -- was obviously part of your initial qualification, as

9           you've told us.   And then you say you moved from

10          Wolverhampton to work at Starley Hall; was that right?

11   A.   Yes.

12   Q.   And you worked at Starley Hall for a period, you say

13          from the mid to late 1980s, and after you worked at

14          Starley Hall, you then went to work at Fife Council,

15          I think, again, in mainstream day education; is that

16          right?

17   A.   No, I was with Rimbleton House, which was a school for

18          kids with challenging and behavioural problems.

19   Q.   Okay, so you worked at Rimbleton House for a period?

20   A.   Yes.

21   Q.   Was that before or after you worked at Starley Hall?

22   A.   Probably after working at Starley Hall, yes.

23   Q.   Okay.

24            You tell us at paragraph 3 that you had

25          a Postgraduate Certificate in Special Educational Needs,



1           which you obtained in 1991.

2    A.   Yes.

3    Q.   You did that course at Moray House --

4    A.   Yes.

5    Q.   -- for one year. Did you do that whilst you were

6           working at Starley Hall or whilst you were working at

7           Rimbleton?

8    A.   I think it was Rimbleton, I think -- I just -- so far

9           back, I can't remember which one it was -- when I did

10          the course, but I knew the course was there to get on

11          and I asked to get on it.

12   LADY SMITH: Can you remember how old you were at the time,

13          Robert?

14   A.   No, not really. Not really.

15   LADY SMITH: Roughly?

16   A.   I don't know what age I was.

17   LADY SMITH: Well, were you still in your 30s?

18   A.   I wouldn't want to say 'yes' or 'no' because I'm not

19          100 per cent sure.

20   LADY SMITH: Okay, thank you.

21   MS INNES: So I don't know if you'll remember this or not.

22          Do you know if Fife Council supported you going to

23          Moray House to get this qualification?

24   A.   I think so, yes.

25   Q.   Can you remember if there was any rules -- so the

1 Inquiry's heard some evidence that Fife Council perhaps  
2 required people to work in special education for  
3 a period and then if they did that, they would fund them  
4 through their diploma at Moray House?

5 A. I think that was the way. Yes, I -- for Fife Council  
6 I worked in special ed, not in a school. So it must  
7 have been that.

8 Q. Okay, okay.

9 After you worked at Rimbleton, did you continue to  
10 work in special education or in mainstream?

11 A. It's hard to get my head round it -- could you ask the  
12 question --

13 Q. After you said you were at Starley Hall, then you were  
14 at Rimbleton, and then after you were at Rimbleton, did  
15 you continue working in special education or did you  
16 work in a mainstream school?

17 A. I always worked in special education, I never went into  
18 a main school. It was always special educational needs  
19 I taught.

20 Q. Okay. Right.

21 If we can move on to page 2 of your statement, and  
22 you talk about going to Starley Hall. What were your --  
23 at paragraph 5, you cover your first impressions.

24 What were your first impressions of Starley Hall?  
25 What was it like?

1 A. When I started, sort of, to -- they dealt with  
2 children's problems, we always had a meeting when a new  
3 child came in there, we knew special reasons why he was  
4 there because of whatever, and we worked towards  
5 encouraging that pupil to have conversations with any  
6 member of staff that he maybe could find, he could talk  
7 easier to, and then we would solve the problem or try to  
8 help solve the problem.

9 Q. Okay.

10 And you say there in your statement that your  
11 impression was that it had a dedicated group of  
12 experienced staff when you went there?

13 A. Yes. I would have said so, yes.

14 Q. Okay.

15 Did you feel that staff worked well together during  
16 your time there?

17 A. Yeah, I would have said so, yes.

18 Q. Did you feel -- what was the co-operation like between  
19 teaching staff and the care staff?

20 A. Great. They communicated very well, so they did.

21 Q. Okay, and then at paragraph 6 of your statement, you  
22 say:

23 'The staff presented positive and enabling attitudes  
24 in their relationships with children to make them feel  
25 supported in dealing with life issues.'

1           You say that staff fostered an open culture so that  
2           children were aware that they could seek help at any  
3           point.

4           Can you tell us a little bit more about this open  
5           culture?

6   A.   We encouraged kids to talk to us basically, sort of a --  
7           they knew they could go to any member of staff and it  
8           was an open conversation. That's basically it, you  
9           know, an open culture to talk and -- with them, you  
10          know.

11   Q.   Okay.

12          And you then tell us at paragraph 7, that whilst you  
13          were at Starley Hall, you taught maths to senior boys?

14   A.   Yes.

15   Q.   What sort of age were the senior boys?

16   A.   Probably be 14, 15, 16, until they left school.

17   Q.   Okay.

18          And you say that there would be six boys in a class  
19          typically?

20   A.   Yes, typically. Not all the time, but that was  
21          a maximum you were allowed to have.

22   Q.   And were you on your own in the classroom with the  
23          children or did you have a classroom assistant there?

24   A.   Er, I was in there, but there was a classroom assistant  
25          who used to walk about all the classrooms, would walk in

1           and then come in and say, 'Everything okay, Mr Jennings,  
2           how's the classes? How's it going?', 'Great, yeah'.  
3           You were never -- you'd at least have two or three  
4           visits during the time the class would be in there, just  
5           coming in and say, 'Is everything okay?'.  
6   Q.   If you needed some help, I assume this person would --  
7   A.   He would be there, yes. Yeah.  
8   Q.   And you say that you introduced a particular examination  
9           that the children were working towards at the school?  
10  A.   Yeah.  
11  Q.   Okay.  
12           You say that then other teachers in the school  
13           followed suit?  
14  A.   Yeah, I was quite happy. RSA maths it was and I got all  
15           my kids through, passed, and the English teacher tried  
16           RSA English, didn't, in fact, get any of them passed.  
17           I was quite ...  
18  Q.   Okay.  
19           You say at paragraph 8 that there were subject-based  
20           classes in the morning and institution activities or  
21           educational trips in the afternoon. So I wonder if you  
22           can give us a bit more of a picture as to how the school  
23           day worked.  
24           Did classes only take place sort of between 9.00 and  
25           lunchtime?

1 A. Some like, yes, yes, yes, and then in the afternoon,  
2 like you would probably have -- go to a swimming group,  
3 the whole class -- the whole school would go to a  
4 swimming group with all staff and care staff all going  
5 with us.

6 Q. Okay, and in the morning, when you were teaching, were  
7 you teaching the same group of children for the whole  
8 morning or did you have different groups coming into  
9 your classroom?

10 A. Usually the same group, the older boys. Because there  
11 was a -- there was like, primary school teachers as well  
12 who would take the younger groups, so I would have the  
13 older boys and another lady would have the older girls  
14 and the odd time, if I had anybody in there, it would be  
15 because she maybe didn't know how to cope with a certain  
16 area of maths because she wasn't really a maths teacher,  
17 but that's the way it went.

18 Q. Okay, so although you had your specialist subjects, were  
19 you also expected to teach beyond that?

20 A. Beyond that --

21 Q. So were you -- you mentioned that the other teacher, her  
22 specialist subject wasn't maths so she might need help  
23 from you?

24 A. Yes. Yeah.

25 Q. So were you also in the same situation, where you're

1 teaching maths part of the morning and then you were  
2 having to teach some English?

3 A. Yeah, she would do the English side of it, or something  
4 like that, yes.

5 Q. Okay, so you'd maybe swap over in the morning?

6 A. Mm, well, maybe we wouldn't swap over because there  
7 would be another teacher would be teaching geography or  
8 something, so I would maybe, if I was lucky, have  
9 an hour off or two hours off or something like that  
10 there.

11 Q. Okay, and then in the afternoon there would be  
12 activities but you would be involved in those as well,  
13 would you?

14 A. Yes.

15 Q. Okay.

16 A. In the afternoon, yes.

17 Q. And then you say that usually twice a week you were  
18 timetabled in 'til 10.00 at night?

19 A. Yeah, twice a week I worked until sort of 9.30, 10.00.

20 Q. Okay.

21 And you talk about, if we go on over the page, to  
22 page 3, saying that you would also be on duty one day in  
23 the middle weekend of the two-week residential cycle?

24 A. Yes.

25 Q. So on the weekend, when the children were all at the

1 school, you would be on duty one of those days?

2 A. Yeah, well, it usually went in two week sessions,  
3 they would come in -- and they would -- most of them  
4 would stay there for two weeks and then go home after  
5 two weeks. So on the Sunday, I would work from about --  
6 I don't know, sort of 9 o'clock to 9.30 that night.

7 Q. Okay, and was this pattern of working something that you  
8 had done before when you were in Wolverhampton or not?

9 A. No, no, that was my first time working in a residential  
10 school like that there. Yes, that's true.

11 Q. So it sounds like it involved more than teaching your  
12 own subject, you were doing much more than that, in  
13 terms of being involved with the children into the  
14 evenings and at the weekends.

15 How did you feel about that? Did you feel you  
16 were --

17 A. No, it was just part of the job, you know, sort of --  
18 a lot of the stuff outside school would have been just  
19 basically playing football out in the playground or  
20 going down to the nearby beach and playing football on  
21 the grass down there.

22 Something like that -- with, of course, staff.

23 Q. Then you say, at paragraph 9, that you applied for the  
24 job at the school and that you were interviewed,  
25 I think, by Mr FXE , Mr KYU and another external



1 panel member; is that right?

2 A. Well, not so much a panel member, I think what they did  
3 do is they brought in [REDACTED] headteacher from another  
4 school and like I noticed at different times when other  
5 people were being interviewed, it was a different  
6 headmaster, just wasn't the one that was at my  
7 interview. So there was other headmasters were invited  
8 in for interviews when staff were being interviewed for  
9 the job.

10 Q. Why was it that you decided to apply to Starley Hall  
11 School, was it something about the school that --

12 A. Well, it wasn't something about -- sort of, my ex-wife,  
13 she had moved up to a job and I moved up without a job  
14 and that was a job that came up. So I went in to see  
15 the school and asked whether they would call me for  
16 interview and I got the job luckily enough.

17 Q. You say at paragraph 10 that the prerequisites for the  
18 job included the secondary teaching qualification, which  
19 you had --

20 A. Yes.

21 Q. -- and experience of educational work with children with  
22 behavioural challenges?

23 A. Yes.

24 Q. What experience did you have in relation to that?

25 A. Well, in a sense, sort of in the school I was in,

1 I always got -- and they gave me the registration class,  
2 the kids that were -- should have been leaving, but they  
3 only had six months or something like that to go, so  
4 there was a class called -- I called it 5A, and I had  
5 them for, how would you put it, sort of a registration  
6 and a couple of classes during the week and they were  
7 the ones that were basically described as kids with  
8 challenging behaviour.

9 Q. Okay.

10 Then if we look at paragraph 11, you say that during  
11 your time at Starley Hall, there were discussions about  
12 teaching practice and there were training and  
13 development opportunities?

14 A. Yes, I think so, yes.

15 Q. What --

16 A. I would find out from usually being -- and sometimes  
17 having to go into support units in schools and they  
18 would say, 'Bertie, oh there's a course that you would  
19 maybe like to go on about special educational needs',  
20 and I would go back and ask SNR [REDACTED], Mr FXE [REDACTED],  
21 'Would it be okay if I applied for them?' and he would  
22 say, 'Yes, go on ahead', so ...

23 Q. Okay.

24 A. Hopefully I would have got on it.

25 Q. Now, if we move on to the next page, page 4, and

1 paragraph 13, you talk about the leadership style. Now,  
2 over the time that you were at Starley Hall, you've  
3 mentioned Mr FXE and Mr KYU. Who was SNR  
4 at the time that you were at Starley Hall?

5 A. Well, Mr FXE, so he was SNR  
6 of it and Mr KYU was SNR, so he was  
7.

8 Q. Okay. And was Mr FXE there the whole time that you  
9 worked at Starley Hall, or did he leave during --

10 A. Well, a lot of SNR's business was to do the  
11 job the school and things got there, but he  
12 would get involved at times in things, just, well, to  
13 get involved in what the school was going on or doing.

14 Q. Okay.

15 So am I getting a picture that Mr KYU was there  
16 day-to-day and Mr FXE was maybe coming in and out  
17 a bit more?

18 A. Yes. Coming in and out at different times, if there  
19 were special meetings he'd be there for them, or he may  
20 call a meeting, one of those regular meetings, and  
21 I can't remember the time limit of it, it was every  
22 two weeks or something, like a -- it was a two-week  
23 session, so we'd just discuss kids that were maybe  
24 arriving, how to look out for them, how to deal with  
25 them.

1 Q. Okay, and you described the leadership style as strong?

2 A. Oh very strong, yes.

3 Q. What makes you say that?

4 A. Because they had some very good ideas. They knew what

5 they were talking about, it was strong and it was very

6 easy to -- it's not -- challenge is not the right word

7 to say, well, 'I think this would be a great idea' and

8 they'd say, 'Oh aye, Bertie, I never looked at it like

9 that', and dah, di, dah, di, dah, they were just strong

10 staff, you know.

11 Q. And then at paragraph 14, you say that staff lived off

12 site with one care worker as a full-time resident at the

13 lodge, and presumably there were care staff that came in

14 and stayed overnight but didn't live in the school?

15 A. Well, I think that -- as far as I remember properly,

16 that staff member who was down the lodge actually lived

17 there, right.

18 Q. Were they the only person that did that?

19 A. Yeah, in the lodge. 'Cause that was basically their

20 accommodation, they lived in the lodge and sometimes

21 a staff member would maybe go down there at break -- no,

22 after school and he would maybe walk up to give him

23 a break from the lodge, was up in the main building, and

24 the teacher would be down there until he came down and

25 then the people -- the person who worked in the lodge

1           would go home.

2   Q.   Okay.

3           And other care staff who perhaps worked in the main  
4           building, presumably they didn't live in --

5   A.   No, no.

6   Q.   But they would come and maybe stay overnight if that was  
7           their role?

8   A.   If that was their role, I think there was only one staff  
9           member who did stay overnight. There was no other,  
10          staff always went home.

11  Q.   Okay.

12          So, do you think that there was only one staff  
13          member who was on duty overnight, or did people take  
14          turns?

15  A.   Well, not really. There was a lady came in every night  
16          that stayed awake in the downstairs office, right, and  
17          she would be there, but there was one gentleman who used  
18          to always sleep up in the bedroom-type thing up in the  
19          attic or on top of that and he would stay sometimes, but  
20          it usually was the person in the lodge that was on call  
21          for her to come up or something like that.

22  Q.   Okay.

23          Now, if we look down to the bottom of this page at  
24          paragraph 18, you say that you weren't involved in  
25          policy and strategic planning, but you were involved in

1        developing children's individualised subject-based  
2        development plans.

3            Can you tell us a bit more about what those plans  
4        were?

5    A.   Subject-based development plans? Well, when the kids  
6        were 16, they -- well we tried to give them work  
7        experience in like sort of a place that does tyre  
8        changes and things like that there, and because I had  
9        done it before, going out to these places, I knew them,  
10       so I could go out with a pupil, two pupils, and say  
11       'Look, would it be possible to get sort of work  
12       experience for this boy 'cause he's leaving?'. And  
13       that's what would happen. Sometimes even they got a job  
14       there. Sometimes it was very lucky.

15   Q.   Okay, so it would be those sorts of plans --

16   A.   Yes.

17   Q.   -- you think. You go on over the next page, that plans  
18        were developed and updated through review of work and  
19        feedforward processes.

20            Can you tell us what you mean by 'feedforward  
21        processes'?

22   A.   Well, I suppose, sort of, what I meant by that is when  
23        they were on work experience in the places, they were  
24        doing work experiences in like a tyre place, and I had  
25        to go out and visit them and ask them, you know, 'Would

1       it be possible to work in a feedforward process? Could  
2       he possibly have maybe a week's full time work  
3       experience in here?', that kind of way.

4   Q.   Okay.

5       If we move on to paragraph 19, you say -- you talk  
6       about the children who were placed in the -- in  
7       Starley Hall by local authorities. What sort of needs  
8       did the children have? What sort of additional support  
9       needs did they have?

10   A.   Well, quite simply, the kids that did come to the place  
11       could not be handled by a behavioural support unit in  
12       school. So they needed to be placed somewhere. And  
13       between the social worker, the care workers and all  
14       that, they said Starley Hall has the right atmosphere,  
15       blah, blah, blah, in the place. So that's why they  
16       tended to -- just for somewhere between one to six  
17       years, or something like that; it would just depend.

18   Q.   You say that -- in paragraph 19 that reports on the  
19       children's needs were provided by professionals involved  
20       in supporting the children within their local authority  
21       environments and the content of these reports was  
22       cascaded to institution staff.

23       So, I'm assuming that you mean that information  
24       about the children's needs and background were shared  
25       with you?

1 A. Yes, yes.

2 Q. In what way?

3 A. By us meeting his care staff or the social workers and  
4 having a discussion in a meeting -- with the children's  
5 maybe parents there, if that was possible, and the child  
6 to say -- so we all got our minds to say yes, that's  
7 what he needs. You know?

8 We'd get a full conversation together, what the  
9 actual pupil deserved or needed to make sure he was  
10 going down the right way, the right track.

11 Q. So you talk there about a meeting. Can you remember if  
12 you were given any document which had written  
13 information about a child or not?

14 A. No, not a lot. Sort of, staff always knew 'cause every  
15 time it was written -- with any kid or any things, it  
16 was written in a notebook up in the main office at night  
17 and the part of the job of any staff coming in, they  
18 would have to come in early to go up and read that to  
19 see which pupil was having problems during the night,  
20 which kid was needing help to discuss something. So we  
21 knew actually what was going on all the time by reading  
22 the notebook that was written up at the main building.

23 Q. Okay.

24 So this would be a logbook that perhaps care staff  
25 and teaching staff would write in?



1 A. Oh aye, yes, yes, every member that was on could write  
2 something about, 'Oh, Joe Bloggs, it was -- actually, it  
3 was a great day, so I know he was in a bit of trouble in  
4 class, but sort of he came out of that there and just  
5 got on brilliantly -- recovered well', you know.

6 Q. And so did you have to go up after your class and write  
7 in the logbook as well?

8 A. If there was any problems in the classroom, yes.  
9 I would have to go up and say, 'Could Joe Bloggs please  
10 be kept in and finish off this work in the lounge area  
11 while the rest could go out and play between school time  
12 and break time out in the playground'.

13 So I would have them doing their work in there.

14 Q. Okay, so if a child hadn't managed to finish all of the  
15 work that they were supposed to do, they would have to  
16 complete it?

17 A. Sitting up in the main staffroom. Not staffroom.  
18 What's the name of the place? It's just up in the main  
19 building where everything came from that place, all the  
20 kids came up and went in there. You know, do you  
21 understand that?

22 Q. Okay, yes, so maybe there was a lounge or something?

23 A. Yeah, that's what I was looking for, the word.  
24 Everybody went into the lounge and we went from there to  
25 wherever they were going, and it could be, I would

1       say -- and I remember staff saying, you know, 'Poor  
2       ██████ didn't work very well, could he please stay in  
3       and finish the work in the back of the lounge?', and  
4       that's what would happen to him.

5   Q.   Okay.

6       You say at paragraph 20, as you've already  
7       mentioned, that there were primary and secondary school  
8       children there and you think when you were there, there  
9       were around 30 to 35 children in total?

10   A.   I think so, yes, aye.

11   Q.   And you say that there were more boys than girls?

12   A.   Yes, definitely.

13   Q.   And then, at paragraph 21, you talk about children's  
14       meal times. And you say that food preferences were  
15       accommodated.

16       Did you ever see any child being force fed when you  
17       were there?

18   A.   No, never.

19   Q.   Then if we go on to page 6, and paragraph 23, you talk  
20       about washing and showering facilities being upstairs in  
21       the main building?

22   A.   Yes.

23   Q.   You say that care staff were overseeing that. Can you  
24       recollect if the children had privacy in the showering  
25       area?

1 A. Oh aye, yes, yeah. It was two showers a day you went up  
2 and you went up and said, 'Everyone okay?', 'Yes', and  
3 they say, 'Okay, right so you've got another ten minutes  
4 in the shower and then you're out'.  
5 Q. Was there a door that closed or were they in cubicles?  
6 A. Yes, the door was closed in the thing.  
7 Q. If we can look on, please, to page 7 of your statement,  
8 at paragraph 27, you say that if there were specific  
9 medical conditions, you would be briefed by the nurse  
10 who was at Starley Hall?  
11 A. Yes.  
12 Q. And presumably she administered any medication?  
13 A. Any medication would always be administered by her.  
14 Q. Were you ever aware of any child being given medication  
15 to sedate them or calm them down?  
16 A. No, never. Not that I know of.  
17 Q. At paragraph 29, you mention the different subjects.  
18 Can you remember how many teachers there were at the  
19 time that you were at the school? So, you've mentioned  
20 there was obviously you, there was the female English  
21 teacher --  
22 A. Let me see. One, two, three -- three, I'd say, three  
23 seniors' teachers, but there was two to three, I think,  
24 I can't remember exactly, primary school teachers, but  
25 they never took part in any of the extra curriculum

1           stuff. They just came up and taught for the morning  
2           maybe, and then went off and come back the next day.

3   Q.   Okay.

4   A.   Mm-hmm.

5   Q.   And at paragraph 30, you say that children might help  
6           serve food at meal times. Were you aware of them doing  
7           any other chores?

8   A.   I'm not aware of any --

9   Q.   So, it's paragraph 30, it's at the top of the screen.

10  A.   'Having to clean the ...'

11           Not really, no. No. So -- if there may have  
12           been -- you could see them told to clean their shoes  
13           outside, and you could see some of them walking and just  
14           stamping, or they'd change out of their shoes and put on  
15           their slippers that they always had, and you'd say,  
16           'You're coming back to clean that'.

17           It would only take them a couple of minutes to,  
18           like, brush it up, brush it up, put it in the bin and  
19           then you would say, 'Thanks very much, well done,  
20           excellent, man', and then he would go and nothing would  
21           happen.

22  Q.   Okay. And you say at paragraph 31, that you were aware  
23           that parents and guardians were encouraged to visit, but  
24           they had to pre-arrange these with senior staff?

25  A.   Yes.

1 Q. Was that something that you were involved in, making  
2 these arrangements or not?

3 A. Not really, no. Sort of -- somebody would say, like, or  
4 the parents would phone up the secretary and speak to  
5 the headmaster and say, 'Look, we would like to come in  
6 on Saturday', usually a non-school day, and, 'Take wee  
7 [REDACTED] out for a time', and can bring him back in at  
8 that time. We say -- well, we encouraged that because  
9 we encouraged -- between us being able to talk to the  
10 parents and then the children seeing that the parents  
11 were behind what we were doing or asking the children to  
12 do, so it was clearly a good thing to talk to the  
13 parents.

14 Q. Okay.

15 And you say at paragraph 32, as you've already  
16 mentioned, that there might be discussions with social  
17 workers and educational psychologists?

18 A. Yes, there was.

19 Q. Were you at review meetings with these types of  
20 professionals; can you remember?

21 A. Yeah, sometimes, yeah, if it was possible, I would be  
22 there, yes.

23 Q. Then at paragraph 35, you talk about discipline and you  
24 say:

25 'Discipline could be administered by any staff

1 member through the reiteration of unacceptable  
2 behaviours.'

3 Can you explain what you mean by that?

4 A. 'Discipline can be administered by any staff members  
5 through the ... the ... '

6 Q. 'The reiteration of unacceptable behaviours'?

7 A. Well, any other member of staff said that little [REDACTED]  
8 wasn't doing things right, he was able to say could he  
9 be detained so that we are taking -- well, it's  
10 a punishment but not a physical punishment, that he  
11 would lose something, like going out at dinner time or  
12 going out at break time or something like that there.

13 Q. Okay.

14 And so a form of detention?

15 A. Yeah, yeah. Yeah.

16 Q. And you say at paragraph 36 that:

17 'Punishment related to the removal of privileges for  
18 the day's activity sessions and considered the  
19 behaviours demonstrated.'

20 Can you explain what you mean by 'punishments  
21 considering the behaviours demonstrated'?

22 A. 'Punishment related to the removal of privileges for the  
23 day's activity sessions ...'

24 Well, like, usually between coming up from school,  
25 they would go into the lounge, they would be allowed --

1       most of the kids would be allowed to go out into the  
2       playground and play, but if one of the kids were not  
3       behaving very well, the punishment would be that they  
4       would not be allowed to go out, say, and they would sit  
5       inside and just watch television until it was time to go  
6       in for tea.

7   Q.   Okay, so do you mean maybe the punishment would fit with  
8       the behaviour?

9   A.   It would go with the behaviour but there was never so  
10       strict that anything -- it was just they could see that  
11       there was punishment, that they could be taken away from  
12       an activity they usually enjoyed by just sitting in the  
13       lounge watching the television until tea time.

14  Q.   Okay. And how was account taken of the fact that the  
15       children had special educational needs that might impact  
16       on their behaviour?

17  A.   Could you ask that one again, please?

18  Q.   How did you take into account the fact that children had  
19       special educational needs and that might give rise to  
20       the behaviour that was being seen?

21  A.   I'm not completely understanding the question, so I'm  
22       not. Like, could you maybe just ask it again and it'll  
23       sink in.

24  Q.   Okay, so I'll maybe break it down a little.

25       So the children at the school were there because

1           they had special educational needs?

2   A.   Needs, yes.

3   Q.   Okay.

4           And sometimes, I imagine, that a child might behave

5           in a particular way and that would be caused by the fact

6           that they had a particular condition?

7   A.   Well, see, the condition is that -- you'd have to know

8           what the condition was, and we would know the condition,

9           like there was a couple of boys that could start a fight

10          just by going -- and you could see he was looking for

11          some attention rather than a fight. So you'd be able

12          to, sort of, get in and say, 'Hey [REDACTED], come on,

13          you're playing with me', you know, no hands on stuff at

14          all, but just sort of say, 'Come on, come on, I want to

15          play, can you kick this ball around with us and ...'

16          You know, do the right thing. Draw them away from

17          the possible chance of them fighting together.

18   Q.   Okay.

19   A.   Do you know, that was kind of right, did you understand

20          it?

21   Q.   Okay, so that's the sort of thing that I mean in

22          relation to punishment. So if you knew that a child had

23          a particular condition that meant that they behaved in

24          a particular way --

25   A.   Yes.



1 Q. -- what impact would that then have on how you dealt  
2 with what might otherwise be seen as bad behaviour?

3 A. Well, if you could see him looking to have a fight, you  
4 would try to just get yourself in between them, make  
5 a joke about something, make them laugh, if you make  
6 them laugh, they can't be fighting, if you know --  
7 I don't know if that answers your question but --

8 Q. You do say that on page 9 at paragraph 39 when you're  
9 talking about physical restraint. So rather than using  
10 restraint, you would perhaps make a joke and that took  
11 the sting out of --

12 A. Yeah, defuse the situation, you know?

13 Q. And you say that at the time that you were there,  
14 physical restraint wasn't used?

15 A. I never saw it.

16 Q. And you didn't use it yourself?

17 A. No. No.

18 If you get the children to like you and laugh with  
19 you, at something, you're winning. 'Cause if they're  
20 laughing, they can't be fighting.

21 Q. So you never had to -- you never saw anybody having to  
22 physically intervene to stop anything?

23 A. No. No.

24 Q. If we go down to the bottom of page 9, and at  
25 paragraph 43, you say there:

1           'I can't recall if the institution had a specific  
2           definition of abuse, but as practitioners, I think staff  
3           had a general awareness of parameters through engagement  
4           with professional and regulatory bodies.'

5   A.   That's quite a sentence, isn't it?

6   Q.   Sorry?

7   A.   That's quite a sentence.

8   Q.   Am I right in thinking that for a teacher, at the time,  
9           the relevant professional and regulatory bodies would  
10          have been the GTC and HMIE? At the time Her Majesty's  
11          Inspectorate of Education?

12   A.   Yeah --yeah. I think I'm saying yes to that, right.

13   LADY SMITH: And the GTCS, the General Teaching Council for  
14          Scotland?

15   A.   I'm sorry -- I --

16   LADY SMITH: Ms Innes was referring to two different  
17          regulatory bodies; one was HMIE, and that's  
18          Her Majesty's Inspectorate of Education, and the other  
19          was GTC, or GTCS; which is the General Teaching Council  
20          for Scotland.

21   A.   Mm-hmm.

22   LADY SMITH: Did their work impact on you at all?

23   A.   Sorry?

24   LADY SMITH: Did their work impact on you at all?

25   A.   Not really, no. Sort of -- I got -- I thought I always

1       had a lot of the kids' confidence and they liked me and  
2       they would talk to me and laugh with me and, like I've  
3       said before, if they're laughing, they can't be fighting  
4       and ...

5       LADY SMITH: Thank you.

6       MS INNES: Now if we go on over the page to page 10, at  
7       paragraph 45, you say that you weren't aware of any  
8       external monitoring visits.

9               So you can't remember any inspectors coming to visit  
10       the school while you were there?

11      A. Not really, no.

12      Q. Okay.

13               Sorry, I should have gone up to paragraph 44. You  
14       don't remember any formal guidance or instruction from  
15       the school about child protection arrangements when you  
16       were working there?

17      A. No, not really -- no, not got any formal guidance from  
18       schools or ...

19      Q. You don't remember the school having any sort of written  
20       policy documents that they would give to you that you  
21       were supposed to follow?

22      A. No, not really, sort of -- we had our own policies of --  
23       for the children's -- although, we would listen to the  
24       school, if they said he doesn't like being shouted at,  
25       so you don't shout at him, you know, and I've always,

1       like I said, I'm repeating myself, make them laugh and  
2       you're winning because they can't do anything else.

3   Q.   Okay, so that would be how you deal with an individual  
4       child, but you can't remember any sort of written  
5       policies or guidance that the school had to say how  
6       things were to be done?

7   A.   Well, not really, no.   Just -- 'cause they're mostly  
8       experienced teachers and they knew how to cope with them  
9       themselves and they would have been told if they were  
10      doing something wrong.

11   Q.   Okay.

12           Now, if we move on to page 11 of the statement, and  
13      some of the other staff at the school.   We've mentioned  
14      Mr KYU [REDACTED] already, you're talking about him at  
15      paragraph 52 on page 11.   Can you tell us a bit about  
16      Mr KYU [REDACTED]?   What was he like to work for?

17   A.   Very good.   Very easy SNR [REDACTED] to talk to and he would  
18      openly ask you if there were any problems, or you could  
19      see anything going wrong -- you know, very open in the  
20      way he -- well, he was SNR [REDACTED].

21   Q.   Okay.

22           And did you have any concerns about the way in which  
23      he interacted with the children or not?

24   A.   No, no, he was very good.

25   Q.   And then if we move on, over the page to page 12, and at

1 paragraph 56, you're referring to Mr FXE who you  
2 mentioned previously in your evidence. What was he  
3 like?

4 A. Er, well, again, he was very good, very excellent  
5 dealing with the kids, you know, and the kids really did  
6 like him, they liked to talk to him because -- how would  
7 you put it? He would, maybe -- I don't want to use the  
8 word 'blackmail' but say, 'Here, here's some Polo  
9 mints', some of this here, you know, and they'd always  
10 see, if they talked to him, they'd have some wee reward  
11 coming up, you know, he was really, really good.

12 Q. Again, the same question, did you have any concerns in  
13 relation to the way in which he interacted with  
14 children?

15 A. Not at all. Not at all. He was excellent.

16 Q. Then in the next paragraph, you talk about Nigel Lloyd.

17 A. Yes, yes.

18 Q. Can you recall what his role was -- was he a teacher or  
19 a member of the care staff?

20 A. He was more a member of the care staff.

21 Q. What was he like?

22 A. Oh, again, very good with the kids. They liked him and  
23 he did the same thing as every member of staff, get the  
24 kid on the side and you're winning.

25 Q. Did you ever have any concerns in relation to the way in

1           which he dealt with children?

2   A.  No, not at all.  He was very professional.

3   Q.  And then at paragraph 58, you're referring to a person

4       called PBT --

5   A.  Yes.

6   Q.  -- was he -- he was also a teacher?

7   A.  Yes, yes.

8   Q.  What was he like?

9   A.  He was good as well.  Very good.

10  Q.  Did you have any concerns in relation to the way in

11       which he interacted with children?

12  A.  No, not at all.

13  Q.  And then you tell us at paragraph 59 that you left the

14       institution because at the time you had a young family

15       and, as you said, you then went on to work with Fife

16       Council?

17  A.  Yes.

18  Q.  And at paragraph 60, you say that you did not experience

19       or witness any abuse at the school and you don't know

20       why people would make allegations of abuse there?

21  A.  Yes, yeah, true.

22  Q.  Now, we know that you have a conviction relating to your

23       time at Starley Hall.  And if we can look, please at

24       JUS-000000258, please, and we know, if we look at --

25       yes, page 1 of the document.  We know that you were

1 convicted of one offence following a trial at -- in the  
2 Sheriff Court in front of a jury, do you accept or not  
3 that you committed the offence of which you've been  
4 convicted?

5 A. No, I'm completely innocent.

6 Q. Okay.

7 And if we look down, yes, I think we can see that in  
8 addition to the particular charge in respect of which  
9 you were convicted, there's reference to similar  
10 offences committed against two other girls in respect of  
11 which the Procurator Fiscal was not asking for  
12 a conviction, but was saying that they were going to  
13 lead evidence about some other incidents.

14 Can you recall from the trial if any other evidence  
15 was led from people, other than the person in respect of  
16 the conviction, in relation to these offences?

17 A. All I can say is I'm completely innocent of that,  
18 completely innocent, so --

19 LADY SMITH: Hang on a minute, Robert. You were being asked  
20 for your memory of the evidence at the trial. I'll  
21 invite Ms Innes to ask the question again. Now, listen  
22 carefully to what she's asking you. Listen to what  
23 Ms Innes is asking you.

24 MS INNES: So there was one charge in respect of which you  
25 were convicted and presumably that person, who made that

1           allegation against you, gave evidence at the trial.

2           Did any other person who had been a child at the

3           school give evidence at the trial?

4   A.   No.

5   Q.   No.

6   A.   As far as I can remember.

7   LADY SMITH: Well, how many women gave evidence in which

8           they described things being done to them by you?

9   A.   I honestly can't remember to tell you the truth, sort

10          of, and now my brain is going up and down, as it ...

11   LADY SMITH: All right. Do you remember the one woman

12          giving evidence that led to you being convicted?

13          About -- giving evidence about you touching her under

14          her skirt when she was a child?

15   A.   Again, all I can say is I do not -- I don't know what

16          the right words to put it into. I am innocent of

17          anything.

18   LADY SMITH: Well, I got your position on that.

19   A.   Yes, yes. Well, that's what I'm saying --

20   LADY SMITH: That's not what we're asking you about.

21   A.   -- what other way can I put it, because I never touched

22          them.

23   LADY SMITH: I've absolutely got your position on that.

24          What we're asking you about is what happened in the

25          courtroom at the trial about how many witnesses there



1           were, how many women, adult women now, talking about  
2           when they were children at Starley Hall School? There  
3           must have been at least one.

4   A.   I don't -- I don't understand the question. All I'm  
5           saying is I protest that I am innocent of everything --

6   LADY SMITH: All right.

7   A.   -- that's all I can say. You know, I don't really know  
8           what I'm being asked.

9   LADY SMITH: Do you have any memory of the trial at all,  
10          Robert?

11   A.   Not really much, no.

12   LADY SMITH: Can you picture yourself in the courtroom?

13   A.   No, I can't remember it, no.

14   LADY SMITH: Do you remember where it was, which court?

15   A.   Probably Kirkcaldy, was it?

16   LADY SMITH: The Sheriff Court in Kirkcaldy?

17   A.   Yeah, yeah.

18   LADY SMITH: And do you remember there being a jury?

19   A.   I think so, yes.

20   LADY SMITH: 15 members --

21   A.   I -- I actually can't remember it very well, to tell you  
22          the truth.

23   LADY SMITH: I'm just trying to work out what you do  
24          remember. I mean, from these documents, I'm told -- and  
25          I have to accept them as correct -- that there was

1           a jury present, you must have been present, and there  
2           must have been witnesses.

3           Now, there must have been at least two women, if not  
4           three women, giving evidence. Do you have any memory of  
5           them at all?

6   A. I can't remember that. I don't really know. It's --  
7       'cause -- out of my mind.

8   LADY SMITH: Okay.

9   MS INNES: Okay.

10   LADY SMITH: Ms Innes.

11   A. I do apologise.

12   MS INNES: Do you have any explanation as to why these women  
13           made these statements or allegations against you?

14   A. No. No, not at all.

15   Q. Okay.

16           I don't have any further questions for you, Robert.  
17           Thank you.

18   A. Thank you.

19   LADY SMITH: Robert, I don't have any other questions for  
20           you either. I just want to thank you again for coming  
21           along this afternoon --

22   A. Thank you very much as well.

23   LADY SMITH: -- and bearing with us and doing your best to  
24           answer the questions that we had for you.

25   A. Thank you.

1 LADY SMITH: Now, do feel free to go and I hope you have  
2 a safe journey home.  
3 A. Thank you very much indeed.  
4 (The witness withdrew)  
5 LADY SMITH: Some identities have been disclosed in the  
6 course of evidence today who have the protection of my  
7 General Restriction Order. So it's not to be disclosed  
8 outside this room that they were referred to in our  
9 evidence and that was Mr KYU , Mr FXE , FXE  
10 FXE , and his wife, and I think that was all. Have  
11 I got that right?  
12 MS INNES: Mr PBT .  
13 LADY SMITH: Mr PBT , yes. Mr PBT as well.  
14 And that's all.  
15 Thank you.  
16 MS INNES: Thank you, my Lady. That concludes the evidence  
17 for this week. Next week we will continue on Tuesday  
18 with some further evidence in relation to Starley Hall  
19 and also Woodfield Ladymary and then from Wednesday to  
20 Friday, we'll be focusing on Lendrick Muir, Seamab.  
21 LADY SMITH: Yes, thank you very much indeed. I wish  
22 everyone a good weekend and I hope they'll all be able  
23 to enjoy the good weather, which does look as though  
24 it's going to be good for a change. Thank you.  
25 (3.47 pm)

1 (The Inquiry adjourned until  
2 10.00 am on Tuesday, 15 July 2025)  
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