

1 Thursday, 14 August 2025

2 (10.00 am)

3 (Proceedings delayed)

4 (10.07 am)

5 LADY SMITH: Good morning and welcome back to our oral  
6 hearings in relation to Phase 9.

7 We return this morning to evidence about Harmeny.  
8 I say we return, because we have heard some evidence  
9 about Harmeny before, but as I understand it, two  
10 representatives of Save the Children, who took over at  
11 one point -- sorry, I'm getting some reverberation here,  
12 is that a problem?

13 We return this morning to oral evidence and we'll  
14 begin with two witnesses from, as I understand it,  
15 Save the Children, and Ms Innes will know and no doubt  
16 explain why Save the Children are involved, and they'll  
17 give evidence as a panel.

18 Have I got that right, Ms Innes?

19 MS INNES: Yes, my Lady. The two witnesses from -- are from  
20 Save the Children. Save the Children was the provider  
21 for Harmeny School from August 1958 until 1995, and from  
22 1995 to date, the provider is the Harmeny Educational  
23 Trust Limited, from whom we will hear evidence this  
24 afternoon.

25 So the Save the Children witnesses are Dan Paskins,

1       who's Executive Director for Policy, Advocacy and  
2       Campaigns at Save the Children UK, and Cat Carter, who's  
3       the Director of Safeguarding also at Save the Children  
4       UK.

5   LADY SMITH: Thank you.

6                     Dan Paskins (affirmed)

7                     Cat Carter (affirmed)

8   LADY SMITH: Thank you both for coming along this morning.

9       We'll no doubt get the details of how it is you're here  
10      and why Save the Children have an interest in what we're  
11      doing here at the Child Abuse Inquiry in Scotland. But  
12      as some practicalities need to be addressed first, in  
13      the red folders, you've got the very helpful responses  
14      you've given us to the questions that were sent in  
15      writing. I'm grateful to you for having attended to  
16      that. We're not going to go through it line by line,  
17      but there are some particular aspects that we'd like to  
18      explore with you both, if that's all right.

19      The way we normally work in a morning is that  
20      evidence runs from here until -- from now until 11.30  
21      and then take a break of about 15 minutes and then  
22      resume after that and I hope that will work for you, but  
23      if you need a break at any other time, please don't  
24      hesitate to say. It's not a problem.

25      If you've got any questions at any time, do speak

1 up. Or if you think there's something we should know  
2 and be asking you that we haven't done, do volunteer it.  
3 If we can work together to get as clear a picture as we  
4 can of what you can help us with, I'd be really grateful  
5 to you for that.

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

8 MR PASKINS: Yes, thank you.

9 LADY SMITH: Thank you.

10 Questions by Ms Innes

11 MS INNES: Perhaps if I could start with you, Dan. We  
12 understand that you are currently Executive Director for  
13 Policy, Advocacy and Campaigns at Save the Children UK  
14 and you've provided the Inquiry with a copy of your CV  
15 which sets out your career history and your experience  
16 and, in that, you tell us that you began working with  
17 Save the Children in May 2020; is that right?

18 MR PASKINS: Yes, that is correct.

19 MS INNES: And your first role was as UK Impact Director, up  
20 until June of last year, when you moved to your current  
21 role.

22 I think you tell us that since you took up your  
23 role, you have had lead responsibility for  
24 Save the Children's engagement with the Inquiry?

25 MR PASKINS: Yes, that is correct.

1 MS INNES: And also I note that you are accountable for --  
2 for example, in your previous role you were accountable  
3 for Save the Children's policy and practice around  
4 safeguarding in relation to engagement with national  
5 government, local authorities' continuous improvement  
6 and learning and development, and, in your current role,  
7 you continue to have accountability for safe programming  
8 and advocacy for Save the Children's work in the UK, in  
9 line with safeguarding standards?

10 MR PASKINS: Yes, that is correct.

11 MS INNES: And you remain accountable for safeguarding.

12 Now, Cat, you've also provided a copy of your CV to  
13 the Inquiry and I understand that you've worked with  
14 Save the Children since August 2008; is that right?

15 MS CARTER: Yes, that's correct.

16 MS INNES: And since 2016, your roles have primarily focused  
17 on safeguarding?

18 MS CARTER: Yes.

19 MS INNES: And you've been Director of Safeguarding at  
20 Save the Children UK since March 2022?

21 MS CARTER: Yes.

22 MS INNES: Now, if I can refer, first of all, to the  
23 response that was given to the Inquiry's Section 21  
24 notice, and if we could look please at SCH.001.001.0052  
25 and page 1 and it tells us on page 1 how

1       Save the Children became involved in the provision of  
2       residential care in Scotland.

3           And I think in the second block of text on that  
4       page, against paragraph 1.1(ii), it notes that, between  
5       the 1930s and 1970s, one of the areas of work that the  
6       organisation was focused on in the UK was the provision  
7       of residential special homes for children?

8   MR PASKINS:   Yes, that's correct.

9   MS INNES:   And it then goes on in the paragraph below to  
10       talk about some involvement in nurseries for children  
11       evacuated after the war and then it says that the next  
12       residential care provided by the organisation was the  
13       opening of Harmeny School in Balerno?

14   MR PASKINS:   Yes.

15   MS INNES:   And that was in 1958?

16   MR PASKINS:   Yes.

17   MS INNES:   But prior to that, you note that the organisation  
18       was already running two residential care establishments  
19       in England?

20   MR PASKINS:   Yes.

21   MS INNES:   Do you know why it was that Save the Children  
22       became involved in running a home in Scotland?

23   MR PASKINS:   So the evidence and the records that are  
24       available for that time are unfortunately relatively  
25       limited, so we are unable to have a full picture of the

1 decisions around that.

2 From the evidence of what we have been able to see,  
3 Save the Children's mission, ever since its founding,  
4 throughout this period and to the current day, is around  
5 advancing children's rights. And that is something  
6 which has taken different forms at different times in  
7 relation to changing contexts.

8 Save the Children's approach to -- to its work in  
9 the UK in general was to meet needs not fully covered by  
10 the government and therefore there was discussion about  
11 an opportunity within Scotland to set up what became  
12 Harmeny School, to provide for children within Scotland,  
13 something which at the time it was felt was not  
14 available to children in Scotland, and drawing on  
15 experience which Save the Children had had from running  
16 a similar provision within England.

17 MS INNES: If we go on to the next page, the top of page 2,  
18 it talks there more broadly about the change of focus in  
19 the organisation over the years and we know, and we'll  
20 come to it in more detail, that Harmeny was transferred  
21 to an independent education trust at the end of 1995  
22 and, since then, I understand that Save the Children has  
23 not provided any residential care for children in  
24 Scotland; is that right?

25 MR PASKINS: That is correct.

1 MS INNES: And does it provide or has it provided since then  
2 any residential care in England, for example?

3 MR PASKINS: No.

4 MS INNES: And it's noted in paragraph -- the first  
5 paragraph that we see on the page, there's a paragraph  
6 beginning:

7 'In this context by the 1980s the organisation's  
8 residential care establishments were exceptions to the  
9 organisation's overall UK strategy, which increasingly  
10 sought to develop flexible community-based care projects  
11 which could be handed over, where appropriate, to  
12 suitable local stakeholders rather than residential  
13 institutions.'

14 So whilst in the 1950s, one of the strands of  
15 Save the Children's work was the provision of  
16 residential care, by the 1980s, this had become  
17 an anomaly?

18 MR PASKINS: Yes, that is correct.

19 MS INNES: Okay. Then if we move on over the page, please,  
20 to page 3, in the second substantive paragraph that we  
21 see there, it says:

22 'The majority of the organisation's activities  
23 throughout the relevant period involved overseas  
24 programmes for the welfare of children around the world,  
25 primarily in response to humanitarian emergencies.'

1           Then it notes from 2011, the organisation handed  
2           over control of the overseas operations to  
3           Save the Children International.

4           So am I right in saying that now the organisation  
5           that you represent or work for is UK-based, providing  
6           for projects within the UK rather than internationally,  
7           or has that changed again?

8   MR PASKINS:   So Save the Children UK is part of a global  
9           movement of Save the Children members and a lot of the  
10          overseas operations, as is said here, are led by  
11          Save the Children International.   So Save the Children  
12          UK's work involves helping children and families within  
13          the UK as well as contributing to wider efforts through,  
14          for example, fundraising, helping to manage programmes  
15          and advocacy and influencing work in support of efforts  
16          overseas to help children all around the world.

17   MS INNES:   Thank you.   Then if we move on, please, to  
18          page 4, we can see at the top of the page there that you  
19          explain how it came about that Save the Children  
20          withdrew from residential provision at Harmeny and it  
21          notes there that there was an independent review  
22          commissioned of the establishment in 1991 undertaken by  
23          a team led by Barbara Kahan and then there's reference  
24          to her report, which we'll come on to in more detail, in  
25          your evidence.

1           In the next paragraph, it says one of the key  
2           recommendations within the report was that the control  
3           and management of the establishment ought to be reviewed  
4           and considered. Was that really the reason behind  
5           Save the Children exiting and transferring management of  
6           Harmeny to an independent educational trust?

7   MR PASKINS: So from the evidence that is available, which  
8           is primarily the Kahan Report, it's -- our understanding  
9           is that Save the Children decided to commission this as  
10          a sort of independent report, with a specific part of  
11          the terms of reference being to make recommendations  
12          about what the future governance and approach for the  
13          school should be and that that recommendation was made  
14          to Save the Children to transfer the school and that  
15          recommendation was then accepted.

16   MS INNES: Then, if we go on over the page, to page 5, you  
17          talk at paragraph 1.2(i) about the setting up of the  
18          establishment and it's noted that the decision was taken  
19          by Save the Children's Scottish Council in February 1956  
20          and they had been approached by Sir William and  
21          Lady Younger who offered their personal home as  
22          a potential location for the establishment and that  
23          offer was accepted and that then provided the premises  
24          for the school; is that correct?

25   MR PASKINS: That is correct, yes.

1 MS INNES: And you also note there that the initial costs of  
2 adapting the premises to create the establishment were  
3 financed 40 per cent by Save the Children and  
4 60 per cent by a grant from the Scottish Education  
5 Department?

6 MR PASKINS: Yes, that is correct.

7 MS INNES: And then you go on to talk about the funding of  
8 the organisation and I think you note there that your  
9 understanding from the documents is that the local  
10 authorities paid fees for children who were attending  
11 the school, but the school was grant-aided and, on  
12 average, your understanding is that local authorities  
13 made up 60 per cent of the funding, with 40 per cent  
14 coming from the government?

15 MR PASKINS: Yes, that is our understanding as far as the  
16 evidence that we're able to see suggests.

17 MS INNES: And then the next question is: was the funding  
18 adequate to properly care for the children? I think you  
19 note there that, from the material that you have, there  
20 were some periods of financial difficulty that the  
21 organisation faced?

22 MR PASKINS: Yes-- yes, that is correct.

23 MS INNES: And, again, I think you refer to the  
24 Kahan Report, which we'll come back to.

25 Now, if we can move on, please, to page 6, and to

1       the legal status of the organisation, you explain that  
2       Save the Children was founded in 1919 as a charitable  
3       fund. It was then incorporated as an association  
4       limited by guarantee in 1921 with registered offices in  
5       England, and it says that the organisation has remained  
6       an association or company limited by guarantee; does  
7       that still remain the position?

8   MR PASKINS: Yes, that -- that is correct.

9   MS INNES: And you also note that the charity has been an --  
10       the organisation, rather, has been a charity throughout  
11       the period and has been registered with the Charity  
12       Commission of England and Wales since 1961?

13   MR PASKINS: Yes, that is correct.

14   MS INNES: And then much more recently it's been registered  
15       with the Office of the Scottish Charity Regulator, but  
16       that's subsequent to your involvement with Harmeny; is  
17       that right?

18   MR PASKINS: Yes, that is correct.

19   MS INNES: If we go on, please, to page 7, you were asked,  
20       I think, about children being placed at the organisation  
21       and -- at the establishment, rather -- and you've been  
22       able to find some records which suggest, as you say in  
23       the second paragraph there, from reviewing files on  
24       children who attended the school prior to the  
25       introduction of children's hearings or children's

1 panels, some of the children that were attending Harmeny  
2 had been involved with juvenile courts, and that's  
3 something that you have come across from a review of  
4 files that was carried out?

5 MR PASKINS: Yes. So the evidence, it's unfortunately not  
6 available at any point during this about having  
7 a defined set of admissions criteria for the school.  
8 There are various files that make reference to the --  
9 Save the Children's views about which kinds of children  
10 might be attending. However, unfortunately, we are  
11 unable to ascertain the extent to which those ambitions  
12 were reflected in practice or the extent of any changes  
13 during this time period around the admissions.

14 MS CARTER: If I could just add that the majority of the  
15 referrals did come from local authorities and presumably  
16 from quite a wide range of backgrounds and for different  
17 reasons. The one thing that was uniting was that these  
18 children did have emotional, behavioural difficulties  
19 that required additional support needs.

20 MS INNES: And if we just look down to the question (v) on  
21 this page, there's reference to: did the legal basis  
22 require the organisation to meet or fulfil any legal  
23 requirements? There's reference to it being  
24 a grant-aided school. And then, in the next paragraph,  
25 it says that in 1994 the organisation applied

1 voluntarily to register the establishment with the local  
2 authority.

3 And the establishment was then registered in 1995  
4 with the Edinburgh and Lothians Registration and  
5 Inspection Service, and that was something that  
6 Save the Children did on a voluntary basis at that  
7 point.

8 MR PASKINS: Yes, that is correct.

9 MS INNES: If we move on to page 10, please, and to the  
10 bottom of that page, there's reference there to the  
11 ethos of the organisation. And if we look at the third  
12 paragraph in response to that, a question -- we see what  
13 you said a moment ago about the organisation's approach  
14 being to meet needs not fully covered by the government  
15 and that guided the purpose.

16 And then it notes in the next paragraph:

17 'The organisation also saw itself as being a key  
18 innovator on issues affecting children. For instance,  
19 the establishment was an innovative project for  
20 Scotland, being the first of its kind. Similarly, one  
21 of the organisation's establishments in England,  
22 Fairfield House it was the first school of its type in  
23 England.'

24 So I think you said in your evidence earlier and  
25 it's in your -- in this response to the Inquiry, that

1       Save the Children had already set up similar provision  
2       in England and then did the same in Scotland, but this  
3       was something that wasn't being done elsewhere at the  
4       time from what you can see?

5   MR PASKINS:  So the evidence, you know, particularly, you  
6       know, as this was in the 1950s, is very limited.  Such  
7       evidence as we have been able to identify shows that  
8       there was the consideration that there was not provision  
9       like this available in Scotland, although it was noted  
10      that there were also two other organisations that were  
11      thinking about doing something similar.

12         There was consideration that this --  
13      Save the Children doing something like this would not be  
14      duplicative and, you know, would be -- would be  
15      valuable, and also that Save the Children would have the  
16      ability to raise the funds and to secure the gift of the  
17      property needed to make it happen.

18         One area of failing and something which there is --  
19      we have not been able to see evidence for is sufficient  
20      consideration not just that this is something that ought  
21      to be done in general, but a rigorous analysis of  
22      whether or not Save the Children was the -- was best  
23      placed to provide this service and what would be needed  
24      to be done in order to make sure it could be done safely  
25      and with the best interests of children and with the --

1       you know, with the voice and priority of children at the  
2       heart of the work. And that is something which, for  
3       being a key innovator on issues affecting children, is  
4       absolutely fundamental, but that is something where the  
5       evidence we have seen, we have not been able to see that  
6       that was an important part of the considerations when  
7       setting this school up.

8   MS INNES: If we go on to page 11, we see a little bit more  
9       about the concern which was around in Scotland at the  
10      time. It notes there was a concern during the 1950s  
11      that Scottish local authorities could not afford to send  
12      children with special educational needs to schools for  
13      maladjusted children in England, that must have been  
14      because of a lack of provision in Scotland, and sent  
15      them instead to approved schools, which were potentially  
16      not appropriate or suited to their needs. And it's  
17      noted that the establishment was founded to address that  
18      and the Scottish Council said in 1955 that they:

19            'Intended to establish in Scotland a residential  
20      school for maladjusted children of both sexes aged 5-12  
21      and of average and above average intelligence.'

22            So that seemed to be the plan at the time that it  
23      was set up, but, as you say, you've not been able to  
24      identify anything that would demonstrate the  
25      consideration about whether Save the Children was best

1 placed to provide this type of provision?

2 MR PASKINS: That is correct. We have not been able to find  
3 evidence. The language of 'maladjusted children' is  
4 clearly not language we would -- you know, we would use  
5 or consider appropriate, obviously the language from the  
6 1950s was very different. Our understanding is that by  
7 the 1990s, Harmeny School was talking about children who  
8 have social, emotional and behavioural difficulties and  
9 that, you know -- you know, that is analogous.

10 We have also not been able to find any evidence of  
11 how that intention was translated into a set of clear  
12 admissions criteria, given some of the broad definitions  
13 in terms of that intention.

14 MS INNES: Now, I wonder if we could look, please, at  
15 a document SCH-000000013, which is a document provided  
16 by Save the Children which is from 1968 and provides  
17 some background to the school at the time.

18 It notes in the second paragraph there who the  
19 chairman of the board is, and the secretary and  
20 treasurer to the board at that time was a Miss Helen  
21 Lowe of Edinburgh, and we've heard other evidence that  
22 she was involved with another school, Lendrick Muir  
23 School, in a similar capacity.

24 It's noted that the school was grant-aided. And  
25 then if we go down to the heading 'Children' it says

1       that there were 35 children in residence at that time.  
2       And then in the next paragraph it talks about the way in  
3       which children come to the school and it says:

4           'Most come directly as a result of difficulties at  
5       school, usually behavioural, but also learning  
6       difficulties. These are generally associated with  
7       a history of disturbance at home. We aim in very broad  
8       terms to reduce the demands upon the child that he has  
9       already failed to fulfil and to allow him to regain  
10      confidence in himself. This involves creating a very  
11      relaxed environment, eliminating as far as possible  
12      blame and punishment, and making great demands on the  
13      tolerance, patience and sanity of the staff. The growth  
14      of self-discipline in the child depends on the personal  
15      relationships he makes with members of staff, and for  
16      this we rely on personal qualities of character of these  
17      members of staff.'

18           So I think this is a document that you were able to  
19      find in your archives that provided some evidence of the  
20      kind of ethos or purpose of the school at the time?

21   MR PASKINS: Yes. Yes, that's -- that is correct. In the  
22      Kahan Report, which I know we'll come on to later, it  
23      made reference to the fact that the ethos of the school  
24      was very heavily influenced by the approach taken by  
25      different headteachers, and the approach set out in this

1 document seems to, you know -- acknowledging that this  
2 is limited evidence -- be -- to tally with the analysis  
3 in the Kahan Report about this particular headteacher  
4 and the approach that he took at the time.

5 MS INNES: Just if we go on to the final page. Page 3  
6 I think. We can see that the headteacher at the time was  
7 Alexander Gobell, and this was in August -- it's at the  
8 bottom of the page, if we scroll down, beyond that at  
9 the bottom of the page -- yes we can see that Alexander  
10 Gobell was the headmaster at the time and this was in  
11 August 1968?

12 MR PASKINS: Yes, that's correct.

13 MS INNES: So this seemed to be his ethos at the time?

14 MR PASKINS: Yes.

15 MS INNES: Then if we could go back, please, to your main  
16 report. If we could look, please, at page 13. This is  
17 talking about what services were provided and in the  
18 first paragraph it says:

19 'The establishment aimed to provide not only special  
20 education for children but full assessments of the needs  
21 of the child and their family situation. In addition to  
22 the teaching staff, care workers were employed to care  
23 for the children.'

24 Then it goes on to refer to a social worker being  
25 employed and suchlike.

1           And is that your understanding of what the original  
2           aim of the -- of the school was or is this something  
3           from maybe the Kahan Report again?

4   MR PASKINS:   So we have -- we have very limited evidence,  
5           both around the aims of the establishment, but also how  
6           those were translated into practice. It is particularly  
7           striking that the provision of -- for children, we have  
8           seen no evidence that that was informed by the voice of  
9           the child and what children needed.

10           We have also seen no evidence of the kinds of --  
11           sort of care plans or the evidence about what -- what  
12           children would need. So the -- you know the -- you  
13           know, you know, there is some evidence that there were  
14           aims of the establishment to provide both education and  
15           care for children, but there is very little evidence  
16           that that was translated effectively into practice and  
17           some of the things that we would expect to see as  
18           absolutely, kind of, a vital part of that, not just by  
19           the standards of today, but by the standards of the  
20           time, were not, as far as we can establish, present.

21   MS INNES:   And if we look down to about the middle of this  
22           page, at (v):

23           'What was the daily routine for the children cared  
24           for at the establishment?'

25           And it's noted that:

1            'In general children attended lessons in the morning  
2            which followed the standard primary school curriculum  
3            relevant at the time, and in the afternoons there was  
4            more focus on creative and therapeutic activities, such  
5            as crafts and games and in the evenings, children had  
6            the opportunity to attend local clubs and  
7            organisations.'

8            And again that's material, I think, that you've been  
9            able to elicit from perhaps again the Kahan Report?

10    MR PASKINS: Yes, that's correct.

11    MS INNES: Now, if I can go back, please, to page 12 of  
12            this, there's a passage here about discipline and  
13            there's a question (viii):

14            'What was the organisation's attitude to discipline  
15            of children?'

16            And you note that the organisation's attitude has  
17            developed over time and you say in the next paragraph:

18            'It is unclear what the organisation's attitude to  
19            discipline of children was before 1977, but it appears  
20            likely that corporal punishment would have been used in  
21            some cases in the organisation's establishments. In  
22            1977, however, the organisation appears to have issued  
23            guidance for staff on the care and control of children  
24            in residential and day care establishments to the effect  
25            that no corporal punishment should be allowed, and the

1       restraint of children should be limited to actions  
2       necessary to prevent a child harming themselves or  
3       another.'

4           And you then note that this was ahead of the  
5       government guidelines on corporal punishment at the  
6       time.

7           And is it your understanding that this guidance was  
8       issued to, for example, Harmeny?

9       MR PASKINS: Unfortunately, as this says, we do not -- the  
10      organisation appears to have issued this guidance, but  
11      we have been unable to find the actual guidance. So we  
12      do not know the exact wording of it or the -- how it was  
13      disseminated and shared across Save the Children's work,  
14      including with Harmeny.

15     MS INNES: So you've got this information from other reports  
16      that this happened?

17     MR PASKINS: Yes.

18     MS INNES: Then you note in the next paragraph that  
19      a position statement was agreed in 1992, supporting  
20      an ongoing campaign to end all physical punishment of  
21      children, including by parents in the UK, although  
22      acknowledging the difficulties for parents in this  
23      approach.

24           So that seems to have been a broader position that  
25      Save the Children adopted at the time?

1 MR PASKINS: Yes, that is correct. So that goes beyond the  
2 sort of compliance with the national legislation.

3 MS INNES: And then if we look on to page 14, at the final  
4 question on this page, question (xii), it's noted that:  
5 'Given the standards of the time, there is historic  
6 evidence of physical punishment and smacking of children  
7 at the establishment.'

8 But I think you were able to find that there were  
9 directions for staff issued in 1991 which noted that  
10 a smack could be administered, and I wonder if we could  
11 look at that document, please. It's at SCH-000000005  
12 and page 6. So this is called 'Harmeny School -  
13 An Overview' and this is from 1991, and if we look at  
14 page 6 of it.

15 On the right-hand side of the page, under the --  
16 there's a section underlined which has:  
17 'Recognition and Understanding.'

18 And then there's a paragraph beginning 'Punishment  
19 and other'. So it says:  
20 'Punishment and other mainly reactive methods of  
21 control are inadequate in that while they are usually  
22 effective in convincing a child that his behaviour has  
23 been recognised they will rarely convince him that he  
24 has been understood.'

25 Then it says:

1           'For punishment to be educationally effective the  
2           child must be able to clearly perceive the intention of  
3           the punishing adult, relate the pain or deprivation to  
4           his own behaviour and retain a memory trace of the  
5           present pain that can now have a -- that can act as  
6           a deterring factor on another occasion.'

7           And it says:

8           'Maladjusted children rarely fulfil all or any of  
9           these conditions, hence punishment is not likely to be  
10          effective.'

11          It says:

12          'All forms of corporal punishment are undesirable in  
13          the management of disturbed children. This school keeps  
14          no record of corporal punishments administered since the  
15          use of a cane or strap is not permitted by any member of  
16          staff.'

17   LADY SMITH: How does that follow? Because you're not using  
18          an implement, it's okay not to keep records?

19   MR PASKINS: It's absolutely horrifying. I mean, it's --  
20          yep.

21   MS INNES: The first sentence there, it says:

22          'All forms of corporal punishment are undesirable.'

23          But of course we know that by this stage it wasn't  
24          permitted?

25   MR PASKINS: Yes it's -- I mean, it's illegal. It's been

1       illegal for four years and it had been contrary to the  
2       organisation's own guidance for 14 years. So, to be  
3       honest, everything about this guidance is absolutely  
4       horrifying and shocking.

5   MS INNES: And then it goes on:

6       'Should any member of staff smack or slap a child,  
7       the incident must be reported to the principal on the  
8       same day. If the principal is off duty or otherwise  
9       unavailable a short written report of the incident must  
10      be signed and left available for the principal before  
11      the member of staff concerned goes off their duty on the  
12      day of the incident. A smack or slap can only be  
13      administered to the hand, leg or seat and then only in  
14      extreme circumstances. On no account should a child be  
15      slapped or smacked on the face or head since such  
16      behaviour constitutes a physical assault and must be  
17      reported to the managers of the school.'

18       So here it appears that the guidance to staff  
19      permitted smacking or slapping?

20   MR PASKINS: The guidance permitted, erm, yes, smacking and  
21      slapping, which was, erm, not just contrary to the  
22      organisation's policy, but which was illegal, and also  
23      the -- you know, the guidance -- the guidance here in  
24      terms of what action should be taken if this happened is  
25      also entirely unacceptable. The -- a short -- a short

1       written report rather than a much more urgent action to  
2       protect a child, who has been -- who has been -- and it  
3       says -- it says -- it should only happen in extreme  
4       circumstances.

5             There are no circumstances in which this should  
6       happen. So it is not just the case that this guidance  
7       is totally unacceptable by the standards of today, it  
8       was totally unacceptable by the standards of the time  
9       when this was written and indeed for some considerable  
10      time before when this was written.

11   LADY SMITH: Dan, I also see that it seems to be telling the  
12      reader that whilst if a child is smacked or slapped by  
13      them on the face or head, that is a physical assault.  
14      If they smack or slap on any other part of the body, it  
15      won't be a physical assault. That's not right.

16   MR PASKINS: That is right, and again that is -- that is  
17      entirely unacceptable. And the guidance states that  
18      a physical assault must be reported to the management of  
19      the school, and that is clearly a totally inadequate  
20      response to a physical assault against a child.

21   MS CARTER: If I can add as well, I find it particularly  
22      galling that it says that they mustn't be slapped or  
23      smacked on the face or head because it's a physical  
24      assault and must be reported, almost as if it's  
25      an administrative burden to have to go through that

1 process, I find that particularly galling. No mention  
2 at all that it actually causes long-term harm to  
3 children, who, let's remember, have also potentially had  
4 abuse in their background. So there's no recognition of  
5 that, which I find deeply upsetting.

6 LADY SMITH: No, there's no recognition of the impact on the  
7 child.

8 MS CARTER: No, not at all.

9 MS INNES: And you've provided evidence to the Inquiry that  
10 after the dismissal of a member of staff in 1991, which  
11 we'll again come back to, there was an investigation of  
12 some matters that had been raised, and if we can look,  
13 please, at SCH-000000010 and page 7.

14 Here we have a report of an internal inquiry into  
15 allegations made against members of staff and it is  
16 noted that there was an inquiry into allegations of  
17 misconduct by staff made by the member of staff who had  
18 been dismissed and by another staff member and it says:

19 'These allegations principally concerned alcohol  
20 consumption and hitting children, but also referred to  
21 defects in training, low morale and the inability of  
22 staff to participate fully in policy decisions.'

23 And if we look down on this page, there is  
24 a heading:

25 'Hitting of Children.'

1           And it says there:

2           'There had been clear confusion over the rules  
3 governing hitting of children as set out in the Overview  
4 [so that's the document we've just looked at]. This had  
5 allowed slapping a child for example on the bottom if  
6 this was thought to be the best way of dealing with  
7 a child in certain exceptional circumstances; and  
8 a number of staff said that they had done so because  
9 they were following the example of senior staff. They  
10 felt that there should be a complete ban on hitting  
11 children.

12           'Staff and the Management Committee agree on this  
13 point as Harmeny School must accept the ban on corporal  
14 punishment [set down in the legislation].'

15           So that was the outcome of the discussion with staff  
16 at the time. And if we look at SCH-000000015, I think  
17 we see a memo that was issued to all staff members.  
18 And, just while we're looking at this document, we see  
19 that there's reference to alcohol shouldn't be being  
20 consumed while staff are on duty or before coming on  
21 duty.

22           And then striking a child, it notes:

23           'The Management Committee endorse the staff's  
24 decision to impose a complete ban on striking, slapping  
25 or smacking a child.'

1           I suppose, pausing there, it's not really much of  
2           a decision if it's illegal.

3   MR PASKINS: Absolutely. I mean, it's -- it's not the  
4           staff's decision. It's the law of the land. And also  
5           in point 3 here, the approach to, you know, if  
6           an incident should happen that it should be reported and  
7           the short written report, again, this is not giving  
8           evidence of an understanding of the seriousness and  
9           there's no reference, for example, given that a crime  
10          would have been committed, of the need to contact the  
11          police or take any action beyond reporting within the  
12          school. Or indeed, you know, taking steps to make sure  
13          that any member of staff who was physically violent  
14          towards the child was then immediately removed from the  
15          premises to make sure that children were kept safe.

16   MS CARTER: I wonder if, as well, there's something around  
17          the failure to connect with the Save the Children  
18          guidance of 1977. Because although it refers to the  
19          law, it doesn't refer to the organisational position at  
20          all, so -- which suggests potentially they hadn't read  
21          it, they'd decided not to agree with it. We don't know,  
22          but certainly there wasn't that recognition of it.

23   MS INNES: And in point 2 it also notes that:

24                 'It may be necessary on occasions forcefully to  
25          restrain a child to prevent injury to himself or others,

1 including the care workers involved or to property. In  
2 such cases, the minimum force necessary to prevent  
3 injury or damage should be used, but this must not  
4 extend to striking, slapping or smacking.'

5 And then, I suppose, going on to point 3, perhaps  
6 that is suggesting that, if there was an issue of  
7 restraint, that should also be reported to the  
8 headmaster at that time.

9 MR PASKINS: Yes.

10 MS INNES: Is that your understanding?

11 MR PASKINS: Yes, that is -- yes, that is our understanding.

12 MS INNES: Now, I think that you tell us in your report that  
13 this incident and this follow-up was one of a number of  
14 factors that led to the commissioning of the  
15 Kahan Report; is that correct?

16 MR PASKINS: Yes, that is correct.

17 MS INNES: Now, if we can go back, please, to your  
18 Section 21 response and if we could look, please, at  
19 page 16, towards the bottom of the page, there you tell  
20 us something about the numbers of children attending the  
21 establishment and you've been able to establish that  
22 when it opened, there were eight children attending and  
23 then numbers increased and there was an average of  
24 around 25 children attending the school at a time, but  
25 there were fluctuations, depending on how many children

1           were there and referred by local authorities over the  
2           time?

3   MR PASKINS:   Yes, that's correct.

4   MS INNES:   Then if we go on, please, to page 19, and we see  
5           there, there's reference to admission criteria and, as  
6           you've already mentioned, you've not been able to  
7           establish any admission criteria prior to 1994, but you  
8           note that in 1994 there was an admissions policy  
9           developed and you note there that this included  
10          children, as you've described, with social, emotional  
11          and behavioural difficulties and associated learning  
12          difficulties, children between ages 6 and 13, and  
13          children could be there on a day basis as well as  
14          a residential basis at that time?

15   MR PASKINS:   Yes, that's our understanding.

16   MS INNES:   And then there's reference to a particular  
17          Lothian statement, detailing criteria for admission to  
18          residential schools.  So that seems to be something from  
19          the local authority that was adopted at the time; is  
20          that right?

21   MR PASKINS:   That is correct.  We note that in the review in  
22          1995, it did highlight that adopting in 1994 concurrence  
23          with a statement -- local authority policy as of 1986,  
24          was -- was felt to be inadequate, so ...

25   MS INNES:   Okay.  And then if we go on to page 20, in the

1 first question there, you again have noted that children  
2 generally stayed between two and four years at the  
3 establishment and from a statistical picture of children  
4 attending the school between 1980 and 1990, the average  
5 length of stay was about 3.3 years.

6 If we go down to the bottom of the page there, you  
7 are asked about the provision for contact between  
8 children and their families and you say:

9 'It was the establishment's aim that children should  
10 return to their own homes at the end of their stay at  
11 the school and thereafter attend mainstream education.'

12 And do you think or do you know if that aim was  
13 being achieved at the time that Save the Children were  
14 responsible for the school?

15 MR PASKINS: There is unfortunately very limited evidence.

16 So, for example, what proportion or percentage of  
17 children went on to mainstream secondary education is  
18 something that we've not been able to find or, you know,  
19 to see any sort of trends over time.

20 Within the Kahan Report, one of the things that was  
21 noted is that the quality of provision in the last year  
22 of a child -- so if a child was there for four years,  
23 the last year, so that preparatory year, was  
24 a particular area of weakness at the time that the  
25 report looked at it. So such evidence as we have been

1       able to see suggests that it was often the case that  
2       this aim was not achieved, acknowledging that different  
3       children had very different experiences. Some -- for  
4       some, there are individual examples where children  
5       attended Harmeny and then to go on to attend mainstream  
6       secondary education, but unfortunately we don't have the  
7       evidence about how widespread that -- or, you know, how  
8       typical that experience was.

9   MS INNES: And if we could look, please, at SCH-000000007.

10           This is a document called 'Harmeny School. The  
11       Future.'

12           It's from 1991, if we scroll down, and then on the  
13       next page, it talks about recent policy changes for  
14       children with educational, behavioural and emotional  
15       difficulties have determined that children of primary  
16       school age, however disturbed, should if possible be  
17       kept at home.

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

19           'While we welcome the new policy in general, we  
20       challenge its universal application. No policy can be  
21       applied across the board. There will always be  
22       exceptional children not requiring to be taken into  
23       care, who are so severely disturbed that they can only  
24       be helped by highly skilled residential treatment.'

25           Then it goes on:

1           'The effect of the new policy has been a steady  
2       decline in the numbers of children referred for  
3       admission ... and the school's staff and committee have  
4       considered various possibilities of changing the  
5       services offered by the school to disturbed children in  
6       line with the new local authority policies."

7           Then it says that:

8           "Radical change would disrupt the very cohesive  
9       working relationships established at the school ..."

10          So then the report goes on to talk about what the  
11       school has been doing. Do you have any comment or  
12       reflection on this reaction to the change in government  
13       policy to keep children at home, if possible?

14       MR PASKINS: So we have very limited understanding of the  
15       wider sort of context in which this particular document  
16       was produced. But it is very striking that the  
17       underlying analysis and the sort of key findings are  
18       starkly at odds with the independent review of the  
19       Kahan Report, talking about, you know -- it talks here  
20       about the very cohesive working relationship established  
21       at the school and again, you know, there is clear  
22       evidence -- you know, evidence that that was not the  
23       case.

24          It might well be true to assert, as a general  
25       principle, that there are children who can best be

1       helped by highly skilled residential treatment, but  
2       again the Kahan Report made some very clear findings  
3       that the level of skill and level of training within  
4       Harmeny School at the time was not such that it could  
5       reasonably be described as highly skilled.

6       And it does appear to be -- there does appear to be  
7       some evidence that a key driver for the decision to  
8       review was not just the instance of harm to children but  
9       the wider funding landscape and therefore the greater  
10      pressures that Harmeny School was facing, and this  
11      document appears to be written from a provider  
12      perspective about some of the challenges caused by  
13      change in government policy and what that meant in terms  
14      of organisational income, rather than starting first and  
15      foremost with the best interests of children.

16      So this analysis, both as an overall approach and  
17      also its conclusions, is not one that we think is  
18      supported by other evidence from around this time and  
19      not an analysis that we would endorse.

20   MS CARTER: If I could add as well, I think this was  
21      a missed opportunity in many ways to ask the children  
22      what they would prefer, what they would have wanted to  
23      see, and you could have really used this as a vehicle  
24      for advocacy: actually the children say X, Y and Z; how  
25      can we work with the government to make sure these needs

1           are met? And there just isn't evidence of that within  
2           this, unfortunately.

3   MS INNES: Now, if we can go back, please, to again your  
4           Section 21 --

5   MR PASKINS: Just one point, one further point on this.

6           Given that this was written in 1991, at the same  
7           time as the evidence in the document that we previously  
8           discussed about the policy and approach around corporal  
9           punishment, to say that radical change is not what's  
10          needed is clearly -- is clearly not true, given what we  
11          know about the approach to corporal punishment as just  
12          one example of what was happening in the school at this  
13          time. Sorry.

14   MS INNES: If we go back, please, to your main response and  
15          if we can move on, please, to page 24, where you refer  
16          to staff background and what you've been able to  
17          establish in relation to that.

18          And we can see that you were able to find some  
19          evidence of staff numbers. So, for example, 14 in 1964,  
20          increasing to 64 in 1995, and that would be for  
21          a variety of roles, including care and education staff  
22          and also domestic staff as well; is that right?

23   MR PASKINS: Yes, that's correct.

24   MS INNES: Then if we can look on to page 25, if we look at  
25          question (iv) there, about the experience and

1        qualifications of childcare workers, I think this  
2        follows on from something you've already mentioned in  
3        your evidence. You say:  
4                'For much of the period, there were no formal  
5        criteria setting out the experience or qualifications  
6        required by care workers.'  
7                Then it goes on from there. Was that a particular  
8        issue that you've identified?  
9        MR PASKINS: I'm sorry, could you repeat the question?  
10       MS INNES: Was the lack of training and experience of care  
11       workers an issue that you've identified as being of  
12       concern?  
13       MR PASKINS: Yes, and throughout this entire period.  
14       MS INNES: Then if we can move on, please, to page 27, you  
15       talk there about governance and you note, as you've  
16       already said, that the organisation was an association  
17       or company limited by guarantee overseen by a council.  
18       So that was the UK-wide organisation; is that right? So  
19       there was a national council for Save the Children at  
20       the time?  
21       MR PASKINS: Yes, that is our understanding.  
22       MS INNES: And then there's reference further down --  
23       there's a paragraph beginning:  
24                'The council delegated some powers regarding its  
25       activities in Scotland to its Scottish arm known as

1       Save the Children in Scotland.'

2           Do you know if that was set up as a sort of formal  
3       entity or not?

4   MR PASKINS:   That would not have been, for example,  
5       a registered company or charity.  It would have been  
6       more of, in legal terms, an informal arrangement within  
7       one single legal entity.

8   MS INNES:   And then it refers to Save the Children in  
9       Scotland consisting of a Scottish Assembly and  
10      a Scottish Council, and you note that the  
11      Scottish Council would have been the principal  
12      decision-making body for Save the Children in Scotland.

13           And then it says, just below that -- there's  
14      reference to a management committee in the final answer  
15      to the final question on this page:

16           'The members of the management committee ... '

17           And you say:

18           'The establishment's immediate governing body in  
19      1992 were selected by the Scottish Council.  The members  
20      of the Scottish Council were appointed by the  
21      Scottish Assembly.'

22           So we've got the management committee for  
23      Harmony School and above that we have the  
24      Scottish Council of Save the Children and above that we  
25      have the Scottish Assembly for Save the Children and

1           then above that, we have the National Assembly or the  
2           National Council; is that right?

3   MR PASKINS:  Yes, that is our understanding based on --

4   MS INNES:  And again just in broad terms at the moment, do  
5           you know if that structure posed an issue for the  
6           governance of Harmeny School?

7   MR PASKINS:  Yes.  So the evidence about both what the  
8           structure was, but also how it worked in practice is  
9           very limited.  So, you know, we're -- you know, we're  
10          not able to -- you know, we are relying on imperfect  
11          evidence.  But, even based on what we know, this is  
12          a very complex, multi-tiered and unusual structure to  
13          provide oversight.  Amongst its weaknesses are the lack  
14          of connection between Harmeny School, the wider work of  
15          Save the Children in Scotland and the wider work of  
16          Save the Children UK, and also the lack of assurance  
17          that the people on the management committee and on the  
18          Scottish Council had the skills and expertise and  
19          knowledge required to provide effective governance and  
20          oversight, and that is true both from looking at this  
21          approach to, sort of, governance, which is not in line  
22          with, kind of, best practice in terms of sort of charity  
23          governance, but also there is evidence from the  
24          Kahan Report that this was an approach which was failing  
25          in practice as well as not being in line with, sort of,

1           our theory of best practice.

2   MS INNES:  If we go over the page, to page 28, we see at the  
3           top of the page that:

4           'There were no formal requirements for council  
5           members to have qualifications or training in relation  
6           to the provision of residential care services for  
7           children.  Similarly, the members of the establishment's  
8           management committee and Scottish Council were not  
9           required to have training or qualifications.'

10          And is that the sort of issue that you were  
11          referring to there about the lack of -- well, there's  
12          a lack of knowledge about how the people who were -- had  
13          governance responsibility, you know, whether they had  
14          particular knowledge and experience that would be  
15          relevant to provision of care for children at Harmeny?

16   MR PASKINS:  Yes, yes.  I mean, it raises a range of  
17          concerns.  The extent to which the -- well there is no  
18          evidence the organisation started by sort of thinking  
19          about what skills were needed for an effective  
20          management committee and then making sure that there  
21          were people in place able to do that.  There was no  
22          mechanisms for the voice of children or indeed of other  
23          stakeholders to be regularly considered by the  
24          management committee and there was nothing in place and  
25          so we've not been able to find evidence about what sort

1 of training or sort of qualifications would be provided  
2 to the management committee. There is some limited  
3 evidence that in practice there were changes in the  
4 composition of the management committee between the  
5 1950s, when it appears, from what we're able to see,  
6 that the people involved were more for their sort of  
7 social status, and by the 1970s we see that there are  
8 more members of the management committee who have more  
9 relevant professional experience or, you know, whose,  
10 sort of, day jobs are in -- you know, in kind of -- you  
11 know, relevant areas, but that is no substitute for  
12 having a proper plan about what skills are needed and  
13 having effective governance arrangements in place, for  
14 which we're not able to find evidence.

15 MS INNES: And so in terms of proper governance, you've  
16 identified some of the things that you might be looking  
17 for. So, for example, a formal structure and making  
18 sure that you've got people with the correct -- you've  
19 got the correct blend of knowledge and experience.

20 Are there any other points that you would say are  
21 key to making sure that the governance is correct and  
22 effective?

23 MR PASKINS: I'm sure there are quite a number, but some of  
24 the sort of things that particularly, sort of, come out  
25 from this: the lack of clarity about how the governance

1       and oversight of Harmeny School related to  
2       Save the Children's wider governance, the fact that  
3       there was such a sort of complicated system and the fact  
4       there is no evidence that, you know, those who had  
5       responsibility for the overall governance of the  
6       organisation were able to sort of spend time considering  
7       what was happening in Harmeny, the lack of any reporting  
8       mechanisms between the management committee at Harmeny  
9       and the school itself and the wider organisation and  
10      also the absence of regular reviews of effectiveness.

11       So thinking about, sort of, Save the Children's  
12      current practice, we have a board of trustees, which  
13      will have a regular, you know, every two years at most,  
14      an independent review of its own effectiveness. There  
15      will be audit and there will be a dedicated safeguarding  
16      committee with a clear remit reporting in -- as  
17      a subcommittee of the board of trustees and there are  
18      various different ways of organising the governance, but  
19      none of those features of effective governance were  
20      present when we look at the sort of set-up throughout  
21      the time that Save the Children is responsible for  
22      Harmeny.

23   LADY SMITH: Dan, as you've explained, at the top of the  
24      system, there was the Scottish Council and that was the  
25      principal decision-making body for Save the Children in

1 Scotland. And below that the Scottish Assembly. And  
2 then, in the case of Harmeny, you go well below that  
3 before you get to their management committee.

4 Now, we've heard evidence about the numbers, which  
5 are quite small, quite small numbers of children. It  
6 doesn't mean every child doesn't matter enormously, but  
7 if you imagine an agenda, say, for the Scottish Council,  
8 would Harmeny have looked like quite a small  
9 consideration on that agenda when there were so many  
10 other things they may have been considering?

11 MR PASKINS: Unfortunately, my Lady, we don't have much  
12 evidence about what the Scottish Council spent their  
13 time on, but from what we're able to see, increasingly  
14 as the wider focus of Save the Children in Scotland  
15 moved on to other kinds of work, Harmeny would have both  
16 been a very small consideration, but also felt very  
17 different and distinct from the main focus of the work  
18 of the organisation. Again, that is a concern.

19 LADY SMITH: Does it highlight the risk that if  
20 an organisation like Save the Children have  
21 responsibility for something that is really quite small  
22 in relation to everything else they're doing, and  
23 doesn't have the same feel to it or distinct purposes to  
24 it as everything else they're doing, with the best will  
25 in the world it might get sidelined and not get the

1           attention it deserves?

2   MR PASKINS:   Yes -- yes, we would agree with that.

3   LADY SMITH:   Thank you.   Ms Innes.

4   MS INNES:    Thank you, my Lady.

5           And if we follow on from that, page 33, at 2.4 in  
6           relation to structure, in the middle of the -- that  
7           answer, there's a paragraph beginning 'Until 1980'. It  
8           says:

9           'Until 1980, responsibility for childcare projects  
10          in Scotland was delegated to Save the Children in  
11          Scotland, for which the Scottish Council was the  
12          governing body. From 1980, responsibility for all  
13          childcare projects in Scotland was transferred to the UK  
14          department, except for the establishment, which remained  
15          the responsibility of the Scottish Council under its  
16          existing management committee (until 1992).'

17          Then it talks about other childcare projects managed  
18          by a newly appointed divisional director for Scotland,  
19          reporting to the UK director. So it appears that  
20          a decision was taken in 1980 to move responsibility for  
21          everything else to the UK-wide body but not Harmeny.  
22          And I'm -- I don't know if you've got any material that  
23          would allow you to give us a clue as to why that  
24          happened, why it was Harmeny that was left and  
25          everything else was moved?

1 MR PASKINS: Unfortunately, we have no evidence about why  
2 that decision was taken, which is, in and of itself,  
3 a concern. There is no evidence that we could see to  
4 justify that decision. And as an example of the missed  
5 opportunities at this time, from this approach, as has  
6 been sort of previously noted, Save the Children took  
7 the decision at different points in the 1980s to close  
8 and to withdraw from similar provision within England,  
9 and there is no evidence at the time of how individual  
10 decisions were considered strategic as a whole.

11 So, if it were right for Save the Children to stop  
12 providing this work in a particular context in England,  
13 that should have been a -- you know, a moment also to  
14 look at, well, is it right that we should be doing this  
15 in Harmeny? And, you know, what does this mean for our  
16 work overall? And this lack of any kind of real sort of  
17 strategic oversight or review as far as we can see at  
18 any point from 1957 until the commissioning of the  
19 Kahan Report, is, you know -- we have limited evidence  
20 to just -- I guess, in theory possible that some of  
21 these discussions were had at various points but they  
22 certainly haven't been documented and we have no  
23 evidence that they happened.

24 MS INNES: If we just look back to page 32, on that page we  
25 can see the various headteachers of the establishment

1 listed. So we see Sydney Hill from 1958 to 1967,  
2 Alex Gobell from 1967 to 1972, who we've already  
3 mentioned. You see that David Pfluger was the  
4 headteacher between 1972 and 1992, so he would have been  
5 the person responsible at the time of the overview  
6 document in relation to corporal punishment. And then  
7 we have Bob Taylor, an acting headteacher, from 1992 to  
8 1993. And then Patrick Webb, you say from 1993 to 1995,  
9 and I think we understand that he transferred over to  
10 the new entity in 1995, but that was the end of  
11 Save the Children's involvement, so that's why it says  
12 that there, I think?

13 MR PASKINS: Yes, that's correct.

14 MS CARTER: Although we did still have a staff member who  
15 sat on the board, so we didn't relinquish all  
16 responsibility. We did still have some involvement, but  
17 it was much, much less.

18 MS INNES: Yes, so after Harmeny was transferred to the  
19 trust, Save the Children maintained some ongoing  
20 involvement for a period, I think.

21 MS CARTER: Exactly, yes.

22 MS INNES: Through somebody being a member of the new board.

23 MS CARTER: Yes, so one of our staff members I think was on  
24 the board until 2005, he was a staff member of  
25 Save the Children.

1 MS INNES: Okay. Now, if we look, please, at page 35, you  
2 mention there in terms of oversight, so in terms of  
3 oversight at page 2.6, the first thing that you mention  
4 there is that the organisation was a registered charity  
5 and subject to the oversight of Charity Commissioners of  
6 England and Wales. So that was an area of oversight  
7 that pertained through the time, I think from 1961 up to  
8 1995.

9 MR PASKINS: Yes, that is correct.

10 MS INNES: Now, I'd like to look now, please, at the  
11 Kahan Report, so it's at SCH-000000034.

12 We can see that this is a review report from 1992  
13 and if we look first of all on page 5 at the foreword  
14 and towards the bottom of that page, there is  
15 a paragraph beginning:

16 'The thorough examination of Harmeny's work and role  
17 inevitably revealed matters which have given rise to  
18 critical comment, some of it quite severe in the review  
19 report. This was unavoidable and those who carried out  
20 the review would not have been true to their  
21 professional task and their responsibility to the  
22 children if they had balked these matters. However, it  
23 is important for those who read the report, including  
24 members of staff who were working with children at the  
25 time, to know that in my opinion ...'

1           Then she says, essentially, if there were a similar  
2           searchlight on other residential establishments, same  
3           things might appear. And then at (b) she says:

4           'Although some individual children had been seen to  
5           be unsympathetically handled, on occasion unkindly and  
6           even harshly, in the main children had benefited from  
7           their stay at Harmeny, some considerably, and were  
8           unlikely to have benefited more from being elsewhere.'

9           And then she goes on at (c) to refer to the  
10          commitment at staff. So whilst there are quite severe  
11          criticisms in the report, she does also make these  
12          comments at the start.

13       MR PASKINS: Yes.

14       MS INNES: Then if we look at page 7, we can see that the  
15          terms of reference were:

16          'To undertake a general review of the professional  
17          and management practice at Harmeny School to ensure that  
18          both accord with currently accepted standards of good  
19          practice and to make recommendations.'

20          And secondly:

21          'To comment on the future role of the school within  
22          the Scottish education system as a contribution to  
23          subsequent discussion about the school's future.'

24          So, as you've already indicated in your evidence,  
25          this report had quite a wide-ranging remit also -- not

1           only looking at practice, but also looking at the future  
2           role of the school?

3   MR PASKINS:   Yes.

4   MS INNES:   Then if we look on to page 9, at paragraph 1.2,  
5           we can see that Save the Children had made arrangements  
6           for Bill Grieve, who was Principal Officer with the SCF  
7           UK department to be responsible for review of the -- for  
8           the organisation of the review and then Sandy Jamieson,  
9           who was then Assistant Director of Childcare with  
10          Strathclyde Social Work Department until late in 1991,  
11          also was recruited, and both Bill Grieve and Sandy  
12          Jamieson worked with Barbara Kahan as a team to carry  
13          out the review?

14   MR PASKINS:   Yes.

15   MS INNES:   Then if we can go into the body of the report and  
16          look at some of the material within it. On page 19,  
17          towards the bottom of the page, there's reference to  
18          an incident that took place on 22 April 1991 and I think  
19          this was the incident that gave rise to the dismissal of  
20          the staff member; is that right?

21   MR PASKINS:   Yes.

22   MS CARTER:   Yes.

23   MS INNES:   And we can see in the next paragraph, it sets out  
24          the summary and it says there that the child had been at  
25          a Children's Hearing and while at the hearing, the

1 reporter had asked the child about the school. She  
2 replied that she didn't want to go back because of  
3 a certain member of staff, and the social worker, when  
4 taking the child back to the school, asked the child  
5 about it and the child alleged that she had been  
6 severely slapped about the head, face and shoulders by  
7 a certain member of staff and the child wanted the  
8 headmaster to know.

9 Then it says:

10 'The incident hadn't been entered into the school's  
11 logbook but when the member of staff was asked about it  
12 she agreed that she had hit the child for using abusive  
13 language. She was reminded that such action was against  
14 school policy. She was said not to have expressed much  
15 concern.'

16 That seemed to be the initial reaction to this  
17 coming to light. Do you have any comment on this  
18 incident?

19 MS CARTER: Yes, I do. I do have some reflections. I think  
20 there was a real -- again a missed opportunity. When  
21 the child says that they don't want to go back because  
22 of a certain member of staff, at that point professional  
23 curiosity should really kick in, not just when you're on  
24 the way back to the school, to then get more details.  
25 Because actually it could have been much worse than what

1       this young girl had said. The bravery this young girl  
2       then shows by insisting that she wants the headmaster to  
3       know about it is, frankly, remarkable given that we know  
4       that headmasters are very powerful figures within the  
5       school. So her insisting suggests that there might have  
6       been some pushback or there was something else going on  
7       there.

8             Then when the staff member is held to account for  
9       it, to be kind of asked to -- asked about what happened,  
10      she's said not to have expressed much concern, which to  
11      me suggests this was either commonplace or had been  
12      going on by people more senior or it was just part of  
13      the culture, that she didn't expect to get in any  
14      trouble for this.

15            There isn't any voice of the child beyond what she  
16      herself has pushed for, which is: I want this to go to  
17      the headmaster. So we don't know what happened to the  
18      child. We don't know if the child was forced to go  
19      back, if there were any protection mechanisms put into  
20      place. We don't know if any other children were asked:  
21      actually, did this happen to you too? What happened to  
22      you? How far did it go?

23            So, this is a -- yeah, this contains quite a lot of  
24      areas of concern for me.

25   MS INNES: I think if we go on over the page, we do see

1 a bit more about this issue. So it says the child was  
2 still anxious about the member of staff who she felt  
3 picked on her. So that seems to suggest that the child  
4 is still at the school. And then it's said that efforts  
5 were made to discuss with all staff the rules of the  
6 school in relation to physical restraint and a document  
7 was given to all staff on appointment, which was made  
8 required re-reading, this report, which is the overview,  
9 so that was the document in which it said that,  
10 essentially, smacking a child was okay, just not on the  
11 head or the face.

12 And then it says:

13 'All staff were told that the headmaster could only  
14 support the view expressed in this document and that  
15 physical abuse of children should be reported ...'

16 And then it goes on at paragraph 2.33 that:

17 'Several weeks later a group of children were away  
18 on holiday ... a nine year old girl was found to be  
19 extremely distressed and sobbing. She had scarlet marks  
20 on the side of her face. She said she had been hit by  
21 the same member of staff ... the member of staff did not  
22 deny it and added that she had hit a boy's face the day  
23 before. Her attitude was thought to be uncaring and  
24 nonchalant and the matter was reported to the headmaster  
25 ...'

1           The member of staff was then suspended and then  
2           dismissed. She appealed and the appeal was  
3           unsuccessful. So that tells us a bit more about the  
4           follow-through on this incident. Do you have any  
5           comments or reflections on these aspects?

6   MS CARTER: Yes, I do indeed.

7           The -- my reflection on this again would be what  
8           a missed opportunity that it took another assault for  
9           the staff member to be removed from the school and the  
10          staff member has also admitted to a third assault. So  
11          there may well have been more and if there was no  
12          discussion with the wider children about what was going  
13          on, what the culture was like for them, there wouldn't  
14          be any way of knowing that, just on the basis of this.

15          So this -- this is, erm, not an acceptable level of  
16          case management in child safeguarding terms.

17   MR PASKINS: And just to add to that, there's a member of  
18          staff who physically assaulted a child, admitted to it  
19          and then was permitted to remain at the school and  
20          remain employed and then went on to do it again, and  
21          that second offence could easily have been prevented by  
22          taking the right disciplinary action in dismissing the  
23          member of staff the very first time it happened.

24   LADY SMITH: And there was no report to any outside agency  
25          either, and this was hitting on the part of the body

1           that the school seemed to accept would be a physical  
2           assault.

3   MR PASKINS:   Yes.

4   MS CARTER:    Yep, unacceptable.

5   MS INNES:     Now, my Lady, I'm conscious of the time.

6   LADY SMITH:   Do we need a break there, Ms Innes?

7   MS INNES:     Yes.

8   LADY SMITH:   I told you earlier, we normally take a break  
9           about this time of day and if that works for you we'll  
10          do that just now.   Thank you.

11   (11.30 am).

12   (A short break)

13   (11.46 am)

14   LADY SMITH:   Dan, Cat, welcome back.   Is it all right if we  
15          carry on?

16   MS CARTER:    Yes.

17   LADY SMITH:   Ms Innes.

18   MS INNES:     Thank you, my Lady.

19           If we go back, please, to the Kahan Report which we  
20          were looking at before the break at SCH-0000000034 and at  
21          page 29, and paragraph 4.10, this notes that the review  
22          team, Bill Grieve and Sandy Jamieson, spent significant  
23          time observing the children, and I think at the end of  
24          that paragraph we can see that Bill Grieve spent  
25          evenings at Harmeny.   He spent overnight there.   He

1       spent 30 hours in direct child contact, and  
2       Sandy Jamieson spent 34 days in the school, carrying out  
3       his work, so it was quite a significant commitment of  
4       time from both of these men.

5             And if we go on, over the page, at paragraph 4.12,  
6       there's a quote from Bill Grieve and if we look just  
7       below the quote, it says:

8             'He further commented particularly in relation to  
9       the work of the staff which will be discussed later on  
10      the viciousness and aggression of some of the children  
11      that some of the children visit upon each other given  
12      slightest opportunity.'

13            And then at paragraph 4.13, he refers to that  
14      further, or issues further, and he talks about children  
15      having an extremely short attention span, high level of  
16      sexual innuendo, sexualised behaviour. A lot of talk of  
17      violence. Children talking about running away or  
18      escaping, and towards the end of that paragraph it says:

19            'Some behaviour he experienced, which is not  
20      described to avoid identifying children, was bizarre and  
21      some very sad, underlining the overall picture of  
22      a group of very, very needy and unhappy young children.'

23            Do you have any reflections arising from these  
24      observations?

25   MS CARTER: There's a lot of red flags in there. Things

1       that you would expect the staff to have picked up, to  
2       have been curious about. So where is the sexual contact  
3       that displays, the sexual innuendo, where is that coming  
4       from? How can it be better managed? Are there any  
5       risks that these children might pose to each other, as  
6       well as the risks from the staff towards the children?

7       It's quite heartbreaking, the picture that he paints  
8       of these children and their experiences. It also does  
9       sound quite chaotic in places, which I think is then  
10      borne out a bit further down in the report.

11      Certainly the talking of running away, that seems to  
12      have come up again and again at different points through  
13      the history of Harmeny. So we know that under the first  
14      headmaster there were lots of children who were running  
15      away, and again that professional curiosity should have  
16      kicked in: Why are these children running away? What  
17      are they running away from? And it's not clear to me  
18      that that was discussed with the children. I know  
19      that -- I assumed that it was here as part of this  
20      review, but it doesn't seem to have been a consistent  
21      point in Harmeny's history.

22   MR PASKINS: Just to add to that, Harmeny had a dual purpose  
23      as both an educational establishment and also providing  
24      care for some children who, you know, as it said, were  
25      extremely needy and vulnerable, and the primacy and

1       crucial importance of getting the care right is really  
2       highlighted by these detailed observations, and that was  
3       not in place.

4   MS INNES:  If we can go on, please, to page 35, where there  
5       is discussion of the management, and at paragraph 5.2 it  
6       says:

7       'In the opinion of the review team, supported by the  
8       views of some members of the management committee,  
9       Harmony School had been maintained for a long period by  
10      the presence of the headmaster.  Some of those who were  
11      interviewed, including other services, had a good, and  
12      some a very high opinion of David Pfluger and his work.  
13      There were others who felt his style of centralist  
14      management which gave little authority to any other  
15      senior staff had proved to be a serious liability when  
16      failing health, diminishing energy and periods of  
17      withdrawal led to a gap at the heart of the school with  
18      the accompanying dangers of anxiety, loss of sense of  
19      direction, interstaff conflict and a general failure of  
20      confidence.'

21       So I think in terms of ill-health, it's perhaps  
22       referring there to the fact that Mr Pfluger had I think  
23       been signed off work for ill health around the time of  
24       the Kahan Report.

25       Do you have any comment on this sort of style of

1           centralist management that's said?

2   MR PASKINS:  Yes.  So this links very much to the -- what we  
3           were looking at earlier in terms of failures of  
4           governance.  So our view is that absolutely this is  
5           a serious liability when there is failing health and  
6           diminishing energy and periods of withdrawal.  But  
7           actually this approach of having a leader who combines  
8           sort of centralist management with very, very limited  
9           accountability and oversight is not a good model and  
10          does not keep children safe in any times, regardless of  
11          the individual's own qualities.

12          So this is further evidence of a failure in terms of  
13          the governance and oversight.  And what is effective in  
14          keeping children safe and enabling institutions to  
15          thrive is where there is a much more distributed and  
16          accountable approach to leadership rather than one that  
17          is highly centralised in one individual.

18  MS INNES:  Then in the next -- sorry, at the end of the  
19          page, paragraph 5.4, it also notes that:

20          "There was found to have been a lack of proper  
21          systems and structures in the school and the removal of  
22          the only main link holding it together [I assume it  
23          means the headteacher] it gradually became clear that  
24          the old pattern sustained by faith in certain internal  
25          beliefs and traditions had gone for good and as yet

1       nothing else had taken its place.'

2               So again do you have any comment on the lack of  
3       systems and structures?

4   MS CARTER:  Again, it refers back, doesn't it, to that  
5       centralist management, the headmaster is the sort of  
6       charismatic leader, holding everything together,  
7       potentially not as accountable as we would like  
8       a headteacher to be?  So if you have a system in which  
9       the headteacher has so much power, actually if you were  
10      to raise a complaint against him, who would you go to?  
11      And then if you couple that with you then have  
12      a management committee, you have councils, you have so  
13      many layers of management that it's confusing even to us  
14      now, actually how must that have felt at the time to  
15      children in the school, to their families if you can't  
16      raise a concern about the headmaster to other teachers,  
17      then you don't really have any avenues, do you, for  
18      accountability?  So that's problematic.

19             But the fact that everything seemed to crumble when  
20      he withdrew does suggest that those systems weren't in  
21      place.  So we didn't have a clear accountability, clear  
22      management, and we know from this report that actually  
23      the way that the care -- the care side of the school was  
24      run was very different to the education side.  The care  
25      staff didn't have much training.  So it doesn't take

1       much to imagine that actually maybe the care -- the care  
2       side suffered even more. Because the staff on that side  
3       had less training, they were more inexperienced,  
4       actually the impact on children is likely to have been  
5       quite significant, I think, by the headteacher stepping  
6       back.

7   LADY SMITH: Cat, I was just thinking back to the child who  
8       wanted it to be reported to the head that she was being  
9       hit by this teacher, and it must have been Pfluger.

10   MS CARTER: Yes.

11   MR PASKINS: Yes.

12   LADY SMITH: Given the timing of when that was happening.

13       So at least the way he was presenting himself to the  
14       children, it felt possible to her to do that, but what  
15       happened was she keep being exposed to that teacher and  
16       then, as it transpired, the teacher was hitting other  
17       children and it took a while before the message got  
18       through that that teacher had to be excluded from  
19       Harmeny.

20       So, on the one hand, you have a picture of this  
21       person at the centre, as you say, the head, being able  
22       to be approached by a child, but then when he gets this  
23       damning evidence, what does he do with it so far as  
24       protecting the child is concerned? He doesn't do the  
25       right thing.

1 MS CARTER: No.

2 LADY SMITH: And nobody is asking him what he is doing next  
3 and how on earth he's not taking steps against that  
4 teacher.

5 MS CARTER: Yes. I wonder as well, if I may, it's also that  
6 the child had to go outside of the school in order to  
7 make that disclosure. So while she may have felt that  
8 she wanted the headmaster to know, she didn't know the  
9 mechanisms within the school to do that and she had to  
10 wait, didn't she, until she went outside?

11 MR PASKINS: And the report refers to periods of sick leave,  
12 so it's not clear at all what would a child do if they  
13 wanted to raise concerns at a time when the headmaster  
14 was on sick leave.

15 LADY SMITH: And what would the other staff do if there was  
16 a crisis such as misconduct on the part of another  
17 member of staff.

18 MR PASKINS: Yes.

19 MS CARTER: Yes.

20 LADY SMITH: Ms Innes.

21 MS INNES: If we go on over the page, to page 36, at  
22 paragraph 5.5, it refers to a structure apparently being  
23 in place with education, childcare, domestic and  
24 administrative services, all being sort of distinct  
25 groups reporting in to the headmaster.

1           If we look at paragraph 5.6, it says:

2           'The theoretical position was that each group was  
3           directly managed by the headmaster. The reality had  
4           been significantly different. For a considerable period  
5           before his final absence and subsequent retirement, the  
6           headmaster appeared to have abandoned whatever small  
7           elements of formal management there had previously been.  
8           The informal replacement system, based on a personal  
9           triangle of the headmaster, family counsellor, who  
10          was the headmaster's wife, and a senior coordinator was  
11          neither professional nor effective.'

12          So it appears that there had been ongoing issues  
13          with a sort of gap at the heart of management.

14   MS CARTER:   Mm-hmm.

15          And I think here I would agree with the summary that  
16          it's neither professional nor effective. It could even  
17          be quite damaging to have a family counsellor who  
18          was the wife of the headmaster. When we're thinking  
19          again about the lack of accountability, you would think  
20          that a family counsellor would be someone who children  
21          might feel confident to go and raise concerns to, but  
22          actually if that person is the wife of the headmaster,  
23          the control, the power, is again centralised in that  
24          central pillar, isn't it, of the headmaster?

25   LADY SMITH:   Were you able to identify whether or not the

1       wife of the headmaster was actually an employee or  
2       whether the school were getting, if you like, a two for  
3       one in employing the head and she just helped out?

4   MS CARTER: I think I remember seeing a document which said  
5       that she was a member of staff, but I believe it was  
6       a document written by the headmaster. I think it was in  
7       a letter from him. I haven't seen anything else to  
8       suggest it. But we can ask our legal team to confirm.

9   LADY SMITH: It would be interesting, because historically  
10       that was a trap into which many schools fell, that  
11       somebody, who was not an employee and therefore not  
12       subject to the school's control or a contract at all,  
13       was fulfilling a role which should have been only filled  
14       by somebody who was formally an employee.

15   MS INNES: Then if can we move on, please, to page 39, at  
16       paragraph 5.16, it says there:

17       'Whatever the problems elsewhere in the school, the  
18       childcare sector has borne the brunt of lack of  
19       management and supervision at Harmeny School. This lack  
20       of management structure and supervision support for care  
21       staff is the most important single defect in the  
22       organisation of Harmeny. It is a function of the  
23       historical background when Harmeny was seen primarily as  
24       a school, an educational resource with care as  
25       an adjunct or afterthought. Yet the residential care

1 workers have probably the hardest and most demanding  
2 tasks for which they have received the least support and  
3 guidance.'

4 Then it goes on to say it's hardly surprising  
5 they've become disillusioned. And then in the final  
6 sentence in that paragraph it says:

7 'However, the lack of management support and  
8 supervision has meant that care tasks have tended to be  
9 seen in a fairly restrictive and negative term much more  
10 about containment and survival rather than about care  
11 and treatment.'

12 So this is identified as a key issue, that care was  
13 seen as an adjunct to education. What are your  
14 reflections on that?

15 MS CARTER: The first reflection is how utterly  
16 inappropriate it is to take a containment approach to  
17 a group of children who've experienced abuse in their  
18 home life and potentially a continuation of that abuse  
19 within the school. That is unlikely to have supported  
20 their recovery.

21 I think it is underpinned by the evidence and  
22 paperwork we've seen which does suggest that the care  
23 workers tended to be younger, inexperienced, learn on  
24 the job. So then, when you put that against the  
25 evidence we've seen that actually the culture was very

1 much determined by the headmaster, so changed as  
2 headmasters changed, it was unaccountable and you had  
3 this distinction between the teachers, who were  
4 registered teachers and had levels of training that the  
5 care staff didn't have, you can really see that the  
6 impact on children was unlikely to have been positive.  
7 So they're being cared for by people who don't  
8 necessarily understand the nature of how trauma impacts,  
9 for example, and the care staff would be the ones who  
10 are responsible in some cases for discipline and  
11 maintaining control, so they might not have understood  
12 why children were acting the way they did and certainly  
13 why a containment measure wouldn't have been appropriate  
14 for this group of children.

15 MS INNES: And I think one of the recommendations that comes  
16 out of the report is that essentially care and education  
17 should be put on an equal footing.

18 MS CARTER: Yes.

19 MR PASKINS: Absolutely.

20 MS INNES: And if we can move on, please, to page 47 and  
21 paragraph 6.6, which I suppose continues the same theme,  
22 it says:  
23 'The former headmaster clearly believed Harmeny to  
24 be a school primarily, rather than a care establishment,  
25 but he also claimed that it was a therapeutic community

1 as indicated in the document "An Overview".'

2 So this is another part of the same document that we  
3 have looked at before, but not this section, but it says  
4 that:

5 'This document said all genuine therapeutic  
6 communities evidence similarities and methodology and  
7 conception of the clients' problems with regard to the  
8 roles, tasks and responsibilities of individual  
9 community members, both staff and children.'

10 And then it says:

11 'The document postulates the important elements of  
12 this approach which broadly outlaw coercion and  
13 authoritarian attitudes and encourage growth and  
14 development through increased confidence, democratic  
15 procedures, relative absence of rules and regulations,  
16 consistent adult attitudes and treatment based on the  
17 importance of the total environment in helping children.  
18 The rest of the document spells out these principles in  
19 considerable detail and in idealistic tone ... however,  
20 there seems to be an inherent conflict between that and  
21 the position adopted in the document in relation to  
22 physical punishment'.

23 Would you agree with that?

24 MR PASKINS: Yes.

25 MS CARTER: Yes.

1 MS INNES: If we go on over the page, at paragraph 6.7, it  
2 says:  
3 'It has to be said that the reality of life at  
4 Harmeny as observed in the review has been very  
5 different from the idealistic climate envisaged in  
6 "An Overview".'  
7 If we go down this page, we see some further  
8 observations from Bill Grieve and at 6.8 he talks about  
9 spending time with boys in bedrooms and then building  
10 a den in the middle of the floor and them saying that  
11 they kept some secret things in there. One boy produced  
12 a folded up piece of paper, which turned out to be  
13 a poignant letter from him to the adults.  
14 'He hadn't written this for me. He said he had  
15 written it some time ago, and had kept it.'  
16 Bill Grieve says:  
17 'I found the letter a particularly touching  
18 combination of defiance and a plea for help and  
19 understanding. This little boy incidentally was easily  
20 the best reader in the group and seemed the brightest.  
21 He was a very affectionate sensitive little boy. In the  
22 midst of this, a member of staff came in, saw the den  
23 and immediately ordered it to be taken down, curtains  
24 opened and chairs to be returned outside the room.'  
25 And then he notes in parenthesis:

1           'The letter had included a drawing of a weeping  
2           child with a caption "That's how I feel, but you stupid  
3           adults can't see that can you".'

4           What is your reflection in relation to that  
5           observation?

6   MS CARTER: Well, it's an absolutely heartbreaking story to  
7           start with, a really heartbreaking incident to have  
8           happened. You can -- a few things come up. You can see  
9           that this staff member isn't acting in accordance with  
10          that Overview document at all. This isn't  
11          a child-centric approach. These children have built  
12          something together. They've been playing  
13          collaboratively. It sounds as if they weren't being  
14          disruptive in any way. They were playing as boys do and  
15          they built a den. It's telling that they invited the  
16          reviewer into that den actually, so there's a level of  
17          trust that I find quite touching in that, and then they  
18          reveal this -- this boy reveals a piece of paper which  
19          is in essence some form of disclosure: I am unhappy,  
20          something is happening here that I'm not happy about.  
21          So he makes this disclosure. The staff member comes in,  
22          destroys that, destroys the sense of safety that these  
23          boys have created by this den in the middle of their  
24          room.

25          I think it's striking that the staff member did this

1 even though there was a reviewer in the room. So he  
2 didn't think there was anything wrong with this, which  
3 again, similar to the incident where the staff member  
4 had hit the young girl, there is this sense that this is  
5 how we do things around here, this is our culture, so  
6 this is acceptable. So he didn't alter his behaviour in  
7 front of the reviewer.

8 Then the fact that this letter had nowhere to go.  
9 So this little boy was clinging onto this letter. He  
10 had this letter with him that explains how he feels and  
11 he had no one to give it to until somebody came from  
12 outside the school to do a review. So that to me is  
13 a real failure, a real failure of the organisation and  
14 Save the Children to have not provided any mechanism for  
15 children to have shared their views, even the most basic  
16 thing like a postbox, that letter could have gone in  
17 that postbox and action could have been taken, but that  
18 postbox didn't exist, a reporting mechanism we would  
19 call it now, it just didn't exist so he had nowhere to  
20 take it. So, yes, indicative of failings, certainly.

21 MR PASKINS: And just to add, I mean, as Cat said, it's  
22 absolutely heartbreaking to see that this happened as  
23 an indication of a system and a school that has gone  
24 badly wrong.

25 And the fact that a child sees a plea for help and

1 understanding, not as a thing to share with the adults  
2 responsible for his care, but as a secret thing to be  
3 hidden away from adults, shows that the vital importance  
4 of prioritising children's voices, listening to and  
5 being curious about children's experiences was exactly  
6 the opposite of the way that the adults who were  
7 responsible for care were interacting with those  
8 children.

9 MS INNES: If we go on to page 51, we see a continuation of  
10 a description of the same member of staff and it says:

11 'The member of staff who was described above made  
12 demeaning comments about children in front of them, for  
13 example stating to me about one little boy I shouldn't  
14 trust what he says as a lot of things he says aren't  
15 true, but he would like them to be.'

16 And again, do you have any comment in relation to  
17 that observation?

18 MS CARTER: Completely inappropriate behaviour from the  
19 staff member. Again, not in keeping with the Overview  
20 that had been shared in the culture that the headteacher  
21 wanted or had written that he'd wanted in the school.  
22 Humiliating for the children involved as well. So it  
23 sort of fails on lots of different levels.

24 Also, this would be a safeguarding concern now,  
25 because we know that perpetrators do often say about

1       their victims, the survivors: don't trust what they say,  
2       because they come up with nonsense, you know, they've  
3       got mental health problems; whatever the excuses are, we  
4       know that perpetrators do that deliberately in  
5       an attempt to discredit what the survivor might say. So  
6       had we heard this now, we would have the professional  
7       curiosity, I hope, to say: let's talk to that child  
8       about what these things are that this staff member  
9       doesn't want us to hear. Yeah, so the professional  
10      curiosity again isn't necessarily evident here.

11   MR PASKINS: And if the member of staff was making these  
12      demeaning comments in front of a reviewer, it seems  
13      highly likely that the member of staff would have done  
14      so in the presence of other members of staff and there  
15      is no evidence of those other members of staff  
16      challenging this behaviour, reporting it or any action  
17      being taken.

18   MS INNES: If we go down the page, to Bill Grieve's comments  
19      on the culture generally, there's a paragraph beginning:

20          'The rhetoric of SCF revolves around empowerment:  
21      Harmony fails on that front. There is a real lack of  
22      involvement of these children in decision-making,  
23      whether in terms of what and when they eat, what they  
24      wear, when they can phone home, what privacy they have,  
25      who they can complain to without fear of consequences,

1       or the extent to which, in some instances, their  
2       expressed or inchoate needs get responded to or even  
3       respected.'

4           And what -- from what you've told us already about  
5       the sort of underlying ethos of the organisation at the  
6       time, I assume that you would agree that it appears that  
7       the school was failing to respect the principles of the  
8       organisation?

9       MR PASKINS:   Yes.

10      MS CARTER:    Yes.

11           The not being able to phone home and the privacy,  
12       I know, is pulled out further in the report as well in  
13       other paperwork. That is very serious from  
14       a safeguarding point of view as well, because if you  
15       can't complain about some of the smaller things like  
16       what you're going to eat and have that listened to,  
17       there's no guarantee that children will believe that  
18       they'll be listened to about the more serious things as  
19       well. So we see a sort of pattern of not listening to  
20       children that is a safeguarding concern within the  
21       school.

22      MS INNES:    Now, if we can move on, please, to page 53 and  
23       paragraph 6.14, there is a comment by Sandy Jamieson and  
24       I think this is perhaps focusing on a particular unit as  
25       opposed to every single unit in the school. So he says

1       here:

2           'There was constant harping on the misdeeds of  
3       residents, particularly the boys and their badness and  
4       the group meeting was structured to reinforce this. The  
5       pathetic sight and sound of young children queuing up to  
6       earn favour by confessing to any overlooked sins and  
7       misdeeds was the least edifying memory of the time spent  
8       in Harmeny. The repressive response to those misdeeds  
9       included the few examples of oppressive and  
10      inappropriate punishments found at Harmeny.'

11          Then it talks about the previous issues with  
12      smacking and then it says:

13          'The continuing regime includes excessive use of all  
14      of the following: compulsory bathing, sometimes from  
15      early afternoon; transfer to night clothes from early  
16      afternoon; use of inside confinement; loss of privileges  
17      like outings, and restrictions on pocket money.'

18          And then slightly further down it says:

19          'The most serious form of treatment was the use of  
20      compulsory early baths, sometimes even against the  
21      physical resistance of children. The forcible stripping  
22      and bathing of sexually or physically abused children is  
23      not only an unacceptable form of discipline it is  
24      an aggravation of the original abuse, but the whole  
25      ethos of restriction and confinement and disparagement

1 of children is not acceptable either.'

2 So this, I think, as I say, was in a particular  
3 unit, and do you have any comments on the issues raised  
4 here?

5 MS CARTER: It paints a pretty horrifying picture of what  
6 life was like for the children in that unit. It's  
7 interesting that the units were different and were sort  
8 of operating almost in their own -- in their own ways.  
9 Particularly the compulsory baths and the forcible  
10 stripping of children who've experienced abuse is  
11 particularly egregious, I think, because it would feel  
12 like a continuation of that abuse by someone who is  
13 responsible for caring for you and in a position of  
14 power. So it's very difficult for the children to,  
15 I imagine, to have challenged or to have reported.

16 The disparagement of children, it's almost like  
17 a continuation, isn't it? So you've got a view of  
18 children which is not at all in keeping even with the  
19 1991 guidance, the Overview, of the school and  
20 definitely it's not in keeping with Save the Children's  
21 approach to children and children's rights and upholding  
22 their rights and empowerment. So it's a pretty  
23 horrifying read.

24 MS INNES: And then if we go on over the page, to page 54,  
25 and paragraph 6.16, it is noted that, I think this

1       action -- or these concerns were raised straightaway,  
2       I think, by the review group and it notes that the  
3       action resulted in removal of the member of staff  
4       concerned into a different position where such problems  
5       would not arise.

6             Do you have any reflection on that response?

7   MS CARTER: Yes. That would be an inappropriate response.

8       So a staff member who is forcibly undressing children,  
9       forcing them to bathe is humiliating them, is absolutely  
10      not an appropriate staff member for a children's home in  
11      any -- in any role whatsoever.

12            So this would suggest to me that they didn't have  
13      the correct systems in place to understand the harm, to  
14      investigate the harm and then take action based on the  
15      harm.

16   MS INNES: Then if we move on to page 57, at paragraph 6.24,  
17      she refers to a couple of the methods of punishment that  
18      we've noted. So one she says:

19            'It is unacceptable to use early baths as a form of  
20      punishment, even without the unacceptable element of  
21      forcible stripping and bathing.'

22            So that's her view in relation to early baths, and  
23      then she notes:

24            'National concern had focused recently on the  
25      unacceptability of keeping or placing children in their

1       nightwear as a form of punishment or control and notably  
2       through the pindown experience from 1991 ...'

3             In which she had been involved in writing the  
4       report, and she says:

5             'The practice was often linked to concern about  
6       possible absconding and that wasn't a significant issue  
7       at Harmeny at the time ...'

8             She notes that the Children Act 1989, which is  
9       applicable to England and Wales, prohibits the practice  
10      there, and she notes that it's not acceptable in  
11      Harmeny.

12            And then the third point that she notes is that:

13            'Harmeny has a particular form of physical control  
14      and restraint common throughout its units, the placing  
15      of children on hand by the holding of their wrist. This  
16      control can often be applied for long periods. Its  
17      extreme was seen when two children were simultaneously  
18      on hand to one worker who sat between them whilst each  
19      ate their meal one-handed.'

20            So these are particular issues that she raised in  
21      relation to forms of punishment or control, and I assume  
22      you would agree that these were unacceptable?

23   MS CARTER: Yes. Deeply, deeply unacceptable. It must have  
24      been humiliating for the children. It must have been  
25      painful for the children. It certainly reads as if it

1       was punitive, as opposed to preventing harm, for example  
2       if a child was going to hurt another child or a staff  
3       member. So throughout a meal, pinning down two children  
4       by their wrists is completely, completely unacceptable  
5       behaviour.

6   MS INNES: And then if we go on to page 59, and  
7       paragraph 6.30, there's reference there to a child  
8       attending their own review and she notes that this was  
9       not consistent with the current Harmeny culture:

10       'Reviews have always been scheduled for times when  
11       children are at home, something which is bound to  
12       present difficulties for parental attendance as well as  
13       effectively ruling out any likelihood of child  
14       attendance. National policy is that it is desirable for  
15       children to be attending children's hearing reviews.'

16       And she says:

17       'But the reviews at Harmeny as -- are as of at least  
18       great importance, many major decisions are taken there.'

19       And again, in terms of the involvement of children  
20       in decision-making, is this something that was  
21       inconsistent with the principles of the organisation at  
22       the time?

23   MS CARTER: I don't think we have the paperwork to say it's  
24       definitely inconsistent or consistent, but certainly it  
25       wouldn't seem to fit the ethos of Save the Children and

1 empowerment. But we don't -- yeah, we don't have the  
2 paperwork to say whether or not this was disagreed with  
3 or even known about by Save the Children at the  
4 organisational level.

5 MR PASKINS: And, I mean, absolutely what Cat said. As  
6 a general rule, it's a key principle of child rights  
7 that children's voices should be part of important  
8 decisions that affect them and clearly these reviews  
9 would be an example of this. So the fact that it's not  
10 just the case that children themselves couldn't attend  
11 but that the reviews were always being scheduled for  
12 times when it would be particularly difficult for  
13 children to attend is a very unacceptable practice.

14 MS INNES: If we move on to page 66, at paragraph 6.51, we  
15 note that police checks were not being obtained on all  
16 prospective employees, which I'm sure you would agree is  
17 an issue?

18 MS CARTER: Yes, yes, unacceptable.

19 MS INNES: And then, at paragraph 6.52, there's reference to  
20 complaints, which is something you've already referred  
21 to in your evidence and it says:

22 'There is no complaints system in Harmeny School for  
23 either parents or children. Over the last few years  
24 a small number of very serious complaints have been made  
25 but have not been dealt with in a satisfactory manner.

1        Sometimes it appeared that they were dealt with by the  
2        persons against whom a complaint was made. One in  
3        particular, after resolution, left a child in a very  
4        vulnerable position. Other cases had been dealt with by  
5        the headmaster alone in a manner that had not inspired  
6        confidence.'

7        So I think that highlights some of the issues that  
8        you referred to earlier in terms of what would happen if  
9        a complaint was made against a headteacher, for example.

10    MS CARTER: Yes. Yeah, this is -- this is  
11        an unacceptable -- an unacceptable situation. The  
12        reference to the small number of very serious  
13        complaints, these are only the ones that we know about  
14        that were actually made. If there is no complaints  
15        system, or reporting channel, as we would know it now,  
16        in place then we don't know what children were  
17        experiencing that they didn't know how to tell  
18        a grown-up about. We don't know what we don't know,  
19        essentially, and that's a real concern.

20        Being dealt with by the person against whom the  
21        complaint is made is deeply, deeply inappropriate and  
22        would certainly discourage any further reporting on the  
23        part of the child. If you knew it would go immediately  
24        to the person that you are concerned about, you are  
25        unlikely to report again.

1           And then the other ones that were dealt with the  
2           headmaster alone in a manner which didn't inspire  
3           confidence. Again we have that idea of a headmaster as  
4           the central control, the central figure, who may be seen  
5           as unaccountable himself because there is no way to  
6           raise concerns about him. So all in all this is a very  
7           concerning part of the report.

8   MS INNES: Then if we go on in the report, we see that she  
9           makes numerous recommendations, and if we could look,  
10          please, at page 101, and first of all at 10.1 she  
11          recommends that the school should continue to provide  
12          a service.

13          In the next -- at 10.2, she refers to the need for  
14          joint working between care and education and that they  
15          should be on an equal footing. And then at 10.3, she  
16          gives various options for control and management to be  
17          considered and at (b) we see that one of the options was  
18          that an independent trust be set up which would take  
19          responsibility for the school and be able to provide the  
20          support and professional management, advice and guidance  
21          required.

22          And ultimately I think that was what happened?

23   MS CARTER: Yes.

24   MR PASKINS: Yes.

25   MS INNES: So that came out of her recommendations?

1 MS CARTER: Yes.

2 MR PASKINS: Yes.

3 MS INNES: As I've said, there are numerous recommendations  
4 in this report. Did Save the Children commit to, you  
5 know, following through these recommendations insofar as  
6 they could before they ultimately ceded control to the  
7 new body?

8 MR PASKINS: Yes, so there is -- there is some evidence.  
9 I mean, we -- there are important gaps in the evidence,  
10 so we don't know, for example, who it was who saw this  
11 report and we don't have information about how it was  
12 discussed in any kind of formal meetings and of course  
13 we don't have any -- all the more, we don't have any  
14 information about what kind of informal discussions took  
15 place.

16 We do, however, have a document which sets out  
17 Save the Children's approach -- I mean, it's more of  
18 a sort of business plan rather than something which is  
19 a sort of child-centred -- so, you know, it's not  
20 something we would regard as a sort of adequate  
21 response, you know, given the sort of seriousness of the  
22 findings. But there is evidence that action was taken,  
23 and, of course, ultimately the recommendation to set up  
24 an independent trust is something that we know did  
25 happen.

1 MS INNES: As we saw earlier, the school was registered with  
2 the local authority Inspection and Registration Unit and  
3 they would then have followed through on the  
4 recommendations in terms of their own inspections as  
5 well?

6 MR PASKINS: Yes.

7 MS INNES: Now, you've provided the Inquiry with some more  
8 up-to-date information in relation to how  
9 Save the Children deal with reports of abuse, for  
10 example, or safeguarding.

11 I wonder, please, if we could look at SCH-000000038,  
12 which is safeguarding victim/survivor-centred protocol,  
13 and if we go on, please, to the third page.

14 LADY SMITH: This is a current publication, is it?

15 MS CARTER: Yes.

16 MS INNES: You see 'This protocol applies to' and we can see  
17 that it applies to employees on UK contracts,  
18 international contracts, trustees, partners, suppliers,  
19 trustees. If we scroll down the page we'll see the  
20 people that are covered by this protocol.

21 So in terms of your own employees or even agency  
22 workers or trustees, one can see how you would get this  
23 information to them. You've got partners or visitors to  
24 UK premises.

25 How do you make people aware that this protocol

1 applies?

2 MS CARTER: So with our visitors to our premises, we do have  
3 some posters, which we have up in the office, which  
4 doesn't necessarily talk about this specific protocol,  
5 but talks about some of the principles, including the  
6 importance of reporting any concerns that you have  
7 within 24 hours, and provides the opportunities, the  
8 ways that you can report a concern.

9 It is mostly our -- probably our staff and our  
10 volunteers who are familiar with this and particularly  
11 those members of staff and volunteers who would be  
12 interacting with potential survivors. So it isn't  
13 something that we've shared with absolutely everybody  
14 repeatedly. It is available on our intranet and we  
15 refer to it when we do communications to all staff, but  
16 it's the smaller group that have direct contact,  
17 particularly with children but also with vulnerable  
18 adults, that would be more familiar with this guidance.

19 MS INNES: Then if we look on to page 5, at paragraph 2.3,  
20 we see that it says there:

21 'SCUK has zero tolerance of an action in response to  
22 any suspicion or form of abuse, exploitation and harm  
23 and is committed to taking a victim/survivor-centred  
24 approach to safeguarding.'

25 And it goes on from there and talks about:

1           'Putting the victim or survivor at the centre of our  
2       thinking and actions.'

3           And at the end of that paragraph:

4           'We will collectively work to ensure any individual  
5       feels able to speak up and challenge abuse, exploitation  
6       and harm including harm perpetrated in the past.'

7           Now, I suppose the question is, what does 'taking  
8       a zero-tolerance approach to inaction' mean?

9   MS CARTER: It means that all of our staff and volunteers  
10       must report safeguarding concerns rapidly and we will  
11       not accept anyone who sits on concerns, who sits on  
12       reports, who waits or delays for any reason, and this is  
13       really us driving home the message to all of our staff  
14       and representatives that they have responsibility for  
15       safeguarding, regardless of their role they have  
16       responsibilities, and one of them is to report any  
17       concerns as quickly as possible and always within the  
18       24-hour time limit.

19           So we really wanted to drive home the importance of  
20       taking action, and the action for most staff would be  
21       just reporting to the safeguarding team so we can take  
22       the next step, but until they take that step, we won't  
23       know, so we won't be able to take any action. So this  
24       was really our way of pressing home that responsibility  
25       to all staff and representatives.

1 MR PASKINS: And one of the things as part of that, you  
2 know, when thinking back to some of the examples we've  
3 been discussing in the past, is really emphasise to all  
4 staff that if they're not sure, that they should report  
5 and they should speak up. So if there's something that  
6 just gives you a slight sort of sense or if it's  
7 something you're not sure about or something you might  
8 -- you know, might not know what to do with, report it,  
9 and having a variety of reporting channels, both sort of  
10 formal and confidential, to be able to do so.

11 So, you know, we've seen examples from Harmeny,  
12 within the time when Save the Children was responsible,  
13 when there would have been members of staff who  
14 witnessed unacceptable behaviour by others and who did  
15 nothing.

16 And we are really focused in our current approach  
17 and keep up the zero tolerance approach to make sure  
18 that all of our staff know how they can report if they  
19 see something that just doesn't seem -- doesn't sit  
20 quite right with them. Even if it's very -- you know,  
21 what might be seen as a sort of low level and therefore  
22 be able to address issues at the earliest possible  
23 stage.

24 MS INNES: If we go on to page 10, we see the detail there  
25 of you saying there are multiple reporting channels, but

1       often somebody makes a disclosure to a person, and then  
2       in the next paragraph you say:

3             'Remember that if someone has shared a concern or  
4       information with you that involves harm or a risk of  
5       harm towards a child or vulnerable adult, you are  
6       required to report all relevant information to the  
7       safeguarding team as soon as possible and always within  
8       24 hours even if the survivor does not consent to having  
9       their information shared.'

10            And the document goes on to explain about  
11       confidentiality and dealing with disclosures and  
12       suchlike.

13            But in terms of the reporting obligation, this is  
14       here in a protocol. Does it also form part of staff  
15       contracts?

16   MS CARTER: Yes.

17   MS INNES: If you discover that somebody has not made  
18       a report, what action would be taken?

19   MS CARTER: It's a disciplinary -- yeah, it's a disciplinary  
20       offence. There is a little bit of flexibility within  
21       that. So we do have staff, for example, that travel  
22       internationally that might not be able to get to a phone  
23       or to the internet in order to make the -- to make the  
24       report. So it's not an automatic if it goes to 25 hours  
25       it will definitely be a disciplinary, but it is

1 a disciplinary offence if you -- if you knowingly don't  
2 report and you could have done within 24 hours.

3 MS INNES: And is that -- you said a moment ago and you say  
4 in your documentation, if you've got a suspicion, so not  
5 a direct disclosure, for example, a suspicion that  
6 something's wrong, then you should report that.

7 In term of the contractual provision, does it need  
8 to have been a direct disclosure rather than  
9 a suspicion?

10 MS CARTER: No, a suspicion -- a suspicion is sufficient.

11 So we do a lot of work with our staff to say if  
12 something doesn't feel right, just tell us. And then we  
13 have done a lot of work to build with our staff and  
14 volunteers a culture in which we are not overly  
15 punitive, so we don't immediately launch into a huge  
16 investigation for what is a relatively minor concern or  
17 suspicion so that people have the confidence to come to  
18 us with that very low-level stuff so that we can  
19 identify: actually, that -- that does have the hallmarks  
20 of something more serious and we have the opportunity  
21 now to disrupt that harm.

22 So the two approaches go hand in hand. You have to  
23 report all your concerns, but you can also have faith  
24 and trust that we will handle it appropriately and not  
25 overreact, but take things seriously.

1 MR PASKINS: And there is mandatory training that all  
2 Save the Children employees have to complete on  
3 safeguarding when they join the organisation, and that  
4 training has to be repeated during their time of  
5 employment as well.

6 MS INNES: It might be helpful to the Inquiry if you were  
7 able to provide us with the terms that -- if it's  
8 a generic term that goes into contracts, it might be  
9 helpful for us to see that.

10 MS CARTER: We can do that.

11 MS INNES: In terms of -- just for completeness on this  
12 document, on page 17, you -- there's a part in red and  
13 you say:  
14 'Importantly, hard evidence of a safeguarding  
15 incident is not needed for the report to be officially  
16 logged, investigated and responded to. Suspensions and  
17 rumours are also recorded and, if required,  
18 investigated.'

19 So this is what you've been speaking about in terms  
20 of passing the responsibility on to somebody to  
21 investigate or log, but if you don't know anything about  
22 it, you can't do anything?

23 MS CARTER: Yes, exactly. It's also a recognition that  
24 staff often felt quite nervous about reporting things  
25 like rumours or concerns. They didn't want to get their

1 colleagues fired. They felt there might be that kind of  
2 reaction. So this is us saying: it's okay to come to us  
3 with things that you don't know are true and that's our  
4 responsibility then to look into it, because we might  
5 have information that you don't have. We might see  
6 a pattern of concerns in a certain programme or  
7 a certain member of staff and we are the ones that can  
8 then make those connections. You don't need to do it.  
9 So essentially please don't wait to share your concern,  
10 tell us so that we can take action faster.

11 MS INNES: I'm going to move away from that back to Part D  
12 of your response. This is an updated Part D at  
13 SCH-000000014.

14 If we move on to page 4, we see that you note there  
15 the part in black is what you originally provided and  
16 then, since you made your initial response to the  
17 Section 21 notice, you've included in red details of  
18 additional claims or reports that have been made since  
19 that date.

20 And you note in relation to the first allegation, so  
21 allegations of physical abuse, these led to dismissal of  
22 employees in 1991 and 1993.

23 And if we could go on in the document, please, to,  
24 first of all, page 11, if we look down to the bottom  
25 part of that page, there's reference there to the staff

1 member who had physically abused a child in 1991 and was  
2 subject to a disciplinary investigation.

3 I think that's again reference to the same staff  
4 member that we've seen in the Kahan Report?

5 MS CARTER: Yes.

6 MS INNES: Then if we go on over the page, there's reference  
7 to a Robert Taylor, who you note was suspended in  
8 January 1993 and was dismissed in April 1993 and you  
9 note there that from limited files that you held that he  
10 was acting headteacher at the time of suspension and he  
11 had been the deputy headteacher. So we've seen his name  
12 in the list of headteachers, so I think he took  
13 responsibility when Mr Pfluger was off ill or --

14 MS CARTER: Yes, that's my understanding, yeah.

15 MS INNES: -- retired.

16 Now, if I can ask you, please, to look at a document  
17 in relation to this. It's SGV-001033198 and at page 10.  
18 This is a letter from Save the Children to the  
19 Education Department in the Scottish Office. And if we  
20 go into the body of the letter it says there that the  
21 staff member in question, Mr Robert Taylor, following  
22 a series of allegations regarding his conduct:

23 'SCF conducted a comprehensive investigation and  
24 a hearing which I chaired. Having considered all the  
25 evidence I have now concluded that Mr Taylor is

1 responsible for gross misconduct firstly on grounds of  
2 breach of confidentiality regarding children at Harmeny  
3 and secondly on grounds of mistreatment of children,  
4 physical chastisement and verbal abuse, over a period of  
5 time.'

6 And then another issue was an ongoing relationship  
7 that he was having with a member of the care staff. So  
8 it appears that this part of the reason for his  
9 dismissal was in respect of physical and verbal abuse of  
10 children; is that your understanding?

11 MS CARTER: Yes, that's my understanding.

12 MR PASKINS: Yes.

13 MS INNES: And I think perhaps this is the only material  
14 that you've been able to find in relation to the  
15 dismissal of Mr Taylor?

16 MS CARTER: I believe there is some additional paperwork  
17 that I have seen, that I thought we had submitted. So  
18 perhaps I could just check with our legal team and get  
19 that over to you, if there is other stuff, because  
20 I believe I have seen something else about it as well.

21 MS INNES: I think if we were to go on to the next page, we  
22 see another letter, simply notifying the government  
23 about the fact that there are -- that he's been  
24 dismissed and he might decide to appeal.

25 But if there is anything else in relation to this,

1           which I'm not referring to at the moment, then please  
2           let us know.

3   MS CARTER: I think it was some minutes from a meeting in  
4           which it's -- I don't think it's very substantial.  
5           I think it's a reference in some minutes, if I'm not  
6           misremembering, in which it says that the -- that  
7           Robert Taylor has been suspended, I think.

8   MS INNES: But perhaps nothing more about the reasons for  
9           his suspension?

10   MS CARTER: No, we haven't been able to identify any further  
11           information relating to that, I'm afraid.

12   MS INNES: But if we go back to page 10, it appears that the  
13           author of the letter is Alison Davies, the  
14           Divisional Director of Save the Children, was the person  
15           who chaired the hearing?

16   MS CARTER: Yes.

17   MS INNES: Obviously in the Part D of your response, you  
18           gave -- you give us information in relation to the  
19           various people against whom allegations have been made,  
20           whether prior to 2019, when it was your first response,  
21           or updated.

22           I think if we can move on now, please, to Part B of  
23           your response, which is at SCH-000000011.

24           So this is where you're being asked some questions  
25           about acknowledgement of abuse and suchlike. If we look

1 on to page 2 of SCH-000000011, that is where the  
2 questions start.

3 And in relation to the acknowledgement of abuse:  
4 does the organisation accept that over the period  
5 between 1930 and 2024 some children cared for at the  
6 establishment were abused? What's the answer to that?

7 MR PASKINS: Yes.

8 MS INNES: And I understand that you've got a statement that  
9 you want to read out and it might be appropriate to do  
10 that at this point.

11 MR PASKINS: Yes, thank you.

12 So I would like to apologise on behalf of  
13 Save the Children fully and unreservedly to those  
14 children who were harmed during their stay at  
15 Harmeny School.

16 To those children, who are now adults, we say as  
17 an organisation Save the Children should have kept you  
18 safe and should have been ready to listen to you.

19 We should have been careful to ensure that all staff  
20 who worked at the school were safe to be around  
21 children.

22 We should have made sure you had ways to share your  
23 concerns with us in the moment when we could have acted  
24 to protect you. This didn't always happen and we are  
25 sorry.

1           We are sorry that you have had to live with the  
2           impact of this ever since.

3           We would also like to apologise for our lack of  
4           records and documentation from that time. We understand  
5           that records may have helped some survivors to feel  
6           validated in their recollections or perhaps contributed  
7           to a sense of closure. We are deeply sorry that we  
8           cannot provide this to you.

9           Our accountability to children does not have a time  
10          limit and we are grateful for the opportunity to be  
11          present today, to share whatever we can, to support the  
12          important work of the Inquiry, to understand about more  
13          about how best to centre the voices of children in all  
14          that we say and do, particularly in safeguarding and  
15          child protection work, and to ensure that lasting  
16          lessons are learned.

17       LADY SMITH: Thank you, Dan.

18       MS INNES: If we can look on, please, to SCH-000000011 on  
19          page 4, you talk there in response to the questions  
20          about failure of systems and the answer to that is:

21               'It is clear that there were failures in systems.'

22          And I think you've -- if we go on to the next  
23          paragraph, you refer to various issues, again referring  
24          back to the Kahan Report, which I think is probably the  
25          main report on which you draw to identify the failures

1           in systems at the time.

2   MR PASKINS:   Yes.   So when we're talking about systemic  
3           failings, from the Kahan Report and also from other  
4           evidence throughout this period, there was a systemic  
5           failing to listen to children and to centre their voice  
6           and experiences and that caused harm.

7           There was a failure to enable those staff who did  
8           want to help children and who were motivated to do so,  
9           to have the right support and systems and training to be  
10          able to do so and there was also a systemic failing to  
11          prevent those who wished to cause harm to children to  
12          identify and prevent those from doing so.   So there are  
13          multiple different systemic failings, all of which  
14          caused harm to children.

15          We think there is -- despite the limitations of  
16          evidence throughout this time, we think there is clear  
17          evidence that those failings were present throughout the  
18          time that Save the Children was responsible and that  
19          those did cause harm.

20   MS INNES:   Then you go on, on page 5, to also accept that in  
21          some aspects responses to abuse were deficient and  
22          you've referred to some of those again during your  
23          evidence.   So lack of hearing the voice of the child,  
24          perhaps not taking action against staff members and  
25          suchlike.

1 MR PASKINS: Yes.

2 MS INNES: Then at paragraph 3.4, you're asked about changes  
3 implemented and obviously we don't know -- we know that  
4 you have not been involved in residential care in  
5 Scotland for many years now.

6 I wonder, if through your work on preparing your  
7 response to this -- to these notices and looking through  
8 these documents, whether there are lessons that you  
9 think can still be learned from what you've reflected  
10 on?

11 MR PASKINS: So, I mean, as our response sets out,  
12 Save the Children's work currently and indeed for many  
13 years has not been in the residential care of children.

14 So in terms of wider lessons, we would like to  
15 highlight the importance of the full implementation of  
16 The Promise, both across the sort of full range of that  
17 but acknowledging that central to the implementation of  
18 The Promise is about the voice of children and  
19 centrality of that. And then we would also note that  
20 efforts to learn -- to learn from this need to be  
21 connected with and part of wider efforts, which I know  
22 are very much championed in Scotland, around addressing  
23 child poverty and around ensuring that every child is  
24 able to grow up free from the fear of poverty and to  
25 live happy and healthy lives, and again there is a wide

1 range of national efforts that, you know, we know are  
2 going on.

3 We would urge all stakeholders, the  
4 Scottish Government and others, to redouble their  
5 efforts and to see very strongly the connection between  
6 the work and remit of the Inquiry and those wider  
7 efforts as well.

8 MS INNES: Thank you very much, Dan and Cat. I don't have  
9 any more questions for you.

10 LADY SMITH: Dan, Cat, I have nothing else to ask you  
11 either. I just want to thank you so much for coming  
12 here today and for the very frank and open way in which  
13 you've engaged with our work here at the Inquiry and its  
14 also absolutely plain that you have done your homework  
15 before coming here and we benefit from that enormously.  
16 I'm grateful to you.

17 Do feel free to go. Thank you.

18 MR PASKINS: Thank you very much.

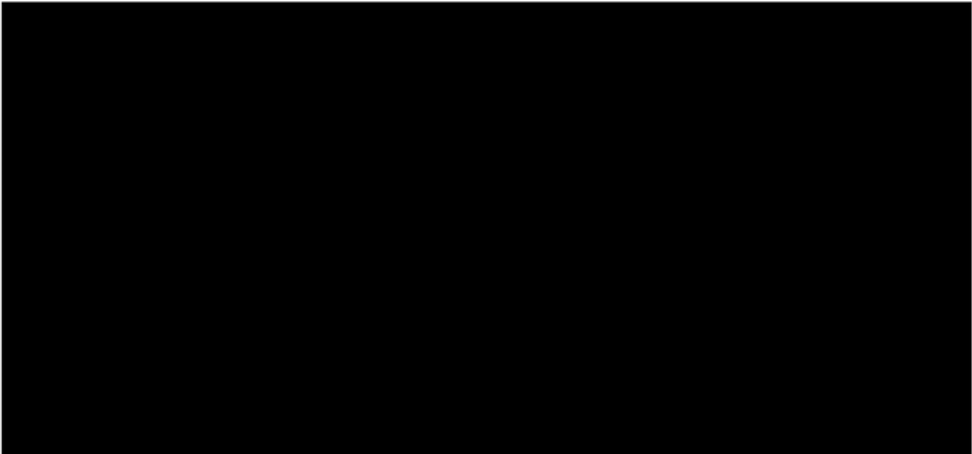
19 MS CARTER: Thank you.

20 (The witnesses withdrew)

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But subject to that, we'll rise now for the lunch  
break and sit again at 2 o'clock this afternoon for the  
current Chief Executive, have I got that right, of  
Harmeny?

MS INNES: Educational Trust Limited.

LADY SMITH: Sorry, Educational Trust Limited.

MS INNES: Yes.

LADY SMITH: Sorry, yes. Thank you.

(12.48 pm)

(The luncheon adjournment)

(2.10 pm)

LADY SMITH: Good afternoon.

Now, we turn to this afternoon's witness. Ms Innes.

MS INNES: Yes. The next witness is Gavin Calder, who is  
currently Chief Executive of Harmeny Educational Trust.

LADY SMITH: Thank you.

1                               Gavin Calder (affirmed)

2   LADY SMITH:  Now, how would you like me to address you?

3           I'm happy to use your first name or Mr Calder if you

4           prefer.

5   A.  Very happy with first name, thank you, my Lady.

6   LADY SMITH:  Thank you, Gavin, and thank you for coming

7           along this afternoon to help us with your evidence in

8           relation to Harmeny Educational Trust.

9           The way we work in the afternoon is I'll run from

10          now for about an hour and then take a short break, if

11          that works for you --

12  A.  Okay, thank you.

13  Q.  -- and then on to the end of the afternoon.  But if you

14          need a break at any other time, please don't hesitate to

15          let me know.  Or if you've got any questions, do just

16          speak up.

17  A.  Thank you, yes.

18  LADY SMITH:  The documents that you've provided us with

19          should be in a red folder in front of you --

20  A.  Indeed.

21  LADY SMITH:  -- and we'll bring them up on screen as we're

22          looking at them as well, and thank you very much for the

23          work that's gone into meeting all our questions.  I know

24          it's not a five-minute job that we ask, but the efforts

25          that have gone into it are much appreciated.

1           If -- yes, if, when you looked at that, you were  
2           worried we were going to go through everything line by  
3           line, we're not. There are some particular aspects of  
4           your and your employer's position we'd like to explore  
5           with you, but it won't be a detailed forensic analysis  
6           of everything that's been written.

7           If you're ready, I'll hand over to Ms Innes and  
8           she'll take it from there, is that okay?

9   A. Thank you.

10   LADY SMITH: Ms Innes.

11                               Questions by Ms Innes

12   MS INNES: Thank you, my Lady.

13           Now, Gavin, we understand that you are currently  
14           Chief Executive of Harmeny Educational Trust Limited; is  
15           that correct?

16   A. That is correct.

17   Q. And you've provided a copy of your CV to the Inquiry,  
18           and I understand that you're a qualified teacher?

19   A. I am indeed.

20   Q. And was your PGCE in primary education?

21   A. No, my PGCE was in secondary education, history and  
22           modern studies.

23   Q. Okay. Then after you qualified as a teacher, you went  
24           on first of all to work at Loretto Junior School and  
25           then worked at various junior schools throughout your

1 career, and I think that you -- until you moved to  
2 Harmeny you've always worked in the independent sector?

3 A. I have, yeah. Bar three months right at the start.

4 Q. Okay. And you progressed, we can see from your CV, into  
5 leadership positions from about 1999 until 2007 and then  
6 into senior leadership positions, so a headmaster,  
7 headteacher role from 2007 onwards?

8 A. That's correct.

9 Q. And you took up your current role at Harmeny in April  
10 2024?

11 A. Yes.

12 Q. Now, just by way of background, again, the -- Harmeny  
13 had provided a response to a Section 21 notice to the  
14 Inquiry and I think this had been provided prior to you  
15 joining the organisation; is that correct?

16 A. That is correct, yeah. It was mainly the work of  
17 Neil Squires, my immediate predecessor, with a group of  
18 three or four others, including some of the trustees.

19 Q. Now, if I can ask you, please, to look at part of that  
20 response, which is at HET.001.001.0002.

21 And it sets out there the methodology and in the  
22 first point it notes that when referring to the past,  
23 this response covers the time period between  
24 21 December 1995 up until 17 December 2014, and my  
25 understanding is that it is from 21 December 1995 that

1 the trust took over the running of Harmeny School from  
2 Save the Children?

3 A. That is correct, yeah. Coming from the Kahan Report  
4 recommending the setting up of an independent trust, it  
5 was set up over that time with the same -- well, went  
6 into it as headmaster, quickly became Chief Executive  
7 not long after that with the realisation that there  
8 needed to be a stronger senior management team at  
9 Harmeny, but the Harmeny Educational Trust came into  
10 being officially on 21 December 1995.

11 Q. And in terms of the methodology for preparing the  
12 response to the Inquiry, as you've already noted, the  
13 second bullet point tells us that the then  
14 Chief Executive, supported by senior management team,  
15 a social work consultant and trustee read and analysed  
16 historic and current documents and the then  
17 Chief Executive, Mr Squires, took the lead role in  
18 preparing the response?

19 A. That's correct.

20 Q. And it notes a number of the documents that were  
21 reviewed and if we go on over the page, at the first  
22 bullet point on this page, it says that:

23 'An important context to the response is that  
24 a group of children and young people placed at the  
25 school have exceptionally complex needs as a result of

1 the trauma experienced in their early years through  
2 abuse, neglect and family disruption.'

3 Then it talks about different types of behaviour and  
4 it says that:

5 'These behaviours are played out by children on  
6 a daily basis and a range of specialist interventions  
7 are required in order to allow children to express their  
8 emotions and work through their difficulties in a safe  
9 and supportive environment. This includes the  
10 appropriate use of physical interventions, by staff  
11 fully trained in their use, as an essential approach to  
12 ensuring safety and welfare of children and adults  
13 within the school community.'

14 And then it goes on:

15 'A collation of a historical child protection log  
16 has highlighted a range of issues and incidents, the  
17 vast majority of which are to be expected given the  
18 complex nature of the children and young people ...'

19 And it says that when this response was prepared:

20 'We have therefore not included the reporting of  
21 situations and behaviours, which are typical on  
22 a day-to-day basis, and expected for the group of  
23 children placed at the school.'

24 Now, I understand that when you reviewed the  
25 response, you took a bit of a different view as to how

1 incidents or matters relevant to the work of the Inquiry  
2 should be identified?

3 A. I did take a different response. Really the main part  
4 of that change was in our talking about the fact that we  
5 weren't seeing any examples of abuse having taken place  
6 at Harmeny. I think the initial 2019 response did not  
7 acknowledge that there had been happenings of abuse, but  
8 in the same response we were talking about at least two  
9 incidents involving two members of staff who were  
10 dismissed in 1996, which undoubtedly were abuse. So  
11 therefore it didn't seem right to me that we were saying  
12 no abuse has happened at Harmeny since December 1995,  
13 yet we were then highlighting two examples of abuse. So  
14 that was the main change.

15 In terms of that idea of a typical on a day-to-day  
16 basis, what I would be looking at there, having worked  
17 in education for all of these years, children do  
18 occasionally fall out and children do occasionally fight  
19 and it's that -- getting that balance between what would  
20 be normal and what would be appropriate to refer to as  
21 potential or indeed actual abuse.

22 Looking at the appropriate use of physical  
23 interventions, I think the keyword I'd be looking there  
24 is 'appropriate'. I think throughout the time, as  
25 I know we're no doubt going to go on to look at, there

1       has been a constant look at how we can make sure that  
2       physical interventions are used as minimally as they  
3       possibly can be and the real focus -- I think throughout  
4       but increasingly -- has become on de-escalation. Yes,  
5       we sometimes have to physically intervene with young  
6       people, only if it is absolutely a last resort to keep  
7       them safe or to keep those around them safe.

8   Q.   So we'll come to look at that particular issue in more  
9       detail as we go through your evidence, and I think when  
10      we come to look at your Part D response, for example.  
11      With that, you appended some other incidents which you  
12      thought, taking a broader view than perhaps had been  
13      taken before, were relevant to the Inquiry's work?

14   A.   Indeed.

15   Q.   So if we can look, just by way of introduction, at some  
16      points within the Part A. If we look on to page 5 first  
17      of all; as you've already said, the organisation was  
18      founded on 21 December 1995, and if we scroll down that  
19      page, there's a paragraph beginning:

20         'At its meeting on 29 September 1994  
21       Save the Children agreed to the school becoming  
22       an independent entity.'

23         And then the company was set up and the formal  
24       transfer took place on 21 December 1995?

25   A.   Indeed.

1 Q. And then if we move on to page 7, under the first  
2 question there, the second paragraph, we can see that:

3 'The school was granted social work registration in  
4 March 1995 prior to the trust taking over the running of  
5 the school.'

6 So that was already in place by the time the trust  
7 came into being?

8 A. Indeed.

9 Q. And then if we scroll down on page 7, we see reference  
10 to the board of trustees and it notes that:

11 'The first board of trustees comprised three  
12 trustees with the relevant skills to oversee the  
13 establishment of sound financial governance and safe  
14 care of children placed within the school. And the  
15 board of trustees gradually grew over the years up to  
16 a cohort of up to eight trustees with senior leadership  
17 skills and experience in the areas of education, care,  
18 social work, finance, legal, human resources, learning  
19 and development, strategic and organisational  
20 development and commissioning.'

21 So was this a follow-up to the recommendations of  
22 the Kahan Report?

23 A. Yes, very much. I mean, the recommendations of the  
24 Kahan Report, as -- you know, as I'm sure was probably  
25 covered this morning, was very much that there needed to

1       be a much more hands-on governance that was, you know,  
2       looking directly at the Harmeny Education Trust not as  
3       part of a bigger, you know, national or sort of beyond  
4       national organisation, therefore it was deemed necessary  
5       to set up a strong board of trustees in it.

6           I think at that time actually they were quite  
7       forward thinking in the board of trustees being  
8       deliberately chosen because they had an expertise rather  
9       than just that they were worthy trustees from the local  
10      community. There was -- looking back at the names and  
11      the list of trustees over the years, you can see why  
12      they were trustees of the Harmeny Education Trust. That  
13      has been important in -- throughout, from 1995 to today.

14   Q. And as you say, that may have been unusual at the time,  
15      but I suppose the basis of that was to be found in the  
16      report?

17   A. Absolutely, yeah.

18   Q. If we can move on, please, to page 11.

19           This notes that the school was a grant-aided special  
20      school and it notes the types of grants that were  
21      provided from Scottish Office, then Scottish Executive  
22      or Government, subsidising the fees paid by Scottish  
23      local authorities.

24           Does that remain the case? Is it grant-aided?

25   A. At the moment, it does. The Doran Review in the early

1       2010s recommended a change to grant-aided status for all  
2       of Scotland's grant-aided schools. So the grant-aided  
3       status is changing and will change in 2029. At the  
4       moment we remain a grant-aided school.

5   Q.   Okay. So this was a recommendation from the  
6       Doran Review, which was some time ago now, but it's your  
7       understanding that it will be implemented in 2029?

8   A.   We are talking with Scottish Government at the moment  
9       about, yeah, how things are changing and evolving in  
10      terms of grant-aided status. My understanding is that  
11      the money which currently goes to the grant-aided  
12      schools in Scotland will remain ring-fenced for the  
13      education of, you know, vulnerable young children in  
14      Scotland or young people in Scotland, but that there  
15      will be a change in the way that that money is divvied  
16      out across the board. So the actual -- it's very much  
17      my understanding that the grant-aided status schools  
18      will not remain in that state from 2029.

19   Q.   Then if we look further down this page, it says:

20        'In addition ...'

21        Sorry, first of all, it notes that placements are  
22        obviously funded by local authorities?

23   A.   They are, yeah. And that remains the case.

24   Q.   And then it notes that the school qualified for  
25        an annual capital grant towards the essential

1 maintenance of buildings and capital equipment, but then  
2 in the next paragraph it says that the accommodation  
3 itself was the responsibility of the trust.

4 So it looks as though, between the local authorities  
5 and the funding from -- funding from  
6 Scottish Government, is simply in respect of maintenance  
7 and replacement, but if you were wanting to redevelop or  
8 undertake a capital project, the trust would have to  
9 fundraise for that?

10 A. That's correct, yeah. So if we have -- so where we  
11 have, for instance, recently opened a new learning  
12 centre, then all the money raised for that was raised by  
13 capital appeal. We do have a fundraising group, but,  
14 yeah, the day-to-day maintenance for the young people  
15 comes from jointly, when we're budgeting, the grant  
16 which we still, as mentioned, currently get and the  
17 local authority funding, which from -- I think for the  
18 last eight years has come through Scotland Excel mainly,  
19 so it's agreed nationally what that would be that we  
20 would get, with the exception of the City of Edinburgh,  
21 who do place with us, who have their own funding model.

22 Q. So the City of Edinburgh don't commission placements  
23 through Scotland Excel?

24 A. They have their own, yeah, commissioning model.

25 Q. Now, if we move on to page 13, again on the issue of

1 funding under the question: 'What state support did it  
2 receive?' it notes that:

3 'An annual business plan was required to be  
4 submitted to Scottish Government, including projected  
5 budget and any request for fee increases had to be  
6 approved by Scottish ministers.'

7 Does that remain the same, or has that changed?

8 A. That's changed to the extent, yes, we do have to give  
9 an annual business plan to Scottish Government with our  
10 projected budget. The difference being that since  
11 Scotland Excel came in, the fee increases are agreed  
12 through Scotland Excel. So slightly different  
13 commissioning. So I suppose, to an extent, it's still  
14 nationally looked at, but tends to be more through COSLA  
15 and local authorities bargaining rather than through  
16 Scottish Government.

17 Q. Then if we move on to page 15, in terms of the legal  
18 status of the company, I think we can see that the setup  
19 is it's a company limited by guarantee with charitable  
20 status?

21 A. That's correct.

22 Q. Then if we move on to page 24, please, and if we look to  
23 the bottom of the page under 'Parents and Carers' it  
24 notes there:

25 'The majority of children have been placed at the

1 school on a compulsory supervision order through the  
2 children's hearing system.'

3 Does that remain the case?

4 A. That remains the case, yeah. There are several orders,  
5 depending on the childhood trauma that -- the younger  
6 childhood trauma that the young people have had. In  
7 some cases it's social work who take on that parental  
8 role because abuse or other things have happened or  
9 neglect through the parents, so the young people are not  
10 in contact with their parents anymore. In some cases  
11 they are, but it's deemed that Harmeny is the best place  
12 to look after them at that particular time.

13 Q. Then, if we look on to page 25, please, this is looking  
14 more up to date. If we look under (vii), 'Safeguarding  
15 Issues and Notifiable Events', it says:

16 'Following reports of abuses connected to some  
17 charities working in the international aid sector OSCR  
18 recommended in 2018 that trustees were to be made aware  
19 on a regular basis of any safeguarding issues or  
20 notifiable events. This takes place at board meetings.'

21 A. It does indeed. It takes place at both board meetings  
22 and our PPG meetings, which are a subsection of the  
23 board looking at policy and practice, and, yeah, there  
24 is a deep-dive report once a year on anything that's  
25 safeguarding or notifiable, but at every board meeting

1       there is a reference to anything new that's come up.  
2       Likewise, outside of the board, if there was anything,  
3       the board would be notified immediately. The trustees  
4       have a real handle on any safeguarding issues that are  
5       happening at Harmeny.

6   Q. And this recommendation, as it's noted there, came in  
7       through a requirement from OSCR?

8   A. It was a requirement from OSCR across the board for all  
9       charities dealing with the care of vulnerable young  
10      people.

11   Q. Now, if we can move on, please, to page 27, where you  
12      discuss the ethos of the organisation and right at the  
13      very start of the organisation, it says there, was  
14      a five-year vision and it was to -- it says:

15           'The care setting aims to provide a close,  
16      supportive care environment for young people, in which  
17      they can develop skills to overcome their difficulties  
18      through the promotion of self-esteem and personal  
19      growth.'

20           And then it says:

21           'From the start, the organisation appears to have  
22      aimed for an integrated approach, in relation to the  
23      care and education of children, whilst also encouraging  
24      aims and objectives from both [of the teams].'

25           Has that, as far as you're aware, remained Harmeny's

1 approach?

2 A. Absolutely remained Harmeny's approach. I think the  
3 Kahan review -- one of the criticisms of the  
4 Kahan review was there seemed to be almost a disregard  
5 for the care element and it was more a school element.  
6 That's certainly, in my experience, obviously over just  
7 the last 18 months, still the case -- not the case now  
8 from the pre-1995 days, that the care and education are  
9 absolutely integrated within Harmeny. There's really  
10 close links between them. The Head of Care and the  
11 Head of Education both sit on the senior leadership team  
12 and both play an equal part in that. And the HSMT,  
13 which is the level below that, meet on a weekly basis  
14 and that's the care management team and the education  
15 management team working very, very closely together.  
16 The links between the classroom and the cottages are  
17 absolutely set in stone. There is no differentiation  
18 made between the two in terms of the levels of expertise  
19 and the levels of care given to the young people.

20 I think education has changed hugely, in my  
21 experience, over the last few years in the idea that  
22 we're not just educators of -- my own case is history  
23 and modern studies, we're educators of young people and  
24 I think that adds to that, you know, strong link between  
25 care and education.

1           So, you know, there's nothing in what was written  
2           in, well, July 1994, in those days when put that  
3           five-year vision out, that wouldn't be the case now  
4           with -- in terms of the actual, you know, ethos of  
5           Harmony. The one thing that has changed has been the  
6           introduction through The Promise and through  
7           The Marches, if you like, in 2019 of actually the idea  
8           of love being involved in the care and education of  
9           these young people.

10    Q.   And if we go down to page 29 now, and at the bottom of  
11           the page, at (v), you refer there to one of the things  
12           that was done after the trust was set up was the  
13           development of an SQA Centre, and we understand from the  
14           response that that developed over a number of years, so  
15           this was providing qualifications not just for staff at  
16           Harmony but beyond; is that right?

17    A.   That is correct, yeah. At the moment, we're not running  
18           as an SQA centre. We were then. Really the main reason  
19           for that is that local colleges and other organisations,  
20           we found, could provide the same level of expertise as  
21           we could, so I think the decision was made some time ago  
22           that -- before my time, that actually there were  
23           organisations out there who could provide that training.

24           We do insist, obviously, as they have to be to be  
25           registered with the Social Services Council, that all of

1       our care staff take on the adequate levels of training  
2       and beyond that. However, our learning and development  
3       department is the strongest now that it's ever been and  
4       a huge amount of training goes on within Harmeny now to  
5       make sure that it's not just a basic SVQ training. Our  
6       training goes way beyond that in terms of our own staff  
7       group.

8       Q. And if we move on, please, to page 32, towards the  
9       middle of the page, perhaps, there's a heading:

10           'Sanctions and Controls Policy.'

11           And you're referring there to a policy that was put  
12       in place in about 1997, which was looking at whole  
13       school behaviour management. And there was then  
14       an updated policy that you had details of and it talks  
15       about certain permitted sanctions and controls and at  
16       that point, at number 2, it says that there could be  
17       restriction or withdrawal of privileges such as leisure  
18       activities. It says restrictions on outings could only  
19       be sanctioned by the Head of Education or Head of  
20       Childcare, and then you note that that developed again  
21       in October 2003 to say that restrictions on outings  
22       would be primarily based on individual risk assessment.

23           Does restriction or withdrawal of privileges form  
24       any part of what was called 'behaviour management' at  
25       that stage?

1 A. I think in those days, yes. In these days, no. And  
2 I'd say that reservedly only because that last bit of  
3 'restrictions on outings being primarily based', the  
4 only reason I could see there being a restriction on  
5 an~outing is if we felt that the young person at that  
6 particular time -- and it would be based on the  
7 individual risk assessments, which are very much  
8 dynamic -- would be put in a poor situation by going on  
9 an outing. So let's say it was something like  
10 a watersports activity, if the young person was  
11 dysregulated enough at any particular time that it would  
12 actually be to their disadvantage, you know, because we  
13 felt they would be unsafe to themselves by being there,  
14 then we would restrict that outing.

15 That wouldn't be as a behavioural punishment. That  
16 would be as a -- you know, as a giving of safety.

17 Q. The next point, point 3, refers to the imposition of  
18 extra tasks. It says:

19 'The imposition of extra tasks must always be  
20 designed as positive and productive as possible. These  
21 should be age appropriate and never beyond the  
22 capabilities of a child or young person.'

23 Is that something that still continues or not?

24 A. It's not something that still continues, no. We would  
25 not be giving the imposition of extra tasks.

1 Q. Then at point 4, it refers to a child or young person  
2 may be separated from a group to a room on his or her  
3 own as a means of enabling him or her to regain  
4 self-control:

5 'The door must never be locked and staff must  
6 monitor or accompany a child or young person throughout  
7 any period of separation.'

8 Now, you go on at another point of the response to  
9 talk about a support room, and we may come back to that.  
10 Does this sort of process remain in place today or not?

11 A. No, to the extent we don't have a support room. There  
12 wouldn't be a support room there. Young people may  
13 occasionally have -- we would now describe it as  
14 seclusion, again for that reason given there, to regain  
15 some sort of self-control, if it was felt that actually  
16 it was to the benefit of the young person, but it  
17 certainly would be a case of the staff would be  
18 accompanying the child, but it would be, you know, if  
19 a child is finding that they are, you know --  
20 dysregulating is not a term I particularly like to  
21 use -- dysregulating hugely because of environmental  
22 stimuli, then it might be for the benefit of that young  
23 person to be in a quieter space to themselves.

24 What we don't do is, and as I said there, we would  
25 never be locking a child in a room or, you know,

1       deliberately forcing a child to be out of the way. It  
2       would be through negotiation, through talk with that  
3       child, and the most important thing would actually be if  
4       a child did have to be separated from their peers or was  
5       in an area of seclusion, it's the aftermath of that,  
6       it's the therapeutic discussion afterwards as to why it  
7       was that that young person -- very much aimed at the  
8       young person and in the young person's language, why it  
9       was that -- often the young person felt that they wanted  
10      to seclude themselves or to take themselves out of  
11      a situation or it was felt necessary to take them out of  
12      the situation for their own good.

13    Q. And would there be sort of reporting obligations in  
14      respect of seclusion?

15    A. Yes, in terms of care. So the reason I say that is  
16      because we've obviously got the Daniel Johnson Bill  
17      going through just now. In education, there is no, sort  
18      of, central point, there is no external authority that  
19      we have to, you know, report to if there's a seclusion  
20      or indeed a restraint. On the care side, there is and  
21      it would be the Care Inspectorate and we then notify the  
22      Care Inspectorate every time there's a seclusion or  
23      indeed we would if there was a -- you know, something  
24      taken from a child and, your previous point there, all  
25      of those have to be reported to the Care Inspectorate.

1           I do think there's an anomaly there. It doesn't sit  
2           well with me that if something happens -- and, you know,  
3           as I look out my window in the office, if it happens in  
4           education -- there is no one for us to report that to.  
5           We, of course, keep exactly the same records whether it  
6           happens in education or care. As I said earlier, the  
7           two are, you know, absolutely intertwined, but there is  
8           an external authority that we have to report back to in  
9           the Care Inspectorate and I think that is right and  
10          proper.

11        Q. So when HMIe or Education Scotland come and inspect the  
12          school, do they review the logs of seclusion and  
13          restraint, do you know?

14        A. To be honest, I don't know. I'd rather not say, because  
15          we do have an annual visit, which is, you know,  
16          a catch-up visit, if you like, with our inspector,  
17          usually for two or three hours. We haven't had a full  
18          inspection or a team of inspectors out at Harmeny from  
19          the HMIe for a number of years.

20        Q. But on the care side, as you say, there's an obligation  
21          to report all of these things?

22        A. There is, there is, and as I say earlier, on a -- beyond  
23          Harmeny's side, I think that is right and proper,  
24          because actually it then means that there is some hard  
25          data where I would hope that the Care Inspectorate --

1 I know they would, the Care Inspectorate, if they  
2 thought there were too many seclusions or they thought  
3 there were too many restraints, they would come out and  
4 they would question us on that, again as is right and  
5 proper.

6 Q. And then if we continue looking down this page, there's  
7 reference in the next bullet point to about physically  
8 removing the young person and that was removed in 2009  
9 and then at point 6 it talks about a child might be  
10 fined sums from their pocket money. That was changed in  
11 2003 to:

12 'If it's appropriate for a child or young person to  
13 contribute for his or her pocket money towards the cost  
14 of damages he or she has inflicted on property.'

15 And by 2009, that was subject to approval; is that  
16 something that would happen now or not?

17 A. I've only known it to happen once in my time and it was  
18 at the young person's insistence. It was a young person  
19 who had a loss of control and ended up throwing a --  
20 I don't think it was a brick, I think it was a large  
21 rock through a window, and through his sense of shame,  
22 he asked if he could contribute something.

23 We discussed it and realised actually that for him  
24 he wanted -- he wanted to contribute and we felt that it  
25 was the right thing. We obviously discussed it with him

1           and made it very clear this is not something we're  
2           expecting and -- you know, and promoting, but actually  
3           for that young person, he felt it was the right thing to  
4           do and actually I do applaud him for it.

5   LADY SMITH:   Gavin, in that section, number 6, there's  
6           reference to a role called the group manager. Can you  
7           tell me about that, the group manager's prior approval?

8   A.   Yes, I'm not sure -- that, I think, must have been  
9           a term in 2009 which was -- it's not a term I recognise  
10          at Harmeny, so I'm assuming 'group manager' must be  
11          a term they used in care at that time, my Lady. It's  
12          not a term we would use at Harmeny now.

13   LADY SMITH:   It seems to have been dispensed with at some  
14          point?

15   A.   Yes, I assume.

16   LADY SMITH:   Thank you.

17   MS INNES:   If we go on to point 8 on the next page, it says:  
18                'Outdoor clothing may be withheld to reduce the  
19                likelihood of absconding. No young person however  
20                should be deprived of normal indoor clothing or be  
21                required to wear alternative dress either as a form of  
22                punishment or in order to prevent absconding.'

23                And then it says that this sanction was removed by  
24                2009. So that's not something --

25   A.   No, definitely not.

1 Q. And then at point 9 it refers to placing a child on  
2 close supervision, i.e. on hand.

3 Now, from evidence that we've heard this morning,  
4 this process was described in the Kahan Report as being  
5 a staff member holding the wrist of a young person. Is  
6 that something that continues or not?

7 A. No, it's not something that continues at all. I think  
8 my predecessor, Neil Squires, as mentioned, took a dim  
9 view of 'on hand' and I think that was a culture which  
10 had to change and in his time it did. And it's not  
11 a term I hear at all at Harmeny and it's not a term  
12 I was aware of until I started reading through the  
13 papers and asked Neil what it actually meant, and  
14 through Kahan as well.

15 Q. Then there's reference to detention after breaks or  
16 normal class time; is that something that you --

17 A. Again, no, there has been certainly no use of detention  
18 in my time at Harmeny.

19 Q. And then there's a list of various things which should  
20 never be used and that talks about physical punishment,  
21 deprivation of meals, withdrawal of communication, being  
22 sent to bed early, humiliation in any form. And  
23 I assume these would all remain outlawed, as it were?

24 A. All of them are abhorrent and, yeah, are not part of  
25 Harmeny.

1 Q. And then if we go on to page 34, if we scroll down  
2 towards the second half of the page, there was a group  
3 called a Safe and Positive Practice Group, and this was  
4 considering reduction in physical intervention. And it  
5 notes that a member of the care management team,  
6 Lynne Reid, in 2008, was seconded for three months to  
7 work on a reduction of physical restraint project and  
8 this resulted in her focusing on individual children,  
9 reflecting with staff groups and working together on  
10 a consistent approach to managing the challenges. So  
11 that seems to be a specific project that was undertaken?

12 A. I think -- my understanding is, yeah, it was exactly  
13 that, it was a specific project, looking at, you know,  
14 the fact that, you know, restraint was still, I would  
15 suggest, being overused in those days and I don't think  
16 that was just in Harmeny. I think it was more of  
17 a go-to in those days than it is now and the figures  
18 would suggest exactly that in terms of numbers used now.

19 She did that and, from that, came a large report  
20 investigating practice, across the world actually rather  
21 than just at Harmeny, but actually starting to introduce  
22 a lot of the terms that I would recognise today as part  
23 of coming to the Inquiry, but also generally we should  
24 be learning all the time from actions and from -- you  
25 know, nowadays we -- any hold or any restraint or any

1       seclusion is gone into in the nth degree as to why it  
2       happened and that includes with the young person because  
3       the young person's voice is hugely important in that.  
4       And I start to see in this report actually reflection  
5       that would suggest that even as early as 2008 that was  
6       happening at Harmeny.

7           I can't see too much before that, of it happening,  
8       although, you know, from some of the things that  
9       I've read from Patrick Webb, who was the -- you know,  
10      became Chief Executive, came in as headteacher, he was  
11      starting to formulate ideas even then as to -- which  
12      then potentially led on to this in 2008. Since then  
13      it's been a constant, you know, way forward of looking  
14      at ways in which we can, again, going back to minimise  
15      the use of restraint.

16           I think it's heartening that they were using  
17      examples from all over the world even then.

18   Q.   So if we have a look at some of the aspects of that  
19       report, it's at HET-000000028. And we can see it's  
20       entitled 'The Reduction of Instances of Physical  
21       Intervention' worked on by Lynne Reid and David Gibson  
22       and if we go on to the second page we can see that  
23       there's a reference to the context and if we scroll down  
24       the page, for example, we can see reference to  
25       professional media scrutiny, the pindown system,

1 reference to Hassockfield Secure Training Centre and  
2 an incident there. So the first part of the report, as  
3 you've indicated, refers to general learning from  
4 England and also, if we can go on over the page, I think  
5 America as well.

6 A. Yes.

7 Q. If we can go to the bottom of page 4, please, it's said:

8 'It is within this context that we have been  
9 carrying out a detailed examination of our practice at  
10 Harmeny and have begun to plan strategies to reduce the  
11 level of physical intervention that is employed at the  
12 school.'

13 Then they go on to say what they're going to do and  
14 the first is to analyse the physical interventions  
15 carried out in 2007. Then to observe practice and then  
16 to review advice and guidance and suggestions of what  
17 might be taken forward.

18 If we look on to the next page, at page 5, it says  
19 there at Harmeny in 2007 there were 1,217 recorded  
20 instances of physical intervention.

21 So in terms of a global figure, what's your reaction  
22 to that in terms of where the figures are at now?

23 A. I think this is absolutely -- it's a staggering figure  
24 and actually, as late as 2012, I think, which was  
25 reflected in the extra information put in, in May of

1       this year, the figures weren't very different to that.  
2       The figures now are down in the 200s for last year.  
3       This year's figures are looking at being lower.

4           I think there has to be some context though and  
5       I'm not suggesting for there because that strikes me as  
6       far too high, in terms of occasionally we see a spike in  
7       figures when children first come to an organisation,  
8       because we're very much a relational organisation, so,  
9       for instance, in May of this year we had seven holds  
10      through the whole of May.

11          In June, it will be slightly higher than that or has  
12      been slightly -- or was slightly higher than that. We  
13      had two new children starting at the start of June and  
14      what we quite often find is, until those relationships  
15      are formed, the young people are struggling to regulate  
16      themselves, so therefore there is more need for physical  
17      intervention. Not every time. In some cases, there  
18      will be no physical intervention used at all, as young  
19      people come in, but it does sometimes see a spike.  
20      However, that figure is vast.

21   Q.   And then it analyses, we can see it's broken down into  
22      the months of the year and we can see a spike in June  
23      and that's noted in the report.

24          So looking at that, that fits with anecdotal  
25      material from staff saying that the half term running up

1 to the summer holidays is the most difficult and then  
2 there's some questions about how one would look at that.

3 So as well as looking at the individual -- the  
4 reasons for individual restraints, perhaps taking  
5 a broader view over a whole year can be instructive?

6 A. Yes, yeah. So the work that we currently do through  
7 our -- we call it our SPPG group, is as well as looking  
8 at every single -- and we do go in -- I'm involved in  
9 that group, we look at every single hold which has taken  
10 place. We also look at -- and this is reported to the  
11 board -- the trends across a whole year as to when holds  
12 have happened and why. We also run a slightly different  
13 holiday system.

14 Because what we know with young people generally,  
15 not just young people of the complexity that we deal  
16 with, is that transitions can be quite difficult for  
17 them and that a transition can be that transition from  
18 the structure of the school day, where they're coming in  
19 every day at 9 o'clock and leaving at 3.30 into the  
20 cottages to the holiday which -- everyone looks forward  
21 to holidays, but actually it can be a bit -- it's a time  
22 when you've not got that same level of: I know what's  
23 coming next, and the now and next.

24 As a result, we now don't have the same holiday  
25 pattern. Yes, we do have holidays, school holidays,

1       because the children do need some downtime, but we  
2       certainly don't have that long six- or seven-week  
3       holiday that parents dread and teachers look forward to.

4   Q.   And then if we go on to the next page, page 6, there's  
5       analysis on the days of the week and this noted, as can  
6       be seen, that generally Monday to Thursday was where the  
7       incidents were, and it notes that during school holiday  
8       periods, the number of incidents is evenly spread over  
9       the entire week.

10       So there appeared to be an issue that was going on  
11       during the school week and they posed the question as to  
12       how could they structure learning in a way to reduce the  
13       level of incidents?

14   A.   Yes, yeah. And I think -- I was quite staggered to see  
15       this when I read this report, given what I was just  
16       saying there, about the -- almost the structure of  
17       school, this would suggest to me that there was  
18       something not quite right.

19       Now, that didn't really come out in the HMI  
20       inspections at the time, but it seems really strange to  
21       me, I go back to what I said earlier on about if this  
22       was to be replicated elsewhere, the fact that actually  
23       there's no reporting externally of holds within a school  
24       situation, whereas there is in a care situation, it  
25       makes sense that in -- you know, in a holiday where

1       actually a Saturday and Sunday, Monday, Tuesday,  
2       Wednesday, Thursday, Friday will be pretty much the  
3       same, the same level of stimuli, lots of different  
4       activities but, at the same level, it does make sense  
5       that on holidays there would be, you know, less of  
6       a spike.

7           What we see nowadays is we don't see a spike Monday  
8       to Friday. It tends to be, where there are holds, it  
9       could be at any given time of the day and it tends to  
10      depend on what's happening in the young person's life at  
11      that time.

12           And I think that's the important thing through our  
13      analysis of each individual hold is we can usually put  
14      it back to one particular thing. It could be, for  
15      instance, a young person earlier this year where we  
16      did -- hadn't had a hold for two years, was told that  
17      dad was going to be coming out of prison. All of  
18      a sudden that was a totally different thing for her.  
19      And we did have to hold her, which no one likes, no one,  
20      certainly in my experience, likes to have to hold  
21      a child, but we did for her own safety, have to, because  
22      she was going to harm herself.

23   Q. Then if we go on to the next page, there's analysis as  
24      per time of day and one can see a spike here at  
25      11 o'clock essentially, or mid-morning, and it's noted

1       that there's break times, so there might be a transition  
2       around that, so there's consideration of looking at the  
3       school day.

4             Then it's also noted that pretty much all the  
5       reviews were taking place at 11 --

6   A.   Yes.

7   Q.   -- so that could be an anxiety-provoking moment for  
8       a child.  So this is another -- I suppose another method  
9       of analysing, you know, why is it that holds are  
10      happening?

11  A.   Yes.

12  Q.   Then going on to page 9, it notes that, below the graph,  
13      there were six children who identified for over half the  
14      recorded holds.  And then it goes into, sort of, details  
15      of the individual children, but if we go on to page 10,  
16      the questions posed were really around how could these  
17      particular children be better supported.  So it's in the  
18      bold at the bottom of page 10, talking about how could  
19      these children be supported, were they appropriately  
20      placed at Harmeny.  So that type of individual analysis  
21      that I'm sure you would still undertake?

22  A.   Yes, we still undertake that.  So, when we're -- yeah,  
23      we would -- again, as I reiterate, we look at every  
24      single hold and that's for every single young person, so  
25      we know what the rationale has been, what the reasons

1       have been. The example I gave a minute ago there, you  
2       know, we were able to put -- in seeing that, we were  
3       able to then minimise the numbers of holds by increasing  
4       the amount of time she was spending with our clinical  
5       psychologist and looking at ways that she could, you  
6       know, come to understand that actually she was in  
7       a place of safety, in her troubled mind.

8    Q. And then if we go on to page 15, there's reference in  
9       the bold point there where they're looking more at  
10      practice and they're talking about looking at good  
11      practice and ensuring it's recorded and shared and  
12      ensuring that time is made available to reflect and feed  
13      back on positive practice and I think that's perhaps  
14      what you're referring to a moment ago in your evidence  
15      where you said that this was quite forward-thinking in  
16      a sense for its time?

17   A. I think this was forward-thinking at the time. I mean,  
18      nowadays we'd use the term 'debrief'. At the end of any  
19      physical intervention, part of the paperwork, if you  
20      want, for want of a better word, is a four-part  
21      paperwork. Part of it is that reflection with the young  
22      person and part of it is reflection with the person  
23      who's had to do the hold. That might include -- or be  
24      done by a team leader, it might be by one of our  
25      psychotherapists. We've two psychotherapists available.

1           And I think one thing that is different now is there  
2           is a lot of reflection on whether the adult is  
3           actually -- what's going on in their life, are they  
4           actually in the right space to be involved with those  
5           young people at any given time.

6           And I think our adults do reflect on that, and in  
7           our debriefs we do look at that, so as part of the  
8           training, part of the CALM training in de-escalation,  
9           one of the de-escalation techniques is an adult knowing:  
10          actually I'm in a heightened sense at the moment,  
11          I'm definitely not the right person to deal with this.  
12          I think that's hugely important and it's something that,  
13          you know, is one of the first things you look at in the  
14          CALM theory training, is actually, you know, how was the  
15          adult feeling at that given time.

16          I think I'm already seeing in this that there are  
17          starting to be debriefs in looking at how we can improve  
18          practice.

19   LADY SMITH:   Gavin, just picking up on that, it's one thing  
20           for an adult that was involved in the restraint  
21           reflecting and perhaps feeling it was not the best way  
22           to deal with the child at that time and being frank and  
23           open about that.   But what do you then do about  
24           preventing an adult who's in that sort of state getting  
25           involved in a restraint in the first place if they're on

1 duty?

2 A. Yes.

3 LADY SMITH: What do you do?

4 A. We would be making sure that we have adequate staffing

5 in every one of our cottages, that actually there would

6 be someone else who could step in in that situation.

7 The individual risk assessments we do for the young

8 people -- and, as I mentioned earlier, it's a very

9 dynamic risk assessment -- would generally tell us when

10 that young person actually needs an even closer level of

11 adult -- 'supervision' is probably not the word --

12 adults being around.

13 LADY SMITH: Being alert.

14 A. Just -- being alert and just being there.

15 Again, it comes back to that training of the adults

16 if they did feel actually: I shouldn't be involved in

17 this, or I'm not comfortably involved in this because of

18 my heightened state, there would be another adult

19 around. And I think if you look at the staffing

20 numbers, which I know we gave, they are significantly

21 higher now, particularly in care, than they were at this

22 time. And I suspect that was probably part of the

23 reason, it's supposition I know, as to why there were

24 still 1200-plus holds then and wouldn't be now.

25 Because what we're generally looking for is rather

1       than the adult, who's in a heightened state, going into  
2       some sort of physical intervention, actually another  
3       adult stepping in with a de-escalation technique and  
4       sometimes that de-escalation technique is just  
5       a different voice, you know.

6   LADY SMITH:  Yes, yes.

7   MS INNES:  Then just finally on this report, if we look on  
8       to page 21, and to the final paragraph on the page,  
9       they're talking there about culture and how that could  
10      change, you know, if the organisation is committed to  
11      reducing restraints, and it says:

12           'To truly address the issue of culture we must begin  
13      to openly study the differences between cottages,  
14      scrutinise the roles and responsibilities of all staff  
15      at all levels of the organisation, ensure that there is  
16      a common philosophy value base and language employed by  
17      all staff.  Such studies should be the next stage of  
18      examination of how we reduce the instances of physical  
19      intervention at Harmeny.'

20           So this seems to be suggesting that you're not just  
21      looking at, you know, the particular restraints, but  
22      you're looking at far wider concepts --

23   A.  Yes.

24   Q.  -- or matters which could then be giving rise to the  
25      number of restraints?

1 A. I think this -- this reads to me like almost  
2 a precursor, before Neil's time and certainly before my  
3 time, of what we now call the Harmeny way, which is our  
4 therapeutic practice model. It's a six-part therapeutic  
5 practice model which everyone in Harmeny is trained with  
6 and trained to use and with constant refreshers and  
7 masterclasses. So it's -- the actual theory behind  
8 everything that we do, which is very much  
9 psychologically and therapeutically driven, is, you  
10 know, within that tome, if you like, which is very  
11 user-friendly and our learning and development  
12 department are constantly updating and constantly  
13 working with the staff to do that.

14 So that idea of a common philosophy is absolutely at  
15 the heart of what we do, as -- yeah, and any young  
16 person coming in, the Harmeny way is discussed with them  
17 as well, so they understand why we're doing what we do,  
18 I think that's really important.

19 I think more than anything else, the involvement of  
20 the young people is much greater now in not just forming  
21 policy but understanding why we, collectively with them,  
22 do the things that we do.

23 LADY SMITH: Would that be a good point to break, Ms Innes?

24 MS INNES: Yes, my Lady.

25 LADY SMITH: I promised you a break in the middle of the

1           afternoon, Gavin. If it's all right with you, we'll  
2           take it just now and then get back to your evidence  
3           afterwards.

4   (3.05 pm)

5                               (A short break)

6   (3.15 pm)

7   LADY SMITH: Welcome back, Gavin. Are you ready for us to  
8           carry on?

9   A. I am indeed.

10   LADY SMITH: Thank you very much. Ms Innes.

11   MS INNES: Thank you, my Lady. If we can look back, please,  
12           to the A to D response and page 44, we see there that  
13           the organisation predominantly accommodated around  
14           24 residential children at a time.

15           Does that remain the number of children that are at  
16           the school or not?

17   A. It can be around about there. We can take up to 30 and  
18           that's residential. We then have some who come in  
19           purely for day education.

20   Q. And then in terms of staffing, if we could look on,  
21           please, to page 66, and numbers that you were able to  
22           provide first of all in 2005. We've got 61 care staff  
23           and 25 education staff.

24           Then, if we scroll down, a slight increase by 2010,  
25           but then if we go over the page to 2014, we see that

1       there are 106 care staff and 36 education staff. So  
2       there was quite a significant growth and I think you've  
3       said that essentially has continued?

4    A. That has continued and, you know, for the better  
5       I think. Part of that was probably legislative with the  
6       Care Inspectorate coming in and having their specified  
7       ratios, and I think the ratios are correct, you know, to  
8       support that entirely. I think part of it was probably  
9       due to legislation at the time and part of it is down to  
10      best practice and making sure that we have got the right  
11      numbers.

12           There was a big change in the night staff. I think  
13      in the past we didn't have anything like the level of  
14      night staff that we currently have, because the trauma  
15      that these young people experience, who are -- doesn't  
16      always go to bed at, you know, 9, 10, 11 o'clock at  
17      night. Quite often it's in the quiet hours that the  
18      trauma manifests itself when the young person has got  
19      time on their own, not deliberately being secluded, but  
20      on their own, you know, being able to relive things that  
21      have happened in the past.

22    Q. And then if we could look, please, at page 86 and the  
23      bottom of that page, just looking down to the bottom of  
24      the page and looking at the leadership. So  
25      Patrick Webb, who you've already mentioned, I think,

1 was the First Principal and Chief Executive and he came  
2 over from Save the Children to Harmeny?

3 A. Yes. He came over, my understanding, initially as  
4 headteacher, but I think there was a realisation then in  
5 running a charity involved in this way there's much more  
6 to it than just being, you know, the head of a school or  
7 the head of an organisation.

8 He took on that role and then brought in the  
9 equivalent of a headteacher, the Head of Education as  
10 well and Head of Care working with him.

11 Q. Then if we go over the page, to page 87, we can see that  
12 the next Chief Executive was Peter Doran from 2006 until  
13 2010 and he had been the Head of Care?

14 A. That's correct.

15 Q. I think that was the first time that the head had come  
16 from a background which wasn't education?

17 A. Yes, yeah, that's certainly my understanding.

18 Q. And then, if we scroll down, we can see that  
19 Neil Squires was the Chief Executive, so from July 2010  
20 until about 2024?

21 A. He was indeed, yeah, and Neil again came from a care  
22 background, a social work background.

23 Q. Okay. Now, if I can move on, please, to HET-000000084;  
24 which is an updated response to Part -- in relation to  
25 Part D primarily.

1           And if we scroll down on this page, first of all we  
2           see that there were two incidents of physical abuse  
3           involving two different staff members kicking children  
4           and two incidents of physical abuse involving a staff  
5           member using a physical intervention inconsistent with  
6           CALM.

7           So these were the incidents that were originally  
8           identified when the response was prepared?

9    A.   They are. In our initial response, which was, as  
10       mentioned earlier, part of the revision, in our initial  
11       response, it just didn't seem correct to me to be saying  
12       that there had been no abuse when actually, you know,  
13       kicking children is certainly abuse, physical abuse. So  
14       therefore that's why we said that there were two members  
15       of staff, one of whom was immediately dismissed, one of  
16       whom was given a final warning and there was a repeated  
17       offence, for want of a better word, so was subsequently  
18       dismissed from Harmeny.

19   Q.   And then just -- it refers to an update given in  
20       January 2025 and it notes there was additional  
21       information given then, and if we go on over the page,  
22       there's reference to two different appendices.

23           One which is basically an expanded definition of  
24       abuse and then another appendix where the organisation  
25       thinks that they probably fall short of alleged abuse,

1 but recognises that the Inquiry might have a different  
2 view about that and disclose those?

3 A. Entirely - entirely for that reason, yeah. In looking  
4 at it, I think we were possibly -- well, we were -- we  
5 didn't give quite enough detail, I don't think, in 2019.  
6 I think learning from, you know -- learnings from  
7 previous phases of the Inquiry, as much as anything  
8 else, and understanding there that actually I think you  
9 need to know as much as you possibly can to make that  
10 ...

11 Q. If we look down on to page 2, and, at the bottom, you  
12 give a summary of the information in relation to  
13 appendix 2 and you refer to 23 incidents of physical  
14 assault during restraints or holds where the identity of  
15 staff is known and there were additionally another five  
16 incidents where the assailant was unknown. So that was  
17 one group.

18 Then over the page, 16 incidents of other physical  
19 assaults where the identity of staff is known and so  
20 that's physical assaults outwith the context of  
21 a restraint?

22 A. Yes.

23 Q. And then the final bullet point is six incidents of  
24 alleged sexual abuse by members of staff against pupils  
25 and it includes, for example, where an allegation was

1        withdrawn. So these were all included in the additional  
2        appendix provided to the Inquiry?

3    A. They were.

4    Q. Then if we scroll down the page, on page 3, it also  
5        notes that appendix 2 includes 20 records related to  
6        abuse by pupils against other children. So that was  
7        something that was included?

8    A. That's indeed -- I think that's something that, again  
9        learning from previous phases of the Inquiry, I think we  
10       possibly hadn't given enough detail on child-on-child  
11       abuse.

12   Q. Then potential abuse featured in appendix 3, it goes on  
13       to say it includes incidents involving sexual speech,  
14       inappropriate sexual behaviour, pupils exposing their  
15       private parts, two incidents involving staff, a pupil  
16       swearing at a member of staff, where a staff member  
17       responded by tapping the knee area of his leg and the  
18       pupil then accused her of behaving sexually towards him,  
19       and another where a pupil was removed from class by care  
20       staff but escaped.

21       So there were 83 incidents of potential abuse that  
22       you noted in this further appendix --

23   A. Yes.

24   Q. -- providing some further information?

25   A. That's correct. And I suppose it's in the context with

1       some of those things of knowing the demographic of the  
2       young person we're dealing with.  Some of the things  
3       mentioned there are things that we would -- you know,  
4       could be expected as young people are living out some of  
5       the trauma, which in some cases has been sexual abuse  
6       against them in previous life, still doesn't make it --  
7       you know, it's still something we have to work with, so  
8       it should certainly have been mentioned here and that's  
9       why it is.

10      LADY SMITH:  It doesn't mean for the child who experiences  
11       it being perpetrated upon them --

12      A.  No, absolutely not.

13      LADY SMITH:  -- it doesn't feel like the perpetration of  
14       abuse?

15      A.  No, no.

16         No, we do see examples -- sorry, my Lady, if  
17       I didn't explain it well there, we do see examples  
18       sometimes of the young people trying to play out the  
19       abuse that they have -- you know, that they have  
20       experienced previously.

21      LADY SMITH:  You can understand that and you can understand  
22       why, from the perspective of those who are responsible  
23       for caring and guiding the child, they want to look at  
24       it from that perspective to see if they can assist that  
25       child --

1 A. Yes.

2 LADY SMITH: -- to correct their own behaviour and the way  
3 they view the relationships with other children. But  
4 you mustn't discount the impact that could have had on  
5 the child who's on the receiving end.

6 A. No, absolutely not, no. That's very much the case.

7 LADY SMITH: Thank you.

8 MS INNES: Then further down this page, there's a paragraph  
9 beginning:

10 'From the records analysed [it notes that] there are  
11 some examples of practice relating to the recording of  
12 child protection issues, which might have been dealt  
13 with more fully, such as the CP1 form not always  
14 including key individuals' full names, the full date or  
15 an explanation of the final outcome/response from  
16 external authorities.'

17 So I think you identify that as a potential issue  
18 because if you don't have all of the information, you  
19 can't necessarily act on it?

20 A. Yeah. I mean, that's the case. I think there is --  
21 it's something that I've been very strong on since  
22 coming in and I'm not for a minute suggesting that  
23 wasn't the case in the past. Harmeny is a very  
24 fast-moving place. When things happen, they happen  
25 sometimes in quite a distressing way and it can then be,

1       once things have de-escalated and things have calmed  
2       down, it's almost: well, it's happened, and actually  
3       it's the -- you know, we really stress to the staff that  
4       it's so important to do the part 3 and the part 4 of the  
5       CP1 form.

6           And what I would be saying is we do report it to the  
7       Care Inspectorate very quickly. We have to, and that's  
8       as we should, but I wouldn't be saying to a member of  
9       staff who's just been involved in, say, a physical  
10      restraint: I want you to fill this form in right now.  
11      Because actually that's not the best time do it. Take  
12      a bit of time. Take a bit of time to just breathe, then  
13      fill it in. But the important thing is that part 3,  
14      part 4, so that long term and in analysing the  
15      responses, we can see the whole picture, exactly what's  
16      happened, why and how we can avoid it in the future.

17           Again, it's that, you know, constantly learning from  
18      every single incident that happens. And I think human  
19      nature sometimes is once it's finished, once you've  
20      taken the time to breathe again, things can fall by the  
21      wayside a little bit and that's what we're very -- you  
22      know, I suspect that has happened in the past and it's  
23      what we are really pushing to make sure it doesn't  
24      happen. So we have two levels beyond the CP form, we  
25      have two levels beyond that to make -- of leadership to

1       make sure actually that the whole thing's been filled  
2       out, so there's a complete record.

3   Q.  If we go on to page 6, under 'External Investigations'  
4       you noted that there had been 19 child protection  
5       investigations in relation to police or social work.  So  
6       that would be where an allegation has been reported on  
7       and either a police or social work investigation has  
8       been carried out?

9   A.  Yes, so any child protection, there are -- a number of  
10      us are senior child protection officers, lead child  
11      protection officers.  Any -- and we also have a social  
12      worker at Harmeny who is entirely, you know, looking at  
13      child protection.

14         Any child protection concern that's noted, that's  
15      taken down, anything that a young person has said or  
16      indeed done, is then reported back to whoever's  
17      appropriate, usually social work and then there's  
18      agreement, but sometimes with the police, and we then  
19      work in partnership with them.  So we're not making  
20      decisions on our own.  It's triaging, it's taking all  
21      the information, triaging it to social work and police  
22      for them to then give us guidance as to where we go next  
23      with it.

24   Q.  I wonder if I could ask you, please, to look at another  
25      document at HET-000000092.

1           Now, this is an investigation from April 2013 in  
2           relation to an incident which occurred in April 2013 and  
3           the specifics of the practice questioned where a child  
4           had been taken into a utility room in Laurel House. The  
5           child was in the dark and there were cold conditions.  
6           There was an issue of keeping a child on the floor at  
7           the main reception door and in refusing to give a child  
8           a sleeping bag.

9           And, ultimately, the decision that was taken here  
10          was to investigate and the Inquiry has seen evidence in  
11          relation to this before, because ultimately this issue  
12          was reported to the SSSC.

13       A. Yes.

14       Q. And I think the ultimate outcome was that the worker  
15          had -- it was a finding of misconduct ultimately in  
16          relation to this incident and a warning was put on his  
17          registration for a period of time, and he was also given  
18          a warning by -- he'd also been given a warning by  
19          Harmeny, but he remained in employment initially.

20       A. Initially, that's my understanding, yes.

21       Q. And do you have any comment or reflection on what  
22          happened in this incident?

23       A. Yes. I mean, going back to the reflection on this is  
24          the actual actions taken here were totally inappropriate  
25          in terms of the actual practice that I'm reading about

1       here. My understanding is that the -- from my reading  
2       into it -- that there had been an issue in which two  
3       children had to be separated. This was not the way to  
4       separate them, to have a young person in a cold  
5       environment.

6       As I mentioned, we would not be withdrawing sleeping  
7       bags from young people. The ideal here would be for  
8       that young person to have been -- you know, if he had to  
9       be removed from another young person, he should have  
10      been removed to a much more -- or a better place. My  
11      reading of it would suggest, going back to what I was  
12      saying earlier on, that this member of staff was not the  
13      best person at that time to be dealing with this  
14      situation in the first place.

15      It could have been avoided and it could have been  
16      avoided by another member of staff stepping in. I think  
17      that is then reflected in some of the disciplinary  
18      paperwork that I've read. I've read through the  
19      transcript of the entire -- not just the stuff that  
20      you've seen, but the actual transcript of the  
21      disciplinary hearing, and I think that was reflected on  
22      and, you know, lessons were learnt from that and this  
23      wouldn't, I certainly would hope, have happened again.

24      I think that there's been -- there were lots of  
25      other things investigated around the same time about

1       this particular member of staff and I would suggest that  
2       this, which is the actual protection of the child part  
3       of it, was almost lost in a morass of other  
4       investigations to do with not disclosing a driving  
5       conviction, to do with some -- too much time off, some  
6       absence management, all in amongst -- and almost got  
7       lost in the weeds of it.

8               So, on reflection, I think this could have been  
9       dealt with and handled in a better way than it actually  
10      was. But, ultimately, that young person should not have  
11      been put in the situation that they were put in.

12   Q. And if we could look back, please, to HET-000000084, and  
13      to the bottom of page 7, there's a question there about  
14      impact:

15               'What is known about the impact of abuse on those  
16      children who were abused or alleged to have been  
17      abused?'

18               And at the top of the next page the answer is:

19               'From the documents considered, it is not known what  
20      the impact of abuse or alleged abuse was on the children  
21      cared for at the school.'

22               But then it says:

23               'However, there is no indication of any ongoing  
24      adverse impact.'

25   A. Yes.

1 Q. Does that remain Harmeny's position?

2 A. We are not aware of adverse impact. Does that mean that  
3 there hasn't been adverse impact? No, it doesn't mean  
4 there's not been adverse -- we are not aware of there  
5 having been adverse impact of the situation we just  
6 discussed or other situations.

7 I could go back to conjecture and suggest that there  
8 would be.

9 Q. Now, can we look, please, at HET-000000116. This is  
10 a further addendum and, if we look down, this is in  
11 response to the Part B, which is an updated position.

12 And first of all, in terms of acknowledgement of  
13 abuse, does the organisation accept that between -- over  
14 the relevant period some children cared for at the  
15 establishment were abused? And the answer to that is  
16 'yes'?

17 A. Yes.

18 Q. As you've said, I think, a couple of times in your  
19 evidence already, that was what you felt was consistent  
20 with the material that had been uncovered.

21 A. Correct, yes.

22 Q. It then goes on to say that:

23 'The organisation also accepts that some former  
24 pupils may have perceived themselves to have been  
25 abused. For example, in relation to how they felt about

1       being restrained by staff or as a result of aggressive  
2       or sexualised behaviours from other children.'

3           Can you expand on that response in relation to the  
4       perception of former pupils?

5   A.   Yeah, I can. Obviously, having, you know, not been  
6       there whenever there was a restraint involved, we know  
7       from the studies we've done, both with former pupils and  
8       with current pupils, that when they talk about Harmeny,  
9       in particular they talk glowingly about the outdoors,  
10      they talk about lots and lots of good experiences  
11      they've had, but if there's a constant thread through  
12      any negativity, it tends to be around restraint.

13           So, therefore, even if that young person was being  
14      restrained with the best of intentions and actually  
15      were, you know, being held because they were a danger to  
16      themselves or to others, that doesn't then mean they  
17      couldn't perceive that actually they feel negatively  
18      about that and have a perception that that was some form  
19      of abuse against them. Sometimes it may have been, you  
20      know, as is reflected there, when we're putting in some  
21      certainly alleged abuse, but it's -- there could be that  
22      perception. I think the important thing -- I've spoken  
23      a few times about the PIR form, the one thing that we  
24      have changed through the Harmeny way is the therapeutic  
25      writing back to the child.

1           So when we're -- if there is a restraint and we are  
2           going back -- parts 3 or Part C of the document is  
3           actually the referral back to the child and the talking  
4           with the child as to why it's happened, but also writing  
5           to the child in the child's language. That might sound  
6           slightly patronising, how do we know what the child's  
7           language is, but not using jargon, not using, you  
8           know -- we wouldn't be talking about a physical  
9           intervention to a child, we'd be talking about a hold or  
10          talking about how they -- the terminology they would  
11          understand.

12          So it's coming back to them to try to increase their  
13          understanding, so they understand this was done to  
14          protect you and/or them telling us this was done to  
15          protect myself, which more often than not now would be  
16          the case.

17   Q.   Sometimes it's said that the reflection might be quite  
18          brief or anodyne, so what was the purpose, it was to  
19          keep you safe, to keep others safe, without more than  
20          that. So when you're looking at these forms, are you  
21          looking for more than just that generic?

22   A.   Absolutely. Yes. So between myself, our Head of Care,  
23          our Head of Education and our care management team we  
24          see every single form and forms will go -- if it's too  
25          anodyne, if there's not enough on it, the form goes back

1       for further, you know, addition. And quite often we  
2       might ask our psychotherapist to get involved there  
3       because, quite often, if the member of staff is writing  
4       that, and that's what is being portrayed back to the  
5       young person, there's a need for a further debrief with  
6       that member of staff.

7       Not in a disciplinary way, but in an actually, you  
8       know: do you really understand why that happened, to  
9       help to make sure that in the future or to try to ensure  
10      that in the future the hold isn't necessary because  
11      there might be a de-escalation technique that wasn't  
12      used.

13   LADY SMITH: Actually talking to the child must be really  
14      important.

15   A. Massively.

16   LADY SMITH: You can't just rely on putting something in  
17      a letter or a form --

18   A. Oh, no.

19   LADY SMITH: -- and seeing it gets sent to them.

20   A. Yes, absolutely not. And it's one of the -- that's why,  
21      as I was mentioning earlier on, my Lady, that we  
22      don't -- it might not always happen two hours after the  
23      hold. It might be it happens four days after the hold  
24      because actually that's the right time to actually  
25      introduce that topic with them, and it may be that we

1       have to -- yes, we would always have the member of staff  
2       who has been involved in the hold with the young person,  
3       but it might be there's a third party there as well  
4       because they have to be, just to help to get over that,  
5       the hurdle of this happened and to try to enhance that  
6       understanding and often it would be somebody that's  
7       a professional, whether it's a psychotherapist or  
8       a psychologist who would be involved at that stage.  
9       It's rare, but it does have to happen sometimes.

10      LADY SMITH: Do you think I'm right in thinking that if the  
11       child gets the impression that all you want to do is be  
12       defensive, you're not going to help the child in the  
13       future?

14      A. No, yes.

15      LADY SMITH: The child does need to get the impression that  
16       genuinely, the staff, whoever it is, are listening and  
17       want to understand how it felt for the child.

18      A. Yes, yes, yeah. Without a shadow of a doubt, yeah. The  
19       child has to be at the centre of the entire thing and  
20       I think, you know, overwhelmingly is. Do we get it  
21       right every time? Potentially not because, you know,  
22       human beings are human beings, but in all of our  
23       processes and all of the training that we give to the  
24       staff in dealing in a really complex environment with  
25       the young people, it is exactly that. It's actually

1 first and foremost making the young person know that  
2 they are loved -- and I've used the word 'love' a couple  
3 of times here -- but they are -- but this has come from  
4 an area of compassion as opposed to some sort of  
5 behaviouralist model with the young person and making  
6 sure that the young person knows that -- because lots of  
7 our young people already have really, really low  
8 self-esteem. We need to do everything we possibly can  
9 to make sure that that does not suffer even more from  
10 the actions that adults are taking with them.

11 LADY SMITH: I picked up you using the word 'love', which  
12 of course appears in The Promise. It is a difficult  
13 concept, because --

14 A. Yes.

15 LADY SMITH: -- people take it in different ways.  
16 I suppose that it's trying to capture the essence of the  
17 need to make the child feel that they are genuinely  
18 cared for and their interests are being put first.

19 A. Yes.

20 LADY SMITH: That doesn't mean that it's all nicey-nicey --

21 A. No.

22 LADY SMITH: -- and that they get what they want all the  
23 time. But it does go back to being genuinely interested  
24 in how things are from the child's perspective, perhaps  
25 getting the message across, particularly where you've

1       got an articulate or slightly older child, that you  
2       would welcome them helping you how to best help them as  
3       an individual.

4    A.   The most important document I would argue, my Lady, that  
5       we use is the 'All About Me' and the 'How Can You Help  
6       Me' documents that we have at Harmeny and it's documents  
7       written by the child or with the child, where -- and  
8       that's absolutely crucial to everything that we do,  
9       because actually it's exactly as you have just  
10      articulated, it's them telling us that these are the  
11      things that, you know, you can do to help me to feel as  
12      safe as I possibly can.

13   LADY SMITH: Thank you. Ms Innes.

14   MS INNES: Thank you, my Lady.

15           If we go down to the bottom of this page, to  
16      paragraph 3.2, the question is: does the organisation  
17      accept that its systems failed to protect children cared  
18      for at the establishment from abuse over the relevant  
19      period, and the answer to that is that it's not  
20      considered that systems failed to protect children and  
21      incidents of abuse did take place notwithstanding the  
22      systems that were in place.

23           But it says those incidents are not considered to be  
24      due to any systemic failure per se. Does that remain  
25      Harmeny's position, because it might be said that the

1       very fact that abuse has taken place indicates that  
2       a system has failed?

3    A.  Yes, and I understand entirely why you're asking me that  
4       question.  This is probably the question here which  
5       I spent the longest time considering, was: can  
6       I guarantee that there will never be a failure in terms  
7       of child protection?  No, I can't -- involving a member  
8       of staff, say, at Harmeny.  No, I can't.

9       What I can guarantee is that systematically we do  
10      everything we possibly can to make sure through things  
11      like our safe employment checks, through the PVG system,  
12      through regular supervision, through having a strong  
13      probation, through our learning and development  
14      department, we can make sure that we do everything in  
15      our power, everything we systematically can do, to make  
16      sure that abuse doesn't happen.

17      To be slightly oversimplistic here, the PVG is only  
18      worth the bit of paper it's written on.  Why do you see  
19      the PVG?  If someone is going to be -- is an abuser and  
20      manages not to be caught at any time, then there is  
21      a major problem there.

22      I think where I'm looking at the systematic stuff  
23      is, if you go back to the two dismissals in 1996, if you  
24      go back to a dismissal much closer to that, which  
25      I referred to in the updated paperwork, there the

1 actions of Harmeny -- these were real aberrations, the  
2 actions of Harmeny were to dismiss those members of  
3 staff and to get the police involved immediately.

4 So I think the system there was actually to say this  
5 is, for want of a better word, a bad apple and needs to  
6 be rooted out. But our system picked up on that and  
7 took the action that was necessary.

8 Child-on-child is a slightly different thing.  
9 Again, we do everything we can to stop any form of  
10 child-on-child abuse. The children don't, for instance,  
11 share bedrooms. The children are -- you know, the level  
12 of staffing is exceptionally high in Harmeny, but,  
13 likewise, we're also preparing these young people for,  
14 you know, hopefully fulfilling lives beyond Harmeny. So  
15 what I can't do and wouldn't do is have a member of  
16 staff sitting beside children and young people all the  
17 time. They do have to spend some time together on their  
18 own, but every individual risk assessment -- and again  
19 that comes down to the system -- is set up to make sure  
20 that we -- if we feel there is any risk, we would be,  
21 you know, doing everything we can systematically to  
22 prevent that being the case.

23 Q. I suppose in relation to the dismissals that you've  
24 referred to, that's a reaction once the incidents have  
25 happened?

1 A. Indeed.

2 Q. So that's part -- that's really, I suppose, the response  
3 to abuse, but in terms of the incidents that you've  
4 referred to, do you think that there was anything that  
5 could have been done to prevent those happening in the  
6 first place?

7 A. I think we can always learn, and do, from things that  
8 have happened. If you take the one I'm, you know, more  
9 knowledgeable about, which is the later episode, where  
10 there was a prosecution fairly recently, everything --  
11 I've read through all of the documentation, all of the  
12 safe practices and recruitment were gone through. The  
13 references were excellent. The supervisions had all  
14 taken place. The probation had been extended just to  
15 make absolutely sure. So all the systems had been  
16 followed.

17 There's then the aberration of that person abusing  
18 two children and potentially some others, although he  
19 wasn't found guilty of it.

20 Q. If we just take a look at that conviction, it is at  
21 JUS-000000259 and we can see that there's an extract of  
22 a conviction of James Rathbone in 2024, date of  
23 conviction is August 2024, and we can see that it was  
24 a plea, if we scroll down. So he pled guilty to these  
25 offences, so charges 2, 4, 8 and 9, and they were

1 charges of assault, for which he was sentenced, if we  
2 look down, to a community payback order.

3 And if we go on to page 3, I think we can see the  
4 charges. So, for example, at charge 2, an assault of  
5 a child where he pushed her -- repeatedly pushed her in  
6 the body, placed his hand over her mouth repeatedly, and  
7 that was in 2022.

8 And then, down at charge 4, another charge in 2022,  
9 an assault of a child.

10 And then going on to page 4, charges 8 and 9, again,  
11 two charges of assault where it refers to seizing  
12 a child on the body, restraining or dragging a child and  
13 struggling with him.

14 Now, we can see from the dates of these offences  
15 that this is all obviously much more recent. And the  
16 question that would arise is, you know, that with all  
17 the systems that are in place at Harmeny and all the  
18 learning, how could this happen? And I suppose that's  
19 the question that you were addressing.

20 A. That was exactly the question I was addressing. And  
21 this was an individual where, you know, I can only  
22 apologise -- and two of the young people are still with  
23 us -- for the fact that this happened on Harmeny's  
24 grounds in terms of Harmeny. And without trying to be  
25 defensive here, we immediately got the police involved

1 and suspended and would have dismissed had it not been  
2 for the fact that he resigned shortly after this.

3 Nothing I can say would condone the actions of  
4 James Rathbone in any of the things that he did here.  
5 We immediately, when we knew that this -- that these  
6 abhorrent actions had happened, we immediately got the  
7 police involved and they took over the investigation.

8 But we subsequently investigated to make sure that  
9 systematically there hadn't been something missed by  
10 Harmeny in the lead-up to this.

11 Q. If we go back, please, to HET-000000116, at the bottom  
12 of the page, at paragraph 3.4, there's reference to, you  
13 know, any changes implemented and at this point this is  
14 the sort of -- this is the original response, so it says  
15 that:

16 'The process of reading and analysing records for  
17 the purpose of preparing this response has resulted in  
18 the collaborative development of the following policies,  
19 procedures and practices.'

20 And if we go on over the page, I'm not going to go  
21 into it in detail, but we can see there that there was  
22 a review of retention of records, review of child  
23 protection and staff allegations lodged, an enhanced  
24 child protection policy, revision of the form, the CP1  
25 form, more robust feedback to be provided, greater

1 clarity regarding different responsibilities, a review  
2 of the permitted consequences and that includes the use  
3 of the on-hand phrase or procedure, and so it goes on.  
4 So there's a list of items that appear to have come out  
5 of the process of preparing the original response to the  
6 Section 21.

7 And then over the page, at page 5, you give  
8 an update in May 2025 and set out there over the  
9 following pages some other matters that you've  
10 undertaken following on The Promise and other  
11 developments, that's the additional work that you've  
12 been undertaking over the years?

13 A. Yes, this was additional work and some of it has come  
14 from the work done through The Promise. Some of it has  
15 come through our continued and -- you know, continued  
16 move to make sure that particularly de-escalation rather  
17 than restraint is absolutely the priority in terms of if  
18 a young person is dysregulating in any way.

19 The learning and development has -- the investment  
20 in learning and development has gone up markedly to make  
21 sure that we are equipping our staff with the best  
22 possible training that they can have in dealing with the  
23 young people.

24 The young people we now have coming our way  
25 I suspect are different to maybe the young people in the

1       1995 and beyond, just when we started to take over,  
2       because there is a presumption now that residential care  
3       is almost a last resort and most of the young people, by  
4       the time they come to us, have been through multiple  
5       breakdowns of -- whether it's for familial breakdowns or  
6       foster care breakdowns, usually, if I'm being honest,  
7       sabotaged by them through the trauma they've had  
8       previously.

9               So by the time they come to us they, I would  
10       suggest, have been through even more than had previously  
11       been the case and been through certainly more  
12       transitions than would have been the case early on in  
13       the time of the Harmeny Education Trust. As a result,  
14       we have to make sure that our learning and development  
15       is absolutely top notch and that we're on top of, you  
16       know, all the latest research and, you know, all the  
17       best practices that we can possibly use to look after  
18       these young people. So that's why I wanted to reflect  
19       that here.

20    Q.   If we move on to page 7 of the document, you refer there  
21       to some of the issues that you've been discussing in  
22       relation to restraint.

23               So a project obtaining the voice of the child in  
24       relation to that, work in relation to recording and  
25       I think further training, as you've been discussing, in

1 relation to staff, so that's on ongoing process?

2 A. It's an ongoing process constantly and in terms of the  
3 CALM theory, I've spoken about the use of therapeutic  
4 language there, it refers back to one of your previous  
5 questions, Ms Innes, about the PIR form 'you were held  
6 to keep you safe', the therapeutic language and the  
7 teaching in that therapeutic language and the  
8 child-based language is that you have to go way beyond  
9 that in actually helping the young person to give voice  
10 to their feelings as to why they were held as well as to  
11 give voice, the adult voice, as to why they felt it was  
12 necessary.

13 As we can see here, Dr Nicola Wylie is called our  
14 Therapies Manager there, she's a clinical psychologist  
15 and she -- a large part of her job is to work to make  
16 sure that the staff are equipped with all the skills  
17 they can have in dealing with young people without the  
18 need to actually physically restrain.

19 Q. Okay. I think I've probably come to the end of my  
20 questions for you. Obviously we have got a full  
21 response from you in terms of the Section 21 response  
22 together with the updates that you've provided. I do  
23 understand that you may have something that you wish to  
24 read out?

25 A. If that's acceptable.

1 LADY SMITH: Please do. Yes, certainly.

2 A. It will be brief, I promise, but since starting at  
3 Harmeny, having come from the background that you  
4 mentioned, I've now seen first hand the devastating  
5 consequences of early childhood abuse in some of the  
6 young people who have been entrusted to us as a result  
7 of that abuse.

8 It has further increased my feeling of sorrow for  
9 those who have lived for many years under the cloud of  
10 being abused in schools, residential care homes and  
11 other organisations, where safety, love -- using it  
12 again -- and emotional security should be guaranteed.

13 I'm therefore grateful to the Inquiry for allowing  
14 the voice of these hugely courageous individuals to be  
15 heard and I pay tribute to all of them.

16 My Lady, I wish to both personally and on behalf of  
17 Harmeny apologise unreservedly to all survivors of child  
18 abuse and particularly those who have suffered or feel  
19 that they have suffered abuse at Harmeny.

20 LADY SMITH: Thank you very much. Thank you, Gavin.

21 I have no further questions for you. I just want to  
22 thank you for engaging with us the way you have done  
23 this afternoon, for the original written response which  
24 so much hard work had gone into, for the updates which  
25 have been frank and full as well. It's a real help to

1           us in the work we're doing here.

2           Thank you. I'm now able to let you go.

3                           (The witness withdrew)

4   LADY SMITH: That completes the evidence for today. We  
5           start at 10 o'clock tomorrow with an oral witness in  
6           person?

7   MS INNES: An oral witness in person followed by a witness  
8           who will be by Webex.

9   LADY SMITH: Thank you very much indeed. Until 10 o'clock  
10          tomorrow.

11   (3.59 pm)

12                   (The Inquiry adjourned until 10.00 am on  
13                   Friday, 15 August 2025)

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