

1

Wednesday, 10 December 2025

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to our case
4 study hearings in this public inquiry.

5 Today we start Phase 10 and, in the course of
6 Phase 10, we'll be exploring the provision of
7 residential care for children and young people in
8 establishments run by local authorities and
9 establishments run by other providers, voluntary
10 providers, used by local authorities and some others to
11 place children in care. And as you may already have
12 picked up, this is a phase that we expect the case study
13 hearings in which to last for a number of months, well
14 into next year, late spring/early summer perhaps,
15 depending on how the seasons run.

16 Today, we're going to hear opening submissions on
17 behalf of those who have leave to appear in this part of
18 our case studies in Phase 10, and that's 17 parties in
19 all. But before I turn to the parties who have leave to
20 appear, of course, I'd like to invite counsel to the
21 Inquiry, senior counsel to the Inquiry, to introduce
22 matters.

23 Mr MacAulay.

24

25

1 Opening submissions by Mr MacAulay

2 MR MACAULAY: Yes, good morning, my Lady.

3 As your Ladyship has just said, there are 17 parties
4 with leave to appear, who will shortly have the
5 opportunity to introduce themselves and to make opening
6 submissions. My intention is to make a brief
7 introductory statement to sketch out what the case study
8 will involve, and your Ladyship has touched upon this,
9 and also to touch upon the projected timetable. Again,
10 as touched upon by your Ladyship.

11 The first thing I want to say is that this case
12 study will now involve seven local authorities in
13 respect of 14 children's homes.

14 In addition, as your Ladyship has mentioned, there
15 are voluntary providers, six in all: the British
16 Sailors' Society, the Widowers' Children's Home Trust,
17 the Salvation Army, the Red House Home Trust, Ponton
18 House Trust and CrossReach on behalf of the Church of
19 Scotland. It follows from that that there are 20
20 children's homes covered by the case study.

21 Not all providers have applied for leave to appear.
22 But most have, and those have been granted and are
23 represented here today.

24 The children who were accommodated in the homes
25 covered by the case study in the main were placed there

1 by local authorities, as your Ladyship has said, but not
2 all entered through that route. For example, the
3 Widowers' Children's Home Trust, as the name suggests,
4 was established to accommodate the children of widowers
5 who were struggling to cope but, as time went on, that
6 developed into taking children from broken homes and
7 children placed there by local authorities.

8 Some children admitted to Lagarie were admitted by
9 the welfare department of the British Sailors' Society,
10 but again, as time went on, not exclusively from
11 seafaring families.

12 The second point I would want to make, my Lady, is
13 that the intention is that the evidence about those
14 homes will be provided orally and through read-ins.

15 However, in contrast to previous case studies, here,
16 with a couple of exceptions, there will not be the same
17 volume of oral evidence. And to take the example of
18 Dunclutha, which is one of the early chapters in
19 January, as presently advised, there is only one oral
20 witness available and there are about eight read-ins.

21 However, what can be said is this: as presently
22 advised, in relation to 13 of the establishments, 15
23 individuals have been convicted for offences, including
24 what can be seen as historical physical and sexual
25 abuse, and, indeed, some have been convicted more than

1 once.

2 And there is a pattern here of complainers, who
3 previously gave evidence in criminal trials where there
4 were successful convictions, of not engaging with the
5 Inquiry.

6 To take the example of St Margaret's in Fife, the
7 accused, in a criminal trial in February 2001, was
8 convicted of 30 charges of sexual offences, involving
9 20 complainers, but only one former complainant has
10 engaged with the Inquiry. This is --

11 LADY SMITH: Of course, some of these complainers may now be
12 particularly elderly and infirm --

13 MR MACAULAY: Yes.

14 LADY SMITH: -- and it may not be surprising that they can't
15 face coming forward again.

16 MR MACAULAY: And it may be the experience they had in
17 giving evidence might have been off-putting --

18 LADY SMITH: Indeed.

19 MR MACAULAY: -- one can speculate.

20 LADY SMITH: Yes.

21 MR MACAULAY: But this is a familiar pattern here. There
22 have been, as I said, many convictions and clearly the
23 examination of the evidence relating to the convicted
24 abusers will be an important feature of the case study.

25 LADY SMITH: Yes.

1 MR MACAULAY: The third point I'd want to make, my Lady, at
2 this point, is this: as was the position with the
3 Phase 8 case study, the intention is for the evidence to
4 be led in separate chapters, in blocks of five periods.
5 So for example, the first block, which will begin on
6 Tuesday, 13 January, that block will consist of five
7 chapters over a period up to 30 January.

8 There will be breaks between blocks. So the second
9 block, this time consisting of four chapters, will begin
10 on 17 February and that will be the pattern until the
11 end of the case study, probably at the end of May.

12 The last point, my Lady, I would want to make is
13 there will be no opening or closing submissions from
14 those with leave to appear at the end of each chapter,
15 but those with leave to appear must make closing
16 submissions at the end of the case study.

17 And as I've said, the case study may end towards the
18 end of May and there will be a short break before
19 parties will be called upon to make these closing
20 submissions.

21 Can I say, for the avoidance of doubt, a provider
22 who does not have leave to appear may still be asked to
23 make a closing statement, depending on circumstances.

24 LADY SMITH: Yes, we have done that occasionally before.

25 MR MACAULAY: We have.

1 My Lady, that's all I propose to say at this stage.

2 LADY SMITH: Thank you very much, Mr MacAulay.

3 I'd now like to turn to the representation for

4 INCAS, and that's Ms McCall, when you're ready, thank

5 you.

6 MS MCCALL: Thank you, my Lady.

7 Opening submissions by Ms McCall

8 MS MCCALL: INCAS welcomes the start of this case study and

9 takes this opportunity to set out questions and issues

10 which survivors want the Inquiry to consider.

11 It's anticipated that the Inquiry will again hear

12 evidence of significant physical, sexual and emotional

13 abuse of those in residential care. There will be

14 evidence about individual perpetrators, as we've just

15 heard, some of whom were prolific in their offending

16 against children, but the Inquiry is also expected to

17 hear about systemic issues, relating to excessive

18 restraint, corporal punishment, peer-on-peer abuse and

19 the use of isolation, with some regimes capable of being

20 described as militaristic. INCAS considers the evidence

21 will also show an absence of oversight and an absence of

22 curiosity about what was happening to some children.

23 In their Section 21 responses, a number of providers

24 and authorities or their successors have advised the

25 Inquiry that there are no records of any complaints of

1 abuse, or that there were only one or two isolated
2 reports. A number have given no acknowledgement that
3 abuse occurred and made no admission. Others have
4 accepted that there was abuse, but only under reference
5 to criminal convictions or the findings of other
6 investigations, and without properly recognising
7 systemic failure.

8 The Inquiry must press the representatives of these
9 providers and authorities to state whether they accept
10 the testimony of survivors that they read and hear in
11 this case study.

12 Survivors want representatives to apologise to those
13 who suffered in their establishments. As they
14 previously stated, the survivors are appreciative of the
15 approach your Ladyship has taken in relation to
16 acknowledgement and accountability so far, and apology.

17 Where representatives of organisations say they
18 believe survivors and apologise, INCAS wants the Inquiry
19 to press for answers as to how that will be demonstrated
20 in their future interactions with survivors and with the
21 issues that arise here.

22 As part of the case study, the Inquiry will hear
23 about individual institutions. It's important not to
24 take these institutions in isolation. The Inquiry
25 should capture the bigger picture. There will be

1 evidence that some abusers moved between institutions
2 and were able to continue in jobs where they had access
3 to children, even after complaints were made. The
4 Inquiry must find out why that happened and how the
5 system came to fail the victims of these individuals.
6 When children were brave enough to speak up, it seems
7 that if an investigation did take place, it focused on
8 scrutinising the child and their allegation, rather than
9 looking at the perpetrator and whether other children,
10 past or present, had been abused by them.

11 While understanding of child abuse has undoubtedly
12 developed, what prevented the authorities from being
13 more curious? Were there legal constraints? Were there
14 problems with policy and procedure? Was it a problem of
15 culture within the local authorities?

16 Over the decades, there were, on occasion,
17 investigations, reports and enquiries into specific
18 instances of abuse or concerning an individual abuser,
19 as well as into particular institutions. Where there
20 were investigations or inquiries in the past, what was
21 the outcome? Did they lead to meaningful change for
22 looked-after children and if not, why not?

23 The Inquiry should explore the extent to which local
24 authorities actively sought to identify patterns that
25 may have indicated systemic problems with policies,

1 recruitment, staffing, training and culture, and the
2 extent to which they actively sought to make changes.
3 Were opportunities missed? The survivors want to know.

4 Some children were accommodated with providers
5 independent of the local authority. Did that
6 contracting out lead to a deficit of oversight and
7 accountability? The Inquiry should interrogate whether
8 board and other governance structures within those
9 independent providers had been assessed as fit for
10 purpose and whether the local authorities who were
11 placing children there were sufficiently rigorous in
12 assessing the culture and conditions in which they were
13 living.

14 The Inquiry should investigate the extent to which,
15 at a national level, efforts were made to understand
16 trends or to identify problematic individuals across
17 local authority boundaries. Was important information
18 shared? If not, why not? Were there opportunities that
19 ought to have triggered a national review of practice
20 but which were not taken?

21 INCAS recognises that, of course, improvements have
22 been made in recent years to the way in which children
23 are treated when they allege abuse. It is hoped now
24 that the starting point is to believe that what children
25 say may indeed have happened. But the message INCAS

1 wants to get through to providers and authorities
2 appearing before the Inquiry is that the adult survivors
3 of child abuse deserve the same starting point. It is
4 for that reason that they say that while acknowledgement
5 and apology in these proceedings is welcome, there must
6 be follow through in their dealings with survivors
7 outside the Inquiry.

8 Obliged, my Lady.

9 LADY SMITH: Thank you.

10 One thing you raise, Ms McCall, and it's a common
11 feature now in these case studies, is the possibility
12 that on reflection, when providers see what's coming out
13 in the evidence, see what's been disclosed in
14 statements, they may want to think again about their
15 current answers to what we call our Section 21 notices,
16 and, of course, in other cases providers have offered
17 supplementary Section 21 responses and that has been
18 very helpful, it's been obviously very helpful to me.
19 I have the impression that it's also been helpful to
20 those witnesses who represent the providers and have to
21 answer questions before the Inquiry.

22 So I certainly welcome you encouraging that, because
23 I always encourage it as well.

24 Thank you.

25 MS MCCALL: Obliged, my Lady.

1 LADY SMITH: I'd now like to turn to representation for the
2 Sailors' Society, and that's Mr Duncan.

3 When you're ready, Mr Duncan.

4 MR DUNCAN: Good morning, my Lady.

5 Opening submissions by Mr Duncan

6 MR DUNCAN: I'm instructed on behalf of the Sailors'
7 Society. They have asked me to address four points with
8 your Ladyship this morning in these introductory
9 remarks, along with any points, obviously, your Ladyship
10 wishes to raise with me.

11 First, my Lady, I want to say something briefly
12 about who the Sailors' Society are. They are a global
13 maritime welfare charity supporting seafarers and their
14 families across the world. They're a small charity with
15 a team of 25 within the UK and overseas. Governance is
16 overseen by a volunteer board of trustees.

17 Although the charity is small, its reach is
18 extensive. It provides a unique lifeline for civilian
19 seafarers around the world. A range of help is
20 provided: financial, mental health support, general
21 pastoral support.

22 Just to give a couple of examples, my Lady, working
23 that's done by the Society includes taking food and
24 water and other assistance to seafaring families whose
25 homes have been destroyed by earthquakes and typhoons in

1 the Philippines.

2 LADY SMITH: Can you outline their objects for me,
3 Mr Duncan?

4 MR DUNCAN: The objects, the underlying, the setting up of
5 the charity was a Christian belief and direction, and
6 the underlying object is the support of seafarers and
7 their families across the world. That, I think, would
8 be the --

9 LADY SMITH: Any support required?

10 MR DUNCAN: Any support required.

11 And I think the -- my understanding, my Lady, is
12 that there's -- essentially the sort of core of the
13 whole thing is a 24/7 helpline, which is available
14 either to provide support directly, for example to
15 people on ships who are experiencing difficulties, or to
16 then engage particular aspects of support across the
17 world in the way that I was touching on.

18 LADY SMITH: Thank you.

19 MR DUNCAN: One thing, my Lady, that I guess is implicit in
20 what I've just said is that the Society is no longer
21 involved in the care of children and that has been the
22 position for some time.

23 And that really takes me to the second thing
24 I wanted to mention, which was the Society's historic
25 involvement in looking after children which is, of

1 course, what brings them here today.

2 LADY SMITH: Yes.

3 MR DUNCAN: Historically the Society only ever looked after
4 children in one institution. That was at Lagarie or
5 Lagarie, I think opinion is divided --

6 LADY SMITH: How do they pronounce it, as a matter of
7 interest?

8 MR DUNCAN: My understanding is it's Lagarie, Mr MacAulay
9 thinks it is Lagarie, but we will hopefully get to the
10 bottom of that as we go on.

11 LADY SMITH: Maybe we can decide on one or the other, rather
12 than a halfway house which might sound like a mess.

13 MR DUNCAN: Well, my current preference and understanding is
14 Lagarie, my Lady, and that is certainly how I intend to
15 refer to the home just now.

16 LADY SMITH: Thank you.

17 MR DUNCAN: As my Lady will be aware, the home is in Rhu in
18 the west of Scotland. It officially opened on
19 27 January 1949 and closed in 1982. My Lady -- and
20 touched on already in the submissions that your Ladyship
21 has heard this morning -- like many of the organisations
22 that appear before your Ladyship, the Society has only
23 a limited amount of records dating from these times.

24 It's my hope that the representatives from the
25 Society who give evidence will be able to help your

1 Ladyship on that matter and quite a bit of work has been
2 done on that already.

3 LADY SMITH: Thank you.

4 MR DUNCAN: But on the information currently available, it
5 would appear that to begin with, the home was thought to
6 be able to accommodate 40 children at a time. This is
7 understood to have reduced to 30 in 1974.

8 My Lady, the way in which the home operated and the
9 purpose it was intended to serve will no doubt be
10 matters for evidence and I don't propose to say too much
11 about that at this point, and has been touched on by
12 Mr MacAulay also.

13 But essentially the home is understood to have been
14 initially set up to have provided short-term care and
15 accommodation for the children of seafarers. That seems
16 to have broadened, my Lady, over time to the provision
17 of longer-term care and the Society is certainly aware
18 of children who were resident for considerable periods
19 up to several years. There was also a holiday respite
20 aspect offered too.

21 My Lady, the opening of a children's home -- or the
22 opening of a home to look after children, was
23 a significant departure from the Society's previous
24 activities. The Society's decision that it should open
25 a home to accommodate and care for children was taken

1 via its Scottish ladies' guild. The precise reasoning
2 behind this decision is not altogether clear on the
3 available evidence, but it appears that there was
4 thought to be a need for a home to care for children of
5 seafarers when personal circumstances meant that they
6 may not be able to be cared for within their family
7 homes.

8 My Lady, another thing that is not clear is the
9 basis upon which the Society considered that it was
10 equipped to look after children in this way. It is
11 accepted by the present day Society that that was
12 a serious misjudgment. No doubt, my Lady, this will be
13 something to be explored in evidence but within the
14 Part A to D response to the Inquiry's questions, and
15 again within the limit of what's known, the Society have
16 suggested that the surviving documents might, from the
17 time, indicate that some thought was given to seeking to
18 hire people --

19 LADY SMITH: Mr Duncan, I'm sorry to interrupt you, but my
20 transcript has frozen.

21 (Pause)

22 LADY SMITH: It's coming now, thank you.

23 Mr Duncan.

24 MR DUNCAN: My Lady, I don't know if my Lady wants me to go
25 back over any part of that.

1 LADY SMITH: Yes, it froze when you were telling me about --
2 there was -- it was thought to be a need for a home to
3 care for the children of seafarers, if we can just pick
4 up again from there, because I think you were embarking
5 on some quite important detail there.

6 MR DUNCAN: I think so, my Lady.

7 LADY SMITH: Thank you.

8 MR DUNCAN: In terms of why the home was opened up, what
9 I've already said and what your Ladyship had is the
10 limit of what is known. We move then to what might be
11 thought a more important issue, which is -- and I say
12 this -- that another thing that is not clear is the
13 basis upon which the Society considered that it was
14 equipped.

15 LADY SMITH: They will not be the first voluntary
16 organisation I have heard about, Mr Duncan, who assumed
17 they could do this, having no history in having done it,
18 no background in having done it and nobody trained to do
19 it. And just thought, 'Because we're good people and we
20 care about children, we'll be able to do this and do it
21 properly'. An immediate comparison that springs to my
22 mind are some of the religious orders I've heard about,
23 run by Brothers who had absolutely no feel for children,
24 no background in caring for children, nor understanding
25 about what they had to do.

1 MR DUNCAN: Well, indeed, my Lady, and in fact I have in
2 mind a previous hearing I did before your Ladyship on
3 behalf of one such order.

4 LADY SMITH: Yes, indeed.

5 MR DUNCAN: So there is definitely a resonance there and one
6 can speculate that there were good intentions and people
7 thought they would be able to do it --

8 LADY SMITH: Yes.

9 MR DUNCAN: -- but I repeat what I said a moment ago: the
10 present day Society considers that that was a serious
11 misjudgment. They were not equipped, as the facts
12 subsequently demonstrate.

13 In the Part A to D response, the Society have
14 suggested that the surviving documents indicate that
15 some thought was given to hiring the right people,
16 people who were considered to have the relevant
17 experience to run the home and to look after children,
18 but critically, my Lady, again, it is accepted that the
19 steps taken by the Society at that time on these matters
20 were inadequate.

21 And my Lady, that really then takes me to the third
22 and critical matter, which is the present day Society's
23 response to the reports before the Inquiry of abuse
24 having taken place within Lagarie.

25 LADY SMITH: Yes.

1 MR DUNCAN: The Society has already acknowledged in letters
2 to former residents on its website and in its responses
3 to the Inquiry that children were abused within the
4 home, and I am instructed to repeat that
5 acknowledgement.

6 LADY SMITH: Thank you.

7 MR DUNCAN: It is frankly appalling that instead of looking
8 after children in their care, staff members abused them
9 or enabled their abuse and blighted their lives. It is
10 equally appalling that those within or connected to the
11 Society who had the task of oversight failed to prevent
12 this. Against this background, those with the
13 responsibility of steering the present day Society do
14 wish to apologise to all children abused or affected by
15 abuse within the home.

16 My Lady, the only other matter I've been asked to
17 mention is the underlining of the Society's willingness
18 to assist the Inquiry where it can. As indicated, the
19 Society has already provided extensive responses to the
20 Inquiry's questions and will continue to do so where
21 indicated and I very much take on board what your
22 Ladyship said a moment ago about that, that has already
23 been a matter of discussion within our team as it were.

24 LADY SMITH: Thank you.

25 MR DUNCAN: I have also engaged with Mr Sheldon as regards

1 trying to tease out what he may be looking for and we
2 will continue to work in that way.

3 Melanie Warman, a director with the Society, has
4 been responsible for directing its responses so far.
5 She has been assisted by Jeannie Lucking-Naguib.

6 Ms Warman is present today, my Lady, and she will be
7 present throughout the evidence of former residents.

8 The Society's Chief Executive Officer is Sara Baade.
9 She will be present for as much of the evidence as she
10 can. It is expected that she and Ms Warman will then
11 give evidence to the Inquiry themselves.

12 LADY SMITH: Thank you.

13 MR DUNCAN: My Lady, I would simply conclude by expressing
14 the Society's thanks for the opportunity to make these
15 opening remarks.

16 LADY SMITH: Thank you very much, Mr Duncan. That's very
17 helpful.

18 Can I now please turn to the representation for the
19 Widowers' Children's Home Trust, and that should be
20 Mr MacPherson. Yes.

21 When you're ready, Mr MacPherson, I am ready to hear
22 you.

23 MR MACPHERSON: Thank you, my Lady.

24

25

1 Opening submissions by Mr MacPherson

2 MR MACPHERSON: As my Lady is aware then, I appear for the
3 Widowers' Children's Home Trust. The Trust is a charity
4 whose sole purpose since 1980 has been to manage and
5 distribute a fund that was established on the sale of
6 a property, being the children's home that is the
7 subject of this case study.

8 The Trust is accordingly the successor, insofar as
9 there is a successor, to the organisation that ran the
10 home. The Trust itself has no direct involvement in the
11 residential care of children.

12 I do intend to say something brief about the
13 organisation as it was prior to the closure of the home.
14 However, I should say at the outset that the present
15 trustees entirely accept that although none of them was
16 involved in the running of the organisation while the
17 home was open, they represent that organisation before
18 your Ladyship and before the Inquiry. The trustees wish
19 me to make it clear that they will help the Inquiry in
20 any way they can and a substantial addendum submission
21 to its original Section 21 notice was provided on behalf
22 of the Trust in early November this year.

23 LADY SMITH: Thank you.

24 MR MACPHERSON: I should also make it clear at the outset
25 that, having looked into the facts so far as they are

1 able, the trustees are satisfied that there were
2 children who suffered abuse while staying at the home.

3 Although there is some evidence that treatment of
4 children in the home improved in the 1960s with the
5 appointment of a new matron, the trustees note that some
6 of the allegations made in material that has recently
7 been disclosed by the Inquiry are very serious in
8 nature.

9 To all children who suffered abuse of any
10 description in the home, the trustees offer their
11 sincere and unqualified apology.

12 LADY SMITH: Thank you.

13 MR MACPHERSON: So to briefly touch on the organisation, as
14 it originally existed, it was founded in 1897.
15 A Ms F McLean, considering that there was a need for
16 a home for children who had lost their mothers,
17 purchased two houses in Warrender Park Crescent,
18 Edinburgh, one for boys and one for girls.

19 In 1910, the organisation moved to larger
20 accommodation in Corstorphine Road, Edinburgh, where it
21 remained in operation as a children's home until 1980.

22 From 1910 on therefore, the organisation ran only
23 one home and it was known as the Widowers' Children's
24 Home. The organisation provided residential care but
25 not any educational provision and the children would

1 attend the local school. As Mr MacAulay indicated, the
2 organisation was originally founded to look after the
3 children of widowers, but this later expanded to include
4 other children whose parents were unable to look after
5 them.

6 By 1980, as a result of changes in local authority
7 policy, demand for places in the home had declined
8 significantly. Accordingly, in February 1980, the then
9 subscribers of the Widowers' Children's Home agreed that
10 the establishment should be closed. It was resolved to
11 wind up the Widowers' Children's Home and transfer its
12 asset into the new Trust, which came into being on
13 12 June 1980.

14 The Trust, as it is, prioritises its former
15 residents in its charitable funding. It makes payments
16 to former residents on the basis of need if they apply.
17 There is therefore a direct link between the
18 organisation and those who had previously been children
19 in its care. The Trust also makes charitable donations
20 to other children's charities, again on application.

21 Its policy of donating more than it receives in
22 income means that the existence of the Trust is limited
23 in time and there will, of course, come a point at which
24 none of the former residents of the home are still
25 alive.

1 The Trust therefore is intended --

2 LADY SMITH: Are they the only potential beneficiaries at
3 the moment?

4 MR MACPHERSON: At the moment the beneficiaries include
5 former residents and other children's charities.

6 LADY SMITH: Right, okay.

7 MR MACPHERSON: But the priority of the Trust is the former
8 residents.

9 LADY SMITH: Thank you.

10 MR MACPHERSON: So therefore, while the Trust maintains
11 a link with former residents and can assist them while
12 it can, it is not intended that this Trust will continue
13 in perpetuity.

14 I can indicate to your Ladyship that the Trust has
15 made some donations to residents who have made
16 allegations of abuse in the home, although I should be
17 clear that these were payments that would have been made
18 anyway in accordance with the purposes just described.

19 And the Inquiry does have more information about
20 that in the addendum Section 21 response.

21 For completeness, my Lady, I can advise that the
22 trust is a party to the Scottish Government's historic
23 abuse redress scheme and although the Trust is
24 a successor to the children's home, the trustees are
25 satisfied that contributing to that scheme accords with

1 its charitable purposes and constitution.

2 LADY SMITH: Thank you.

3 MR MACPHERSON: In concluding, my Lady, I should indicate
4 that the trustees are, of course, aware of the
5 importance of the Inquiry's work. I can advise that the
6 trust chairman, Peter Yellowlees and two trustees,
7 Michael Gibson and Joan Simm are present today and
8 I understand that the Inquiry intends to call
9 Mr Yellowlees as a witness in January during the
10 hearings, and he is happy to assist the Inquiry in any
11 way that he can. The Inquiry has been offered a CV for
12 Mr Yellowlees in respect of his professional background
13 and the way in which the Trust is administered under his
14 chairmanship, and the Inquiry legal team have indicated
15 that they would wish to receive that and I can confirm
16 that they will.

17 LADY SMITH: Thank you.

18 MR MACPHERSON: I can reassure your Ladyship that
19 Mr Yellowlees and the trustees will pay close attention
20 to all of the evidence that the Inquiry hears in
21 relation to the home. Mr Yellowlees is presently
22 reviewing all of the documents and the witness
23 statements as they come onto the Inquiry's system and
24 attention is being paid to them.

25 The trustees will reflect on those and the evidence

1 heard and if there is anything further that they can
2 add, they will seek to do so of course in the closing
3 statement in due course.

4 LADY SMITH: Thank you.

5 MR MACPHERSON: I am grateful for the opportunity for the
6 trustees to be represented at this stage and thank you,
7 my Lady.

8 LADY SMITH: Thank you, Mr MacPherson.

9 I'd now like to turn to representation for Fife
10 Council, please, and that's Ms Thomson. When you're
11 ready, thank you.

12 MS THOMSON: Thank you, my Lady.

13 Opening submissions by Ms Thomson

14 MS THOMSON: Fife Council is grateful to have been granted
15 leave to appear and for the opportunity to make this
16 opening statement.

17 Fife Council welcomes the scrutiny the Inquiry will
18 bring through this phase of its investigations to the
19 provision of residential care for the children and young
20 people in establishments run by local authorities.

21 Fife Council is committed to working collaboratively
22 with the Inquiry and is keen to assist the Inquiry in
23 its work in any way it can. The council has responded
24 in detail to Section 21 notices and has produced
25 extensive documentation relevant to this phase of the

1 Inquiry's work.

2 Fife Council was constituted by the Local Government
3 etc (Scotland) Act 1994 and is a statutory successor to
4 Fife Regional Council and, before that, Fife County
5 Council. Fife Council has statutory responsibility for
6 the provision of residential care for children and young
7 people within its local authority area. This
8 responsibility was held by Fife County Council between
9 1930 and 1975 and by Fife Regional Council between 1975
10 and 1996.

11 Throughout their history, Fife Council and its
12 statutory predecessors have operated approximately 34
13 residential homes and schools. The majority have now
14 closed as part of a change of policy to community-based
15 residential care for children and young people. As at
16 2025, Fife Council's Social Work Children and Families
17 Department, continues to provide residential care for up
18 to 35 children and young people across nine houses. The
19 houses range from a singleton placement to a maximum of
20 four beds and are situated in local communities across
21 Fife. Additionally, Fife Council uses external agencies
22 to provide residential care where further provision is
23 required.

24 The Inquiry has identified one establishment run by
25 Fife Council's statutory predecessors that will be

1 examined as part of the Phase 10 investigation, and that
2 is St Margaret's Children's Home which was located in
3 Elie. St Margaret's opened in 1955 and operated as
4 a residential children's home until its closure in 1983.
5 Its purpose was to care for children and young people
6 who could not live with their birth parents and who
7 needed the care and protection of being looked after by
8 the local authority.

9 The home was run by the Children Department of Fife
10 County Council and, later, the Social Work Department of
11 Fife Regional Council. Some children were placed there
12 with their parents' consent, others were placed in care
13 by the courts and later the Children's Panel.

14 Up to 33 children of primary and secondary school
15 age were placed at St Margaret's at any one time. Many
16 had experienced poverty and neglect. In 1974, younger
17 children were moved to other local authority placements
18 and the home's focus became the care of 'disturbed
19 teenage children'.

20 My Lady, it is with deep shame and regret that Fife
21 Council acknowledges and accepts that many of the
22 children who were placed at St Margaret's suffered
23 physical, sexual or psychological abuse at the hands of
24 members of staff who exploited positions of power and
25 trust.

1 Your Ladyship will recall hearing evidence in
2 Phase 9 of its work of the conviction of David Murphy,
3 a former housefather at Linwood Hall in 2001. This is
4 the conviction referred to by Mr MacAulay in his opening
5 remarks. Linwood Hall was a residential school run by
6 Fife Council and the subject of investigation during
7 Phase 9.

8 Your Ladyship will recall that Mr Murphy had
9 previously been employed at St Margaret's, I believe
10 between 1959 --

11 LADY SMITH: Yes.

12 MS THOMSON: -- and 1973 and that allegations of sexual
13 abuse were first made against him by children at
14 St Margaret's in the early 1970s. Those allegations
15 were reported to the police. However, there was no
16 prosecution.

17 Mr Murphy was suspended as a result of the
18 allegations but subsequently applied for and was offered
19 the position of housefather at Linwood Hall. It is
20 understood that his conviction in 2001 related to
21 offending at both St Margaret's and Linwood Hall. He
22 was sentenced to 15 years' imprisonment.

23 My Lady, this is a stark example of an abuser moving
24 between institutions as referred to by Ms McCall in her
25 opening submission.

1 In an action for damages against Fife Council
2 brought by a survivor of Mr Murphy's abuse, perpetrated
3 during his time at St Margaret's, the abuse suffered was
4 described by the court as torture and that case, my
5 Lady, was [REDACTED] v Fife Council, reported in the 2007 volume
6 of Scots Law Times, page [REDACTED].

7 LADY SMITH: Thank you.

8 MS THOMSON: And the reference to torture is at
9 paragraph [REDACTED].

10 Following his suspension from St Margaret's,
11 Mr Murphy was replaced by Trevor Francis.

12 In 2017, Mr Francis was convicted of abusing
13 children at St Margaret's. He was sentenced to nine
14 months imprisonment.

15 My Lady, Fife Council acknowledges and accepts that
16 it failed to protect the children entrusted to its care.
17 Fife Council acknowledges and accepts that systemic
18 failures in safeguarding and the culture within
19 St Margaret's combined to create an environment in which
20 abuse could thrive and abusers could act with impunity.
21 Whilst past mistakes cannot be undone, the council
22 wishes to say to all those who were abused at
23 St Margaret's: we are deeply sorry.

24 One witness from the council's senior leadership
25 team, James Ross, will give evidence to the Inquiry.

1 Mr Ross is Fife Council's Head of Service for Children,
2 Families and Justice, he is also the Chief Social Work
3 Officer. As your Ladyship will recall, he has given
4 evidence to the Inquiry on two previous occasions.

5 LADY SMITH: Mm-hmm.

6 MS THOMSON: As the Inquiry's Phase 10 investigation
7 commences and in anticipation of survivors having the
8 courage and strength to share their experiences of abuse
9 with the Inquiry, Mr Ross and Fife Council would like to
10 reassure them that they will be listened to, that Fife
11 Council is committed to understanding and confronting
12 the failures of its past, to learning lessons to better
13 safeguard children and young people in its care in the
14 future.

15 To that end, my Lady, a representative of Fife
16 Council's legal team is present today and will observe
17 all of the evidence relating to St Margaret's and will
18 provide detailed updates to the chief executive of Fife
19 Council and the social work team in anticipation that
20 the process of learning lessons and bringing about
21 positive change can begin long before your Ladyship's
22 report, findings and recommendations are published.

23 LADY SMITH: Thank you.

24 MS THOMSON: And Mr Ross will be responsible for taking that
25 work forward.

1 Fife Council is committed to delivering the highest
2 standards of care for children in line with best
3 practice, legislation and national guidance. While
4 child protection within the social work service has
5 improved dramatically in the years since St Margaret's
6 closed, Fife Council are not complacent and recognise
7 the need for continuous improvement in safeguarding
8 practices. The council anticipates that there will be
9 much to be learned from the Phase 10 investigation and
10 the council welcomes that opportunity.

11 Thank you, my Lady.

12 LADY SMITH: Thank you very much, Ms Thomson.

13 Now, I'd like to turn to the representation for the
14 Salvation Army, please, and that's Ms Loosemore. When
15 you're ready.

16 MS LOOSEMORE: Thank you, my Lady.

17 Opening submissions by Ms Loosemore

18 MS LOOSEMORE: I'm here to make opening remarks on behalf of
19 the Salvation Army, as the organisation responsible for
20 Redheugh Adolescent Unit. The Salvation Army is
21 an independent Christian denomination active in many
22 countries around the world. Since the late 1800s, the
23 Salvation Army has provided a broad range of social
24 services for the most marginalised members of the
25 communities in which it is present.

1 The exact nature of those services has shifted over
2 time, along with social, political and legislative
3 changes, and many of the Salvation Army's social
4 services are delivered through a charity that is
5 separate from the church's evangelical work.

6 As part of this delivery of social services, in the
7 latter half of the 20th century, the Salvation Army
8 operated a number of children's homes and adolescent
9 units across Scotland.

10 Redheugh was opened in 1952 and closed as
11 an adolescent unit in 1993, and this closure is
12 understood to have been prompted by a shift by local
13 governments away from large-scale institutional care
14 provision and towards smaller community projects and
15 more placements in foster families.

16 I would like to make clear at the outset that the
17 Salvation Army fully supports the work of the Inquiry
18 and senior Salvation Army figures will be viewing
19 today's proceedings remotely -- they're based in
20 England, my Lady -- but representatives do intend to be
21 present in person whenever evidence is being given which
22 concerns the Redheugh Adolescent Unit.

23 The Salvation Army has fully cooperated with the
24 Inquiry to date and will continue to do so.

25 The Salvation Army does acknowledge that former

1 residents of Redheugh suffered abuse, in particular by
2 former employee Stewart Burgess, who in 2008 and then
3 again in 2023 was convicted of sexually abusing male
4 residents in the 1980s.

5 The Salvation Army is deeply saddened by these
6 crimes and wishes to express its heartfelt sorrow to the
7 residents who were victims of this or of any abuse
8 during their time at Redheugh. The Salvation Army is
9 grateful to those who have come forward to the Inquiry
10 to share their experiences and it acknowledges and
11 regrets that these experiences will have caused pain and
12 suffering to the victims and to those close to them.

13 The Salvation Army is acutely aware that many of the
14 young people who were resident at Redheugh had already
15 experienced difficult and chaotic lives, and the fact
16 that any of these vulnerable individuals experienced
17 abuse while under their care is a matter of deep regret
18 and the Salvation Army offers its sincere apologies to
19 anyone who was harmed while residing at Redheugh.

20 The protection and safeguarding of young people who
21 use its services is of prime importance to the Salvation
22 Army.

23 Although Redheugh Adolescent Unit closed in 1993 and
24 the Salvation Army no longer provides any full-time
25 residential care to young people in Scotland, it does

1 still offer community services to children and young
2 people. The Salvation Army currently has --

3 LADY SMITH: But that's south of the border, is it, or are
4 you talking about up here?

5 MS LOOSEMORE: I believe they do offer some services in
6 Scotland as well.

7 LADY SMITH: All right, do you know what?

8 MS LOOSEMORE: I apologise, my Lady, I don't know off the
9 top of my head, but I'm sure that the institutional
10 representative will be able to clarify that matter
11 during evidence.

12 LADY SMITH: It would be helpful to understand exactly the
13 nature of their presence in this country at the moment,
14 please, if you could do that.

15 MS LOOSEMORE: Yes, certainly, my Lady.

16 They do currently have a robust safeguarding and
17 protecting children policy, which is periodically
18 reviewed and includes mandatory safeguarding training as
19 well as a confidential whistleblowing line.

20 The Salvation Army is keen to ensure that its
21 policies and practices provide the best possible
22 protection to all the children and young people who
23 access its services. With that in mind, the Salvation
24 Army is here to listen, to pay close attention to the
25 experience of former residents and to reflect on what

1 more can be done to ensure that those in their care
2 remain safe and protected.

3 Subject to any further questions, my Lady, I just
4 wish to thank the Inquiry for the opportunity to provide
5 this submission.

6 LADY SMITH: Thank you.

7 Now, I'd like to turn to the representation for
8 Renfrewshire Council, please, and that should be
9 Mr Massaro.

10 Yes, Mr Massaro.

11 MR MASSARO: Thank you, my Lady.

12 Opening submissions by Mr Massaro

13 MR MASSARO: On behalf of Renfrewshire Council, may I thank
14 the Inquiry for granting permission to the council to
15 contribute to this important phase of the Inquiry's
16 work.

17 Similarly to the position that was outlined in
18 relation to Fife Council, my Lady, Renfrewshire Council
19 was established in terms of the Local Government etc
20 (Scotland) Act 1994 and, prior to 1996, the geographic
21 area now governed by Renfrewshire Council was part of
22 the Strathclyde Regional Council area.

23 As regards its remit in this phase of the Inquiry,
24 Renfrewshire Council inherited responsibility for Gryffe
25 Children's Home in Bridge of Weir from the Strathclyde

1 Regional Council on 1 April 1996.

2 LADY SMITH: Sorry to interrupt you, Mr Massaro, I mean, I'm
3 well aware of the changes in local government
4 re-organisation and boundaries in the late 20th century,
5 but certainly we had the 1994 Act that had the impact of
6 Renfrewshire Council coming into being. Before then it
7 was part of Strathclyde Regional Council, but what about
8 before the regional council, circumstances which arose
9 in 1975?

10 MR MASSARO: Well, indeed, my Lady --

11 LADY SMITH: Yes, what were they before then?

12 MR MASSARO: As I understand it, it was the Glasgow
13 Corporation that set up this particular home, Gryffe,
14 in -- and I do have the date in my notes, my Lady,
15 I understand it was the 1950s.

16 LADY SMITH: That would make sense, Glasgow Corporation,
17 then Strathclyde Regional Council and then the current
18 situation of it being Renfrewshire Council.

19 MR MASSARO: Indeed, my Lady.

20 LADY SMITH: Thank you.

21 MR MASSARO: So Gryffe was a residential home for children,
22 both boys and girls, which opened on 9 September 1950,
23 my Lady, and it was closed in March 1999.

24 So Renfrewshire Council was therefore responsible
25 for Gryffe in its last three years of operation, and

1 we've discussed the position prior to that.

2 LADY SMITH: Yes, thank you.

3 MR MASSARO: For the period 1975, when it became the
4 Strathclyde Regional Council's responsibility, and 1999
5 when it closed, many of the children admitted to Gryffe
6 would have experienced severe neglect, abuse or trauma
7 prior to being placed there. Some would have had
8 learning difficulties or social, emotional or
9 behavioural difficulties. The council does not have any
10 information about the backgrounds of the children
11 accommodated there prior to 1975.

12 For the period 1996 to 1999, up to 26 children were
13 accommodated in Gryffe at any one time. In earlier
14 periods, the council understands that the facility
15 accommodated a greater number of children. For example,
16 in 1966, records record that 63 children were
17 accommodated there at one time. And in total, more than
18 400 children were accommodated at Gryffe, but the
19 council does not have sufficient records to enable it to
20 give a precise number.

21 As has been explained in relation to others, the way
22 that the council has provided care for children has
23 changed. In 1996, the main service was the provision of
24 residential care and, whilst the council continues to
25 provide residential child care, the main service now is

1 fostering provision and it was as part of that shift
2 that Gryffe closed in 1999.

3 As I've already explained, Gryffe was in operation
4 for many years prior to Renfrewshire Council assuming
5 responsibility. That is important, as it means that
6 records available to the council are limited for the
7 period prior to 1996. The council is committed to
8 participating in this phase of the Inquiry. Its Chief
9 Social Work Officer, John Trainer, will appear to give
10 evidence and in its Section 21 response, the council has
11 sought to set out what information it does hold in
12 relation to the centre, but this will necessarily paint
13 an incomplete picture of the centre's history.

14 If there are further requests for information from
15 the Inquiry, the council will, of course, do its best to
16 provide all the information it can within that context
17 and I have heard what your Ladyship has already said
18 about the assistance to the Inquiry obtains from, for
19 example, supplementary Section 21 responses and that
20 will be passed on.

21 The council understands, my Lady, that there was at
22 least one instance of abuse at Gryffe, perpetrated by
23 a member of staff prior to 1996 and that was during the
24 period in which the centre was managed by Strathclyde
25 Regional Council.

1 To any resident who suffered abuse at Gryffe, the
2 council extends a full and frank apology.

3 LADY SMITH: Thank you.

4 MR MASSARO: Such abuse should never have happened.

5 The council has learned a great deal from previous
6 phases of this Inquiry. It is committed to using this
7 process both to listen to survivors' accounts and to
8 learn lessons to ensure that such abuse cannot be
9 allowed to happen again.

10 Thank you, my Lady.

11 LADY SMITH: Thank you very much, Mr Massaro.

12 Now, could I turn to the representation for North
13 Lanarkshire Council, and that's Mr Batchelor, when
14 you're ready, thank you.

15 MR BACHELOR: Thank you, my Lady.

18 MR BATCHELOR: North Lanarkshire Council is one of
19 Scotland's 32 local authorities. It was established as
20 part of local government re-organisation in 1996 and has
21 responsibility for delivering public services in the
22 North Lanarkshire area.

23 North Lanarkshire Council's involvement in this
24 phase of the Inquiry relates to Bellshill Children's
25 Home. That was a residential home for children which

1 operated from 1977 until 1998. Between 1977 and 1996
2 the home was operated by Strathclyde Regional Council.
3 Between 1996 and its closure in 1998, it was operated by
4 North Lanarkshire Council.

5 As its name suggests, the home was located in
6 Bellshill. The council no longer retains full records
7 in relation to the home, however, as at 1992, the home
8 had capacity for 23 residents. Typically the children
9 there were over 12 years old.

10 As at 1992, the home was split into three groups.
11 Group 1 included young people over 16 years of age who
12 were preparing for independence. Group 2 included
13 emergency and unplanned admissions to care. Group 3
14 included children between 12 and 16 years of age whose
15 admission had been planned.

16 LADY SMITH: So Mr Batchelor, do I take it from you
17 referring to the position at 1992 but not before then,
18 from 1997, that records uncovered thus far only begin at
19 1992? Or only relate to 1992, which is it?

20 MR BATCHELOR: That is the record which provides the
21 clearest indication of the number of children in the
22 home that we have found thus far, my Lady.

23 LADY SMITH: So that's a snapshot at 1992, but it's not
24 giving me any detail of what was happening in the period
25 before then, the number of years before then?

1 MR BATCHELOR: But we can perhaps look at that, my Lady.
2 LADY SMITH: We can look at that in due course, thank you.
3 MR BATCHELOR: North Lanarkshire Council acknowledges that
4 children in care at Bellshill Children's Home were
5 abused. It's also acknowledged that the systems in
6 place at Bellshill failed to protect children there from
7 being abused.

8 The council is aware of criminal convictions of
9 three former members of staff for sexual abuse of
10 children at Bellshill. In 1997, Edward Doherty was
11 convicted of six charges against three girls between
12 1988 and 1990. In 2019, Ian Sharp was convicted of the
13 abuse of three boys and two girls between 1987 and 1993.

14 And in 2025, Edward Stanton was convicted of 11
15 charges between May 1985 and April 1994, some of which
16 took place at Bellshill, although I do not presently
17 have the precise details of those, my Lady, but
18 Mr Stanton had worked at Bellshill from 1985 to 1988 and
19 at one point he was the officer in charge. He had
20 previously been the subject of a joint police and social
21 work investigation into his offending, called Operation
22 Sunflower, which had been carried out in 1994 and 1995.
23 However, no criminal charges were brought against
24 Mr Stanton in relation to Bellshill at that time,
25 although he was prosecuted in England for crimes he had

1 committed against children there.

2 And pausing there, my Lady, again, this is another
3 example of an abuser being able to move between
4 institutions, this time moving between an institution in
5 England to institutions in Scotland.

6 It's accepted that the matters which have been the
7 subject of criminal conviction will not be the limit of
8 abuse which took place at the Bellshill Children's Home.
9 However, the fact that three separate employees were
10 able to commit such offences against children in care at
11 the establishment indicates a concerning pattern and is
12 indicative that safeguarding measures in place at the
13 time were inadequate.

14 One notable piece of evidence which the Inquiry may
15 wish to consider is a highly critical inspection report
16 carried out by Strathclyde Region inspectors in 1992.
17 The inspectors concluded at that time that the home was
18 not providing a safe and suitable environment for
19 children.

20 Amongst other areas, the report highlights
21 inadequacies relating to the physical environment of the
22 home, the quality of care, the lack of appropriately
23 trained staff and a negative culture. An improvement
24 plan to tackle those inadequacies was devised at the
25 time and the home eventually closed in 1998 following

1 local government disaggregation.

2 In bringing this opening statement to a close, my
3 Lady, North Lanarkshire Council wishes to apologise to
4 any person who suffered abuse as a child whilst in the
5 care of the council or its predecessor authorities.

6 The council regards its participation in the Inquiry
7 as an opportunity to listen to applicants, to reflect
8 upon weaknesses in previous and current practices and to
9 learn lessons for the future. The council is committed
10 to best practice in supporting children in residential
11 care and it hopes to be able to assist the Inquiry with
12 its work during this phase.

13 Thank you.

14 LADY SMITH: Thank you very much, Mr Batchelor.

15 Now, can I turn to Dumfries and Galloway Council,
16 please. That's Mr Thom, I think, is that right?

17 MR THOM: Yes, my Lady.

18 LADY SMITH: Thank you.

19 Opening submissions by Mr Thom

20 MR THOM: Good morning, my name is Ben Thom and I am
21 a principal solicitor and legal representative of
22 Dumfries and Galloway Council in this phase of the
23 Inquiry.

24 Dumfries and Galloway Council is a successor
25 organisation to Dumfries and Galloway Regional Council,

1 which existed from 1975 until 1996. The functions of
2 both local authorities included the care of looked-after
3 children.

11 Between 1977 and 1982, and when it was owned and
12 operated by Dumfries and Galloway Regional Council,
13 a number of children and young people were abused at
14 Merkland by the officer in charge of the home.

15 Following the first disclosure of the abuse in 1994,
16 which prompted a formal police investigation which
17 identified more victims, the perpetrator was convicted
18 and imprisoned in 1996 for the abuse that he committed.

19 Since that time, more ex-residents have come
20 forward, revealing the extent and scale of the abuse
21 suffered. The perpetrator was convicted and imprisoned
22 in 2022 for further abuse committed at Merkland.

23 Separately, he received an additional eight-year
24 sentence at Cardiff Crown Court in December 2000 for
25 abusing seven young males from Dumfries and Galloway

1 whom he had taken on holiday to Wales.

2 Dumfries and Galloway Council is a local authority
3 with duties and responsibilities to looked-after
4 children in its area. The role of the council as
5 corporate parent has developed over time, but still
6 includes fundamental functions, such as promoting health
7 and wellbeing, improving outcomes for children and young
8 people and providing or arranging residential care
9 placements.

10 Today, Dumfries and Galloway Council owns and
11 operates one residential children's home, which is in
12 Dumfries.

13 There have been significant changes to the
14 legislation governing the council's duties and functions
15 in relation to looked-after children in recent years.

16 Some of those changes include the requirement to
17 publish a children's services plan, the introduction of
18 a multi-agency child protection process, and that's
19 evidenced most recently by Dumfries and Galloway
20 multi-agency child protection guidance from June this
21 year and the incorporation into Scots law of the
22 United Nations Convention on the Rights of the Child,
23 additionally mandatory registration requirements for
24 care establishments and associated care standards.

25 Council practices have evolved in response to meet

1 those new legal requirements and to reflect changes to
2 best practice. By way of example, our current
3 children's services plan sets out strategic priorities,
4 including early intervention, mental health, family
5 support and care experience. It --

6 LADY SMITH: Mr Thom, can you remind me of the name of the
7 residential children's home that Dumfries and Galloway
8 still operate?

9 MR THOM: Yes, my Lady, it's Hardthorn Road in Dumfries.

10 LADY SMITH: Hardthorn?

11 MR THOM: Yes.

12 LADY SMITH: That's what it's called, Hardthorn Road?

13 MR THOM: Hardthorn Road in Dumfries.

14 LADY SMITH: Thank you.

15 MR THOM: Thank you, my Lady.

16 In closing my submission, our council sees its role
17 in this phase of the Inquiry as being firstly to provide
18 the Inquiry with information to supplement the evidence
19 that it will hear from witnesses who will speak to
20 direct experience and, secondly, to use that evidence
21 and subsequent findings to further interrogate processes
22 and best practice and to eliminate, insofar as possible,
23 potential for the repetition of abuse such as that
24 suffered at Merkland.

25 Thank you, my Lady.

1 LADY SMITH: Thank you very much, Mr Thom.

2 Now, could I turn, please, to representation for
3 Perth and Kinross Council, and that's Ms Rodger.

4 When you're ready.

5 MS RODGER: Thank you very much, my Lady.

6 Opening submissions by Ms Rodger

7 MS RODGER: My Lady, I'm a legal manager at Perth and
8 Kinross Council and represent the council at today's
9 hearing. I'm also one of the officers within the
10 council working on gathering information in relation to
11 the Inquiry in response to Section 21 notices, working
12 alongside our Chief Social Work Officer who is
13 Mr Arun Singh. I welcome the opportunity to participate
14 in this phase of the Inquiry and to make this opening
15 submission in relation to the investigation into
16 a number of care establishments.

17 And this includes two former homes operated by
18 Tayside Regional Council at Nimmo Place and Colonsay
19 Street, both in Perth.

20 At the outset, I would want to say that the council
21 recognises the gravity of the matters under
22 consideration during this part of the Inquiry and, like
23 others have mentioned today, is committed to assisting
24 the Inquiry in its investigation of the nature and
25 extent of all forms of abuse within these

1 establishments.

2 I will address that further in a moment but, first
3 of all, I'll briefly outline relevant factual details
4 about Perth and Kinross Council and its predecessors, as
5 well as the two homes at Nimmo Place and Colonsay
6 Street.

7 Perth and Kinross Council is the local authority for
8 the area of Perth and Kinross, and it's one of three
9 successor authorities to Tayside Regional Council,
10 having assumed responsibility for local authority
11 functions in April 1996, when Tayside Regional Council
12 was disaggregated.

13 The two homes included in this phase of the Inquiry
14 which were latterly run by Tayside Regional Council are,
15 as I've said, Colonsay House, Colonsay Street is quite
16 often what it's called, and Nimmo Place Children's Home,
17 which has also been referred to in the past as Tulloch
18 Home or Hillyland Home.

19 LADY SMITH: Or what?

20 MS RODGER: Hillyland, my Lady, Hillyland.

21 LADY SMITH: Hillyland, yes.

22 MS RODGER: Both referring to the areas of Perth in which
23 the home is located.

24 Both of these homes were closed by the time Perth
25 and Kinross Council came into existence, although Perth

1 and Kinross Council continued to operate other
2 children's homes until 2018 when the last remaining
3 council-run establishment was closed.

4 Nimmo Place and Colonsay Street homes both offered
5 short and long-term care to children over the period of
6 their existence, which was from the very early 1970s,
7 until 1989 for Colonsay Street and 1994 for Nimmo Place.
8 The model changed over time, fluctuating between
9 short-term emergency care to longer-term placements.

10 And the initial model operated along the lines of
11 a group home with houseparents responsible for the care
12 of the children there.

13 Latterly, towards the late 1980s and early 1990s for
14 Nimmo Place, which continued to operate until 1994, the
15 model moved more towards a system of residential care
16 which would be more akin to what we see nowadays, with
17 the homes run by professionally qualified staff.

18 The council, in common with other parties appearing
19 today, previously submitted a written response to the
20 Inquiry in 2017, in response to a Section 21 notice, and
21 that provides a fuller background to the evolution of
22 social work services in Perth and Kinross, which I will
23 not address further today, mindful of the need for
24 brevity this morning.

25 LADY SMITH: Thank you.

1 MS RODGER: The council also recently submitted addenda to
2 that response, and your Ladyship has made reference to
3 that already this morning, to update the council's
4 original Parts B and D responses, and this was done
5 in October 2025. The council is grateful to the Inquiry
6 for the opportunity to do so because, with the passage
7 of time, the benefit of involvement in earlier phases of
8 the Inquiry and our insights provided through ongoing
9 file reading, the council has had an opportunity to
10 reflect further on its original assessments,
11 particularly in relation to systemic failings which
12 I think your Ladyship has also made reference to earlier
13 this morning, and we do hope that those addenda are
14 helpful to the work of the Inquiry in this part of the
15 investigation.

16 In addition, the council has made efforts to provide
17 the Inquiry with as much information as can be found,
18 both within individual case records and in relation to
19 matters of practice, such as recruitment and discipline.
20 It is acknowledged again in common with other parties
21 appearing today that this has not been without
22 challenge, mainly relating to historic record keeping
23 practices.

24 Now turning to the council's participation in this
25 phase of the Inquiry, I do wish to state at the outset

1 that the council accepts that there is evidence that
2 children who were placed in both homes suffered abuse
3 and that that includes sexual, emotional and physical
4 abuse. There are also recorded instances of peer abuse
5 and of neglectful or punitive practices and evidence of
6 that can be found within files which have been reviewed
7 by council officers, from what we know about criminal
8 proceedings and, very importantly, from applicants who
9 have courageously come forward to the Inquiry to narrate
10 their experiences, and the council fully acknowledges
11 the bravery of every individual who has done so.

12 In relation to recent criminal proceedings, my Lady,
13 it may be worth pointing out that we are aware that,
14 very recently, in September 2025, one individual was
15 convicted in relation to sexual abuse of two former
16 residents of Colonsay Street Home, that individual being
17 Peter Murray. And I'm sure that Mr Murray will feature
18 in this part of the investigations.

19 LADY SMITH: Yes.

20 MS RODGER: The council accepts for those children who
21 experienced abuse while in either home, being in care
22 did not provide the loving and nurturing environment
23 that they deserved. The fact that they were not kept
24 safe or indeed did not feel safe is an intolerable
25 outcome. It's also accepted that there are likely to be

1 instances of abuse which are unrecorded.

2 The council therefore wishes to express its sincere
3 and unreserved apology to all those who have suffered
4 abuse, ill-treatment or neglect while in care within
5 both establishments and to their wider families. The
6 council deeply regrets pain and trauma caused by these
7 failings, both at an individual and systemic level and
8 the council fully acknowledges the lasting impact that
9 such experiences have had on those affected, recognising
10 that no apology can undo the harm that those individuals
11 have experienced.

12 The council is grateful that by participating in
13 this phase of the Inquiry, it's been given
14 an opportunity to clearly set out this apology, with
15 particular reference to the two establishments included
16 in the investigation. The council's Chief Social Work
17 Officer Arun Singh will be available to give evidence to
18 the Inquiry as part of this phase and will make every
19 effort to listen in to as much of the evidence as he is
20 able to do.

21 And that finally brings me to some further
22 submissions relating to the council's participation in
23 the Inquiry, and here I would just want to make
24 reference to three further points.

25 Firstly, the council is committed to listening to

1 those who experienced abuse, for the applicants who have
2 been brave enough to share their stories with the
3 Inquiry. As I have said, the Chief Social Work Officer
4 will be present, either in person or via Webex, wherever
5 possible, to hear evidence which will allow him to
6 reflect on it and respond to it at the appropriate time
7 in the hearings.

8 Notwithstanding that the council no longer operates
9 its own residential establishments for children, it
10 still employs considerable numbers of staff across the
11 organisation who work directly with children and it also
12 still places children within residential establishments
13 run by other organisations.

14 Secondly therefore, the Inquiry's interest in
15 matters such as staff recruitment and training and
16 organisational culture are also of importance to Perth
17 and Kinross Council. By participating in the Inquiry,
18 the council hopes it can contribute towards the
19 Inquiry's understanding of both past and current
20 practice in these areas, not just within the two homes
21 in question but more widely, so that the Inquiry may
22 make recommendations for future practice to reduce the
23 risk of such abuse taking place in the future.

24 Lastly, my Lady, and this is connected to the point
25 I have just made, the council recognises the importance

1 of this Inquiry in holding up a mirror to past practice
2 within the establishments and in identifying lessons for
3 the future. The council is committed to contributing to
4 this process as the successor authority to Tayside
5 Regional Council. The council embraces external
6 scrutiny and is determined to ensure that the mistakes
7 of the past are not repeated. Although the council has
8 implemented significant changes to its policies,
9 procedures and practices, including the closure of its
10 own residential units, and the development of new models
11 of care focused on early intervention, prevention and
12 intensive family support, that does not mean that there
13 will be not lessons to be learned for the future.

14 My Lady, that concludes my opening submission on
15 behalf of Perth and Kinross Council.

16 LADY SMITH: Thank you very much, Ms Rodger.

17 Now, I'd like to return to Mr Batchelor at this time
18 for his representation of City of Edinburgh Council,
19 please.

20 MR BATCHELOR: Thank you, my Lady.

21 Opening submissions by Mr Batchelor (City of Edinburgh
22 Council)

23 MR BATCHELOR: I'm sure the Inquiry is already aware of
24 this, but the City of Edinburgh Council came into
25 existence in 1996 following local government

1 re-organisation. Between 1975 and 1996, Lothian
2 Regional Council was responsible for local government in
3 Edinburgh and the Lothians. Prior to 1975, Edinburgh
4 Corporation was the local authority responsible for the
5 City of Edinburgh area.

6 This case study will consider two establishments run
7 by the council and its predecessor authorities,
8 Glenallan and Clerwood Children's Homes.

9 Clerwood Children's Home opened in 1947. It closed
10 as a children's home in approximately 1982. It could
11 accommodate up to 30 children at any one time.

12 Glenallan was a family group home, which could
13 accommodate approximately 12 children, usually in family
14 groups. It opened in 1970 and closed in 1985.

15 Both homes closed in the 1980s, my Lady, due to the
16 transition away from residential care to community-based
17 care.

18 The council acknowledges that children cared for at
19 the two establishments in question were abused. The
20 nature and extent of abuse at both establishments and
21 the reasons why it was able to occur were examined by
22 a large-scale inquiry commissioned by the council in
23 1998. That inquiry, known as the Edinburgh Inquiry or
24 the Marshall Inquiry, produced a detailed report
25 entitled 'Edinburgh's Children' in 1999. The Edinburgh

1 Inquiry came about as a result of the conviction of two
2 members of staff for sexual abuse of children at
3 Glenallan and Clerwood.

4 Gordon Knott was convicted of the sexual abuse of
5 children at Clerwood Children's Home from 1973 to 1977
6 and at Glenallan Children's Home and at holiday
7 locations from 1978 to 1983. The indictment included 22
8 charges against Mr Knott.

9 Another employee, Brian McLennan, was sentenced to
10 11 years' imprisonment for crimes committed in Clerwood
11 Children's Home from 1977 to 1978, and at another
12 establishment not under the control of the council or
13 its predecessors. There were 14 charges against
14 McLennan.

15 Abuse at the establishments also included physical
16 and emotional abuse. A member of staff at Clerwood was
17 dismissed in 1976 for mistreatment of children and the
18 Edinburgh Inquiry also found that there were cruel and
19 abusive practices at Clerwood.

20 The council acknowledges that there were widespread
21 failures in its systems at Glenallan and Clerwood. The
22 council also acknowledges that there were failures in
23 response to allegations of abuse.

24 One of the main reasons for the establishment of the
25 Edinburgh Inquiry was due to evidence being led at the

1 criminal trial of Knott and McLennan that previous
2 reports of abuse by them had not been acted upon. The
3 Edinburgh Inquiry report examines both of these areas in
4 detail.

5 That Inquiry, my Lady, had a particularly
6 significant influence on policy and practice, not just
7 for the City of Edinburgh Council but also nationally.
8 The report contained a total of 135 recommendations.
9 The Inquiry has already considered that report in some
10 previous phases, but it obviously has a particular
11 significance and resonance to the present phase.

12 As they have done in previous phases in which they
13 have been involved, the City of Edinburgh Council wishes
14 to apologise to all of those who suffered abuse as
15 children whilst in the care of the council or its
16 predecessor authorities. The council is fully committed
17 to assisting the Inquiry with its work and to best
18 practice in residential childcare and it looks forward
19 to assisting the Inquiry during this phase.

20 LADY SMITH: Thank you very much, Mr Batchelor.

21 MR BATCHELOR: Thank you, my Lady.

22 LADY SMITH: Now, I turn to the Ponton House Trust, and
23 that's Ms Connolly.

24 When you're ready, thank you.

25 MS CONNELLY: Thank you, my Lady.

1 Opening submissions by Ms Connelly

2 MS CONNELLY: I appear on behalf of the Ponton Trust, the
3 successor to the Ponton House Trust since 2023.

4 The Ponton Trust participates in the Inquiry in
5 respect of the Inquiry's investigation of abuse that
6 occurred in the Porton House Boys' Residence. In due
7 course I will outline the background as to why the
8 Ponton Trust appears, but in short the Trust is the
9 successor to the earlier bodies that were the recipients
10 of the assets of Porton House Boys' Residence when it
11 was dissolved in 1982.

12 In 2026, the Scottish Child Abuse Inquiry will
13 examine the treatment and abuse of boys who resided at
14 the Ponton House Boys' Residence. The trustees of the
15 Ponton Trust unequivocally condemn and abhor any such
16 abuse and offer an apology to any young person who was
17 subjected to abuse while residing at the Ponton House
18 Boys' Residence.

19 The trustees wish to assist this Inquiry in every
20 way possible in its investigation of abuse.

21 LADY SMITH: Ms Connelly, you say that the Trust offers
22 an apology to any young person who was subjected to
23 abuse. Do the Trust accept that young people were
24 abused at Ponton House?

25 MS CONNELLY: My Lady, my understanding is that there is

1 that acceptance that abuse occurred. However, the
2 acceptance is somewhat limited, my Lady, as I will go on
3 to explain, in that there is a dearth of any
4 documentation in respect of the management and operation
5 of Ponton House Boys' Residence. So the trustees have
6 no basis upon which to dispute that abuse occurred.
7 They abhor that abuse, my Lady, but they have a dearth
8 of documentation to assist them in evidencing or
9 refuting.

10 LADY SMITH: So are you going to explain a little bit more
11 about this to me just now?

12 MS CONNELLY: I am, my Lady.

13 LADY SMITH: That would be helpful, thank you.

14 MS CONNELLY: Thank you, my Lady.

15 My Lady, turning to the organisation, the Ponton
16 House Boys' Residence was founded in 1867 and was
17 originally known as the Edinburgh Industrial Brigade
18 Home. Initially, the home accommodated 15 destitute
19 lads who were provided with board, lodging and education
20 and also assisted in securing employment, preferably as
21 trade apprentices.

22 The establishment later became known as the
23 Edinburgh Home for Working Lads and occupied various
24 premises until 1962 when, due to a decline in demand for
25 places at the home, it moved to smaller premises at

1 6 Magdala Crescent, Edinburgh. By that time, the
2 establishment was known as the Ponton House Boys'
3 Residence.

4 The object of the Ponton House Boys' Residence is
5 set out in its undated constitution, it states:

6 ' It is to aid boys up to the age of 21 in their
7 efforts to obtain a livelihood by providing them with
8 a home and proper supervision as regards their
9 upbringing and material welfare in a Christian
10 environment.'

11 The establishment remained at 6 Magdala Crescent
12 until it ceased operation around 1981. The
13 establishment was dissolved following the sale of the
14 Magdala Crescent property in 1982. Simpson, Kinmont &
15 Maxwell were the solicitors instructed to represent the
16 Ponton House Boys' Residence in its winding up and
17 dispersal of its assets.

18 The proceeds from the sale of 6 Magdala Crescent,
19 together with other investments and a legacy, were
20 consolidated to establish the Ponton House Association
21 in 1982.

22 The association was a separate charity from the
23 Ponton House Boys' Residence. Unfortunately, no records
24 or documents relating to the management or operation of
25 the boys' residence were passed by Simpson, Kinmont &

1 Maxwell to the Ponton House Association.

2 In 1993, the members of the management committee of
3 the Ponton House Association resolved to establish
4 a charitable trust to be known as the Ponton House
5 Trust. The Ponton House Trust's objective was to
6 distribute grant aid to registered charities working
7 with vulnerable and disadvantaged children and young
8 people in the Edinburgh and Lothian area. Since 1993,
9 the Ponton House Trust and its successor from 2023, the
10 Ponton Trust, has distributed more than £1.7 million to
11 charities working with children and young people in
12 Edinburgh and Lothian. The Ponton Trust welcomes this
13 opportunity to assist the Inquiry.

14 To date, the Trust has provided the very limited
15 documents it has come into possession of, namely
16 constitutions, as referred to, deeds, ledger books,
17 accounts and annual accounts and will continue to do all
18 that it can to assist the Inquiry.

19 In 2026, David Reith, the Secretary and a trustee of
20 the Ponton Trust, will provide oral evidence to the
21 Inquiry.

22 My Lady, I should note that in response to
23 Section 21 notices, the Trust has intimated that it is
24 aware of two individuals who have made complaints to the
25 Ponton Trust regarding the abuse suffered at Ponton

1 House Boys' Home. The trust has also been notified of
2 applications by former residents to the redress scheme.

3 As far as the Trust is aware, my Lady, there is no
4 ongoing police investigation and there is one current
5 civil court action.

6 My Lady, in the absence of any further questions,
7 I wish to thank the Inquiry for this opportunity to make
8 an opening submission.

9 LADY SMITH: I have no further questions.

10 Thank you very much for that, Ms Connelly.

11 Now, at this point, I'm going to stop for the
12 morning break and I'll resume after the break with
13 hearing from Mr Di Paola for CrossReach.

14 Thank you.

15 (11.26 am)

16 (A short break)

17 (11.45 am)

18 LADY SMITH: Now, as I said before the break, I'd now like
19 to turn, if I may, to Mr Di Paola, who is here for
20 CrossReach.

21 Mr Di Paola.

22 MR DI PAOLA: Good morning, my Lady.

23 Opening submissions by Mr Di Paola

24 MR DI PAOLA: I'm here today on behalf of CrossReach, the
25 Church of Scotland's Social Care Council which operate

1 the church's social care services.

2 The Church of Scotland is one of the largest
3 providers of social care to the people of Scotland. Its
4 involvement in this work is long-standing. Its earliest
5 participation in residential care for children came with
6 the opening of a home for orphan girls in South
7 Queensferry around 1868.

8 In 1904, after a decision of the General Assembly,
9 the church's committee on social work was brought into
10 being.

11 In the early 1930s, at the beginning of the
12 Inquiry's reference period, there appear to have been
13 three children's homes run by the church; one in
14 Glasgow, and the other two at Haddington and
15 Musselburgh. The number of homes and schools increased
16 steadily in the ensuing decades.

17 The church has therefore been engaged in the
18 provision of residential care and schooling throughout
19 the period the Inquiry is investigating. During that
20 period, the church has cared for thousands of children.

21 The Lord and Lady Polwarth Home in Edinburgh is to
22 be included in the Inquiry's Phase 10 case study. This
23 was a children's home which was opened in 1945,
24 originally as a home for under 5s, and subsequently
25 providing care for both boys and girls of school age.

1 The home closed in 1982, as a result of falling
2 admission rates following a policy change by local
3 authorities to move away from placing children under 12
4 in residential care homes.

5 In 2013, an individual was convicted of sexual
6 offences committed against children in the Polwarth home
7 between 1975 and 1981. He was employed by the church at
8 the time. The church had no prior knowledge of the
9 facts which led to his conviction. As soon as the
10 church became aware of that conviction, a verbal apology
11 was offered and this was followed up in writing.

12 It is therefore inescapable that the church has
13 provided a setting in the Polwarth home in which
14 children have been abused. The nature of that abuse
15 within that setting and the culture fostered by the
16 individual in question may mean that this has been by
17 staff members, volunteers or other children. This is
18 a matter of profound regret by all associated with the
19 church's social care organisation and, indeed, for all
20 connected to the Church of Scotland in any way.

21 Internal scrutiny of all reported incidents has
22 already been carried out. The church has previously
23 commissioned an independent review by
24 Professor Andrew Kendrick to examine policies and
25 safeguarding practices at the Polwarth home. And the

1 report of that investigation was received and the
2 recommendations were implemented in 2016, with an update
3 being provided on the progress to the Inquiry on
4 completion of the actions identified.

5 If the Inquiry identifies further steps which the
6 church could and should have taken to prevent any abuse
7 which has occurred, the church will take the utmost care
8 to ensure that any necessary changes to its practice are
9 made.

10 The church has studied the witness statements which
11 have been lodged and will listen with care to those who
12 appear at the Inquiry. The church has sought to provide
13 the Inquiry with all relevant information and will act
14 on any recommendations and guidance which result from
15 the current phase of the Inquiry's work.

16 To those who endured abuse in the Lord and Lady
17 Polwarth Home in Edinburgh, and to others who may be
18 intending to come forward or who may never feel able to
19 do so, the church expresses its sorrow at what happened.
20 A home that should have provided care and guidance
21 failed those in most need. The church has offered and
22 will continue to offer support to individuals and groups
23 in a way which best suits them, including through the
24 safeguarding service if required.

25 Recognising that the events of the past cannot be

1 changed, the church nevertheless offers a heartfelt
2 apology to all who have suffered in its care.

3 Thank you.

4 LADY SMITH: Thank you very much indeed, Mr Di Paola.

5 Now, could I please turn to representation for
6 Glasgow City Council.

7 Mr Pugh, I think that's you.

8 MR PUGH: Yes, morning, my Lady.

9 Opening submissions by Mr Pugh

10 MR PUGH: Glasgow City Council, to whom I'll refer this
11 morning simply as 'the council', is grateful to be able
12 to appear and to make submissions within this case study
13 concerning children's homes.

14 This, as your Ladyship knows, is the third case
15 study in which the council has participated and, like
16 the previous case studies in both foster care and
17 residential care, the council looks forward to engaging
18 fully and to assisting the Inquiry in its important
19 work.

20 Anything, my Lady, that the Inquiry can do to
21 improve the care of young people in Scotland is to be
22 welcomed and supported.

23 The council is, as the Inquiry knows, the largest in
24 Scotland. It, and its statutory predecessors, have been
25 responsible over many decades for operating children's

1 homes in and around Glasgow. The council's Section 21
2 responses identify more than 150 homes as having been
3 operated by the council and its predecessors during the
4 relevant period. It is, of course, necessary for the
5 council to have operated such homes and to continue to
6 do so, given its statutory responsibilities for the care
7 of children. Of specific interest to the council's
8 participation in this case study are three homes based
9 in the Glasgow area. They are: Downcraig Children's
10 Home, located in Castlemilk, which closed in 1987 or
11 1988; Eversley Children's Home located in Pollokshields,
12 which closed in 1981; and Park Lodge Children's Home,
13 located in Giffnock, which closed in 2008.

14 Those are, together with slightly more remotely, my
15 Lady, Dunclutha Children's Home based in Dunoon, and
16 which, since disaggregation in 1996, has been operated
17 by Argyll and Bute Council.

18 In addition to those children's homes, my Lady, and
19 relevant to this case study, the council also operated
20 Fornethy House based in Alyth in Perthshire. Fornethy
21 sits slightly distinctly from the first four homes. It
22 was originally operated as a camp school, to which
23 pupils at other schools were sent for short periods.
24 Later, its purpose changed in the late 1980s to become
25 a residential outdoor centre, where pupils would attend

1 with their own school for a week or so. The result is
2 that thousands of children passed through Fornethy prior
3 to its closure in 1993.

4 Now, my Lady, as the Inquiry already knows, it has
5 been challenging for the council to locate records from
6 the institutions that are the subject of this case
7 study. The council has in its Section 21 responses
8 provided such background information as to these various
9 homes as was available at the time of framing, but
10 I recognise fully that there are gaps in the
11 information. What information has been found has often
12 come from documents such as annual reports, which
13 themselves are, of course, only a summary or snapshot of
14 the home or institution at any given time.

15 From the evidence that has been seen so far, it is
16 already acknowledged that abuse has occurred in
17 children's homes operated by the council.

18 So for example, in Part B of its Section 21 response
19 in relation to Eversley, the council has identified the
20 existence of such abuse, even although the precise scale
21 could not be established.

22 Elsewhere, at the time of producing Section 21
23 responses for both Downcraig and Park Lodge, the council
24 had not seen evidence of such abuse and has therefore
25 not given specific acknowledgement.

1 That, however -- and this is fundamentally
2 important, my Lady -- that, however, is not to say that
3 abuse did not happen. The council knows only too well
4 from its participation in this and previous case studies
5 that the abuse perpetrated upon children during the
6 relevant period often did not leave a trail of records.

7 The council has already produced addendum responses
8 to its Section 21s in respect of Eversley, Downcraig and
9 Park Lodge, giving details of claims that have been
10 intimated in relation to those institutions in the
11 period after its original responses have been produced
12 and it is already considering whether it can do so in
13 relation to Dunclutha, although that may require some
14 further exploration with Argyll and Bute Council.

15 And I take what your Ladyship says this morning to
16 heart in relation to the ability to produce further
17 Section 21 responses as the evidence develops, and as
18 your Ladyship knows, the council has done that in other
19 case studies before this Inquiry.

20 LADY SMITH: Yes, and of course, if you're talking about
21 Dunclutha, time is short, as you know, for our purposes.

22 MR PUGH: Indeed, I am due to speak to the council next
23 week.

24 LADY SMITH: Good.

25 MR PUGH: Dunclutha has, I think as the Inquiry knows, come

1 up reasonably late on the council's radar but it's being
2 dealt with and I'm speaking to the council next week.

3 LADY SMITH: Good. And I do understand the complication
4 that arises with its history of previously being
5 an Argyll and Bute Council responsibility, but I hope
6 that with liaison between the two, if there is anything
7 there, it can be unearthed and got to us sooner rather
8 than later.

9 MR PUGH: There's already been, as I understand it, some
10 logbooks produced. I don't yet know what those say, but
11 active investigations are underway, my Lady.

12 LADY SMITH: Thank you.

13 MR PUGH: And if it's only in relation to numbers of claims,
14 it should be relatively easy to get that information,
15 hopefully.

16 LADY SMITH: Good.

17 MR PUGH: If I can then say a specific word about Fornethy,
18 I've explained already that it sits slightly apart from
19 the children's homes in terms of purpose.

20 As will be clear from the Section 21 responses, the
21 number of children passing through, given that
22 particular purpose, is very high, and no doubt that
23 makes it all the more difficult for this Inquiry to
24 investigate what has occurred.

25 The council is aware, however, from the witness

1 statements disclosed so far in this process, that
2 a variety of alleged abusers are said to have been
3 responsible for abuse at Fornethy.

4 LADY SMITH: Yes, and also if you're talking about the
5 purposes for which Fornethy was established and run,
6 that's not the whole story, because, as you'll be aware,
7 we also have to look, if we look through the lens of our
8 terms of reference of what actually happened and what
9 applicants have told us about, for instance, the length
10 of time they were placed in Fornethy and the nature of
11 their being there.

12 MR PUGH: Of course, and certainly from my perspective in
13 relation to the earlier years of the operation of
14 Fornethy, the information I have seen is less than clear
15 as to what, for example, the duration of some residents'
16 stays were.

17 LADY SMITH: Indeed.

18 MR PUGH: These are matters that again are being actively
19 looked at through the lens of the witness statements
20 produced in this process and of course the council
21 moreover acknowledges the very recent conviction of
22 Patricia Robertson, who only last week on 3 December was
23 sentenced for the abuse of 18 complainers and of whom
24 Lord Colbeck is reported to have said, 'It is clear that
25 you behaved in a cruel and sadistic manner. The

1 examples are too numerous to mention'. None of that is
2 lost on me or those that I represent, my Lady.

3 LADY SMITH: Thank you.

4 MR PUGH: As will have been seen from the council's
5 Section 21 responses, allegations of abuse at Fornethy
6 have given rise to a huge number of claims against the
7 council. It's 178 claims at the last count, all of
8 which I think are either sisted or not yet raised
9 pending the outcome of the criminal proceedings that
10 have just concluded. The council understands, my Lady,
11 for the avoidance of any doubt, that this is not the
12 forum in which to litigate those claims.

13 As the council has said in previous case studies, it
14 does not consider that its function in this Inquiry is
15 to challenge the evidence of survivors of child abuse.
16 At the outset of this case study, I can say that the
17 council's sympathy is with anyone who has survived such
18 abuse. The council considers that the abuse of children
19 in whatever form is always reprehensible.

20 Children requiring care within the council's
21 children's homes will have come from a wide range of
22 backgrounds. Often they will have been vulnerable due
23 to the circumstances that resulted in them requiring to
24 be cared for and the council considers that the only way
25 to manage vulnerable children appropriately is by caring

1 for them with compassion and understanding.

2 The council will listen to the evidence with care
3 and consideration. At the outset, however, I wish to
4 apologise unreservedly on behalf of the council to all
5 of those who, as children, were abused in care homes
6 operated by the council or its predecessors, or within
7 the setting at Fornethy House. Sorry.

8 As I have said, my Lady, the council sees its role
9 as being to assist this Inquiry. It's anticipated that
10 Susanne Millar, the current chief executive of the
11 council, who, as the Inquiry knows, has long experience
12 working for the council, will attend to give evidence.
13 Arrangements in that regard have been subject to some
14 very recent discussion between the council and the
15 Inquiry regarding the developing position in relation to
16 Dunclutha, but my current understanding is that
17 Ms Millar will attend in May in respect of all of the
18 council's institutions and Section 21 responses.

19 LADY SMITH: Thank you.

20 MR PUGH: The council has produced documents so far to
21 assist the Inquiry where possible. As well as those
22 documents that strictly concern only Glasgow, the
23 council has produced some documents relating to the
24 former Strathclyde Regional Council.

25 And again, as your Ladyship knows, that's because

1 the council holds, in certain instances, Strathclyde
2 Regional Council's archive. We have, as with previous
3 case studies, contact with the council's archivist,
4 Irene O'Brien, who I know has provided assistance to the
5 Inquiry in the past and will of course continue to do
6 so.

7 Unless there's anything else I can usefully add,
8 then that's all I intend to say in opening and the
9 council looks forward to participating further next
10 year, my Lady.

11 LADY SMITH: No, that's all I require at the moment.

12 Thank you very much, Mr Pugh.

13 I would now like to turn to the Care Inspectorate,
14 please, and that's Mr Crawford.

15 When you're ready, I'm ready to hear you.

16 MR CRAWFORD: Good afternoon, my Lady.

17 Opening submissions by Mr Crawford

18 MR CRAWFORD: The Care Inspectorate wishes to reiterate that
19 it is committed in its participation with the Inquiry
20 and will indeed work with the Inquiry in any way that it
21 can in order to learn and improve.

22 As indicated in previous opening submissions, my
23 Lady, the Care Inspectorate is the statutory successor
24 to the Care Commission. Part of its role involves the
25 inspection of standards of care provided by

1 establishments in Scotland. The role involves the
2 regulation and inspection of care services across
3 Scotland to ensure standards are met and to facilitate
4 and support improvement where necessary.

5 With reference to the ambit of Phase 10 of the
6 Inquiry's work, the inspectorate undertook inspections
7 of two establishments that were either run by local
8 authorities or, indeed, establishments run by voluntary
9 providers and used by local authorities that provided
10 residential care for children and young people in
11 Scotland.

12 Those establishments, my Lady, were Cobblehaugh --
13 I do apologise if I've mispronounced that, my Lady.

14 LADY SMITH: I think that sounds fine. It might be 'haugh'
15 depending upon your preference, but I am sure it's okay.
16 MR CRAWFORD: Run by Aberdeenshire Council in Inverurie and
17 Dunclutha Children's Home in Dunoon, as we've just heard
18 about.

19 As such, my Lady, there is indeed a clear interest
20 in the matters being explored in Phase 10 of the
21 Inquiry's work.

22 My Lady, documentation in response to Section 21
23 notices have been provided in that regard.

24 The Care Inspectorate remains committed to the
25 effective fulfilment of its function in respect of the

1 services over which it has regulatory oversight, my
2 Lady. It is committed to assisting the Inquiry and to
3 acting upon any lessons learned from the findings of the
4 Inquiry in due course. The Care Inspectorate reiterates
5 that it will continue to assist the Inquiry in whatever
6 way it can, in order for the Inquiry to fulfil its terms
7 of reference, my Lady.

8 I'm obliged.

9 LADY SMITH: Thank you very much.

10 Now, turning to Police Scotland, the Chief
11 Constable, I think Ms Haggerty, you're here for the
12 police, yes?

13 MS HAGGERTY: Good afternoon, my Lady.

14 Opening submissions by Ms Haggerty

15 MS HAGGERTY: I'm grateful for the opportunity to make this
16 opening statement on behalf of the Chief Constable of
17 the Police Service of Scotland.

18 Firstly, the Chief Constable wishes to express
19 sympathy to all survivors of childhood abuse, including
20 survivors who have experienced abuse within
21 establishments run by local authorities and
22 establishments run by voluntary providers used by local
23 authorities to place children in care.

24 Police Scotland remains committed to delivering its
25 response to the Inquiry and ensuring that all relevant

1 information held is provided in compliance with the
2 terms of notices issued under the Inquiries Act 2005.

3 This information includes policies, procedures and
4 documents relating to investigations into the abuse and
5 neglect of children in establishments falling under the
6 Inquiry's remit. With regard to this phase of the
7 Inquiry's hearings, Police Scotland has identified and
8 provided all material meeting the terms of requests from
9 the Inquiry relating to previous police investigations
10 into the abuse and neglect of children within
11 establishments run by local authorities and
12 establishments run by voluntary providers used by local
13 authorities to place children in care.

14 Police Scotland also wishes to inform the Inquiry
15 that in keeping with its continued commitment to
16 non-recent investigations, it is currently conducting
17 investigations into non-recent child abuse within
18 establishments run by local authorities.

19 Police Scotland continues to build on its engagement
20 with adult survivors of childhood abuse, seeking views
21 and consulting with survivors, support services and
22 statutory partners to enhance public confidence and to
23 improve service provision to adult survivors.

24 Police Scotland recognises the importance of using
25 organisational learning to ensure its staff have the

1 capabilities and skills required to effect continuous
2 improvement. As such, Police Scotland will take into
3 account any good practice or areas of learning that may
4 be identified from this phase of the Inquiry hearings as
5 part of its commitment to developing and improving its
6 service provision.

7 Police Scotland remains committed to child
8 protection, both locally as a core statutory child
9 protection agency and nationally in partnership with
10 multi-agency and strategic leadership groups to
11 implement continuous improvements and make a positive
12 contribution to protecting Scotland's children, both now
13 and in the future.

14 Thank you, my Lady.

15 LADY SMITH: Thank you.

16 Just one thing, you may not be able to answer this,
17 Ms Haggerty, but you tell me that Police Scotland is
18 currently conducting investigations into non-recent
19 child abuse within establishments run by local
20 authorities. Is that any different from what I've heard
21 before from Police Scotland in similar submissions that
22 have been made? Is there anything new in that?

23 MS HAGGERTY: I suspect not, my Lady, but I'm not privy to
24 the operational details in relation to these
25 investigations.

1 LADY SMITH: Okay, thank you very much.

2 Now, representation for the Lord Advocate.

3 Ms Lawrie, when you're ready.

4 Opening submissions by Ms Lawrie

5 MS LAWRIE: My Lady, I'm grateful for the opportunity to
6 make this brief opening statement on behalf of the
7 Lord Advocate, which explains the Crown's interest in
8 the present phase of the Inquiry's investigations.

9 As with previous case studies, the Lord Advocate's
10 interest stems from her responsibilities as head of the
11 systems of criminal prosecution and the investigation of
12 deaths in Scotland.

13 The focus of the present case study is the provision
14 of residential care for children and young people in
15 establishments run by local authorities and
16 establishments run by voluntary providers used by local
17 authorities to place children in care.

18 As my Lady has heard this morning, there have been
19 several prosecutions arising out of offences against
20 children and young people at those establishments. As
21 the chapters of evidence progress during this phase, it
22 is anticipated that the Inquiry will hear more evidence
23 about those cases and the Crown's involvement in them.

24 Given that the Crown Office and Procurator Fiscal
25 Service is committed to continuous improvement and to

1 delivering the quality of service the public rightly
2 expects, it is expected that the evidence of those
3 applicants with criminal justice experience will allow
4 the Crown to carefully reflect and to consider how that
5 service can be improved.

6 In conclusion, my Lady, may I once again repeat the
7 Lord Advocate's public commitment to supporting the
8 Inquiry's work and to contributing positively and
9 constructively to it.

10 And secondly, to learning from the Inquiry's work in
11 relation to the prosecution of crime in the public
12 interest and the investigation of deaths in Scotland.

13 Thank you, my Lady.

14 LADY SMITH: Thank you very much.

15 Finally, for Scottish Ministers, Mr Scullion, when
16 you're ready.

17 MR SCULLION: Good afternoon, my Lady.

18 Opening submissions by Mr Scullion

19 MR SCULLION: This opening statement is made on behalf of
20 the Scottish Ministers.

21 As the Inquiry is aware, the Scottish Ministers also
22 represent those executive agencies which form part of
23 the Scottish Government and for which the Scottish
24 Ministers are directly responsible. The Scottish
25 Ministers continue to have an interest in all aspects of

1 this Inquiry's work and to be represented throughout the
2 hearings of evidence from applicants and others.

3 Insofar as this phase of the Inquiry is concerned,
4 the Scottish Ministers have a range of interests in the
5 way in which residential accommodation services are
6 provided to children and young people by and on behalf
7 of local authorities. While day-to-day responsibility
8 for looked-after children sits with Scottish local
9 authorities, Scottish Ministers set overarching national
10 policy.

11 The Scottish Ministers are also responsible for
12 ensuring that the legislative framework is fit for
13 purpose and for bringing forward law reform proposals
14 for consideration by the Scottish Parliament.

15 The legislative framework relevant to this part of
16 the Inquiry's work includes the Children (Scotland) Act
17 1995 and, of course, the Children and Young People
18 (Scotland) Act 2014, which make provision in relation to
19 the duties of local authorities to looked-after
20 children.

21 The Looked After Children (Scotland) Regulations
22 2009 impose a range of obligations on local authorities,
23 including obligations to assess children's needs and how
24 those can be met, to prepare a child's plan and to place
25 siblings together where the local authority is

1 considering placing a child in residential care.

2 And the legislative framework also includes
3 provision with which this Inquiry is by now very
4 familiar for the registration and inspection of
5 residential childcare by the Care Inspectorate and for
6 the regulation of social care workers by the Scottish
7 Social Services Council. It also includes specific
8 provision for the regulation of cross-border placements
9 of children in residential care.

10 Now my Lady, in terms of participation in this phase
11 of the Inquiry's work; to date, the Scottish Government
12 has received two Section 21 notices in relation to this
13 phase. Records were provided to the Inquiry pursuant to
14 the first notice on 17 July of this year, and the
15 deadline for responding to the second notice is next
16 week, 16 December 2025, and I am told that no
17 difficulties are envisaged in responding timeously to
18 that notice.

19 LADY SMITH: Thank you.

20 MR SCULLION: Turning to current issues, my Lady.

21 The Scottish Government would draw the Inquiry's
22 attention to ongoing work which is relevant to this
23 phase.

24 First, the Children (Care, Care Experience and
25 Services Planning) (Scotland) Bill was introduced in the

1 Scottish Parliament on 17 June 2025. It is currently at
2 stage 1 of its parliamentary passage. The bill is
3 wide-ranging, but specifically in relation to
4 residential childcare provision, it makes further
5 provision for aftercare for 19- to 25-year-olds who were
6 looked-after children, or in respect of whom corporate
7 parenting duties were owed.

8 It also includes provisions to make regulations to
9 limit the level of profits that may be generated in
10 respect of the provision of children's residential care
11 services.

12 Secondly, my Lady, the Cross-border Placement of
13 Children (Requirements, Effect and Enforcement)
14 (Scotland) Regulations were laid in the Scottish
15 Parliament on 25 November of this year. These
16 regulations make provision for court orders or
17 arrangements underpinning placements originating
18 elsewhere in the UK to have legal effect in Scotland.
19 They also impose new requirements in relation to, for
20 example, notification of placements, including
21 notification to Scottish Ministers and obligations on
22 placing local authorities and placing fostering
23 authorities to provide or secure the provision of
24 services required to support a placed child and to meet
25 costs associated with the placement.

1 There are further requirements to make regular
2 visits to the child and to carry out placement reviews.

3 The policy intention of these regulations is to
4 provide a clear legal framework in respect of
5 cross-border placements in residential care and foster
6 settings, to ensure that the welfare of children placed
7 in Scotland is safeguarded and promoted and that their
8 rights are upheld.

9 My Lady, to conclude, the Scottish Government wants
10 and needs to understand the nature and extent of the
11 abuse suffered by the survivors who have engaged with
12 the Inquiry and how that abuse was able to happen.

13 The evidence of survivors and others may lead the
14 Inquiry in due course to make recommendations about the
15 further regulation of provision for children and young
16 people who are placed in residential accommodation by or
17 on behalf of local authorities, and the Scottish
18 Government has a direct interest in supporting those who
19 were abused while in such accommodation and in ensuring
20 that they secure acknowledgement of and accountability
21 for the abuse that they experienced.

22 The Scottish Government will reflect on all evidence
23 given during these hearings, including evidence that may
24 relate to how the government has responded and continues
25 to respond to survivors of abuse.

1 I'm obliged, my Lady.

2 LADY SMITH: Thank you very much, Mr Scullion, and thank you
3 all for enabling such good progress to be made this
4 morning.

5 That now completes the opening submissions and, as
6 we've already alluded to, our plan is to start hearing
7 evidence on 13 January, I think I'm right, Mr MacAulay?

8 MR MACAULAY: Tuesday, 13 January, my Lady.

9 LADY SMITH: Tuesday, the 13th.

10 And that, at the moment, is designed to look into
11 initially Dunclutha provision and then moving on to
12 Lagarie. Have I got that right?

13 MR MACAULAY: That is correct, my Lady, yes.

14 LADY SMITH: Yes.

15 So it simply remains for me to wish everybody a very
16 happy festive season. It's still only 10 December, we
17 don't need to panic yet, Christmas is not quite upon us,
18 but I hope you all have a good break. I know many of
19 you here who I have been seeing quite regularly from
20 time to time over the last year have been working very
21 hard just for what I need you to do for this Inquiry and
22 I'm very grateful for that and I am sure the rest of
23 your professional and personal lives have been full on
24 as well.

25 So I hope you're all able to get a break and

1 a breather. So thank you.

2 Until 13 January.

3 (12.20 pm)

4 (The Inquiry adjourned until 10.00 am on Tuesday,

5 13 January 2026)

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