Wednesday, 10 December 2025

(10.00 am)

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

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

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

Mr MacAulay.

Opening submissions by Mr MacAulay

MR MACAULAY: Yes, good morning, my Lady.

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

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

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

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

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

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

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

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

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

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

once.

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

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

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

MR MACAULAY: Yes.

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

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

LADY SMITH: Indeed.

MR MACAULAY: -- one can speculate.

LADY SMITH: Yes.

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

LADY SMITH: Yes.

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

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

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

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

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

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

MR MACAULAY: We have.

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

LADY SMITH: Thank you very much, Mr MacAulay.

I'd now like to turn to the representation for INCAS, and that's Ms McCall, when you're ready, thank you.

MS MCCALL: Thank you, my Lady.

Opening submissions by Ms McCall

MS MCCALL: INCAS welcomes the start of this case study and takes this opportunity to set out questions and issues which survivors want the Inquiry to consider.

It's anticipated that the Inquiry will again hear evidence of significant physical, sexual and emotional abuse of those in residential care. There will be evidence about individual perpetrators, as we've just heard, some of whom were prolific in their offending against children, but the Inquiry is also expected to hear about systemic issues, relating to excessive restraint, corporal punishment, peer-on-peer abuse and the use of isolation, with some regimes capable of being described as militaristic. INCAS considers the evidence will also show an absence of oversight and an absence of curiosity about what was happening to some children.

In their Section 21 responses, a number of providers and authorities or their successors have advised the Inquiry that there are no records of any complaints of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Obliged, my Lady.

LADY SMITH: Thank you.

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

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

Thank you.

MS MCCALL: Obliged, my Lady.

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

When you're ready, Mr Duncan.

MR DUNCAN: Good morning, my Lady.

Opening submissions by Mr Duncan

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

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

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

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

the Philippines.
LADY SMITH: Can you outline their objects for me, Mr Duncan?
MR DUNCAN: The objects, the underlying, the setting up of the charity was a Christian belief and direction, and the underlying object is the support of seafarers and their families across the world. That, I think, would be the --
LADY SMITH: Any support required?
MR DUNCAN: Any support required.
And I think the -- my understanding, my Lady, is that there's -- essentially the sort of core of the whole thing is a 24/7 helpline, which is available either to provide support directly, for example to people on ships who are experiencing difficulties, or to then engage particular aspects of support across the world in the way that I was touching on.
LADY SMITH: Thank you.
MR DUNCAN: One thing, my Lady, that I guess is implicit in what I've just said is that the Society is no longer involved in the care of children and that has been the position for some time.
And that really takes me to the second thing I wanted to mention, which was the Society's historic involvement in looking after children which is, of

course, what brings them here today.

LADY SMITH: Yes.

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

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

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

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

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

LADY SMITH: Thank you.

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

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

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

LADY SMITH: Thank you.

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

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

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

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

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

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

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

(Pause)

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

Mr Duncan.

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

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

MR DUNCAN: I think so, my Lady.

LADY SMITH: Thank you.

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

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

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

LADY SMITH: Yes, indeed.

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

LADY SMITH: Yes.

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

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

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

LADY SMITH: Yes.

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

LADY SMITH: Thank you.

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

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

LADY SMITH: Thank you.

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

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

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

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

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

LADY SMITH: Thank you.

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

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

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

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

MR MACPHERSON: Thank you, my Lady.

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

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

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

LADY SMITH: Thank you.

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

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

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

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

LADY SMITH: Thank you.

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

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

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

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

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

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

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

The Trust therefore is intended --

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

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

LADY SMITH: Right, okay.

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

LADY SMITH: Thank you.

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

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

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

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

its charitable purposes and constitution.

LADY SMITH: Thank you.

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

LADY SMITH: Thank you.

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

The trustees will reflect on those and the evidence

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

LADY SMITH: Thank you.

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

LADY SMITH: Thank you, Mr MacPherson.

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

MS THOMSON: Thank you, my Lady.

Opening submissions by Ms Thomson

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

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

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

Inquiry's work.

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

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

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

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

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

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

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

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

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

LADY SMITH: Yes.

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

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

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

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

LADY SMITH: Thank you.

MS THOMSON: And the reference to torture is at paragraph [redacted].

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

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

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

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

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

LADY SMITH: Mm-hmm.

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

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

LADY SMITH: Thank you.

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

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

Thank you, my Lady.

LADY SMITH: Thank you very much, Ms Thomson.

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

MS LOOSEMORE: Thank you, my Lady.

Opening submissions by Ms Loosemore

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

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

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

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

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

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

The Salvation Army does acknowledge that former

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

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

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

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

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

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

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

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

LADY SMITH: All right, do you know what?

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

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

MS LOOSEMORE: Yes, certainly, my Lady.

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

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

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

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

LADY SMITH: Thank you.

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

Yes, Mr Massaro.

MR MASSARO: Thank you, my Lady.

Opening submissions by Mr Massaro

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

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

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

Regional Council on 1 April 1996.
LADY SMITH: Sorry to interrupt you, Mr Massaro, I mean, I'm well aware of the changes in local government re-organisation and boundaries in the late 20th century, but certainly we had the 1994 Act that had the impact of Renfrewshire Council coming into being. Before then it was part of Strathclyde Regional Council, but what about before the regional council, circumstances which arose in 1975?
MR MASSARO: Well, indeed, my Lady --
LADY SMITH: Yes, what were they before then?
MR MASSARO: As I understand it, it was the Glasgow Corporation that set up this particular home, Gryffe, in -- and I do have the date in my notes, my Lady, I understand it was the 1950s.
LADY SMITH: That would make sense, Glasgow Corporation, then Strathclyde Regional Council and then the current situation of it being Renfrewshire Council.
MR MASSARO: Indeed, my Lady.
LADY SMITH: Thank you.
MR MASSARO: So Gryffe was a residential home for children, both boys and girls, which opened on 9 September 1950, my Lady, and it was closed in March 1999.
So Renfrewshire Council was therefore responsible for Gryffe in its last three years of operation, and

we've discussed the position prior to that.

LADY SMITH: Yes, thank you.

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

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

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

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

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

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

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

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

LADY SMITH: Thank you.

MR MASSARO: Such abuse should never have happened.

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

Thank you, my Lady.

LADY SMITH: Thank you very much, Mr Massaro.

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

MR BATCHELOR: Thank you, my Lady.

Opening submissions by Mr Batchelor (North Lanarkshire Council)

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

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

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

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

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

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

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

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

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

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

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

committed against children there.

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

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

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

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

local government disaggregation.

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

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

Thank you.

LADY SMITH: Thank you very much, Mr Batchelor.

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

MR THOM: Yes, my Lady.

LADY SMITH: Thank you.

Opening submissions by Mr Thom

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

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

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

Dumfriesshire County Council, from 1952 to 1975, and then Dumfries and Galloway Regional Council from 1975 onwards, owned and operated Merkland Children's Home, which was a residential children's home in the town of Moffat. The home housed children who were in the care of the local authority from 1952 until it closed in 1982.

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

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

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

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

whom he had taken on holiday to Wales.

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

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

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

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

Council practices have evolved in response to meet

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

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

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

LADY SMITH: Hardthorn?

MR THOM: Yes.

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

MR THOM: Hardthorn Road in Dumfries.

LADY SMITH: Thank you.

MR THOM: Thank you, my Lady.

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

Thank you, my Lady.

LADY SMITH: Thank you very much, Mr Thom.

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

When you're ready.

MS RODGER: Thank you very much, my Lady.

Opening submissions by Ms Rodger

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

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

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

establishments.

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

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

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

LADY SMITH: Or what?

MS RODGER: Hillyland, my Lady, Hillyland.

LADY SMITH: Hillyland, yes.

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

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

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

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

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

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

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

LADY SMITH: Thank you.

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

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

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

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

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

LADY SMITH: Yes.

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

instances of abuse which are unrecorded.

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

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

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

Firstly, the council is committed to listening to

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

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

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

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

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

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

LADY SMITH: Thank you very much, Ms Rodger.

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

MR BATCHELOR: Thank you, my Lady.

Opening submissions by Mr Batchelor (City of Edinburgh Council)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LADY SMITH: Thank you very much, Mr Batchelor.

MR BATCHELOR: Thank you, my Lady.

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

When you're ready, thank you.

MS CONNELLY: Thank you, my Lady.

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

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

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

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

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

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

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

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

MS CONNELLY: I am, my Lady.

LADY SMITH: That would be helpful, thank you.

MS CONNELLY: Thank you, my Lady.

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

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

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

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

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

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

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

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

Maxwell to the Ponton House Association.

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

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

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

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

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

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

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

LADY SMITH: I have no further questions.

Thank you very much for that, Ms Connelly.

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

Thank you.

(11.26 am)

(A short break)

(11.45 am)

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

Mr Di Paola.

MR DI PAOLA: Good morning, my Lady.

Opening submissions by Mr Di Paola

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

the church's social care services.

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

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

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

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

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

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

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

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

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

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

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

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

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

Recognising that the events of the past cannot be

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

Thank you.

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

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

Mr Pugh, I think that's you.

MR PUGH: Yes, morning, my Lady.

Opening submissions by Mr Pugh

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LADY SMITH: Good.

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

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

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

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

LADY SMITH: Thank you.

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

LADY SMITH: Good.

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

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

The council is aware, however, from the witness

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

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

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

LADY SMITH: Indeed.

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

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

LADY SMITH: Thank you.

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

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

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

for them with compassion and understanding.

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

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

LADY SMITH: Thank you.

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

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

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

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

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

Thank you very much, Mr Pugh.

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

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

MR CRAWFORD: Good afternoon, my Lady.

Opening submissions by Mr Crawford

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

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

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

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

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

LADY SMITH: I think that sounds fine. It might be 'haugh' depending upon your preference, but I am sure it's okay.

MR CRAWFORD: Run by Aberdeenshire Council in Inverurie and Dunclutha Children's Home in Dunoon, as we've just heard about.

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

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

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

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

I'm obliged.

LADY SMITH: Thank you very much.

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

MS HAGGERTY: Good afternoon, my Lady.

Opening submissions by Ms Haggerty

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

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

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

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

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

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

Police Scotland continues to build on its engagement with adult survivors of childhood abuse, seeking views and consulting with survivors, support services and statutory partners to enhance public confidence and to improve service provision to adult survivors.
Police Scotland recognises the importance of using organisational learning to ensure its staff have the

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

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

Thank you, my Lady.

LADY SMITH: Thank you.

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

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

LADY SMITH: Okay, thank you very much.

Now, representation for the Lord Advocate.

Ms Lawrie, when you're ready.

Opening submissions by Ms Lawrie

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

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

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

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

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

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

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

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

Thank you, my Lady.

LADY SMITH: Thank you very much.

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

MR SCULLION: Good afternoon, my Lady.

Opening submissions by Mr Scullion

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

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

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

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

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

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

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

considering placing a child in residential care.

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

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

LADY SMITH: Thank you.

MR SCULLION: Turning to current issues, my Lady.

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

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

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

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

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

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

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

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

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

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

I'm obliged, my Lady.

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

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

MR MACAULAY: Tuesday, 13 January, my Lady.

LADY SMITH: Tuesday, the 13th.

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

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

LADY SMITH: Yes.

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

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

a breather. So thank you.

Until 13 January.

(12.20 pm)

(The Inquiry adjourned until 10.00 am on Tuesday, 13 January 2026)

I N D E X