

Wednesday, 4 December 2024

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(10.00 am)

LADY SMITH: Good morning, and welcome back to the case study hearings that we are holding into The Kibble and some associated schools section of this phase.

We move this morning to a witness who I think is ready to give evidence and no doubt Mr MacAulay will explain what he is going to help us with.

MR MACAULAY: Yes, the next witness is Andrew Nelson, he is here, he is attached to the Care Inspectorate, and it is in connection with that that he will give evidence.

LADY SMITH: Thank you very much.

Andrew Nelson (affirmed)

LADY SMITH: Andrew, good morning.

A. Morning.

LADY SMITH: Andrew, do sit down and make yourself comfortable.

A. Thank you.

LADY SMITH: Andrew, thank you for coming along this morning to assist us with our evidence in this part of our case study hearings. I know that we have put the Inspectorate to task with helping us in relation to quite a lot of detail, and you have agreed that you will deal with the questions that we would like to ask --

A. Okay.

1 LADY SMITH: -- in an oral hearing.

2 If you want a break at any time, that's absolutely
3 fine. I break anyway at 11.30 am, and we may or may not
4 have finished your evidence by then. If you have any
5 queries, do speak up, or anything else I can do to help
6 you give the best evidence that you can for the purposes
7 of this Inquiry, all right.

8 A. Thanks very much, thank you.

9 LADY SMITH: If you are ready, I will hand over to
10 Mr MacAulay and he will take it from there.

11 A. Thank you, my Lady.

12 MR MACAULAY: Thank you, my Lady.

13 Questions from Mr MacAulay

14 MR MACAULAY: Andrew, can I just confirm with you that you
15 were born in 1984?

16 A. Yes, that's correct.

17 Q. I understand that your present position is that of Team
18 Manager, Children and Young People, with the
19 Care Inspectorate?

20 A. Yeah, I've got a split post just now, so I'm half
21 inspector, half team manager, so I do both jobs part
22 time. But in the role as inspector, it is relevant to
23 the St Mary's inspection.

24 Q. You been called to give evidence today because of your
25 participation in an inspection of St Mary's Kenmure?

1 A. Yes, that's right.

2 Q. I will come back to that shortly. Before I do, can
3 I just look at your qualifications, and experience. You
4 have a BA in Social Work from the University of Dundee?

5 A. That's correct.

6 Q. That was in July 2006.

7 In 2013, you have a graduate certificate in Child
8 Protection and Welfare from Stirling University?

9 A. Yes, that's right.

10 Q. In 2021 you have a Professional Development Award in
11 Scrutiny and Assurance, and that's from the Scottish
12 Qualifications Authority?

13 A. Yeah, and that's through the Care Inspectorate. As part
14 of my registration I had to do that, yeah.

15 Q. And you are registered with the SSSC?

16 A. Yeah, that's right.

17 Q. As both social worker, and you are an SCSWIS authorised
18 officer?

19 A. Yes, that's correct.

20 Q. Remind me what the 'SCSWIS' stands for?

21 A. Yeah, that's a good question for me actually, I don't
22 actually know.

23 LADY SMITH: That's very honest, Andrew.

24 A. Yes, thank you.

25 MR MACAULAY: Just looking at your employment history: you

1 began as a Children and Family Social Worker with
2 Clackmannanshire Council, that was in August 2007.

3 Thereafter, I think, you have worked for a number of
4 different local authorities?

5 A. Mm-hm.

6 Q. For example, in August 2014, you were a Senior Children
7 and Family Social Work Practitioner for East
8 Renfrewshire Council?

9 A. Yes, that's correct.

10 Q. Your last council employment was with that same council
11 as a Senior Social Work Practitioner?

12 A. Yeah.

13 Q. Have you been with the Care Inspectorate since
14 April 2018?

15 A. Yes, that's correct.

16 Q. You will have in front of you in the red folder two
17 documents that have been recovered from the
18 Care Inspectorate. The first document I want you to
19 have in front of you is CIS-000010242. That will come
20 on the screen --

21 A. Yes.

22 Q. -- and you also have it in hard copy in front of you.

23 This deals with an inspection, an unannounced
24 inspection, of St Mary's Kenmure that took place on 24,
25 25, 26, 30 September and 1 October this year?

1 A. Yes.

2 Q. You were one of the team of inspectors?

3 A. Yeah, I was the lead inspector, so there was a team of
4 four of us and I am the lead inspector, yeah.

5 Q. You set out on page 2 of the document a little bit about
6 St Mary's Kenmure, and in particular that it's a secure
7 accommodation service?

8 A. Yes, that's correct.

9 Q. At that time was it in fact one of four secure units in
10 Scotland?

11 A. Yes, that's correct.

12 Q. The other three being Good Shepherd Centre, Kibble, and
13 Rossie?

14 A. Yeah, yes.

15 Q. You provide us some background information about
16 St Mary's, that it is governed by an independent board
17 of managers and is a registered charity?

18 A. Yes.

19 Q. You describe the accommodation, fairly briefly, and then
20 about the inspection itself, you tell us that there were
21 a team of four, and I have put to you the dates on which
22 the inspection took place?

23 A. Yes.

24 Q. It looks like quite a lengthy period, that's a period of
25 five days?

1 A. Yeah.

2 Q. Do you actually spend five days on the campus?

3 A. Yeah, we do. So as you see, we split it between the
4 first week is three days, and then we go away from the
5 service, and then we go away in the next week and we go
6 in for two days. The feeling about that is it gives us
7 a variance of observation, so whilst we get to see -- it
8 is very much focused on the young people, so we get
9 an opportunity to see the young people for three days in
10 that first week and then the second week we can go back
11 in again.

12 It allows us to just, I suppose, pick up things that
13 we might have found during the first week and then pick
14 up on those in the second week. We find it's a good
15 footprint for inspection.

16 LADY SMITH: Can I just pick up on something at this stage,
17 Andrew, because I noticed from your website that
18 St Mary's has been inspected quite a lot.

19 A. Yes.

20 LADY SMITH: This century alone.

21 A. Yes.

22 LADY SMITH: Has the way in which you do the inspections
23 changed, as in am I right in thinking it wasn't always
24 what you have just described as in three days, week one,
25 go away, come back for two days the following week?

1 A. I can only speak to my experience. I've been doing
2 secure inspections for five years now, and in that time
3 it has always been a footprint of five days. Whether
4 that's occurred over one week or two weeks, I can't
5 clarify whether that's been the case always, but it has
6 always been five days while I've been there.

7 So I can't speak, my Lady, to what was going on
8 before I was there. But yes, there have been a lot of
9 inspections in my time, there's been ...

10 LADY SMITH: One other thing while it is in my mind: before
11 you begin an inspection such as this, if there have been
12 recent inspections, does the inspection team review
13 those and study them?

14 A. Yes, absolutely. Coming into this inspection, our
15 experience of the previous inspection was really
16 relevant. There was obviously clear requirements that
17 we were going to follow up on. So there's a lot of
18 detail around that previous inspection that's important
19 to us.

20 LADY SMITH: It will also give you information about the
21 place, its development, the feel of it --

22 A. Yes.

23 LADY SMITH: -- I suppose?

24 A. Yes, absolutely. We have -- I mean, because the team --
25 it's a small group of inspectors that inspect the secure

1 centres, so there's a team of six of us, so we tend to
2 have a working knowledge of all the centres, and in
3 terms of St Mary's, I hadn't been involved in the
4 previous inspection, but my colleagues, two of the
5 colleagues who were on the inspection team, had been
6 there on previous inspections, so you're carrying that
7 working knowledge through into the inspection that's
8 taking place.

9 LADY SMITH: Thank you.

10 A. Okay.

11 LADY SMITH: Mr MacAulay.

12 MR MACAULAY: My Lady.

13 On page 2, you set out how you made the evaluations
14 of the service that you made. For example, you tell
15 us -- and you have mentioned this already -- you spoke
16 with 12 young people using the service.

17 A. Yes.

18 Q. And you did that over a period of some days?

19 A. Yes, yes.

20 Q. I think at this time there may have been 18 young people
21 being accommodated, so you have spoken to the majority
22 of those there?

23 A. Yes. I suppose we will see all of the young people,
24 that's an important thing, that the observation is of
25 all of the young people that live there and it would

1 have been of all 18 young people. In terms of that
2 focused conversation and discussion, we are referring to
3 12 young people who we spent time with having
4 an evaluative conversation with. The discussions with
5 the other six young people may have been more
6 observational, they might have not wanted to speak to
7 us, which does happen at times.

8 Q. These discussions that you have with the young people,
9 as you have said over a period of days, are these then
10 quite detailed?

11 A. Mm-hm, yeah. And they might be revisited conversations,
12 so there might be a young person who wants to speak to
13 us on day 1 of the inspection, and we might speak to
14 them again on day 4. But because we have access to the
15 houses, and St Mary's give us a set of keys, we are
16 allowed to walk around the site, we do tell, you know,
17 the managers of St Mary's where we are going to go, and
18 that's very much negotiated, but we are going in to
19 speak to young people probably several times. One
20 inspector is assigned to each house, so if there's four
21 houses, in this instance there was five houses, we will
22 make sure there is an inspector going in, building
23 a relationship with the young people within that house.
24 So whilst we are saying we spoke to 12 young people,
25 that could have been three or four conversations with

1 those young people.

2 Q. Okay, and you also spoke to 28 staff and managers?

3 A. Yes.

4 Q. You tell us that you observed practice and daily life.

5 Is that just a question of walking around and seeing
6 what's happening?

7 A. Yeah, as I said, we have keys so we will spend time in
8 the houses, you know, there's communal areas as well in
9 terms of the sports pitch, the gym hall, you know, we
10 are allowed to go and view practice in those
11 environments as well. Yeah, so daily life. But the
12 majority of time is spent in the houses where the young
13 people are living, and that allows us just to sit,
14 perhaps on the couch, interact with staff, interact with
15 young people in a very relaxed and informal way, as well
16 as that more formal conversation which would be about
17 gathering their views in relation to their care.

18 Q. And reviewing documents, can you give me some idea as to
19 what documents you would look at then?

20 A. So there's core assurances that we ask for, so when we
21 arrive onsite, we will ask the service to prepare
22 documents for us. The key ones that we look at really
23 are records of incidents, records of restraints, we look
24 at care plans for young people, we look at risk
25 assessments for young people, so we want to know how

1 they are understanding the young person's world, the
2 care that's involved. We also want to know about
3 serious incidents, so child protection records,
4 safeguarding reports et cetera would be really important
5 for us.

6 On top of that we want to see the service's
7 development plan. There is a big bit about quality
8 assurance, we want to see what quality assurance is
9 taking place, how that's recorded, so that's a flavour
10 of the documents that we look at.

11 Retrospectively, I could give you a copy of our core
12 assurances which would detail that information.

13 Q. The other point you make there is that you'd speak to
14 visiting professionals. Would that essentially be
15 social workers?

16 A. Yeah, the social workers are the lead professional for
17 the young person, so we would absolutely try to seek the
18 views of all the social workers for the young people
19 living there.

20 Q. What you tell us at the bottom of that page is:

21 'Our inspection raised significant concerns in
22 relation to how children and young people's health,
23 welfare and safety needs were met. As a result, we
24 issued the service with an improvement notice and
25 an emergency condition notice on 4 October 2024.'

1 We will look at that in a moment, but that seems to
2 be quite a damning conclusion.

3 A. Yeah, it is a damning conclusion and it's not an outcome
4 we often come to with the service. We were very
5 concerned at that time following the inspection.

6 Q. I will come later to the fact that we have such
7 a damning conclusion in 2024, after the
8 Care Commission/Care Inspectorate has been in place for
9 what, over 20 years?

10 A. Yes.

11 Q. And having the regular inspections that you mentioned
12 before?

13 A. Yeah.

14 Q. Were you surprised at what you found?

15 A. Lady Smith asked a wee bit about the previous inspection
16 and what we had found there, and going into that
17 inspection, the inspection we are referring to in this
18 report, we did have an understanding that some things
19 were not working well. It would be important to say
20 that the new director of the service, John Ryan, had
21 given us quite a lot of intelligence and information.
22 I was going in prior to the inspection six weekly to
23 meet with the service to try and build a relationship
24 with them, as their new lead inspector. We did have
25 an understanding that things were perhaps not working so

1 well. What I would say, not to this level though, the
2 level that we found whilst on inspection was a surprise
3 to us and much worse than, I suppose, we had initially
4 been concerned about.

5 Q. The next section of your report, page 3, is headed 'Key
6 messages'.

7 A. Yes.

8 Q. Just looking to that, and I think you develop these key
9 messages later on in the report.

10 A. Yes.

11 Q. This summarises the key messages?

12 A. Yeah.

13 Q. You say that:

14 'Environmental safety, child protection and
15 safeguarding were consistently compromised and meant
16 that young people were not being cared for safely.'

17 You go on to develop that later?

18 A. Yeah.

19 Q. Are you able to just give me an idea as to what led to
20 that conclusion?

21 A. Yeah, I suppose -- I mean, I won't go into the
22 enforcement tool, because there's lots of examples
23 within that, and if it was helpful we could
24 retrospectively give you the enforcement tool, which
25 evidenced a lot of those. But in terms of examples,

1 I mean, environmental safety was an issue in that doors
2 were being breached, so the doors weren't facilitating
3 the safety that they should, young people were able to
4 open doors by kicking them, that had on occasion allowed
5 young people to get access to prohibited items, one
6 young person had been able to access a ligature knife,
7 which was a very serious incident.

8 In terms of child protection and safeguarding, there
9 were concerns about the process around when young people
10 were raising complaints, about staff practice, about how
11 that was being followed up. There was an issue around
12 the governance of that. That should be a really tight
13 process. When a young person raises a concern, it
14 should be thoroughly followed up very quickly, the young
15 person should be assured immediately, but there was
16 a number of examples where we weren't assured about that
17 at all, we felt that the service had not followed the
18 safeguarding policy. The service acknowledged that
19 during the inspection and has retrospectively in the
20 proceeding weeks been putting a lot of work into place
21 to make sure that doesn't happen again. But during the
22 inspection, we were finding evidence of the safeguarding
23 process not keeping young people safe.

24 Q. On the following page you talk about door security
25 regularly being breached by young people --

1 A. Yeah, yeah.

2 Q. -- and failures by staff to appropriately secure the
3 environment. The effect of that, as you said, is the
4 young people therefore are not safe, if another young
5 person can breach the security perimeter?

6 A. Yeah, I mean, there wasn't examples of young people
7 seeking to get through doors in order to attack one
8 another, or it is more about young people's access to
9 things that they want or can't have, and that was the
10 issue. So I've given the example of the ligature knife
11 and the young person being able to access that.

12 A real concern was about, I suppose, the ease in
13 which young people could open doors. These are doors
14 that, you know, young people are in there because they
15 need to be kept secure, need to be kept safe, and those
16 doors should function in that way and they weren't
17 functioning. So that was a surprise to us.

18 They can be kept locked, so there is a, what we
19 learned was there's a key that can be used, the doors
20 are on magnets, so it's the magnets not holding the
21 doors closed, with, essentially, the override key
22 locking the doors, they could be kept secure that way.
23 So there was an element of staff not following process.
24 If a door was vulnerable then it should have been locked
25 with key as opposed to just being left on the magnet,

1 and that's what young people were doing, they were
2 opening those doors.

3 There was another example of a young person
4 self-harming, and they were getting access to light
5 bulbs because the door wasn't closed properly, they were
6 able to go in, remove light bulbs from a cupboard.

7 So those are examples of the concerns we were
8 finding around environmental safety.

9 Q. You go on to talk about physical restraint and what you
10 tell us on page 2, the second bullet point, is:

11 'Young people were subject to, or witnessed, high
12 levels of physical restraint and restrictive practices.
13 We found that often the use of restraint was
14 disproportionate to the level of risk presented.'

15 Did you witness any incidents of restraint when you
16 were there?

17 A. Yeah, there was one particular incident where myself and
18 colleague were in one of the houses spending time with
19 young people and the movement into physical restraint
20 felt very quick, and inappropriate, in our minds, in
21 terms of what we would understand around good practice
22 in relation to physical restraint. This seemed like
23 a panic response. The young person was very quickly
24 restrained, as opposed to staff being equipped to
25 de-escalate that situation, respond to the young person

1 who was obviously in crisis.

2 That's not a common occurrence, Colin. We will at
3 times observe restraint on site in a secure inspection,
4 and that's a good measure of observing staff practice
5 and how they manage those situations. It is a last
6 resort and it should always be a last resort, but in
7 this instance, it felt like staff who were trying to
8 deal with an upset young person had moved into it very
9 quickly.

10 Q. Apart from what you witnessed, did you discuss restraint
11 with the young people?

12 A. We always ask the young people about restraint, about
13 whether they feel -- whether physical restraint is used,
14 whether it's happened to them and whether they feel it's
15 used fairly. And young people at times will talk to
16 feeling like they needed that support, because it was
17 the right thing. There's a number of things that can be
18 used in restraint, restraint can be very, you know, it
19 can be non-intrusive or it can be incredibly intrusive,
20 and we tend to ask young people about their experience
21 of that.

22 A floor restraint is last resort and it's very
23 intrusive and has a huge impact on young people, and
24 that's what we witnessed in that moment.

25 Q. What messages were you receiving from the young persons

1 about restraint?

2 A. Yes, thank you, that they were restrained quickly, that
3 at times they were being restrained when they didn't
4 feel like they needed to be restrained and that was
5 backed up by our observations, was that restraint was
6 being used too quickly as a resort to physical
7 aggression, or even young people being really
8 emotionally distressed, that staff were feeling they
9 needed to -- it felt more like a crutch for staff, that
10 that's what they had as a response to it, as opposed to
11 that not being used and young people being responded to
12 in a different way.

13 And the service has acknowledged that and the
14 service has accepted that finding, that restraint is
15 used too quickly. When we first came in in the
16 inspection of the things that the director had picked up
17 very quickly was the overuse of restraint, and
18 particularly the overuse of restraint on young women.
19 So we have to credit the service with that as
20 an observation. The issue was that there hadn't been
21 anything tangible yet in terms of addressing that when
22 we went in to inspect.

23 LADY SMITH: You referred to the director, that's the new
24 director, and you gave us his name earlier.

25 A. It's John Ryan.

1 LADY SMITH: John Ryan?

2 A. Yes.

3 LADY SMITH: Is that the role which used to have the role
4 headmaster on it, do you know?

5 A. I don't -- I'm not aware of it having the title
6 headmaster, I would always have known the director of
7 the organisation as being the director.

8 LADY SMITH: Do you know whether there was somebody
9 separately who had, or has at the moment, the role of
10 headmaster?

11 A. The headmaster, when we were inspecting, was a person
12 called Claire Lunday. Claire Lunday has now been
13 promoted into the post of Head of Integrated Children's
14 Services, Claire has worked there for a number of years
15 and is now in a much more kind of overseeing role. But
16 Claire would have had the role of headmistress.

17 LADY SMITH: I see. Thank you very much.

18 MR MACAULAY: You also mention staffing. If I turn over to
19 page 4, at the third paragraph down, you say in the
20 third line:

21 'Frequently the number of staff on shift was not
22 sufficient to meet the ratios identified in the young
23 person's support plans.'

24 What you say on page 3 is:

25 'Staff levels were at times dangerously low.'

1 A. Yeah.

2 Q. Can you elaborate on that for me?

3 A. Yeah, absolutely. There's a couple of things that came
4 to light during the inspection.

5 One was that the service had opened five houses, so
6 St Mary's is the largest of all the providers, it has
7 a capacity of 24 young people, which could be across six
8 houses, I believe. There were five houses open when we
9 had gone in to inspect, so that's 18 young people across
10 five houses. That's significant because it had
11 stretched the service significantly, they were having to
12 staff five houses. Our concern was there wasn't
13 an oversight and analysis of the impact of that, of
14 continuing to move young people in when staffing levels
15 were already low and as I have spoken about in relation
16 to physical restraint, the skill of staff was also
17 a concern.

18 So we found a workforce that was stretched. It was
19 dangerously low at times, and that relates to a specific
20 incident on around about 8 and 9 October. The service
21 has a responsibility to notify us of any significant
22 events that occur, so when we go on inspection and we
23 then begin to hear about an event that's occurred that
24 we have no knowledge of prior, that then gives us
25 a concern.

1 So there was a significant incident around about
2 8 October, where it was a weekend and the service was
3 very low staffed, and young people were very much out of
4 control and there wasn't enough staff to respond to that
5 and the police needed to come into settle the service
6 and respond to the young people. So when we are
7 referring to dangerously low, that is the specific
8 example we are talking of. There could have been other
9 occasions where it was dangerously low, but that
10 specific example is a very important one, it was
11 dangerous.

12 Q. Is that the one you mention about halfway down page 6?

13 A. It may well be.

14 Q. You say:

15 'The numbers of staff deployed in the service was
16 not responsive enough to meet the needs of all of the
17 young people all the time. We found times where
18 staffing levels were dangerously low and managers had
19 failed to govern the rota to ensure safety.'

20 A. Yes, that is the occasion we are referring to. Again,
21 we also had the views of the young people coming
22 through, so on our conversation with young people they
23 were telling us, 'We don't feel there's enough staff, we
24 are not getting to do the things that we want to do, we
25 feel that staff are moved very quickly'.

1 So in order to staff five houses, a very complex
2 task, it mean that the staff were going into one house
3 where they might have a very good relationship with
4 a young person and very quickly been asked to go
5 elsewhere. The rota is also significant, because there
6 were a number of rotas working in tandem with each
7 other, there wasn't a clear rota around about who should
8 be where, which again gave us concern, because that rota
9 should be very explicit and very clear, particularly to
10 let young people know exactly who's going to be with
11 them and when, and that care is predictable.

12 LADY SMITH: Andrew, I am interested in you describing
13 circumstances at the time of your inspection, including
14 when young people were very much out of control about
15 8 October, a weekend.

16 Were you aware that in 2008, March 2008, a riot
17 occurred at St Mary's Kenmure?

18 A. Yes, I'm aware of that event. I wasn't part of the Care
19 Inspectorate at that time.

20 LADY SMITH: Well, I don't suppose you would have been.

21 A. Yes.

22 LADY SMITH: And you probably aren't aware that the way that
23 Cora and the board of managers themselves described what
24 happened at that time as being:

25 'About 12 persons, accommodated within the secure

1 unit, became disruptive and refused to obey requests
2 from St Mary's staff. They began to behave in a violent
3 manner. They shouted and they threw things at the unit
4 staff. One member of the unit staff was slashed on the
5 face. These inmates damaged the premises and items
6 within it. They tore down the football park. They lit
7 fires on the pitch. They smashed windows in the
8 premises and they attempted to release persons who were
9 within the unit. They ripped out wiring and broke
10 electronic key fob systems. They threw computers and
11 computing equipment about. They started fires within
12 the buildings. The unit staff were unable to contain
13 the persons and required to withdraw for their own
14 safety. Those engaged in these acts acted with a common
15 criminal purpose to cause damage to the unit and
16 intimidate or harm the unit staff. Police were called.
17 Further police, skilled in riot control, were required
18 to attend. The police brought the riot under control.
19 Persons engaged in the disturbance were subsequently
20 convicted on charges of mobbing and rioting.'

21 That's the short version of what happened in
22 March 2008 and you seem to be telling me that here
23 again, we have just this year an incident brewing up of
24 a similar type. I am not suggesting that what you have
25 told us got that serious and led to people, I don't

1 know, being prosecuted and convicted, or a member of
2 staff being slashed and the staff having to absent
3 themselves because it was all getting too dangerous, but
4 one might have thought that after that experience in
5 2008, there would have been complete reliable sea change
6 in St Mary's attitudes, practices and determination to
7 be of a professional standard that ensured that didn't
8 happen again.

9 A. I can only agree with you. I think the governance
10 became a key feature of this inspection, about our
11 expectations of an organisation. We can't oversee what
12 a service does, you know, we go in, we inspect, we
13 create requirements, the requirements that had been made
14 at the previous requirement were reflective of what we
15 found at that time and we didn't see any evidence in
16 that inspection of what you are describing there. But
17 I will be honest and say that that event was a real
18 concern. Whilst it didn't get that to that level of
19 concern in terms of staff assault, people were put in
20 a very vulnerable position. When we were speaking to
21 people, staff, et cetera, were saying things like, 'By
22 the grace of God that's not occurred'. The governance
23 wasn't good enough and again we are very clear about
24 that in our report. The governance was a key issue.

25 LADY SMITH: Just, if you wonder where that all came from,

1 it was from what were in litigation pleadings --

2 A. Okay.

3 LADY SMITH: -- between Cora and the managers and East
4 Dunbartonshire Council.

5 A. Okay.

6 LADY SMITH: That's what they were saying, and they accepted
7 was the position in 2008.

8 A. Yes.

9 LADY SMITH: Lessons to be learned, but the lessons haven't
10 yet finished, perhaps.

11 A. Mm-hm.

12 LADY SMITH: Mr MacAulay.

13 MR MACAULAY: My Lady.

14 If I go back to the report, and the paragraph we are
15 looking at, where you used the description of staffing
16 levels being dangerously low, and you have talked about
17 the incident, because that resulted in unsafe
18 situations. What you say is:

19 'While without the involvement of the police, there
20 could have been incredibly serious outcomes.'

21 What you seem to be suggesting there is that but for
22 the police involvement, then the situation might have
23 been different?

24 A. Yes. Staff had told us that it got to a point where
25 there wasn't enough staff in the different places to

1 respond to young people and they made the decision to
2 call the police. And it was -- I don't have an exact
3 numbers of the police that came in, but what happened is
4 the police then came in and that involved the restraint
5 of young people in order to manage the situation, young
6 people being put back in to the houses, which is not
7 a good outcome. The police coming into control
8 an environment like that does lead to young people being
9 restrained, and the police have that power. That's not
10 the way we want things to be managed.

11 Yes, if the police hadn't arrived then it could have
12 been far more serious.

13 Q. Just to follow on in the next paragraph, and this is
14 clearly related to staffing, what you tell us is:

15 'Safer recruitment was not being adequately
16 followed. There was a reliance on new staff and more
17 concerningly, an over-reliance on agency staff.'

18 Can I just understand that, particularly this notion
19 of the use of agency staff in this setting?

20 A. Mm-hm, yep. So when a service doesn't have enough staff
21 to look after young people, they will reach out to
22 an agency such as Randstad and ask for staff to be
23 provided to come on to the staff teams to support these
24 young people.

25 Q. Who are the people that are being provided, what

1 qualifications do they have, if any?

2 A. I can't speak specifically for their qualifications, but
3 we would hope that those people are coming in with
4 expected qualifications, which would be the expected SVQ
5 in social care, HNC in social care, whether people are
6 coming in with that qualification or not, we don't
7 regulate that element, what we are looking at is whether
8 the young people are being cared for safely and whether
9 these people are being checked properly, are being
10 inducted before they come on site, it's quite
11 a significant environment to come into.

12 So when we are saying the reliance on agency staff
13 -- a reliance on agency staff would be a concern in the
14 first place, because it's a sense that they don't have
15 enough of their own staff to support the young people.
16 The problem we found was that agency staff were coming
17 in and practising in a way that was putting young people
18 at risk, so an example of that was there was an agency
19 staff member who had come in, very quickly found
20 themselves with a set of keys, and was leaving doors
21 unlocked. And that, in an environment like a secure
22 centre, just leads to a very risky environment.

23 Q. What you say, moving on, is:

24 'We found critical concerns around unsafe practice
25 from agency staff who had no induction.'

1 A. Yeah.

2 Q. Leaving doors unlocked would be an example of that?

3 A. That's referring to that, yes.

4 Q. Were you surprised that there were staff who had no
5 induction to the systems?

6 A. Massively surprised. To go into that environment is
7 a highly skilled environment to work in. It takes huge
8 amounts of consistency across the care and support young
9 people receive. People should be coming into that
10 environment with a clear understanding of their role and
11 task and actually should not be given huge amounts of
12 responsibility. There should be leaders within the
13 shift teams around about the young people.

14 We were finding, because of the low levels of staff,
15 that agency staff were coming in and forming integral
16 parts of the staff team, so were being asked to be one
17 to one with young people, for example. That just adds
18 a fragility to the care and support that young people
19 are getting, because these people don't know the young
20 people and they perhaps don't have the skills necessary
21 to support young people if they were to become
22 distressed.

23 Q. Your conclusion is:

24 'This meant that the safety of young people was
25 compromised by ill-equipped and untrained staff.'

1 A. Yep.

2 Q. That's your conclusion?

3 A. Yeah. I suppose that's also connected to the staff who
4 are already there. There had been high staff turnover.
5 A lot of new staff coming in. We didn't have clarity
6 around the level of training. There were huge gaps in
7 relation to child protection training for staff. Whilst
8 staff were being trained in things like restraint, so
9 they were being trained in it, training staff in
10 restraint alone is not enough. Staff need to have
11 opportunity to reflect on their practice, to be
12 retrained, to be guided, to be coached in relation to it
13 and there should be a model of care that is overarching
14 at the top of the organisation that says: this is what
15 we do and this is what we don't do. So there was just
16 a looseness around all of that.

17 The other significant thing there was that staff
18 members are required to be registered with the SSSC and
19 the service couldn't give us reliable information around
20 registration levels for staff. So it's highly likely
21 that staff's registration may have lapsed. Again, that
22 surprised us. That's not a thing we were expecting to
23 see, we were expecting that governance to be in place to
24 ensure safety.

25 Q. On the previous page, page 5, towards the bottom, you

1 talk about record keeping. What you say is:

2 'We found a poor standard of record keeping in
3 general.'

4 Can you just describe that for me, what did you
5 find?

6 A. Yeah, again, another surprise. I had some understanding
7 prior to the inspection that the level of records
8 wouldn't be good enough. We get a notification, when
9 a serious incident occurs in the service the inspector
10 will get a notification. So we should know when
11 a restraint has occurred. We should know when
12 an incident has taken place and I had had some
13 communication with the director around about that not
14 being good enough, and he was aware of that and trying
15 to address that very quickly with people.

16 But when we got into the service, I had asked to
17 just see all their incidents, so every incident that had
18 occurred in the last six months to a year, and what we
19 found was no incident reports for some events, or if
20 there were incident reports, very scant information
21 within that, for restraints that had taken place, again,
22 very limited information.

23 We would expect to see a report of what's occurred.
24 We would expect to see some analysis of learning,
25 thinking, after that occurred. What would we do

1 differently next time? We would also expect to see
2 staff getting a debrief, to be supported after it, to
3 support learning, all of that information was missing
4 and there was huge gaps in terms of the recording and
5 reporting around about that, which is a huge concern
6 because that's a fundamental aspect of practice, that if
7 restraint is going to be used appropriately, if
8 incidents are going to be managed more appropriately,
9 they should be really well recorded and there should be
10 learning within those.

11 Q. Towards the top of that page, in the second paragraph,
12 you talk about the environment again, and you say:

13 'Overall, the standards remain poor. The general
14 living areas were stark.'

15 A. Mm-hm.

16 Q. Again, that's a surprising observation.

17 A. Yeah. I mean, because the previous inspection had
18 highlighted those concerns, I think that was a known
19 known to us, that the environment wasn't good enough and
20 that had been talked about in previous inspection about
21 that things needed to improve. On this inspection, that
22 statement is almost a reaffirmation of something we knew
23 about before, that the environmental standards were not
24 good enough.

25 Again, the director who had come in was very quick

1 to acknowledge that and say that it wasn't good enough,
2 that the environment didn't feel homely. A secure
3 centre's a difficult thing to be made to feel homely,
4 but there are certain things you can do to support the
5 young people who live there and those things were not in
6 place. It doesn't feel like a welcoming environment to
7 be in.

8 LADY SMITH: I see that one of the things you detail in the
9 second paragraph, in the penultimate line, is:

10 'There was toilet water running into bedroom areas
11 from showers.'

12 A. Yeah.

13 LADY SMITH: Tell me about that.

14 A. I didn't observe that, my Lady, that was another
15 colleague who would have observed that in one of their
16 houses. But that's just about the plumbing within the
17 building and water overflowing and running in and
18 creating a damp smell.

19 LADY SMITH: I see.

20 MR MACAULAY: As has been concluded in the report, this was
21 unacceptable and really needed immediate action?

22 A. Yeah. The building needs immediate work and there is
23 an acknowledgement of that from St Mary's that that's
24 required. I can't speak to what they are doing now in
25 terms of addressing that but there is an acknowledgement

1 that it needs immediate attention. The doors became the
2 fundamental element. In terms of safety, the doors are
3 incredibly important. And I suppose within the report,
4 we are affirming that point that it needs immediate
5 attention, whilst we haven't included it in the
6 improvement notice, there were much greater things that
7 needed to be addressed straight away.

8 Q. Yes.

9 A. The building is an additional element which needs
10 immediate attention.

11 Q. Towards the bottom of page 6, in the paragraph just
12 before 'Requirements', you say:

13 'There was a culture of mistrust and young people's
14 care was compromised by unclear models of care.'

15 Can you just elaborate upon that for me?

16 A. Yeah, that's about the communication between people and
17 the way people are working together. I suppose it
18 refers to a lot of what I have spoken about already in
19 terms of restraint practice, and low levels of staffing.
20 If you have a lot of change within an environment,
21 consistency is really important, the same people working
22 in there, the same people working together and relying
23 on each other, because it's an incredibly intense
24 environment; you are working with the most at-need young
25 people within Scotland, it needs a group of staff who

1 can work closely together and work in the same way.

2 So the mistrust was about -- I mean, what I would
3 say is that the organisation accepted that, that there
4 was an element of mistrust, in terms of the director
5 would have agreed with that, that people were not
6 working the way they should have worked together, people
7 were blaming each other for lack of governance around
8 things. If we were asking about where the quality
9 assurance was for why incident forms haven't been
10 completed, I think within the environment, people would
11 have been quick to have pointed the finger at each other
12 and said, 'Well, that's that person's responsibility'.
13 An organisation like this needs collective
14 responsibility, it needs leaders at all levels, and
15 that's what we found lacking.

16 Q. You conclude this part of the report with
17 'Requirements'. Can you just describe for me what you
18 are setting out here?

19 A. So we have -- yeah, so in terms of we have made one
20 requirement around quality assurance. But in the body
21 of the report we have referred to the improvement
22 notice, which has the very immediate enforcement-based
23 requirements. So we refer to those. So there's two
24 documents, I suppose, that go along with this.

25 The requirement that's made at the end is

1 a requirement outwith the improvement notice. So it's
2 not connected to the enforcement action which is about
3 quality assurance systems being implemented. So it is
4 all that that I have just described around about who's
5 got oversight of when things are done, how well they are
6 done and what needs to be improved. Again, that was
7 a gap that we didn't find clear evidence around that.

8 Q. You have provided a deadline, that this is to be --

9 A. Yes.

10 Q. -- sorted out by 27 January 2025?

11 A. Yes, that's right.

12 Q. What happens on that date? Do you go back in, or do you
13 expect to have some sort of detailed response from the
14 service?

15 A. So the service has to provide us with an action plan on
16 the back of the inspection, and we have received that
17 from the service. That's linked to both the improvement
18 notice and to the report itself and this requirement.
19 We won't necessarily review that on that date. It's the
20 responsibility of the service to uphold that by that
21 date. We will review it at the next inspection, which
22 is an unknown date at this point in time.

23 Q. What you also set out in the report, beginning at
24 page 8, is what the service has done to meet any
25 requirements that were made at or since the last

1 inspection.

2 A. Yes.

3 Q. If we look towards the bottom of the page, you say:

4 'This requirement was made on 17 November 2023.'

5 Which is just under a year previously. Does that
6 mean that was the last inspection?

7 A. Yeah, the previous inspection was in November 2023 and
8 we made those requirements to be followed up at the next
9 inspection, yes.

10 Q. I won't look at the detail of each one, but if we look
11 at the first requirement:

12 'By 14 December 2023, the provider must provide the
13 reporting of all child protection concerns ensuring that
14 all staff actions follow the service provider's own
15 policies, which are in line with national guidance and
16 best practice.'

17 A. Yes.

18 Q. 'This is to ensure that young people are protected and
19 that investigation into concerns are robust and have
20 appropriate external scrutiny and oversight.'

21 You set out what the provider must do at a minimum.

22 A. Yep.

23 Q. As we read on, this requirement was made on
24 17 November 2023, and it was not met?

25 A. Yep.

1 Q. You go on to say:
2 'We found no clear action plan to meet this
3 requirement but found further evidence to increase our
4 concerns.'
5 A. Yes, that's correct. I mean, the expectation would be
6 that that requirement's been met. We have put that back
7 on to the provider to meet that requirement. So you are
8 going in to do the next inspection assuming that that's
9 been met and what we found was continued practice that
10 reflected the previous requirement and continued
11 practice that was not safeguarding young people.
12 Q. The second requirement:
13 'By 14 December 2023, the provider must ensure that
14 de-escalation strategies are person specific and that
15 physical restraint is a means of last resort.'
16 A. Yes.
17 Q. '... and that young people are supported to regulate
18 their emotions without physical invention.'
19 You have told us what you witnessed in connection
20 with restraint, and you set out on page 9 what the
21 provider must do at a minimum --
22 A. Yes.
23 Q. -- to satisfy the requirement. The requirement again
24 was made at that last inspection --
25 A. Yes.

1 Q. -- 17 November 2023, and the requirement had not been
2 met?

3 A. Yep. And the statements -- I suppose I have spoken to
4 some of this already today, but in terms of the
5 improvement notice, the enforcement was very
6 specifically focused on the same thing, so it hadn't
7 been met and actually we were more concerned at that
8 inspection around --

9 Q. As we have discussed, and as you say:
10 'We have found no clear action plan to meet this
11 requirement but found further evidence to increase our
12 concerns.'

13 A. Yes.

14 Q. As you have discussed?

15 A. Yeah.

16 Q. Requirement 3:
17 'By 14 December 2023, the service provider must
18 ensure that there is continuous, robust, evaluation of
19 young people's outcomes, experiences and their setting.'
20 You set out what the service provider must do. The
21 requirement was, again, made on 17 November 2023, and
22 the requirement had not been met?

23 A. Yep, that's correct.

24 Q. There was no, as you put it, clear action plan to meet
25 this requirement, and indeed, you found further evidence

1 to increase your concerns?

2 A. Yes, that's correct.

3 Q. Requirement 4:

4 'By 1 December 2023, the provider must show evidence
5 of notifications to the Care Inspectorate as per the
6 guidance document.'

7 These are notifications that should be made to the
8 Care Inspectorate directly in certain circumstances?

9 A. Yes, that's correct. As I have said, when there's
10 a restraint or a significant incident, we should be
11 notified. We should also be notified if there is
12 an absence of the manager. They are listed, again, in
13 a document I could send to you retrospectively if
14 necessary, but we were not being regularly notified.

15 That's something being picked up by the director as
16 I began to interact with him in the build up to the
17 inspection, there was an acknowledgement that perhaps
18 they weren't reporting to us properly, and they tried to
19 correct that in the build up to the inspection, but
20 actually I think it was a bigger issue than could have
21 been addressed prior to the inspection, there was poor
22 reporting. So whilst we talked about that at the
23 previous inspection, again it hadn't been met.

24 Q. Again, that requirement was made on 17 November 2023 and
25 has not been met, and, indeed, you found no clear action

1 plan, and found evidence to increase your concerns?

2 A. That's correct.

3 Q. Are these quite significant requirements that had been
4 made just about a year previously?

5 A. Yes.

6 Q. Can you say no action had been taken, or very little
7 action had been taken, or had they been really ignored
8 by the service provider?

9 A. I don't think they'd been ignored, but little action had
10 been taken. And I suppose when there isn't a clear
11 action plan given to us, it's very hard to know what the
12 planned action is. I can't speak -- the organisation
13 itself will need to speak to why the requirements were
14 there and they had further increased, but yeah, we had
15 greater concerns.

16 LADY SMITH: From what you say, Andrew, it doesn't sound as
17 though, for instance, what you saw was one or
18 an occasional failure to follow a clear process that the
19 organisation had put in a readily understandable action
20 plan.

21 A. Yes.

22 LADY SMITH: There was no clear action plan in the first
23 place.

24 A. Yes.

25 LADY SMITH: So it is not an accidental failure, it is just

1 not a reliable system from the point of view of child
2 protection?

3 A. Yep. It comes back to governance. So the oversight and
4 governance of who's taking responsibility for making
5 sure that these requirements are followed up? How is
6 that being reported to the regulator who has made them?
7 Is the regulator assured these have been made?

8 We would have been, in our interactions, because
9 there is interaction ongoing throughout from inspection
10 to inspection, as I said I was in there every six weeks
11 meeting with the service, you can't do that level of
12 deep dive, it's not an inspection, it is an interaction,
13 so I would have been asking questions about, you know,
14 reporting, there would have been an assumption that
15 these things were being worked on or had been met. I've
16 said that the organisation was open, there were elements
17 of these requirements which hadn't been met, and they
18 were talking to us about that prior to inspection, but
19 on inspection it was a lot worse than I thought.

20 LADY SMITH: As regards your six weekly visits, were they
21 taking place over the 12 months or so between the 2023
22 inspection and 2024 inspection? I think technically
23 that's 11 months not 12.

24 A. I only became the lead inspector for St Mary's in
25 April 2024.

1 LADY SMITH: Okay.

2 A. So between April 2024 and the inspection, I was going
3 into the service to meet with them six weekly and part
4 of that was to do with there being a new director and
5 getting to know a new leadership team and getting to
6 know John and his approach. So yeah, I can speak to
7 that period of time. There was a focus on discussing
8 some of this and asking for assurances about that.

9 LADY SMITH: Thank you.

10 MR MACAULAY: On page 10, the second part of this, 'Areas
11 for improvement' is the heading, and you say:

12 'To ensure the safety of young people in the
13 service, the service provider should conduct a lessons
14 learned exercise regarding staff actions that resulted
15 in disciplinary measures. The service should draw up
16 an action plan to address any actions identified.'

17 This area of improvement was made again on
18 17 November 2023 and had not been met?

19 A. Yep, that's correct.

20 Q. You indicate an improvement notice has been issued?

21 A. Yeah, that's right, and there is a significant element
22 of the improvement notice, the requirement around
23 safeguarding, which I suppose escalates that issue to
24 a much greater issue around about safeguarding processes
25 and keeping young people safe.

1 Q. The evaluations you made of the service --

2 A. Yes.

3 Q. -- if you turn to page 11, essentially was that the
4 service was unsatisfactory, which is the lowest possible
5 evaluation you could make?

6 A. Yes, that's correct.

7 Q. Was the result of this that you told the service they
8 could not take in any more children?

9 A. Yeah. I guess there are two separate processes. But in
10 discussions with our legal team, we felt that bringing
11 in more young people had had such a significant impact
12 on what we found, so that movement to being a service
13 that's stretched, doesn't have enough staff to look
14 after the young people it has was continuing to bring in
15 very high-risk young people with lots of needs. So we
16 felt there needed to be an immediate assertion that no
17 more young people should be coming to live there.

18 And actually the organisation has supported that,
19 you know, that has been, I think, retrospectively that
20 has been a really helpful thing in terms of where the
21 organisation is at now.

22 The improvement notice is attached to that, so the
23 emergency condition right now will sit in place until
24 the improvement notice is met. However, they are both
25 important processes, the improvement notice is

1 monitoring the progress. We've been in every week since
2 the improvement notice was listed. We've shortened --
3 we are now in fortnightly as opposed to weekly, but for
4 the first six weeks after the inspection we were in
5 weekly reviewing the improvement notice, reviewing
6 progress, but yeah, sorry, I should answer the question
7 about emergency conditions, it had a significant impact
8 on no more young people coming to live there.

9 Q. I think we began by focusing on the fact that when you
10 went to do the inspections, I think there were 18 young
11 people?

12 A. Yeah.

13 Q. If we check it out today, I think it is down to about
14 11?

15 A. Yes.

16 Q. That perhaps reflects the fact that young people are not
17 being admitted?

18 A. Yeah, that's right, that's very clear. And I think it's
19 probably lower than that just now, I think it is, at the
20 last conversation, it is perhaps eight or nine.

21 Q. Let's look, then, at the improvement notice. This is at
22 INQ-0000000932.

23 A. Yep.

24 Q. We see it is dated 4 October 2024. That's the final
25 day, I think, of the inspection.

1 A. Yes.

2 Q. It's under the Act, and can we read in the first
3 paragraph that it set out that the service is not
4 operating in accordance with the Social Care and Social
5 Work Improvements Scotland requirements for care
6 services regulations. You say:

7 'The Care Inspectorate hereby gives you notice that
8 unless there is a significant improvement in the
9 provision of the service, it intends to make a proposal
10 to cancel your registration in terms of section 64 of
11 the Act.'

12 A. Yes.

13 Q. 'The nature of the improvements to be made and the
14 period within which they must be made are specified
15 below.'

16 That's the ultimate sanction, I think, isn't it?

17 A. Mm-hm.

18 Q. Cancellation of the registration?

19 A. Yes, it is.

20 Q. Because the effect of that would be that the service
21 would have to shut down?

22 A. Yeah, we would ask -- we would seek that, that the
23 service is shut down, yep.

24 Q. You identify, I think it is right to say, six areas for
25 improvement in the following part of the improvement

1 notice, and do these areas reflect the findings you set
2 out in your report?

3 A. These correlate really closely to the findings in the
4 report.

5 Q. They begin, for example, at (1):

6 'By 16 November ...'

7 That's a date that's passed?

8 A. Yes.

9 Q. '... all doors are securely locked at all times and
10 cannot be breached.'

11 And so on and so forth. Is that something that you
12 would already have checked?

13 A. Yes, what I would say is that we have been reviewing
14 those improvements as close to the dates as possible.
15 So we were in every six weeks following that. The
16 current improvement notice -- which we can again pass to
17 you if need be -- has all the dates sitting as
18 16 December 2024. So we have updated the improvement
19 notice based on our findings. So I can talk to what we
20 have done in that time previously, which has meant that
21 those will be continued, if you would like.

22 Q. If you take that improvement, has that happened?

23 A. No, they have not -- so there is elements of that
24 improvement that have been met.

25 So we have looked at, as you say, the door security

1 being locked at all times. I would say since the
2 inspection, the doors are being manually locked by
3 people. So there would be an element of that that has
4 improved already.

5 The windows in the service, yep, are not being
6 breached at this time. They are much more secure.

7 Items which have potential to cause harm to young
8 people and others are not accessible, again, in the six
9 weeks or seven weeks following the inspection, that is
10 accurate, that has not occurred.

11 Then there is this bit about the crisis activation
12 system, which is about staff having a response system if
13 they find themselves in a difficult situation to be
14 working at all times, and at last check, we just wanted
15 further assurance about that system being more reliable.

16 But there's elements of that improvement which have
17 been met. We are going to go back to the service on 18
18 October -- sorry, 18 December and we are going to review
19 all of the improvements again.

20 Q. Did you say a moment ago that the improvement notice has
21 been amended or reviewed?

22 A. Yes, it has.

23 Q. Perhaps you will send that to us, then?

24 A. I don't know if we have sent that to you, but we will
25 send it to you if we haven't already.

1 Q. If, perhaps, we look at the second item then, on page 2:
2 'By 18 October 2024, you must ensure there is
3 an appropriate number of staff on shift...'
4 A. Yep.
5 Q. '... ensuring the right balance of qualification and
6 experience. This is to support the health, safety and
7 welfare of the young people.'
8 And you set out the minimum. We have discussed
9 this, and you have pointed out in the report your
10 particular concerns --
11 A. Yes.
12 Q. -- in this area.
13 Now, 18 October is long gone.
14 A. Yes.
15 Q. Has that been met?
16 A. That has not been met at this current time. Again,
17 that's been continued to 16 December. But there would
18 be elements of that that may have been met during the
19 process of the last six weeks.
20 Q. When you say 'continues to 16 December', does that mean
21 you anticipate or hope that that will be met by
22 16 December?
23 A. Yeah, we hope that that will be met by 16 December.
24 There is a lot in this to ask the service to do in
25 a very short space of time. The task here is to be

1 ensuring that there's progression, that things are
2 happening, which is really positive, because that
3 opening statement is very much if these things are not
4 occurring, then that will have a very negative impact on
5 what we do next.

6 In relation to this one, there are a number of those
7 areas which have been taken forward as actioned straight
8 away. But it's not met at this moment in time.

9 I suppose by saying it's not met doesn't mean there's
10 not been progress or improvement in that area, it is
11 just that all of these elements have not been met at
12 this point in time.

13 Q. The third improvement that you set out:

14 'By 31 October, you must ensure that effective
15 safeguarding procedures relating to child and adult
16 protection are in place and being followed. To do this,
17 you must at a minimum ensure ...'

18 You set out a number of points that have to be
19 addressed.

20 A. Yep.

21 Q. Has that been met?

22 A. That's not been met yet either. But, again, there are
23 a number of elements of that which are very close to
24 being met, or there may be elements of it which have
25 been met. But as a totality, it's not been met at this

1 point in time.

2 Q. Perhaps just go through each of the others, there's only
3 three.

4 A. Yes.

5 Q. 'By 16 November you must ensure that your admissions
6 procedure is effective to keep young people safe and
7 includes details of the following ...'

8 And you set out what these details are. Has that
9 been met?

10 A. That's not been met yet and that is one that's going to
11 be difficult for the organisation to fully evidence
12 until they get a chance to test that arrivals process,
13 but the improvement is really about the process sitting
14 underneath; when a young person arrives there should be
15 clear understanding of their needs, there should be
16 pre-emptive discussions and care planning around about
17 how they are going to support that young person, so
18 those are the bits we will review on 16 December to see
19 if those are in place, but at this point in time that's
20 not been met.

21 Q. The fifth improvement you set out:

22 'By 31 October, you must ensure there is effective
23 recording, oversight and analysis of incidents including
24 restrictive practices. In particular, you must ensure
25 ...'

1 Particularly at (b) you talk about restraint.

2 A. Yep.

3 Q. And at (d):

4 'All staff have up-to-date relevant training in
5 relation to restraint.'

6 Can you tell me if that particular improvement has
7 been met?

8 A. That's not been met either. That's continued to
9 16 December, but again, the action plan of the
10 organisation is working to those points and there will
11 be elements of that where progress is being made.

12 Q. The last improvement, on page 4:

13 'By 31 October you must protect the safety of those
14 who use the service. To do this the provider must at
15 a minimum ensure ...'

16 For example:

17 'There are robust risk assessments in place
18 detailing primary and secondary strategies to support
19 all young people ...'

20 And so on. Has that been met?

21 A. That's not been met. That has been continued to
22 16 December. But as I have said before, there will be
23 elements of that that are being actively worked on and
24 may have progressed in the time since that initial
25 requirement was made.

1 Q. So none of the six improvements set out in the
2 improvement notice have been met?

3 A. Not at this time.

4 Q. Would that have been your expectation in a case of this
5 kind, where you give specific deadlines?

6 A. Yeah.

7 Q. Do this within this period, and if you don't, then there
8 is a risk of cancellation?

9 A. The aim of the improvement notice is to support
10 improvement. I suppose that's -- our role here is to
11 support improvement. And whilst there is a -- the
12 enforcement element of our role is a very powerful one,
13 the decision we made was to support this organisation.
14 What we are asking for in each of these is progress to
15 be made. So it isn't a surprise that they haven't been
16 met immediately, there's quite a big ask of the
17 organisation and we have some understanding of the
18 structural changes or systematic changes that need to
19 take place in order for some of these to occur.

20 What I would say though is we are really satisfied
21 with the action the organisation has taken, they have
22 taken this incredibly seriously, both at board level and
23 at director level. And whilst none of these are met at
24 this point in time, there will be elements of that where
25 they are close to be meeting and that would be useful to

1 be able to say some of those are met, but we can't at
2 this point in time.

3 Q. In assessing the progress, can I just understand what
4 your own role would be in that?

5 A. Yes, so my role as lead inspector, I suppose, is to
6 reflect the seriousness of the situation. The
7 Care Inspectorate's approach has been to go in every
8 week to visit the service. Initially that was spending
9 quite a lot of time, so spending a whole day in the
10 service, and that wouldn't just be myself, it would be
11 me and maybe one of the other inspectors who was on the
12 inspection team with us, so using that resource really
13 effectively.

14 We will go in. It's not an inspection, so it's
15 a very different approach, it's about affirming some of
16 the points within this, about reaffirming what's
17 happening here. We would go into the houses, we would
18 again spend time with young people, check in with them,
19 we would speak to staff, check with them, we would be
20 asking about change, we would be asking about the
21 systems that are coming in to support things. We would
22 also be giving advice and guidance. So that's very much
23 the improvement arm of the Care Inspectorate. We have
24 made these very serious statements and we have taken
25 this very serious action. But we are also going to

1 support you with this, and that's partly been helpful
2 because the response from the organisation has been
3 a willingness to accept the findings and to work
4 alongside us.

5 Q. On these occasions, would you meet with the director?

6 A. Yeah, yeah, I would meet with the director every time
7 I go in and sometimes spend a significant amount of time
8 with the director. I was in on Monday and I spent
9 a significant amount of time talking with the director
10 about the action plan. It's a very live picture,
11 there's lots occurring for them in terms of decision
12 making, so supporting with what's going on for them
13 there and then but also referring back to the
14 improvement notice and the progress they are making with
15 that.

16 LADY SMITH: Andrew, the latest inspection report is, to use
17 one word, damning.

18 A. Yeah.

19 LADY SMITH: Yet if you take an aspect such as restraint
20 training, that was a practice that began, as I have been
21 told, at least by the mid 1990s. 30 years on
22 an organisation is being criticised for not having
23 regular, appropriate, restraint training for its staff.

24 A. Yes.

25 LADY SMITH: That's just one thing --

1 A. Yes.

2 LADY SMITH: -- of the items identified by the
3 Care Inspectorate. Did you get any feel for what the
4 causal factors of this desperate state of affairs were?

5 A. I think, governance is the key issue here in terms of
6 who was governing what was being done within the
7 organisation. Who had oversight of leading the model of
8 care if restrictive practice was poor and who was asking
9 questions about that. My sense is it's about
10 governance, and about an absence of governance.

11 LADY SMITH: When you are talking about governance, are you
12 talking about both getting the right people in the right
13 roles within the structure, but also a clear structure
14 within the staff --

15 A. Yeah.

16 LADY SMITH: -- so everyone knows which team they work in --

17 A. Yeah.

18 LADY SMITH: -- who is leading who at what level in those
19 teams --

20 A. Yes.

21 LADY SMITH: -- what the systems are for urgent extra staff,
22 if somebody's off sick or whatever --

23 A. Yes.

24 LADY SMITH: -- and what all the processes are that are in
25 place, and there has to be somebody in charge of each of

1 these and you should be able to see, probably on
2 a single sheet of paper --

3 A. Yes.

4 LADY SMITH: -- what the chart is, who does what, and who
5 takes responsibility for what?

6 A. That's exactly right. It should be really explicit
7 who's got responsibility for what. You know, it's
8 a very high-risk environment. It needs to be governed
9 really, really sensitively and effectively and if
10 governance is not occurring at those levels, so if we
11 start from house manager, or even someone with the
12 designation of, you know, supervision within a house, so
13 a senior staff member, if the governance is not starting
14 at that level all the way up to chair of the board
15 level, then that's when you have issues. And that's
16 what we found; there was an absence of people leading at
17 the points they should be leading. But at the very top
18 of the organisation, not asking or having
19 an understanding of the very key issues within the
20 organisation.

21 And I think that's what's come through in the
22 inspection report, is the absence of those issues being
23 known, or really well known, to the organisation, and
24 effectively dealing with them. Does that answer the
25 question?

1 LADY SMITH: What about culture? What part does the culture
2 and attitudes to the children for whom the organisation
3 is responsible, what about the part it plays?
4 A. Mm-hm.
5 LADY SMITH: Is it important?
6 A. Culture's hugely important. I think what we have said
7 in the report is that there are people within St Mary's
8 Kenmure who are very committed to having the right
9 culture and very committed to offering young people the
10 right support. But with that absence of really strong
11 governance, and actually it's the director himself who
12 would refer to this, as there was a culture of
13 informality. There was decisions being made at times
14 without oversight and with an understanding of the
15 impact of whether that was placing young people at risk.
16 Again, that occurs when there is not culture being
17 set at the very ground level. You know, so staff are
18 leading the culture, so it's top down and bottom up,
19 isn't it, in terms of how the culture ...
20 LADY SMITH: Yes.
21 A. But the model of care is intrinsic to that. If the way
22 a service wants to model the values are right, all those
23 things are in place, then the culture should be strong.
24 I can't speak to what the organisation would say itself
25 in terms of that, but yeah, there was a culture of

1 informality, and that's reflected in the findings of the
2 inspection.

3 LADY SMITH: Thank you.

4 Mr MacAulay.

5 MR MACAULAY: Yes, you have been talking about governance
6 and ultimately, responsibility rests with the very top.

7 A. Mm-hm.

8 Q. Do you mean by that, in this context, the board of
9 managers of the service, because we know that the
10 service was being governed by a board of managers?

11 A. There has been lots of change within St Mary's over the
12 course of the last year, the last two years, the last
13 three years, there has been lots of different leaders
14 moved into position. Again, I can't talk, you know,
15 about the impact of that. But the impact of lots of
16 change is, you know, it does have an impact on things
17 like culture and governance. The board of directors,
18 I guess are -- the board of managers, the board of
19 directors, have, yes, overall responsibility for
20 governance of the organisation and there has been change
21 there as well. So even within the last year, there has
22 been change in terms of the personnel on that board.

23 Q. Again, we may hear about that later on.

24 As I said, today might not be the day to reflect on
25 the fact that you have produced this damning report,

1 over 20 years after the Care Commission and the Care
2 Inspectorate came into play. Does that tell us anything
3 about the impact that your organisation is having on the
4 standards of care in places like St Mary's?

5 A. In terms of the outcome of this inspection?

6 Q. Yes, in terms of improvement. The fact that some
7 20 years down the line after the introduction of the
8 Care Commission/Inspectorate we have a damning report at
9 this level?

10 A. That is a difficult question for me to answer, because,
11 you know, as an inspector, our focus is very much on the
12 outcomes for young people. What is reassuring is that
13 we have been in there, we have found these outcomes and
14 we are reporting to them and there's change taking
15 place.

16 But in terms of the re-emergence of poor outcomes is
17 a concern. I think what I would say is that we need to
18 do more, or we are thinking about doing more in relation
19 to indicators of concern. There should be intelligence
20 and pre-emptive information that gives some indication
21 of an organisation being in this situation and a greater
22 understanding of those indicators of concern would allow
23 us to do more, perhaps more pre-emptively, to act
24 differently. And that's something we are thinking about
25 as a children and young persons' team.

1 Q. Perhaps you and your colleagues -- some are here
2 today -- will reflect on that, and I think we are also
3 due to have a response from you in connection with other
4 matters?

5 A. Yeah, again, I wouldn't be aware of whether that's the
6 case, it may well be.

7 Q. In the meantime you will send us the amended improvement
8 notice?

9 A. Yes.

10 Q. With the date of 16 December?

11 A. I will do, yep, and any other information that you seek,
12 we will pass on.

13 MR MACAULAY: Thank you for coming along today, Andrew, and
14 speaking to the inspection you carried out. Thank you.

15 A. Thank you very much.

16 MR MACAULAY: My Lady, I can confirm I've not received any
17 questions to put to Andrew.

18 LADY SMITH: Andrew, thank you so much for allowing us to
19 press you for details today, it has been really helpful
20 to hear from you in person and gain the picture of what
21 actually happened --

22 A. Okay.

23 LADY SMITH: -- when you did this inspection, and what you
24 did before that, and what you are still doing, it is
25 obviously a live issue.

1 principally, are we?

2 MS MACLEOD: That's correct, my Lady.

3 'Iain' (sworn)

4 LADY SMITH: 'Iain', do sit down and make yourself

5 comfortable.

6 A. Thank you very much.

7 LADY SMITH: 'Iain', thank you for coming along this morning

8 to help us with your evidence.

9 A. With pleasure.

10 LADY SMITH: I, of course, already have your written

11 statement --

12 A. Yeah.

13 LADY SMITH: -- thank you for that, because it has been

14 really helpful to read it in advance, and it is in that

15 red folder there on the desk ready for you.

16 A. Okay.

17 LADY SMITH: Of course what we would like to do today is

18 explore some aspects of that in a little more detail

19 with you. We won't go through it all line by line,

20 don't worry. But if there's anything that we don't

21 touch on that you feel it is important that you have the

22 opportunity to talk about, don't hesitate to let me

23 know.

24 A. Okay.

25 LADY SMITH: Or if you have any questions at any time, speak

1 up, because I want to do anything I can to help you give
2 the best evidence that you can. So don't hold back.

3 A. Okay.

4 LADY SMITH: If there are any problems.

5 If you need a break at any time, just ask. I will
6 sit until 1 o'clock and take the lunch break then,
7 that's when we normally stop, but it's not a problem to
8 have a pause or a break out of the room before then if
9 that would help you.

10 A. Okay.

11 LADY SMITH: If you are ready, I will hand over to
12 Ms MacLeod and she'll take it from there.

13 A. Can you hear me okay?

14 LADY SMITH: I can.

15 A. That's great, thanks.

16 LADY SMITH: Yes, that's great, the microphone is helping
17 enormously, you have the technique already, thanks.

18 A. Thank you.

19 LADY SMITH: Ms MacLeod.

20 MS MACLEOD: My Lady.

21 Questions from Ms MacLeod

22 MS MACLEOD: Good morning, 'Iain'.

23 A. Good morning.

24 Q. I don't need your date of birth, because you are
25 anonymous, but to give a timeframe, can you confirm that

1 you were born in 1948?

2 A. Correct.

3 Q. You have provided a statement to the Inquiry, and there

4 is a copy of your statement in the red folder in front

5 of you.

6 A. Okay.

7 Q. I am just going to give the reference for the

8 transcript, it is WIT-1-000000509.

9 'Iain', could you please turn to the final page of

10 the statement to confirm if you have signed it?

11 A. Yes, I have.

12 Q. In the last paragraph, do you say:

13 'I have no objection to my witness statement being

14 published as part of the evidence to the Inquiry.

15 I believe the facts stated in this witness statement are

16 true.'

17 A. Correct.

18 Q. Okay, now we can go back to the beginning of your

19 statement. I think you start, 'Iain', by setting out

20 some information, some background information, about

21 your family and I think you tell us that you were born

22 in Stirling?

23 A. Yeah, correct.

24 Q. That you lived with your parents and siblings?

25 A. Correct.

1 Q. In terms of your background and your life at that time,
2 I think what you say is life was rough?

3 A. That's right.

4 Q. And that you lived in a particular estate, I think, that
5 you describe as a bleak place?

6 A. Correct.

7 Q. You also tell us that your family didn't have a lot of
8 food at the time?

9 A. That's correct.

10 Q. As a result of that, did you and some of your siblings
11 have to source food for yourselves?

12 A. Absolutely.

13 Q. And I think you tell us that part of doing that was to
14 source food by going into Woolworths and stealing
15 biscuits, for example?

16 A. Correct.

17 Q. You tell us, in fact, that you would dig turnips up from
18 nearby fields and eat them raw?

19 A. Correct.

20 Q. You also talk about borrowing slices of bread from
21 neighbours?

22 A. Yes.

23 Q. In terms of a context, you tell the Inquiry that in
24 those days it seemed to you that a lot of families had
25 quite a large number of children and mouths to feed?

1 A. Correct.

2 Q. So you attended school, you tell us, when you lived with
3 your family?

4 A. That's right, yeah.

5 Q. Did you do well at school?

6 A. I think I was doing okay.

7 Q. And --

8 A. Especially at sports.

9 Q. You tell us about that, that you were sporty, in
10 particular enjoying football?

11 A. Yes.

12 Q. Were you good at football?

13 A. I was very good, at one stage.

14 Q. You then go on to tell us, 'Iain', about something that
15 happened in [REDACTED] 1957.

16 A. Yeah.

17 Q. When your father became unwell?

18 A. That's correct.

19 Q. I think you go on to tell us that you phoned for
20 an ambulance for your father --

21 A. Yeah.

22 Q. -- and that he was taken to hospital?

23 A. Yeah, that's right.

24 Q. And that he died that same night?

25 A. That's right.

1 Q. Were you around aged 9 at the time?

2 A. Correct.

3 Q. Soon after that, you tell us that towards the beginning
4 of [REDACTED], in [REDACTED] or [REDACTED] 1958, that your
5 mother told yourself and your brother something. Can
6 you just tell me what your mother told you at that time?

7 A. Yeah, she explained that, erm, 'cause my dad had died
8 and there was, you know, quite a big family in the
9 house, she didn't have enough money to feed us, so she
10 was going to send me and my brother to Marr Lodge,
11 I knew where Marr Lodge was, 'cause Stirling Castle
12 grounds was one of my play areas. I didn't know there
13 was a children's home there at that stage, but we ended
14 up in Marr Lodge Children's Home.

15 Q. Was that when you were 9, and your brother was around 6?

16 A. Correct.

17 Q. Did you spend around two months or so?

18 A. About two months, yeah.

19 Q. You provide some information about Marr Lodge in your
20 statement, 'Iain', Secondary Institutions - to be published later
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- 7 Q. Now, after a couple of months in Marr Lodge, you tell us
8 about something that happened in around [REDACTED] 1958. Can
9 you tell the Inquiry about that, 'Iain'?
- 10 A. Yeah, erm, the -- I can't remember the name of the
11 person in charge of Marr Lodge, but she had me and my
12 brother in the day before, I guess it was social
13 workers, and she said, erm, 'You're going to go on
14 a trip to Glasgow tomorrow'. That's all she said, she
15 didn't -- Lochvale wasn't mentioned, 'You're just going
16 on a wee shopping trip with your brother', and that's
17 what happened.
- 18 Q. Did two women come to Marr Lodge --
- 19 A. They did.
- 20 Q. -- to take you to Glasgow?
- 21 A. Yes, they did, yeah.
- 22 Q. After arriving in Glasgow, did it become apparent to you
23 that you were going on a train?
- 24 A. Yes, we did walk around some shops, big city, I had
25 never been there before, but eventually we ended up at

1 a train station, and I assumed I was going back to
2 Stirling.

3 Q. Were the two women still with you at this time?

4 A. Yeah, correct.

5 Q. Was it explained to you where you were going when you
6 were on the train?

7 A. Not until we were on the train moving south, so to
8 speak.

9 Q. What were you told at that time?

10 A. One of them handed me a letter and in the letter it said
11 me and my brother were going to go to Lochvale House,
12 just down (Inaudible) Dumfries, a boys' home.

13 Q. Is that what happened?

14 A. That's what's happened, yeah.

15 Q. How did you feel at that time about what was happening?

16 A. Terrible. Yeah, I had a 6-year-old ... I just need
17 a sec.

18 (Pause)

19 Q. I think you tell us in your statement, 'Iain', that you
20 felt quite shocked, that your brother was crying, your
21 younger brother was crying on the train, and you didn't
22 even know where Dumfries was?

23 A. Correct.

24 LADY SMITH: The 6 year-old, that was your little brother?

25 A. Yes.

1 LADY SMITH: Did you feel responsible for him?

2 A. Absolutely.

3 MS MACLEOD: You tell us in your statement about arriving at

4 the home in Dumfries,

Secondary Institutions - to be published later

5 Secondary Institutions - to be published later

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19 Q. Did there come a time, 'Iain', when you found out that
20 you were going to be going home to live with your
21 mother?

22 A. That's correct, yeah.

23 Q. How old were you when that happened?

24 A. 14 and three quarters, thereabouts.

25 Q. Did you have any understanding as to why that was

1 happening?

2 A. None at all.

3 Q. Were you simply told that you were going to live with --

4 A. Mr Ferguson told us the day before.

5 Secondary Institutions - to be published later

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7 Q. I think you tell us that you were home with your mother
8 for around six weeks or so, is that right, or was it
9 longer than that?

10 A. It was about that, yeah.

11 Q. About that. And did something happen? Well, first of
12 all, what was it like being home, living with your
13 mother, after being away for so long?

14 A. Well, obviously I'd never seen her for five years and,
15 as I said in my statement, she had a big fat belly, and
16 back then, kids at my age didn't know -- well, certainly
17 I didn't, I was naive about it, I didn't realise she was
18 pregnant, that's the word I'm after. Erm, her husband
19 was a Polish chap, erm, he was a hard worker. I do
20 remember that.

21 LADY SMITH: Had you met him before?

22 A. I hadn't met him before, no.

23 LADY SMITH: How long had she been married to him by then?

24 A. Erm, I think they were only married about two years --

25 LADY SMITH: Okay.

1 A. -- before I arrived on the scene. Yeah, it was quite
2 strange.

3 MS MACLEOD: Did something happen? We needn't go into the
4 detail of it, but did something happen which meant that
5 you decided you were going to leave.

6 A. Yeah, absolutely, yeah.

7 Q. I think you tell us that you had no idea where you were
8 going to go?

9 A. No, my mother mentioned a priest called Father McKinnon,
10 so that's where I went.

11 Q. Did you end up in a hostel in Edinburgh?

12 A. Yeah, social services decided to put me there and I got
13 a job, erm, working, delivering lemonade and beer to
14 pubs. So it was just a job to me, you know.

15 Q. After a few weeks there, I think you tell the Inquiry,
16 'Iain', that you decided that you would go back to
17 Dumfries?

18 A. Yeah, I was kind of wanting to go back to see
19 Mr Ferguson.

20 Q. Did you and another boy from the hostel start to make
21 your way back?

22 A. Yeah, we did.

23 Q. Back to Dumfries?

24 A. Yes, we got a bus down, yeah.

25 Q. Did you see Mr Ferguson?

1 A. I did, yeah.

2 Secondary Institutions - to be published later

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6 Q. Okay. I think you tell us that after that, you and the
7 other boy slept in a railway carriage at Dumfries
8 Station?

9 A. That's right, just for that night, yeah.

10 Q. And you say that by the second night, you were getting
11 hungry?

12 A. Absolutely, yeah.

13 Q. Now, can you tell me what happened next?

14 A. Yeah, there's a place that was -- in the evening,
15 there's a place in Dumfries beside the river, which is
16 called the Whitesands. I don't know why it's called
17 that, but it's been called that for years. And about
18 10 o'clock at night, we saw an ice cream van parked up.
19 So we could see, erm, the chocolate bars, stuff like
20 that. And we found a brick and tried to break into it.
21 To smash it. To get the food. It was hard plastic, so
22 that didn't work.

23 Erm, very similar to that, or coincidentally to
24 that, beside one of the bridges on the River Nith, we
25 saw this policeman, he blew his whistle and came flying

1 after us. We just went different ways and I ran up
2 a close in Dumfries to the top of the staircase, it was
3 three level, I think, and I just sat there, hoping and
4 praying that I wouldnae get caught. But I did.

5 Q. I think you tell us that you ended up in court the
6 following day?

7 A. Yeah, correct.

8 Q. Ultimately I think you say that you were sentenced to
9 three years?

10 A. One to three, I think they called it.

11 Q. One to three?

12 A. Yeah.

13 Q. Were you sent to Kibble?

14 A. To Kibble in Paisley, yeah.

15 LADY SMITH: You would be about 15 at that time, were you?

16 A. 15, yeah.

17 LADY SMITH: Thank you.

18 MS MACLEOD: I think, 'Iain', in fact the Inquiry has
19 recovered records to suggest that the date that you may
20 have gone into Kibble was [REDACTED] 1963, when you
21 would have been 15.

22 A. Yeah.

23 Q. Does that accord with your own memory?

24 A. Yeah, it would have been, erm, yeah, it was [REDACTED] in the
25 year, because I was in a hostel in Edinburgh for about

1 two months, I think. So it would be in [REDACTED].

2 Q. Around then?

3 A. Yeah.

4 Q. Are you able to tell me how long you were in Kibble for?

5 A. 15 months.

6 Q. Now, did you have an understanding at that time of what

7 Kibble was? Was it explained to you what it was, or --

8 A. No, one night I was in Dumfries, the next day I was in

9 The Kibble. So I didn't know what an approved school

10 was really. Wondering why I was there, really.

11 Q. In paragraphs 82 onwards of your statement, 'Iain', you

12 tell us about certain aspects of your time at Kibble.

13 I think you tell us you were taken that day in a car by

14 a couple of gentlemen to Kibble?

15 A. Yeah.

16 Q. You say Kibble was another walled unit, but that it was

17 more secure --

18 A. Absolutely.

19 Q. -- than Dumfries. You say there were guys in there for

20 very violent offences. Are you able to help me with

21 your recollection?

22 A. Yeah, I mean, there was a couple of guys I met, erm, who

23 were in there for attempted murder and waiting to go to

24 court. Erm, I mean, compared with me, they were all

25 huge guys. I was quite slight still. Erm, and I was

1 very frightened.

2 Q. Can you remember roughly how many boys were at Kibble at

3 that time?

4 A. Yeah, er, it's going to be a guess, I guess, so I'm

5 going to go for something like probably up to 40.

6 Q. Was that number divided up into a number of dormitories?

7 A. It was, yeah.

8 Q. How many were in your dormitory?

9 A. At nighttime, probably eight to ten.

10 Q. In terms of the age range of the boys there, in Kibble

11 overall, can you help me with that?

12 A. 15 to 18.

13 Q. So you would have been amongst the youngest?

14 A. Yeah, absolutely.

15 Q. The younger ones there?

16 A. Yeah.

17 Q. You say that Kibble was a potentially dangerous place?

18 A. I thought so, yeah, it was very scary.

19 Q. Is that something that you remember thinking early on in

20 your time, or --

21 A. Throughout my time.

22 Q. You say that you saw boys being beaten and sexually

23 abused?

24 A. Absolutely.

25 Q. We will come on to look at that in a moment.

1 Do you remember who was SNR of Kibble?

2 A. I could draw a face of the guy right now. Erm, I think
3 it was a guy -- I'm sure it was a guy called GHK .
4 He might have been ex-military, as well.

5 Q. What was he like, the person SNR , what are your
6 memories of him?

7 A. You didn't actually see him too much, because, erm, he
8 -- I'm just guessing -- he was in his office doing all
9 the paperwork and stuff like that. Erm, he would show
10 up now and again, you know, nobody knew he was coming
11 because there was staff members around, there was
12 always, you know, if we were in the gymnasium part,
13 which is where we always used to be if we weren't
14 working, there was always at least one member of staff
15 in there with us. So there was always at least one
16 member of staff. But if something happened in the far
17 corner of the gym, if you were in one end, you know,
18 somebody was getting beaten up, they would just ignore
19 it.

20 Q. Did you have a particular member of staff, or members of
21 staff, allocated to you? By that I mean anyone who
22 seemed to be in charge of your care, or anything like
23 that?

24 A. Not really. I mean -- so the answer to that is no. But
25 because I was a footballer, one of the -- I think he was

1 actually classed as the PE teacher there, erm, he took
2 a bit of a liking to me 'cause I was a footballer, and
3 I think he was one of the -- he certainly supported one
4 of the two big Glasgow teams, erm, but I kind of got on
5 with him all right.

6 Q. Okay. What was his name, do you remember his name?

7 A. Livingston. I kind of felt a wee bit protected by him
8 because -- maybe that was naive, but I like to think
9 I did feel that way, you know.

10 Q. You felt that was because of your football --

11 A. You just held on to anything.

12 Q. Sorry?

13 A. You just held on to anything.

14 Q. Anything that might protect you?

15 A. Yeah.

16 Q. You mention a [REDACTED] in your statement, 'Iain'?

17 A. Yeah.

18 Q. Who was [REDACTED]?

19 A. I'd never met him before, but he was allegedly -- and
20 I found out to be, once I left Kibble, that was true --
21 a pal of one of my older brothers, they ran around in
22 Stirling together, and he ended up in there.

23 Q. Was he a staff member or a boy?

24 A. No, he was one of the boys. He was coming up to 18,
25 erm, and once he knew me, I don't know how he got to

1 know me, but I guess you get to know when there's a new
2 person coming in, you know, and when he knew -- sorry.

3 Q. Carry on.

4 A. When he knew I was from Stirling, 'cause he was from
5 Stirling, and he asked me if so and so was my brother,
6 and I said yeah. He said, 'Well, I'll look after you in
7 here, but I've only got three months to go'.

8 Q. When you say in your statement:

9 'I was lucky because my older brother ... knew one
10 of the "hard men" who ran the place.'

11 That is actually a boy you are referring to?

12 A. Yeah, he was recognised as one of the 'hard men',
13 I wouldn't use that phrase, but that's what they used.

14 Q. You say:

15 'He was my "saving grace", and I hadn't met him in
16 my life.'

17 A. Correct, yep.

18 Q. Can you help me with what sort of things made him your
19 'saving grace'?

20 A. Erm, he would put out the word, if that's the phrase,
21 erm, that nobody was to touch me, or else they would be
22 in trouble with him. So that's what happened. So that
23 was okay for three months.

24 Q. You say:

25 'After he left, I think being known for my ability

1 to play football in the team saved me from being
2 battered and possibly sexually abused.'

3 A. I think so. I'm guessing that, but I think that was the
4 reason, yeah.

5 Q. You say there was an Irish man who came around at night?

6 A. Yes.

7 Q. Telling you that you had ten minutes left before the
8 lights were going out. Was that a staff member?

9 A. It was, yeah.

10 Q. What was his role?

11 A. His role was to say, I could maybe quote, 'Last turn to
12 the closet' in an Irish accent, and that's the only
13 time -- he seemed to do permanent nights, 'cause he was
14 quite elderly, actually, so he would say you've got ten
15 minutes to go to the loo, and that was it.

16 Q. Okay.

17 A. And then once he came in and switched the lights off,
18 erm, that was it. But he was around, he was around.

19 Q. What was he like in terms of his interactions?

20 A. I never actually got too much interaction with the guy,
21 really. Erm, we just knew him as the old Irish man that
22 said, 'Last turn to the closet'. Never saw him during
23 the day.

24 Q. You provide some information about there being a pig
25 farm, allotments with vegetables on the grounds?

1 A. That's correct.

2 Q. And that some of the boys worked on the farm?

3 A. That's right.

4 Q. You say that there was an education system, I think you
5 describe it as a basic education system?

6 A. Yep, there was an education teacher there. I forget his
7 name, but I could draw a picture of him. Erm, he was
8 quite autocratic, I would say, in his manner. He didn't
9 hit out, but he was quite, you know, autocratic. Erm,
10 but he did schooling at a level, sort of maths and
11 English, you know, that kind of standard, and focused on
12 maths and English, as I remember right.

13 Q. Comparing it to your previous experience of schooling in
14 Dumfries --

15 A. Yeah.

16 Q. -- when you went to the outside school, how did you feel
17 at the time about, for example, the standard of
18 education, or whether you were learning?

19 A. I don't think I was learning any more. You know,
20 I think there was possibly some young guys in there who
21 were quite behind in their education. I can't explain
22 why. But I didn't learn too much in there.

23 Q. Is your memory that it was one main teacher at that
24 time?

25 A. It was just the one education teacher, yeah.

1 Q. You mention that Kibble tried to get boys out to work,
2 if that was possible?

3 A. Yeah.

4 Q. I think what you say is:
5 'I was one of the trusted ones who was allowed out
6 to work.'

7 A. Yeah, I'm guessing that, I mean, because Mr GHK --
8 I'm sure that was his name -- he called me like
9 a trustee, you know, so I was allowed to go out and work
10 and earn money.

11 Q. Okay. Were you able to go home sometimes while you were
12 in Kibble?

13 A. We were allowed once a month to go home on a Saturday,
14 back Sunday. So we would get the bus into Glasgow,
15 Buchanan Street, and get the bus through to Stirling.
16 It didnae happen every month for me, because it wasn't
17 always convenient for my family, or my mum.

18 Q. If you didn't go home at weekends, what was the
19 offering, or what happened at Kibble during weekends?

20 A. Yeah, there was less staff on at the weekends, so it was
21 probably a bit more scary, really, because of that. But
22 there was sort of five-a-side football pitch near the
23 lottery area, so when I got the opportunity, I'd get
24 out there and stay out as long as I could.

25 Q. You mention that there was a gang culture --

1 A. There was.

2 Q. -- at Kibble?

3 A. There appeared to be. In my opinion. Gangs within
4 gangs inside, you know, sort of Glasgow named gangs.
5 I can't remember all their names, but 'cause most of
6 them were Glaswegian in there, or Glaswegian area.

7 Q. How did that gang culture sort of manifest itself?

8 A. Well, 'cause I was, once again, one of the star
9 footballers in there, the different gangs would ask me
10 to join their gang, because I was the kid who could play
11 football. Erm, I mean, there was other very good
12 footballers in there as well. But it was quite scary
13 for me. I used to try and politely decline. I used to
14 say things like, 'Well, I'm from Stirling', you know,
15 I don't have a gang'. I kind of warded them off like
16 that.

17 Q. Okay.

18 A. So -- I mean it was -- you were constantly on the
19 defence, really.

20 Q. I now want to ask you about that part of your statement
21 where you tell the Inquiry about abuse that you recall
22 from your time in Kibble, and that's paragraphs 90
23 onwards of your statement. First of all, did you see
24 boys being abused at Kibble?

25 A. Yes, I did, yes.

1 Q. Were you yourself abused?

2 A. No, I wasn't. Luck of the draw.

3 Q. Sorry?

4 A. Luck of the draw, I think.

5 Q. You say that people were normally abused in the
6 dormitories during the afternoon?

7 A. Yeah, so basically staff turned a blind eye.

8 Q. Who was doing the abuse, who was abusing?

9 A. Erm, the older ones, sort of gang, gangs of up to ten,
10 I would guess, they would pick somebody, take you up to
11 a dormitory, erm, and then they would say to the likes
12 of me, or whoever, 'You can come up and watch'. So
13 I wasnae going to say no, because I would have been in
14 trouble, I think.

15 Q. Were you then asked, as you have given that example
16 there, to go up to the dormitory --

17 A. Yes, I was.

18 Q. -- and watch?

19 A. Yeah.

20 Q. Can you help me with what you saw then on those
21 occasions in the dormitory?

22 A. Yeah, yeah. So inside would be the chosen one, who
23 would be naked at this stage, and other older boys doing
24 stuff to them.

25 Q. What sort of things were they doing?

1 A. Erm, well, they would be on their knees, the chosen one,
2 and they would be getting, I guess the word 'raped', by
3 the older ones.

4 Q. So the boy who was taken up to the dormitory --

5 A. I mean, to me it was all --

6 Q. -- would be on his knees?

7 A. He would be, yeah, naked, yeah.

8 Q. How many boys were involved in the abuse?

9 A. Well, there would be about two or three involved.
10 Because there was like a gang culture thing, someone
11 would be outside the dormitory guarding it, not allowing
12 anybody in, that type of thing.

13 Q. In terms of what was happening to the boy who was being
14 abused --

15 A. Yeah.

16 Q. -- what did you actually see happen?

17 A. I saw them penetrating him.

18 Q. You saw older boys penetrating a younger boy?

19 A. The chosen one.

20 Q. With their penis?

21 A. Yeah, absolutely.

22 Q. So would that be one of the older boys doing that to the
23 younger boy?

24 A. Yeah.

25 Q. What would the other older boys be doing?

1 A. They would be on guard in case another gang came up the
2 stairs. It's not easy to explain, because that's how it
3 was.

4 Q. The younger boy who was being sexually abused in this
5 way --

6 A. Yeah.

7 Q. -- do you recall if they were crying, shouting, what --

8 A. They weren't shouting, they weren't screaming, they were
9 just getting on wi' it.

10 Q. How did that sort of situation come to an end?

11 A. Well, I guess eventually one of the ones that were on
12 guard, if you want, for a better reason would say to me:
13 'Right, you, get back down the stairs, you've seen
14 enough. And you better not tell anybody, otherwise
15 you're next.'

16 That kind of threatening language.

17 Q. You were told not to tell anybody?

18 A. Exactly.

19 Q. Or you would be next?

20 A. That type of thing, correct.

21 Q. Did you take that to mean that if you told somebody, you
22 would be the next person to be abused?

23 A. Yeah, I assumed that.

24 Q. How many times were you asked by older boys to come up
25 to watch this sort of abuse going on in the dormitory?

1 A. Probably two or three times, just. As I say, I think
2 I was selected because I was the star footballer of The
3 Kibble.

4 Q. If you --

5 A. I can't think of any other reason.

6 Q. If you are able to recall, how old was the boy on these
7 two or three occasions?

8 A. They were younger ones, so they'd be in my age group,
9 15/16.

10 Q. On the times you were asked to come and watch this, was
11 it the same boy, or was it different boys who were being
12 abused?

13 A. Different boys, normally.

14 Q. Different boys?

15 A. Yeah.

16 Q. In terms of the people, the perpetrators of the abuse,
17 the older boys, was that the same older boys, or --

18 A. It was the same sort of gang, so there must have been,
19 I assume, a lead gang in there who were basically,
20 really, the oldest ones, they all had scars on their
21 face wi' I guess knives and bottles and stuff like that.

22 LADY SMITH: 'Iain', would I be right in thinking that the
23 boy who was being abused would be well aware that
24 an audience had been set up to watch?

25 A. That would be correct.

1 LADY SMITH: So he had to tolerate not just the abuse, but
2 it being done in front of an audience?

3 A. Absolutely, yeah. It was just totally frightening
4 thing, really. It was one of these situations -- I'm
5 just trying to think of the right word here, it was one
6 of these situations where, erm, because of the culture
7 of The Kibble, the sort of, the head gang people, you
8 know, I think they would -- if you went to report it,
9 I think you'd get stabbed. I don't know why -- you
10 know, I didn't see any people carrying knives as such,
11 but I think they might have been in there.

12 Erm, so it was a very scary place for 15 months.

13 MS MACLEOD: How was that for you, 'Iain', being in the
14 situation where you were required to watch this, and
15 then being threatened yourself in the way that you've
16 told us about?

17 A. Yeah, it was, I mean 'intimidating' is not the right
18 word, really. If there's a better word than that, then
19 you might know it, but, erm, it was very scary. As
20 I say, the only reason I can think of that I was the
21 chosen one to go up there and watch things like that is
22 'cause I was the sort of star footballer. There was no
23 other reason for me. They didn't know me really, I was
24 an outcast, if you weren't a Glaswegian, you were known
25 as a teuchter, I think the word was, back in these days.

1 Q. Did you consider at the time reporting what you saw?
2 A. No, I didn't. No, too scared.
3 Q. Do you know if staff were aware of what was happening in
4 the dormitories on these occasions?
5 A. They were aware that they were up the stairs, that is
6 very clear. That's just in my opinion.
7 Q. Okay.
8 A. You know, they didn't say to me, 'Is everything all
9 right up there?' It wasn't like that, it was almost
10 like a silent nod of the head, that type of thing, if
11 that makes sense.
12 Q. Did staff know then that those older boys had taken
13 a group of boys upstairs?
14 A. They must have, because they saw them leaving the gym
15 and going up the stairs, which was not a normal thing.
16 Q. So staff didn't follow --
17 A. No.
18 Q. -- or look into what was going on?
19 A. Didn't get involved.
20 Q. You tell us also in your statement, 'Iain', that you saw
21 boys being beaten up?
22 A. Yeah.
23 Q. Can you tell me about that?
24 A. Yeah, once again that mostly happened -- I mean, it
25 might have happened elsewhere, down the pig farm,

1 I didn't see that, but certainly in the gymnasium where
2 we all gathered after various jobs that we did, we
3 gathered in the gym at nights, and there was a table
4 tennis table, sort of climbing ropes, just almost like
5 a school gym arrangement, and cigarettes was the big --
6 it was sort of the money, the currency, cigarettes,
7 which didn't bother me 'cause I wasnae a smoker. It
8 bothered a lot of them. And there was a smoking, erm,
9 corridor outside the gym where smokers went, only
10 because I know this because the guy from Stirling,
11 Mr [REDACTED], as you mentioned, he would tell me what would
12 happen, they'd get a woodbine and they would halve it
13 between -- the staff would watch, it was halved between
14 two boys who would get half each, erm, which I guess
15 wasnae a lot if you were a smoker.

16 So the older boys, they wanted -- they had asked the
17 younger guys who went home at the weekends to bring
18 cigarettes for them. So as I say, currency was
19 cigarettes, that was the main currency in there.

20 Q. Did you see boys being beaten up --

21 A. Yes, I did, yeah.

22 Q. -- in the gym?

23 A. Yeah, they would go into the corner, the staff member in
24 the gym, as soon as he saw them gather, probably eight
25 or nine of them, whoever the one that was going to get

1 beat up, 'cause he probably didnae produce cigarettes,
2 I'm guessing that's one of the reasons, erm, he would
3 just start walking away and talk to the other, maybe
4 guys that were playing table tennis, and just totally
5 ignore it.

6 Q. So there was a situation, then, where there would be
7 a boy being beaten up by other boys?

8 A. Yeah.

9 Q. And the staff member present would walk away?

10 A. He would walk away and talk to other people at the far
11 end.

12 Q. When you say you saw boys being beaten up, what did you
13 see happen to boys?

14 A. Well, a lot was the gymnasium, you could hear the
15 thumps, and the blows and the kicks going. You could
16 see that, physically the kicks going in, you know, you
17 could see that with your own eyes.

18 Q. Do you see boys being kicked?

19 A. Yeah, I did, yeah.

20 Q. Was this older boys kicking younger boys?

21 A. Yeah, or possibly even guys the same age. As I say, the
22 currency in there was cigarettes, so I'm guessing if
23 whoever it was was told to bring cigarettes in and they
24 didn't, they were in trouble.

25 Q. What did the beating constitute, then? What did you see

1 happening?

2 A. I saw guys getting taken to the top of the -- whichever
3 corner it was, the opposite corner from the staff
4 member, or if it was the same corner, the staff member
5 would walk away, 'cause I guess he knew what was coming
6 and didn't want to be a witness.

7 Q. For the boy who was being attacked, if I can put it that
8 way --

9 A. Yeah.

10 Q. -- what was actually happening to him?

11 A. They were on the ground getting kicked, basically, and
12 punched.

13 Q. Okay. By other boys?

14 A. By other boys.

15 Q. How did that sort of situation come to an end?

16 A. Well, I guess when -- just assuming that when they felt
17 they'd give him enough, and he'd had enough, they would
18 just walk away, one at a time, and go to other parts of
19 the gymnasium. They would, like, split up.

20 Q. Was this a regular occurrence for you to see this sort
21 of thing happening?

22 A. Erm, it wasn't a daily one. But it could happen fairly
23 regularly. I would say certainly once a month. I think
24 the month thing was relevant, because everybody got home
25 after -- at the weekend once a month. And, as I say,

1 most of them were Glaswegians, so I guess they went home
2 to Glasgow. But like I say, the main currency, and
3 I think the reason for the beatings in the gymnasium,
4 was they didn't maybe produce the cigarettes.

5 Q. As far as you were aware, were there any consequences
6 from the staff --

7 A. No.

8 Q. -- for boys who did that?

9 A. I never saw any.

10 And even Mr Livingston, who, because I was a bit of
11 a footballer -- I keep repeating that word, I'm sorry
12 about that -- erm, he could see what was going on, and
13 even he would ignore it.

14 Q. Did that surprise you at the time, that the staff
15 weren't intervening with that sort of behaviour going
16 on?

17 A. It did. The first time it happened, you know. But then
18 the older guys would put me right and say, you know, you
19 don't open your mouth, blah, blah, blah, or you get it,
20 basically, you know, words to that effect. So
21 I complied.

22 Q. Did you form any view at the time as to why the staff
23 weren't trying to get involved in something like that,
24 that they could see happening to younger children?

25 A. I just guessed that they didn't want to get too

1 involved, because some of them were in there for
2 attempted murder and waiting to go to court. So I guess
3 they might have been intimidated, if I look at it.
4 I mean, there were some six footers in there, you know,
5 big guys.

6 Q. You mention in your statement, 'Iain', you say:

7 'I think I've blanked a lot of it out because I was
8 scared and I knew I was in a dangerous situation every
9 day I was there.'

10 A. That's how it felt, absolutely. You were walking on --
11 walking on, erm, wire, you know, a wire fence all the
12 time, or glass is a better description. It was like
13 walking on glass every day I was there.

14 Q. You make the contrast yourself in the statement, 'Iain',
15 you say:

16 'I think I was ... in shock, because I had gone from
17 Secondary Institutions - to be published later to going to one of the
18 worst approved schools in Scotland.'

19 A. Yeah, I went from Secondary Institutions - to be published later
20 Secondary Institutions - to be published later to throwing a brick
21 at an ice cream van, not actually getting anything, and
22 then getting one to three years for it. It didnae make
23 sense to me.

24 Q. Indeed you say that, you say:

25 'I wasn't a bad boy so it was outrageous that I was

1 sent there in the first place.'

2 A. Yeah, I think so, yeah. Considering I was in there with

3 people who was in for attempted murder, and I threw

4 a brick at an ice cream van.

5 Q. I think you have told us that you were in Kibble for

6 around 15 months --

7 A. Correct.

8 Q. -- or so?

9 A. Yeah.

10 Q. In your statement you tell us that the man who was in

11 charge of Kibble, I think, suggested to you that you

12 could do something else?

13 A. Yeah, he did.

14 Q. What did he say to you?

15 A. Could join the army.

16 Q. You say:

17 'He said I could achieve more because I was

18 different to most of the others in there.'

19 A. Yeah. I mean, I don't think I was different in terms of

20 I was better, it wasn't about that for me, but

21 I certainly wasnae a thug, if I can use that word.

22 Q. You say that you would have joined anything to get out?

23 A. I would've, yes.

24 Q. Did you in fact leave Kibble when you were 16 and join

25 the army?

1 A. I did, yeah.

2 Q. I think you tell us you did your training in England and
3 then went to Germany?

4 A. Correct.

5 Q. Is that right?

6 You provide the Inquiry with some background about
7 what you did, you explain there was a lot of travel
8 involved.

9 A. Yeah.

10 Q. I think you tell the Inquiry that you got married and
11 had children?

12 A. Correct.

13 Q. That you left the army in 1988?

14 A. That's right.

15 Q. You provide information about work that you've had since
16 then, for example, working in the [REDACTED]
17 [REDACTED] and the [REDACTED]?

18 A. That's right, yeah.

19 Q. You tell us that in more recent times, you became
20 a support worker working with young people?

21 A. Correct.

22 Q. And that you got a job as a team leader in a housing
23 organisation?

24 A. That's right.

25 Q. That you worked for [REDACTED]?

1 A. Correct.

2 Q. And that you are now a self-employed carer?

3 A. Correct.

4 Q. I would now like to move on to that part of your
5 statement where you tell the Inquiry about the impact
6 that you consider your time in care has had on your
7 life, 'Iain'. What you say here to begin with is you
8 say that you had a hidden secret?

9 A. Yeah.

10 Q. Can you tell me about that?

11 A. Erm, well, certainly **Secondary Institutions - to be published later**, you
12 know, Kibble definitely with me as well. I don't know
13 if it's even more so, because of the situation in there.
14 **Secondary Institutions - to be published later**
15 **Secondary Institutions - to be published later**
16 **Secondary Institutions - to be published later** -- I think they kinda destroyed me in
17 many ways. I did quite well in the army, erm, but I had
18 issues.

19 Q. You tell the Inquiry that you didn't want to tell people
20 about Kibble, or the circumstances of you being sent to
21 Kibble?

22 A. Yeah, I felt it was a huge blight on me, that I would be
23 sentenced to an approved school for throwing a brick at
24 an ice cream van. I didn't tell anybody, really.

25 Q. Indeed you say that you desperately wanted to tell

1 someone, but that in fact you didn't even tell your
2 wife?

3 A. No, I didn't, no.

4 Q. You say you didn't want to be seen as a boy who went to
5 an approved school?

6 A. Correct.

7 Q. One thing you say, you say:
8 'I think Kibble destroyed me in many ways.'

9 A. Yes, I did.

10 Q. What are you thinking of when you make that statement?

11 A. I think psychologically, you understand what that might
12 mean. Seeing what I saw in there and constantly on
13 eggshells every minute, really. I think psychologically
14 that -- I think the army was probably a good choice for
15 me.

16 LADY SMITH: Why? Can you help me with that?

17 A. Yeah, I think because of -- if I can go back to
18 Lochvale, children who left Lochvale at 15 either worked
19 on a farm or they went in to the forces for some reason.
20 I can't think of any other choice, and I thought that
21 was going to be my choice, until my mother intervened
22 when I was 14 and three quarters. I think I would
23 either have went to work on a farm or join the forces.
24 Erm, I was fit as a fiddle. The discipline had been
25 pretty rough, Secondary Institutions - to be published later

1 Secondary Institutions - certainly in Kibble for the 15 months, so
2 I thought the army might be quite easy, strangely
3 enough.

4 LADY SMITH: You had been prepared for the discipline of the
5 army?

6 A. Yeah, I was well prepared.

7 LADY SMITH: It sounds as though that worked out for you as
8 an occupation, given the length of time you stayed in
9 the army.

10 A. Yeah, I mean, to be honest, Lady Smith, to me it was
11 a way out. When he said join the army, like I said,
12 I would have joined anything to get out of there. Erm,
13 but actually, you know, I couldn't believe by the time
14 I was 17 in the army in Germany, I was driving trucks.
15 You know, only because the MOD have an arrangement that
16 soldiers at 17 can drive trucks, so I was driving trucks
17 in Germany at 17. I couldn't believe it. So it was --
18 I felt great there.

19 LADY SMITH: Thank you.

20 Ms MacLeod.

21 MS MACLEOD: My Lady.

22 Could we now turn to the part, 'Iain', and the final
23 part of your statement, where you set out some lessons
24 which you think could potentially be learned, or should
25 be learned, going forward. One of the things you say

1 here is you say -- first of all you say that you hope
2 there will be a lot of positives to come from the
3 Inquiry?
4 A. Yeah.
5 Q. You say that you think if there had been checks and
6 unannounced visitors by inspectors, and if you had been
7 listened to, things may have been different?
8 A. That's correct.
9 Q. You say:
10 'I think unannounced visits and more supervision
11 would act as deterrents in stopping abusers.'
12 A. Correct.
13 Q. You go on to make the point about the importance of
14 listening, listening to children, and what you say is:
15 'In my opinion, children who say they have been hurt
16 or abused don't tend to make it up...'
17 A. I would say that's quite true.
18 Q. So they should be listened to?
19 A. Yeah.
20 LADY SMITH: Thinking of what you have explained was your
21 experience, would you add to that, that children who say
22 that other children in their environment are being hurt
23 or abused don't usually make it up?
24 A. Absolutely.
25 LADY SMITH: I was just thinking about what you experienced

1 at Kibble.

2 A. Yeah, I would agree with that, yeah.

3 LADY SMITH: So again, you have to have not just people
4 listening to them but a path that they can go down to
5 get listened to?

6 A. Yeah, I think it's difficult even now for them.
7 Certainly back then it was very difficult. More
8 opportunities these days, I think, for them to be
9 listened to.

10 LADY SMITH: From your description, it sounds as though you
11 had nowhere in Kibble that was your safe space, am
12 I right about that?

13 A. That's correct. I think that was the same for the
14 majority.

15 LADY SMITH: Yes. Thank you.

16 A. Thank you.

17 LADY SMITH: Ms MacLeod.

18 MS MACLEOD: 'Iain', you also say that you think authorities
19 and the police need to listen more to children?

20 A. Yes, I do, yeah.

21 Q. You come back there to what you say that you weren't
22 listened to when you were apprehended by the police in
23 relation to the incident with the ice cream van?

24 A. Yeah.

25 Q. Do you think things could have been different or the

1 outcome might have been different if you had been asked
2 about that and given an opportunity?

3 A. I do remember the small court happening, I do remember
4 that, and I was explaining to them that all I did was --
5 all we tried to do was get some food, 'cause we were
6 hungry, it wasn't because we wanted to smash an ice
7 cream van.

8 Q. I think you say that you think the attitude was wrong?

9 A. I think to send someone like me -- not that I'm special,
10 but Secondary Institutions - to be published later to a place
11 like that, yeah.

12 MS MACLEOD: 'Iain', that's all the questions I have for
13 you, but I want to give you the opportunity, is there
14 anything that you would like to add, or to say, to the
15 Inquiry before we complete your evidence?

16 A. I would just like to thank Lady Smith --

17 Just give me a sec.

18 Just for giving me the opportunity.

19 LADY SMITH: Don't worry, 'Iain'.

20 A. That's all.

21 LADY SMITH: I do understand how emotional it can become,
22 thinking back to difficult times in your childhood. But
23 you have helped me, you have helped me so much to
24 understand, really, what it was like for you, and where
25 your life went from early childhood, you and your little

1 brother, right up to the time that you fortunately got
2 in to the army. But I can see that you still carry the
3 scars of it with you.

4 A. Thank you.

5 LADY SMITH: By coming here you have really helped with our
6 work, I am really grateful to you for doing that.

7 A. I appreciate that.

8 LADY SMITH: I wish you well, not just for the rest of
9 today, but for what happens next in your life, and
10 I hope you can put some of this down. Leave it with us,
11 try not to make it your burden anymore.

12 A. I am sure you will -- I am sure you will do something
13 about it. Thank you very much.

14 LADY SMITH: Thank you, do feel free to go.

15 A. Thank you very much.

16 (The witness withdrew)

17 LADY SMITH: Just before I rise for the lunch break, some
18 names of people whose identities are protected by my
19 General Restriction Order. A man referred to as
20 Mr. GIR, GIR, or GIR,
21 I think it's all the same person, his wife, and together
22 they are referred to as GIR-SPO at one point. And
23 there was a boy who was in care with the last witness,
24 whose name was provided, that was [REDACTED], and he
25 is not to be identified as referred to in our evidence

1 outside of this room either.

2 I will stop now for the lunch break and we will move
3 on to the next witness after the lunch break, I think it
4 is a Webex link, am I right?

5 MS MACLEOD: It is, my Lady, it is coming in by video link.

6 LADY SMITH: Very well, thank you.

7 (12.56 pm)

8 (The luncheon adjournment)

9 (2.07 pm)

10 LADY SMITH: Mr MacAulay.

11 MR MACAULAY: Yes, my Lady, the next witness is
12 an applicant. He wants to remain anonymous, and to use
13 the pseudonym 'Graham' in giving his evidence.

14 LADY SMITH: Thank you very much.

15 'Graham', can you hear me all right?

16 'Graham' (affirmed)

17 (Via videolink)

18 A. Yes, I can, thanks.

19 LADY SMITH: Good afternoon.

20 I am Lady Smith and I chair the Scottish Child Abuse
21 Inquiry here in Edinburgh. Thank you for joining us
22 over the link this afternoon and we will move on to
23 taking your evidence in a few moments.

24 'Graham', I will hand over to Mr MacAulay in
25 a couple of moments, but let me say a few things first.

1 I know you have a copy of your statement in front of
2 you, and you must feel free to use that if you would
3 find it helpful. If you have any questions at any time,
4 don't hesitate to ask, that's what I am here for,
5 because it might be that I can do something to help you
6 give the best evidence that you can. That's the key.
7 If you want a break, that's fine. If you just tell me
8 that. And do appreciate that I know how upsetting it
9 can be to talk about your childhood, particularly
10 a difficult childhood, as I can see from your statement
11 you have had, and also, when we go into any details
12 about particular things that may have happened then.
13 A break's fine by me if you need it, or anything else,
14 even if it is just a pause.

15 Mr MacAulay will ask you most of the questions, but
16 he is going to focus on some particular parts of your
17 statement, not every single word of it, because of
18 course I have been able to read it in advance, and
19 that's been really helpful to me.

20 If you are ready, I will hand over to him and he
21 will take from there, is that okay?

22 A. Yeah, thank you very much.

23 LADY SMITH: Thank you very much. Mr MacAulay.

24 MR MACAULAY: My Lady.

25

1 Questions from Mr MacAulay

2 MR MACAULAY: Hello, again, 'Graham'. Your statement is in
3 front of you, I just want to give the reference of the
4 statement for the transcript. It is WIT-1-000001128.

5 A. Yeah, that's correct.

6 MR MACAULAY: My Lady, the other preliminary point I should
7 perhaps just mention is that -- and 'Graham' is aware of
8 this --

9 LADY SMITH: Yes.

10 MR MACAULAY: -- that part of his statement was already read
11 in for Chapter 9, which was the Thornly Park chapter.

12 LADY SMITH: Of course.

13 MR MACAULAY: That was on Day 486, on 23 October 2024, and
14 that can be found in the transcript at TRN-12-000000119.

15 LADY SMITH: Thank you.

16 MR MACAULAY: 'Graham', the first thing I want you to do for
17 me is to look at the final page of your statement, and
18 if you can confirm for me that you have signed the
19 statement?

20 A. Yes, I have.

21 Q. Do you say in the final paragraph at 131:

22 'I have no objection to my witness statement being
23 published as part of the evidence to the Inquiry.
24 I believe the facts stated in this witness statement are
25 true.'

1 Is that correct?

2 A. Yeah, that's correct.

3 Q. I don't want your date of birth, because you want to be
4 anonymous, but to give us some context as to your
5 evidence, can you confirm that you were born in the year
6 1964?

7 A. Yeah, that's correct, sir.

8 Q. Going back to the beginning of the statement, then,
9 'Graham', you begin by providing us with some
10 information about your life before you went into care,
11 and you begin by telling us that you were actually born
12 in West Germany, is that right?

13 A. Yeah, that's right.

14 Q. What was the background to that?

15 A. Er, my father was a warrant officer in the forces, and
16 was stationed in Iserlohn, West Germany at the time.

17 Q. Did there come a point in time when you returned to
18 Scotland?

19 A. Yes, we did. We did a little bit of travelling about
20 first of all, and then settled in Scotland, erm, when
21 I was roughly 3 or 4 years old.

22 Q. That would be, perhaps, 1967/1968, something like that?

23 A. Yeah, that's correct, sir.

24 Q. You tell us that on your return to Scotland, you settled
25 in the Renfrew area of Scotland?

1 A. Yeah, that's true.

2 Q. Did you have any brothers or sisters?

3 A. Yeah, I had one older brother, er, he was three years
4 older than me.

5 Q. At paragraph 3 you describe your family life, and this
6 is how you put it, as 'absolutely disgustingly
7 terrible'. Can you just develop that for me? What was
8 so bad about it at that time?

9 A. Erm, so we are talking about when I first moved back to
10 Scotland, yeah --

11 Q. Yes.

12 A. -- and why it was so bad. So when we moved back to
13 Scotland, my father didn't stay with us. He continued
14 with his career, and he was fighting in Ireland at the
15 time, so it was just me, my brother and my mother.

16 Erm, my mother was -- she used to take
17 antidepressants. I was with my brother, my brother was
18 the golden boy, and I was treated very badly. Erm,
19 I was abused regularly, physically, emotionally. I had
20 problems with bedwetting, and I used to wet the bed
21 every night, and my mother would beat me regularly, rub
22 my nose in the urine, like a dog. Drag me to the
23 bathroom and beat me with canes and belts and her fists.
24 Erm, I was never given any support by any family
25 members. And it's just something that I had to live

1 with while I was growing up. And that kind of led on to
2 me then, as you know, later on in my statement, running
3 away from home and trying to get away. But my home life
4 was disgusting, yeah, and, yeah, I've got no other word
5 for it.

6 Q. I will come on to your running away from home in
7 a moment, but what you do tell us also, this is at
8 paragraph 6 of your statement, is that you had a group
9 of friends, but they weren't so much friends, as
10 bullies, but nevertheless you still interacted with
11 them?

12 A. I did, yeah. And it was more a case of I was so lonely,
13 I think, and I was getting so much abuse from home, that
14 for me it just felt normal. I was -- obviously I wasn't
15 liked by these people, but I was part of their group and
16 they took great pleasure in beating me on a daily basis,
17 yeah.

18 Q. Were they older than you?

19 A. They were. Generally, a couple of years older, but,
20 yeah. Not a great deal older.

21 Q. You go on to tell us, 'Graham', that when you were about
22 8, your mum and dad divorced?

23 A. That's correct, sir.

24 Q. What was your position, where did you want to go at that
25 time?

1 A. Erm, what I wanted to do was to go and live with my
2 father. For some reason I'd built this impression of
3 him as some superhero character, and he was an army man,
4 and I wanted to get as far away from my mother as
5 possible and my plan was to go and live with him, and
6 then it was apparently sorted that I was going to do
7 that.

8 Q. But did that happen?

9 A. No, it didn't, no. It came to the time of me going and
10 my mother then dropped the bombshell and said that
11 I wouldn't be going anywhere.

12 Q. What you tell us, you didn't see your father thereafter,
13 until you were about 17 or 18?

14 A. That's correct, yeah, when I found him myself, yeah.

15 Q. Were you upset by the fact that you weren't going to go
16 with your father?

17 A. Yeah, extremely upset. All I wanted to do was get away
18 from the situation that I was in, and that was the way
19 out for me. A way for a better life, I suppose. But
20 yeah, I was extremely upset.

21 Q. I think you tell us at paragraph 8 that when you were 8,
22 you actually tried to kill yourself?

23 A. I did, yeah.

24 Q. What did you do?

25 A. On that occasion, I think [REDACTED]

1 [REDACTED] overdosed [REDACTED]
2 but that wasn't the first time. But yeah.
3 Q. Was it [REDACTED] that you used to try and do that?
4 A. Er, yeah.
5 Q. You also say you have some recollection of having been
6 seen by a child psychologist --
7 A. I do, yeah.
8 Q. -- at that early age. Can you tell me about that?
9 A. I don't have many memories of it, but I do remember
10 going, and I do remember going with my mother, and, erm,
11 it was, yeah, I was just trying to -- they said I had
12 some kind of behavioural disorder. My mother described
13 it in a different way, erm, you know.
14 Q. Okay. You have already mentioned running away.
15 A. Yeah.
16 Q. What age were you when you started to run away from
17 home?
18 A. I think my earliest running away -- 11, something like
19 that. Very early. Maybe a bit before that.
20 Q. You do say in paragraph 9 that when you did run away,
21 that you ended up being picked up by males and being
22 assaulted?
23 A. Yeah.
24 Q. Can you just help me with that?
25 A. Erm, so what I generally did, I would generally make my

1 way to school, and then not go to school. I would
2 generally make my way to Paisley. Or to the motorway.
3 Try and thumb a lift. My plan always was to go and find
4 my father somehow. I didn't know where he was, I just
5 knew he was in England. I didn't know where he was.
6 Erm, but I had this fantastic idea that I was going to
7 find him and my life was going to be better. So I would
8 generally be picked up by men, in cars, erm, and I would
9 generally be sexually assaulted in some way.

10 Erm, and the thing was at the time, I don't know, it
11 just somehow it just felt normal. I was getting --
12 I was getting attention, from these men. Attention that
13 I wasn't getting at home from my mother. And it just
14 felt right. It just felt normal. And my only -- like
15 I said, my only plan was to find my father, and I would
16 kind of do anything to do that.

17 Q. You do tell us about an incident when you were trying to
18 get a train to London --

19 A. Mm-hm.

20 Q. -- and you were sexually abused, can you help me with
21 that?

22 A. Yeah, I went to Glasgow Central to get a train to
23 London. And on trying to get onto the platform, erm,
24 obviously you needed a platform ticket, I was a young
25 boy, I didn't have that, I didn't have a ticket, and

1 I remember -- I distinctly remember the platform
2 attendant/porter said that he can get me on a train, and
3 in order to do that, I would just go with him for
4 five minutes, and I did, and he made me perform a sexual
5 act on him. Erm, and I just distinctly remember -- what
6 sticks out in my mind is the smell, the dirty smell, the
7 oil and the dirt, from him.

8 Q. Did you run away on a regular basis?

9 A. I did, yeah.

10 Q. What would your mother's reaction be when you got back?

11 A. Er, my mother's reaction was more embarrassment, er, the
12 fact that I was either being bought back by the police,
13 so the police would be parking up outside the house, and
14 she'd be embarrassed by that, or that I'd just brought
15 shame on the family. She was more interested in her own
16 status rather than how I was.

17 Q. It appears to be your position, looking up to
18 paragraph 13 of your statement, that really running away
19 just led you to being picked up by males and being
20 sexually abused?

21 A. It did, yeah.

22 Q. Was that the picture?

23 A. That was it, and it just got increasingly worse as time
24 went on, yeah.

25 Q. You go on to tell us about an episode where you met

1 someone who was emptying a furniture lorry --

2 A. Yeah.

3 Q. -- and that you became involved with him. Can you just
4 tell me about that?

5 A. Yeah, I'd made my way to Paisley, and I was still in my
6 school uniform, and looking back on it, the whole thing
7 is just so ridiculous, it's so unbelievable, it was so
8 ridiculous, I must have looked about 9 or 10 years old,
9 I had really bright blond curly hair, in my school
10 uniform. I saw this guy emptying a furniture lorry and
11 I was fascinated by the size of it, and I wanted to --
12 and I saw on the side of it, I won't name where he was,
13 but I saw on the side of it, he was from England, erm,
14 and I thought what an ideal opportunity. I approached
15 him and asked him if he would like some help to empty
16 his lorry and do his deliveries, and he jumped straight
17 at that. Erm, and I did help him on that day.

18 Once we'd finished working there, I then asked him
19 if I could come with him, and he readily agreed again.
20 I jumped into the cab of the lorry and we made our way
21 around Scotland doing deliveries and collections, and
22 I was just -- I don't know, I was just in a different
23 world. You know, I felt, I don't know, I just felt so
24 happy, and I was finally getting away from my mother,
25 and whatever was going to happen, happened. I wasn't

1 thinking about that at the time. But obviously, you
2 know, it was a very traumatic experience, one that's
3 stuck with me for the rest of my life.

4 Q. When you say you're driving around Scotland, you are in
5 this lorry for a few days?

6 A. Yeah.

7 Q. What happened during that period?

8 A. Erm, I was sexually abused nightly. He had a -- it was
9 a sleeper cab, and, erm, whenever he finished his
10 deliveries we would basically, for want of a better
11 expression, sleep together in the sleeper cab and he
12 would sexually abuse me, I would touch him or perform
13 sexual acts on him, he would perform sexual acts on me,
14 and the weirdest thing about the whole thing was that he
15 had normal clothes that fitted me in the cab, and -- so
16 I was able to change out of my school uniform so it
17 didn't look too obvious to other people that I was out
18 of place.

19 Q. When you say he had normal clothes, he had children's
20 clothes --

21 A. Children's clothes.

22 Q. -- that would fit you?

23 A. Yeah.

24 Q. I think you tell us that in fact he took you back to his
25 home, which was in Ipswich?

1 A. He did, yeah, correct.

2 Q. Did you meet his family?

3 A. I did, yeah.

4 Q. Do you know what sort of explanations he might have
5 given them for you?

6 A. No idea. I shudder to think what he said. But I met
7 his wife, er, and he had a daughter and a son. And
8 I ended up staying with him for a few days, and he
9 eventually took me to Ipswich station, gave me 20 pounds
10 and put me on a train.

11 Q. Did the train take you back to Scotland?

12 A. No, I got off, I didn't want to go back there.
13 I remember distinctly getting off at Carlisle station.
14 Er, and I spent the night in the waiting room at
15 Carlisle station, where I was picked up by the transport
16 police.

17 Q. Did you tell the police anything as to what had been
18 happening to you?

19 A. No. I was -- you have to imagine at that time then,
20 I was severely traumatised, now that I'm thinking about
21 it. Yeah, I was severely traumatised, and they did try
22 and ask me questions, and I was quite evasive in my
23 answers, and it was clear that something had happened.
24 I was very jumpy, and they tried to touch me and lead me
25 places and I was very jumpy and agitated. Yeah, and

1 they did eventually get out of me that I had run away
2 and I had been to Ipswich, and they found out where
3 I lived in Scotland and they eventually took me home.
4 Q. Were you still of primary school age when this incident
5 happened?
6 A. I was, sir.
7 Q. Was it at about this time that the social work people
8 got involved with you?
9 A. Yeah, when we arrived home, the social worker was at my
10 home when I arrived home.
11 Q. Was it after this that you were sent to a place called
12 the Bellfield Assessment Centre?
13 A. That's correct, yeah, it was straight away, it was
14 immediately on my return.
15 Q. Now, the records that the Inquiry has seen -- this may
16 not tie in with your own recollection -- suggest that
17 you may have been there certainly at least on one
18 occasion in [REDACTED] 1979, which would make you a bit older
19 than you perhaps thought?
20 A. Yeah, older, yeah, that's right.
21 Q. You were in Bellfield, I think you tell us, for a period
22 of a few months or so, is that right?
23 A. Yeah, it wasn't long, it was only for an assessment
24 period, yeah.
25 Q. What you tell us about Bellfield, at paragraph 25, is

1 that you were a small, quiet boy.

2 A. Yes.

3 Q. Is that how you remember yourself as a boy?

4 A. Yeah, yeah.

5 Q. Did anything happen to you at Bellfield?

6 A. It was more -- it was more kind of being brutalised,
7 erm, yeah, it was kind of just beatings, and kind of
8 verbal, and, you know, yeah, it was more like that
9 rather than, more than anything else. I mean, yeah,
10 I don't remember any sexual abuse from Bellfield, but it
11 was more physical beatings and mental torture.

12 Q. You describe that you had beatings and there was mental
13 abuse as well; is that correct?

14 A. Yeah.

15 Q. Was it from Bellfield then that you went to
16 Thornly Park?

17 A. Er, if my memory served me correct, yeah. I mean, I'm
18 so, yeah -- I think so.

19 Q. As I said, this has been looked at before, and I think
20 the records suggest that you were admitted to
21 Thornly Park in [REDACTED] 1979, when you would be aged about
22 14?

23 A. Yeah.

24 Q. You go on in the following paragraphs in your statement
25 to tell us about Thornly Park. That has pretty well

1 been read in verbatim --

2 A. Mm-hm.

3 Q. -- into the Inquiry evidence. You talk about seeing

4 boys engaging in sexual activities; is that right?

5 A. Yes.

6 Q. You witnessed that?

7 A. Yeah, that's correct.

8 Q. I think you too were sexually abused by a carer?

9 A. I was. I was.

10 Q. You tell us at paragraph 43 that again you contemplated

11 suicide many times at Thornly Park, but you didn't go

12 through with that?

13 A. Yeah.

14 Q. I think you were there at a time when it was about to be

15 shut down, and was that the background to you going to

16 Kibble School in Paisley?

17 A. Yeah, that's correct, yeah, it was -- it only had

18 a couple of months left to work, and it was being shut

19 down. There was no -- there was only a handful of

20 residential boys, the rest were coming in on a daily

21 basis.

22 Q. When you went to Bellfield, had you gone before

23 a Children's Panel? How did it come about that you

24 actually went there?

25 A. Erm, I had appeared at a Children's Panel a couple of

1 times, I do remember that. I'm not -- I can't say for
2 sure whether I had a Children's Panel directing me to go
3 to Bellfield or not.

4 Q. Okay.

5 A. But I do remember appearing at Children's Panels before
6 then.

7 Q. Let's then look at your time at Kibble, the Inquiry is
8 particularly interested in that today.

9 A. Yeah.

10 Q. You were placed there, according to the records, in
11 [REDACTED] 1980?

12 A. Yeah.

13 Q. Which would mean you would be about 15, does that accord
14 with your recollection?

15 A. Yeah, it does, yeah.

16 Q. We don't have a photograph that we could show you of the
17 establishment at that time, but can you describe what it
18 was like?

19 A. Yeah, definitely. Erm, so the main entrance, which led
20 off of the high street. It was a very old, dark-looking
21 building. As you go through the front door, er, you
22 would then turn right into what would then be the
23 gymnasium, day area kind of thing, where people would
24 hang about during the day, the boys would hang about
25 during the day. You would go out the back of that and

1 turn left and then along the corridor and then go
2 upstairs, which would then be the dormitories, upstairs.

3 When you progressed from that part of the building
4 you would go to -- at the back of the building, there
5 was more, I would describe it now more as kind of
6 Portakabin kind of structures, and they were -- when you
7 progressed from that building, you would go there, and
8 they were smaller units which held maybe nine or ten
9 boys at a time, I can't remember the exact amount. Erm,
10 and they were like self-contained units, yeah.

11 Q. So you have the dormitories in the main building?

12 A. Yeah.

13 Q. But outside the main building you have these
14 Portakabin-type structures, that also accommodated
15 children?

16 A. That's right.

17 Q. Did you have any schooling when you were at Kibble?

18 A. Do you know, I can't remember being schooled whilst
19 I was at Kibble, no. The only real memory -- I mean, if
20 you are talking about kind of filling my day, the only
21 thing I remember doing was being in that gymnasium and
22 playing stupid games, yeah, that's about all I remember.

23 Q. Looking to those who were being accommodated, was it all
24 boys at that time?

25 A. It was all boys.

1 Q. Have you any sense of how many boys may have been there
2 when you were there?

3 A. In the whole hospital?

4 Q. Yes, in the whole place.

5 A. In the whole building, sorry, it's where I am now.

6 Erm, I wanna say more than 50. Yeah.

7 Q. Okay. You were 15. The age range, have you any idea of
8 that?

9 A. Erm, maybe slightly younger and maybe slightly older.
10 Maybe up 'til about 17, maybe. I don't know.

11 Q. Okay.

12 A. I wouldn't like to say.

13 Q. Let's look, then, at what happened to you when you were
14 there, 'Graham', and you start looking at that at
15 paragraph 48.

16 A. Mm-hm.

17 Q. You tell us that there was physical abuse, there was
18 bullying, intimidation, humiliation and some sexual
19 abuse. Can we just look at these aspects in turn.
20 Physical abuse, what can you tell me about that?

21 A. Physical abuse was by both staff, carers and boys at the
22 time. It was in the form of beatings. Like I said,
23 erm, there was plenty of intimidation and you'd be
24 singled out. I was always kinda singled out because of
25 my stature, because of my nature, I was very quiet, so

1 I was kind of picked on all the time. Erm, which seems
2 to be the story of my life at that time.

3 Erm, the humiliation was, erm, I do remember -- **Secondar**
4 **Secondary Institutions - to be published later** -- erm, humiliation, it
5 was about being told what to do, rather than asked what
6 to do. And it was always being put down, always being
7 subjected to just mental kind of stress and torture.
8 I call it torture, because it basically was, do you know
9 what I mean? You didn't have your own mind, you didn't
10 have your own say in anything.

11 The games that they made us play were physical,
12 violent games. You know, so it was a case of when you
13 played these games, you knew you were going to get
14 beaten, that was the whole point of the games. And then
15 they took place in the gymnasium.

16 Q. I will come back to that.

17 A. Yes.

18 Q. Let's look at the beatings. Are these beatings that you
19 are talking about by members of staff?

20 A. Yeah, it was, yeah.

21 Q. Can you just give us a little bit more information as to
22 what that would consist of. What would happen?

23 A. So you would be -- you would be singled out in the
24 gymnasium -- everything seemed to circle around this
25 gymnasium area. And you would be singled out. You'd be

1 cornered, you'd be slapped, you'd be kicked, you'd be
2 beaten to the floor and then you would be left.

3 There was another area, just outside, where they
4 used to let us go out for cigarettes and they would line
5 us all up for cigarettes. You'd be given cigarettes and
6 they'd be slapped out your face or slapped out your
7 hands. Yeah, you'd be sworn at and shouted at,
8 generally that kind of stuff.

9 Q. What would trigger that sort of reaction by the staff?

10 A. From them?

11 Q. Yes?

12 A. You were just quiet. If I was quiet and not doing
13 anything, just minding my own business, I didn't have to
14 do anything. I think it was the fact that I was so --
15 I don't know, I want to say weak looking, because that's
16 what I was. And it was just a case of like these people
17 are able to gratify their own need for violence, do you
18 know what I mean? And they would just do it, yeah.
19 It's difficult for me. I don't know. Sorry.

20 Q. No, it's all right.

21 Bullying by other boys, did that take place?

22 A. The bullying was a regular thing. That was just
23 a normal behaviour. It was just something that I came
24 to accept as a daily -- it was gonna happen on a daily
25 basis. Whether it was by people who you liked, didn't

1 like, they liked you, didn't like you, if there was
2 an opportunity for them to make their mark, and so you
3 would be beaten in the corner, like I said, or you'd be
4 beaten upstairs in the dorm.

5 Yeah, it was just -- it was rife.

6 Q. Were these beatings, were they, as far as you were
7 concerned, by older boys on you?

8 A. Yeah. And groups, not singly, groups.

9 Q. Would the staff be aware of what you've described as
10 being a bullying culture?

11 A. Er, yeah, of course they were aware, yeah, I mean, they
12 knew exactly what was going on. And I don't want to say
13 that they would encourage it or anything like that,
14 because I can't say that for sure, but that would make
15 sense, yeah.

16 Q. Then the sexual abuse that you mention, let's look at
17 the position with regard to the other boys. Was there
18 sexual interaction between boys?

19 A. Er, yeah. There was, erm, yeah, for me, it was more --
20 the sexual abuse for me was more from the staff rather
21 than the boys. Erm, there was a certain amount of
22 sexual abuse going on upstairs in the dorms, but there
23 were day rooms where abuse was happening, erm, yeah. It
24 was more -- for me it was more staff that I was being
25 abused by.

1 Q. Let's look at the staff, then. Were you sexually abused
2 by members of staff?

3 A. Yes, I was.

4 Q. Can you just describe that for me?

5 A. Yeah. Erm, so the main -- the main incident for me was
6 I was very ill, and I was in a room, I was in a room at
7 the back of the gymnasium. Erm, and, you know, the
8 staff, when I was ill, the staff used to come in, see if
9 I was okay, bring me food or drink or sweets or crisps
10 and stuff. Or read to me. And while there, I would be
11 abused, I would be touched, or I would perform sexual
12 acts, erm, yeah.

13 Q. Are you talking about a member of staff, one member of
14 staff?

15 A. Erm, yeah, predominantly one member of staff, yeah.

16 Q. Was there more than one member of staff who sexually
17 abused you?

18 A. There was, yes, there was.

19 Q. How many do you --

20 A. Just, God, I can't put a number on it. I mean, I don't
21 want to say anything that I'm not 100 per cent --

22 Q. No, no, of course.

23 A. -- that I can back it up, sorry. But yeah, it happened
24 on more than one occasion by more than one member of
25 staff.

1 Q. You have talked about the time when you were ill and
2 when that happened, were there other places at Kibble
3 where you were sexually abused by a member of staff?
4 A. Erm, I'm just trying to remember. Erm, it was more
5 predominantly -- yeah, when I progressed to the other
6 housing, at the back, where I've said the Portakabins
7 were.
8 Q. Yes.
9 A. Abuse took place in there, in the shower rooms and in
10 the bedrooms, yeah.
11 Q. Did that abuse, did that really consist of sexual acts?
12 A. They were sexual acts, yeah.
13 Q. By you on the abuser or by the abuser as well on you?
14 Can you describe?
15 A. On both. On both. I was forced to commit sexual acts,
16 oral sex, on members of staff, or I was forced to touch,
17 erm, other boys, you know.
18 Q. When you say you were forced to touch other boys, who
19 forced you to do that?
20 A. Other boys in the -- these were older boys in the --
21 when we moved to the other area, and it was more often
22 than not in the shower area, and you would be having
23 a shower, and I would be, yeah, it was touch or be
24 beaten, kind of thing so ...
25 Q. We have talked about the abuse by members of staff. Can

1 Secondary Institutions - to be published later
2
3

4 Q. Okay. According to the records, you are recorded as
5 having departed in [REDACTED] 1981, so you would be aged 16?

6 A. Yeah.

7 Q. Now, you mention another establishment in passing there,
8 and again that's a place that we are not looking at
9 today, but we will be looking at. Secondary Institutions - to be published later

10 Secondary Institutions - to be published later
11
12

13 Q. Can I say, and this may not fit in with your
14 recollection, that according to the records you may have
15 been there before you went to Kibble. Do you follow me?

16 A. I do, yeah, yeah.

17 Q. I think you may have it the wrong way round, it doesn't
18 matter.

19 A. Maybe the wrong way round, yeah.

20 Q. It doesn't matter.

21 A. Yes.

22 Q. Because when you left Kibble you were 16, and what you
23 did after that was you went to London?

24 A. Oh, right, okay, it's my mistake.

25 Q. At any rate, you went to London when you were 16, is

1 that correct?

2 A. Mm-hm.

3 Q. Tell me what happened when you arrived, I think, at

4 Euston Station in London?

5 A. Yeah, that was another traumatic experience. I arrived

6 at Euston Station and I was -- obviously I still looked

7 very young at the time and I was immediately picked up

8 by an older boy than me, but not a man, and I was taken

9 to -- I can't remember exactly where now, and introduced

10 to male prostitution.

11 Q. Yes, and I think you didn't know this then, but you say

12 you know now that there are people who are spotters?

13 A. Yeah.

14 Q. That looked for young kids coming off trains?

15 A. Yeah, I said that.

16 Q. To introduce them into prostitution?

17 A. Yeah, I mean they'd offer you somewhere to live,

18 somewhere -- a bed for the night and some food, and

19 generally you'd either be drugged or given alcohol, and

20 then before you know it, you are selling your body for

21 money.

22 Q. Were you then involved in being what I think is referred

23 to as a 'rent boy' for a period of time?

24 A. Yeah.

25 Q. I think in your statement you say you might have ended up

1 doing that for about a year or so, was that the
2 position, roughly?

3 A. Yeah, I would imagine so.

4 Q. What you say at paragraph 79 is:

5 'I then said to myself that I was getting out of all
6 that and would never do it again. I had reached the
7 stage where I'd had enough of all these sexual abusers
8 and I started using my fists against them.'

9 I wonder if you can just help me with that,
10 'Graham', and tell me what you did?

11 A. It's exactly as it says, I realised that I was able to
12 actually fight, and fight back, and I wasn't going to
13 take it any more. I was not going to allow one more man
14 to touch me in that way, and I fought back.

15 Q. At this time you were what, 17, or perhaps 18 years old?

16 A. Yeah.

17 Q. Did you then go out of your way to look for potential
18 abusers?

19 A. I did, yeah.

20 Q. How did you set about that?

21 A. Erm, it took various forms. At the beginning I was -- I
22 would go to public toilets and offer myself, and then
23 assault these -- what I saw as predators at the time.
24 And I would either -- or I would go to other haunts that
25 I knew abusers would go to, and I would assault them.

1 Q. Did this behaviour end up with you going to court?

2 A. Yes, it did, yeah.

3 Q. I think you tell us in paragraph 80 that you were, as

4 you put it, at this time committing a lot of crime,

5 almost daily?

6 A. Yeah.

7 Q. Did this criminal behaviour end up in you being in court

8 on a regular basis?

9 A. Yes, it did, yeah.

10 Q. What you tell us there is that you spent most of the

11 eighties in and out of prison in England?

12 A. Yeah, I did, yeah. I was in for six months, out for two

13 months, back in for four months, out for two months,

14 yeah, for the whole of the eighties.

15 Q. Were these crimes all related to attacking what you

16 describe as sexual predators or were there other types

17 of criminality?

18 A. Oh no, no, all sorts of criminality. At that time I was

19 stealing cars, burglarising premises, and companies,

20 and -- but there were assaults as well, yeah.

21 Q. In 1989 you tell us that you were sentenced to

22 three years for a serious assault?

23 A. Yeah.

24 Q. You went to this prison, Grendon Prison, you describe it

25 as a therapeutic community-based prison?

1 A. Yeah, that's correct.

2 Q. What is that?

3 A. It's exactly what it is: it's a therapeutic community,
4 obviously for offenders who have been sentenced, with
5 a mind to rather than -- I don't know, the picture
6 you've got of being in prison, it's not that, it's about
7 sitting down and being part of a community and talking
8 about why you are in prison, and what you can do to try
9 and better yourself, and look at why you find yourself
10 in the position that you're in. Are there any traumas
11 in your life that they could talk about, and try and
12 work through? And then they would basically try and
13 help you progress to such a place in your own mind where
14 you would be able to live a normal life, if you like.

15 Q. You tell us that when you came out of prison, you did
16 exactly that, that you did look after yourself?

17 A. Yeah.

18 Q. For a period of time, and, indeed, you went to college
19 and you married?

20 A. That's correct.

21 Q. You then tell us that in 1996, which is some years
22 later, that you committed your index offence, and for
23 that you have been sentenced to life in prison?

24 A. That's correct.

25 Q. Clearly you have been in prison ever since?

1 A. I've been in prison and secure hospital services, yeah.

2 Q. Since 1996?

3 A. 1996, right.

4 Q. You go on to tell us about your prison journey,

5 'Graham', and you say at this point you were very

6 violent, and even in prison you were seeking out sex

7 offenders?

8 A. Yeah, that's correct.

9 Q. What was the purpose in that?

10 A. Erm, I had -- I mean, I can be quite candid about it now

11 because of the work that I've done. I was very unwell.

12 I'd become extremely unwell because of the trauma that

13 had happened in my life. And what I was trying to do

14 was free myself, free myself from my own trauma, and

15 free other traumatised children, and by assaulting sex

16 offenders, I believed that that's what I was doing.

17 Q. Because of that behaviour, you tell us in paragraph 84,

18 that you were sent to a special unit called a close

19 supervision centre?

20 A. Yeah.

21 Q. Is that essentially a place where you are on your own,

22 you are certainly in solitary confinement?

23 A. Yeah, it's basically a prison within a prison. You

24 don't mix with any other prisoners. You're -- I mean,

25 look, you're brutalised on a daily basis. You are

1 beaten down to within an inch of your life where you
2 have no control, and yeah, you're basically forgotten
3 about. You are at the end of the road.

4 Q. I think at some point that you were seen by
5 a psychiatrist, and you mention her name, and that made
6 a difference?

7 A. It made a huge difference. It was for once -- for once
8 in basically my whole life, somebody had actually
9 listened to me, and somebody actually understood and was
10 able to, I don't know, unlock something in me, maybe,
11 allow me to see that there was actually something wrong.

12 Q. You go on to tell us that from there, you went to
13 a special unit, and there you were also having
14 psychiatric and psychological input on a regular basis?

15 A. That's correct, sir.

16 Q. You tell us that you did a test to see if you had
17 psychopathic tendencies, what was the end result of
18 that?

19 A. So at the time, when I did the test, I scored very high,
20 which would kind of indicate that, yes, I was
21 a psychopath. But that wasn't the case, it was more the
22 fact that I was actually mentally unwell, rather than
23 a psychopath.

24 Q. You tell us you were diagnosed with post-traumatic
25 stress disorder?

1 A. That's right. Severe, complex, post-traumatic stress
2 disorder.

3 Q. You tell us you were moved to a medium secure unit.
4 Then, finally, you were moved to where you are now, and
5 that's Bethlem Hospital, that's in London?

6 A. Bethlem Royal Hospital, yes, in South London.

7 Q. Can you tell me a little bit about that institution?

8 A. Yeah, I mean I've been here for two and a half years,
9 and this is the first time in my life I've actually felt
10 alive, I actually have a life. I have been able to do
11 so much work in the two and a half years that I've been
12 here, understood my life, understood my traumas,
13 understood the reasons why I behaved in the way
14 I behaved.

15 I'm in such a good position, it's, you know, chalk
16 and cheese, the guy that we have just been talking about
17 for the last hour, doesn't exist to me, do you know what
18 I mean, yeah.

19 Q. But the guy that we have been talking about had a very
20 traumatic --

21 A. He did.

22 Q. -- family background, and thereafter had a traumatic
23 experience?

24 A. He did, yeah.

25 Q. In relation to impact, you say you still feel the abuse

1 as if it had happened yesterday. Are you saying the
2 abuse that you suffered is still with you?

3 A. When I made that statement, that impact statement, we're
4 talking two years ago.

5 Q. Yes.

6 A. Since then, as I've said, I have done so much work here,
7 individually based trauma therapy, that I am now in
8 a position where this abuse doesn't rule my life any
9 more. It's not a daily occurrence for me.

10 Look, it's going to sit with me for the rest of my
11 life. However, it doesn't rule my life in the way that
12 it did. I'm now able to understand it for exactly what
13 it is, and understand that none of it was my fault.
14 I blamed myself for my whole -- the whole of my life.
15 I was the one to blame. I brought it on myself. These
16 sort of things that I have always said to myself. But
17 I'm now in a position where that's not the case. I know
18 that's not the case. I didn't ask for these things that
19 happened to me.

20 Q. In particular you tell us at paragraph 98:

21 'It is only recently through extensive therapy that
22 I am beginning to slowly understand how relationships
23 work. It's a long, slow process, but I am beginning to
24 see the benefit of the trauma therapy.'

25 As you say, that was at the time that you gave us

1 the statement, which was, I think, if I can just look at
2 the date, in November --

3 LADY SMITH: 2022.

4 MR MACAULAY: -- two years ago.

5 A. Yeah.

6 Q. To be clear, I think what you are telling us is that you
7 have even progressed from there?

8 A. Yeah, like I said, when I said it, the guy that we have
9 just been talking about doesn't exist any more. You
10 know, I've done so much work on myself, and
11 understanding what relationships are, that has been the
12 mainstay of all my therapy, it's about relationships and
13 how I relate to people and how people relate to me. And
14 so yeah, I mean, I've come so far, it's indescribable.

15 Q. In relation to the sexual abuse that you have told us
16 about, you didn't know, I think you tell us, that it was
17 abuse, what you say is:

18 'I just thought all the abuse was normal behaviour.'

19 Was that your thinking as a boy?

20 A. It was. I mean, as far as I was concerned, I was
21 getting the love, care and attention that I felt
22 I deserved as a young boy, that I felt I should have had
23 from my mother, that I wasn't, and I was getting it, and
24 it just felt right to me. I mean, you have to also bear
25 in mind that while I was being abused, I was being

1 rewarded, I was being given treats and being made to
2 feel nice, you know? So for me it was just normal.

3 Q. Reading on at paragraph 108, you say:

4 'I've spoken about a black mass that I have in my
5 stomach and that's a representation of trauma for me.'

6 It has caused you various problems. The black mass;
7 is that still there, or over the last couple of years
8 has it evaporated?

9 A. It hasn't evaporated completely, 'cause it will always
10 be a part of me, and it represents something from my
11 life, and it will always be there. But what I have been
12 able to do is to manage it and understand it for what it
13 is, and what it represents, that's all it is, it's just
14 a representation of abuse. That's all it is.

15 When I was -- I have to say -- maybe for you to
16 understand completely, when I was first abused and I was
17 penetrated and a man ejaculated inside of me, I felt
18 that he'd poisoned me, put something inside of me, and
19 this was this black mass, which started to grow and
20 fester in me, and became something very evil, and that's
21 what that was, that is the representation, that's what
22 it means.

23 Q. You go on to say in that paragraph:

24 'I'm not expecting closure, I just want to be
25 validated, I just want to be heard.'

1 That really is at the heart of what you are saying,
2 isn't it, you want to be heard?

3 A. Completely. Absolutely.

4 Q. You talked about blame a little while ago, 'Graham'.
5 That's what you touch upon in paragraph 113, because you
6 say:

7 'I'm no angel. I went on to commit some terrible
8 crimes, which I am now paying for every day. But I have
9 blame. I can absolutely put that blame at the doorsteps
10 of the institutions.'

11 So you are not blaming yourself any more?

12 A. No, no way.

13 Q. In relation to the institutions that you were in,
14 I think at 114, you tell us that your mother visited you
15 once, but you have no memory of any visits or contact by
16 the Social Work Department?

17 A. No, that's correct. I just felt that I was just
18 forgotten about completely.

19 Q. Then if we look at that section of your statement where
20 you have lessons to be learned, and I will just go
21 through this quite quickly, we can read what you have to
22 say, you begin at paragraph 125 with a rather
23 pessimistic note:

24 'I don't think things will ever change.'

25 A. Yes.

1 Q. Why do you say that?

2 A. I don't -- it's just a kind of feeling that I have, that
3 this kind of thing never changes. It just seems to be
4 allowed to continue. No matter how much publicity it
5 gets, no matter how much -- how many times it's talked
6 about, there's always another case, there's always
7 somebody else.

8 Q. You tell us at paragraph 129 that your mental health
9 issues were not picked up, but that they should have
10 been picked up --

11 A. Yeah.

12 Q. -- and that would have made a difference?

13 A. I think it would've done, yeah, I really do.

14 Q. Just finally then, 'Graham', at paragraph 130, your
15 hopes for the Inquiry, what you say is:

16 'I'm hoping something good might come of the
17 Scottish Child Abuse Inquiry. The level of risk is so
18 up, so hopefully something good does come from it.'

19 So that's your hope for this Inquiry?

20 A. It is, yeah, yeah, definitely.

21 MR MACAULAY: 'Graham', I have been asking you questions
22 based essentially on your statement. Is there anything
23 else that you would like to say, now that you have this
24 opportunity?

25 A. Erm, yeah, there's a couple, actually.

1 One, I'd just like to say that, you know, this stuff
2 happened to me a long time ago, you know. And I'm sorry
3 if my recollection is not what it should have been, and
4 maybe, you know, sometimes I've maybe got a little bit
5 confused, but essentially what I've been saying is
6 absolutely true, and, you know, validated.

7 And I appreciate that I have been allowed to be
8 heard. For me that is the main thing. When you go
9 through your whole life not being believed, especially
10 by your parents, your mother especially, and she doesn't
11 believe you, believe what you are actually saying, that
12 there's something happening, there's something wrong,
13 and then to go through your whole life with that same
14 narrative that nobody believes you, nobody believes you.
15 So to be finally heard, listened to and believed, is
16 kinda -- it makes up for everything.

17 And I just want to also say that without the support
18 of the actual Inquiry, and all the workers that work for
19 the Inquiry, you know, I wouldn't be sat here today,
20 this has completely and utterly changed my life, and
21 I have nothing but thanks and praise, and, you know, for
22 all the guys that are involved in helping me, and
23 supporting me, and yeah, I have nothing but praise, and,
24 you know, if -- I just want to say that you've
25 definitely helped one person, and, you know, and I know

1 LADY SMITH: A mid afternoon break and then we will get back
2 to read-ins.

3 Thank you.

4 (3.05 pm)

5 (A short break)

6 (3.17 pm)

7 LADY SMITH: Ms MacLeod.

8 MS MACLEOD: My Lady, we are now going back to St Mary's
9 Kenmure in relation to these read-ins that we are going
10 to do for the remainder of the day.

11 'Terry' (read)

12 MS MACLEOD: The first statement to be read in is that of
13 an applicant who will use the pseudonym 'Terry'.

14 LADY SMITH: Thank you.

15 MS MACLEOD: The statement can be found at WIT.001.001.6293.

16 Parts of 'Terry's' statement have already been read
17 in to proceedings on three separate occasions: first of
18 all, during Chapter 2 on Day 411, 23 January 2024;
19 during Chapter 7, Day 458, 4 July 2024; and during
20 Chapter 8 on Day 469, 15 August 2024:

21 'My name is 'Terry'. I was born in 1964. My
22 contact details are known to the Inquiry.'

23 In paragraphs 3 and 4, 'Terry' provides evidence in
24 relation to his life before care, from that I will just
25 take that in 1972, when he was aged 8, he appeared

1 before a Children's Panel, and the decision was that he
2 be put to St Ninian's in Gartmore.

3 Between paragraphs 5 and 42, the witness describes
4 his time at St Ninian's in Gartmore, when he was between
5 the ages of 8 and 12. That's already been read in.

6 Between paragraphs 43 and 51, the witness speaks
7 about his time at St Philip's in Airdrie, when he was
8 aged 12, for approximately one year. And that has also
9 been read in.

10 Between paragraphs 52 and 54, he speaks about his
11 time at Bellfield Detention Centre in Dumbarton for
12 a few weeks.

13 Thereafter, from paragraph 55 onwards, he speaks
14 about his time at St Mary's in Bishopbriggs, where he
15 was from approximately 1977 to 1980, when he was aged
16 between 13 and 16 years of age:

17 'I went straight from Bellfield to St Mary's.
18 I didn't really have any problem with St Mary's, it was
19 all right. The staff were fine, they weren't bullies.
20 It was a local authority establishment. There were
21 about 30 boys. Their ages were from about 12 to 16.
22 I think the school staff and residential staff were all
23 mixed. Everybody mucked in. I can't remember exactly,
24 but I don't think you had to wear a uniform. The school
25 was on the same site as where you stayed and you could

1 "dog" school easily. I can't remember getting any
2 punishments at St Mary's.

3 'The routine in all the places I was in was pretty
4 similar. In the morning you got up, washed and went to
5 breakfast then school. You were responsible for
6 cleaning up your own area. The dormitories were just
7 rows of beds, I don't know how many were in each dorm.
8 You had your own locker next to your bed. Showering was
9 a daily thing.

10 'The longer you were in St Mary's, you went from
11 a dormitory to a single room, which were just off the
12 dorms, and lastly to a different building where you had
13 your own separate room. This was to get you prepared
14 for leaving the place. During my last year I was put in
15 the building where I had my own room. I started going
16 home at night. One night a week, then two, then three,
17 and so on, until you were going home every night.
18 Everybody was given chores to do but they varied, you
19 were on a rota.

20 'Unlike St Ninian's, there wasn't much to do at
21 St Mary's after school. You couldn't leave the place,
22 but you could "dog" school and wander around the grounds
23 or sit in a storage room all day.

24 'Throughout my time in care I only remember two good
25 people. They were near the end of my time in care at

1 St Mary's. MHF, who was like a teacher/social
2 worker type person. He taught me to read and write by
3 throwing away the books and doing the crosswords in
4 newspapers. He was strict but fair and I liked him.

5 'The other person was also at St Mary's, his name
6 was LYT and he was like a maintenance man. I can't
7 remember his surname, he was a nice man too. He taught
8 you practical things like repairing sockets and changing
9 light bulbs, making curtain rails, that sort of thing.
10 There was only one boy I remember ... who sat his exams
11 while I was in care.

12 'Similar to St Ninian's, I was at St Mary's on my
13 birthday but don't remember anything ever being made off
14 it and I was always home over Christmas.'

15 In relation to visits and inspections:

16 'It was the same as St Ninian's, you knew when there
17 were inspections because you had to tidy up when they
18 were coming, but the inspectors never spoke to you.

19 'I had a female social worker when I was there, she
20 was a nice woman, I can't remember her name. On the
21 days that she was at St Mary's she dropped me off at the
22 dual carriageway near my house at the end of the day.
23 I didn't feel I could discuss anything with her. Staff
24 were staff.

25 'There was one dodgy member of staff at St Mary's,

1 who worked in the kitchen. His name was Bill Franks.
2 I think he was really gay, but didn't want to come out.
3 When we all went into the kitchen in the morning he
4 would look you in the eye and say things like, "Did you
5 have a wank last night?", and, "You were masturbating
6 this morning, weren't you?" He was saying this to all
7 the boys, even the little ones.

8 'When you were doing the dishes he'd rub himself up
9 against you. I was 13 or 14 when I went to St Mary's,
10 so I could look after myself a bit more. If you called
11 him a few derogatory names he [would leave] you alone.

12 'One night Bill Franks was in the room upstairs and
13 he had a young boy on his knee kissing him on the cheek.
14 When this incident happened, which was in the TV room,
15 there were a few boys in. They were taking it in turns
16 to sit on his knee and he was kissing them on the cheek.
17 I thought, I've been there, it's not happening again.

18 'I asked what he was doing there at night, which was
19 unusual. He said he was doing overtime. By rights he
20 was the chef, not a social worker, but it was skeleton
21 staff at night and that night he was it, supervising
22 eight to ten of us. I stayed in the room but I wouldn't
23 sit on his knee. I only knew what he was up to through
24 past experiences. By that age I was old enough and
25 brave enough to look after myself. I read in

1 a paper years later that he got seven years in prison
2 for molesting a boy.

3 'St Mary's had a no smoking policy but he let you
4 smoke in the cupboard in the kitchen. He would follow
5 you in there so I'd have my cigarette and get out as
6 quickly as possible.

7 'On one occasion at St Mary's, I was loaded with the
8 flu and I lay in bed, sleeping. I was still in the
9 dormitories at this time and I was off school. I woke
10 up and this boy was on top of me, with my shorts down,
11 trying to force himself in me. It was flesh on flesh.
12 Somebody came in and disturbed him, so he stopped. That
13 wasn't happening to me, it had already happened at
14 St Ninian's. That's how I know what happened to me at
15 St Ninian's. I didn't know, I didn't have a clue.

16 'I reported it to ... the staff, my housemaster,
17 I can't remember his name. He just told me to go and
18 play. I might have told my housemaster about
19 St Ninian's if he had been interested in my report about
20 [what I said about the boy at St Mary's].

21 'It was in St Mary's that I discovered alcohol and
22 drugs. My housemaster found me lying on the ground
23 twice and asked if I was all right. The second time he
24 found me I had a bottle of poppers in my pocket. I had
25 taken this and was out of it. This was my first

1 experience of drugs. We did have a bit of freedom in
2 St Mary's.

3 'Everybody smoked at St Mary's and the safest place
4 to hide your tobacco and cigarettes was down the front
5 of your shorts. [The boy I mentioned earlier] used to
6 put his hands into everybody's shorts when they were
7 sleeping and steal their tobacco. You didn't know until
8 the morning. He was older and taller than everybody
9 else. I fought with him a few times when we fell out.
10 Apart from that, St Mary's was all right, St Mary's was
11 fine.

12 'As I said, St Mary's was the first place I tried
13 poppers, as well as sleeping tablets, cannabis and
14 alcohol. When we went swimming to the baths we would
15 get a bottle of Old England and get drunk. [REDACTED]
16 brought the cannabis into the school.

17 'Apart from telling my housemaster at St Mary's
18 about the incident [with the boy I have mentioned], I've
19 never reported any abuse to anyone.

20 'When I reached 16 it was time to go. I left
21 St Mary's and I went back home to live with my parents,
22 but it didn't last long, maybe about six months, maybe
23 less. I tried to join the army but I was told that my
24 test results were the worst that recruitment office had
25 ever seen. I then tried to get a job and went on

1 a couple of government placements.'

2 Between paragraphs 76 and 82, the witness speaks
3 about his life after being in the institutions, and
4 that's already been read in.

5 I will move to paragraph 83, where he speaks about
6 impact.

7 In fact, paragraphs 83 to 92 dealing with impact,
8 and paragraph 93, dealing with records, have already
9 been read in to the transcript, my Lady.

10 I will move to paragraph 94, which is the final
11 paragraph of the statement:

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

14 I believe the facts stated in this witness statement are
15 true.'

16 'Terry' signed the statement on 29 May 2017.

17 LADY SMITH: Thank you.

18 Mr MacAulay.

19 MR MACAULAY: Yes, my Lady, this is also an applicant. He
20 wants to remain anonymous and to use the pseudonym

21 'Raymond' in his evidence.

22 LADY SMITH: Thank you.

23 'Raymond' (read)

24 MR MACAULAY: His statement can be found at

25 WIT.001.001.5576.

1 LADY SMITH: Thank you.

2 MR MACAULAY: Again this is an applicant whose evidence was
3 read in, in particular for the De La Salle chapter, and
4 that was on 23 January 2024, which was Day 411 of the
5 evidence. It is at transcript TRN-12-000000043.

6 His date of birth was 1962, as he tells us in the
7 first paragraph, and although some of this has been
8 touched upon already, just by way of context, he says
9 that he was six months old when he first went into the
10 care system:

11 'I cannot remember anything about my life before
12 then.'

13 He talks about his parents. He says that there were
14 seven children in the family.

15 At paragraph 5 he says:

16 'When we were taken into care, my parents were not
17 together. I do not know much about my father. I have
18 never even seen a photograph of him. I couldn't
19 recognise him anyway. He committed suicide in 1979.'

20 He then goes on to talk about going into care, and
21 being in a care establishment in Glasgow. He must have
22 been very young --

23 LADY SMITH: Yes.

24 MR MACAULAY: -- when he went there, probably 1 or
25 thereabouts, and as he tells us at paragraph 8, he was

1 there for approximately ten years.

2 LADY SMITH: Ten years.

3 MR MACAULAY: Which is quite a long time.

4 Secondary Institutions - to be published later

5
6
7
8
9
10 He talks about leaving that establishment at
11 paragraph 21. He says he was 10 years old, and that
12 would make it more likely to be 1973 than 1972, but just
13 to read what he says:

14 'It was 1972 and I was 10 years old when I left.
15 One day we were just were told that we were going home
16 and I remember thinking "Home where?" We were taken to
17 a place ... in Johnstone. It was a four-block
18 old-fashioned tenement building. It was an unfurnished
19 council house. When I say unfurnished, I mean
20 unfurnished. We had some very basic chairs. No carpets
21 or fitted cupboards. We had a piece of lino on the
22 living room floor. It was my mother's house and that
23 was our home for the next seven years. Nobody had given
24 us any warning that we would be returning to our
25 mother's house. I think it probably was a voluntary

1 arrangement when we were put into the home. If it had
2 been involuntary, I don't think my mother would have
3 been able to take us all out so suddenly.'

4 He says at 23:

5 'I do not recall any social work visits to check how
6 we were all getting on at home. I can't say
7 100 per cent whether they visited or not, I'm not sure.

8 'When we were staying at my mother's house I went to
9 primary school in Johnstone. I did not fit in. I just
10 went off the rails. I was very frustrated and couldn't
11 accept my mother for who she was. I hated her with
12 a vengeance. She wanted respect there and then but
13 I couldn't respect her. I couldn't respect someone
14 I didn't know. She had to earn my respect. She
15 couldn't deal with my anger. We just fought like cat
16 and dog from that day on.'

17 He then, at paragraphs 25 and 26, provides the
18 background to going to St Ninian's, and in particular,
19 skipping school and fighting and, as he put it,
20 exhibiting pure anger.

21 As I have said, in particular the paragraphs dealing
22 with St Ninian's have already been covered and he was
23 there from about 1972 to 1974.

24 If I go on to paragraph 76 in his statement. There
25 he is talking about leaving St Ninian's, and he tells us

1 that his social worker noted his improvement and wrote
2 a good report:

3 'It was put before the Children's Panel. They were
4 impressed by my attitude and decided to send me back to
5 my mother.'

6 He then says:

7 'I was returned to my mother's house and I was sent
8 back into mainstream schooling. I attended school in
9 Johnstone. The cycle started again and I went off the
10 rails. I refused to respect or acknowledge the
11 establishment or any form of authority. I just told
12 everyone to get "out of my face". I think I was even
13 angrier than I had been before. It was the impact of
14 the beatings that I had received at St Ninian's and what
15 had happened. I went out of control again. I refused
16 to go to school and was classed as a bully and a thug.

17 'During this period, I told my mother that I was
18 going to London with a friend. She asked me why.
19 I told her it was because I couldn't stand her and
20 I needed to get away from her. She said "Okay, bye".
21 I was 14 years old. My friend and I hitchhiked our way
22 down the motorway to London.

23 'My friend introduced me to glue sniffing, which was
24 a bad idea. We stayed in Piccadilly Circus for a week,
25 but decided it wasn't for us. We returned to Johnstone.

1 I went back to my mother's house as if nothing had
2 happened. My mother hadn't reported me missing or
3 anything. I went back to school the next day.

4 'The police began to get involved because I was
5 breaking into houses and shops. I was out of control.
6 I was breaking into houses and shops because I wanted to
7 have the same trainers and bikes that my friends had.
8 For Christmas I would get an orange. I never received
9 any presents or new things. I felt embarrassed. It was
10 my way of making my own money.'

11 He goes on to tell us about his time at school, and
12 it was a 'nightmare'. And indeed he burned down
13 curtains and nearly burned down the whole school.

14 At 82, he tells us that he was taken to see
15 a doctor, who was a psychiatrist:

16 'He asked me a lot of questions. I think he was
17 trying to establish why I was so angry. I gave him the
18 same attitude I gave everyone else. I would give him
19 sarcastic replies. He wrote a report. I think he
20 recommended that I needed care and protection.

21 'I was sent back to the Children's Panel. There was
22 the same reporter that I had seen at my last Children's
23 Panel hearing. He asked me what had happened to all my
24 good progress and behaviour. My attitude was "Fuck
25 you". The Panel decided to send me to St Mary's.

1 I think they thought that St Ninian's had settled me
2 down a bit, so maybe St Mary's would do the same.'

3 From the records it appears he was admitted to
4 St Mary's on [REDACTED] 1978, so he would be aged 15:

5 'I got dropped outside St Mary's by my mother and
6 her friend. Once again she just dumped me outside and
7 didn't come in with me. I was met by SNR [REDACTED].
8 I can't remember his name, but he was a big brute of
9 a man. He was an Irish ex-boxer and his nose was
10 completely flattened. He was massive.

11 SNR [REDACTED] shook my hand and took me inside.
12 It was like deja vu. I was taken upstairs and shown the
13 dorm and told go to go back downstairs.'

14 He tells us about meeting another boy, and at 87 he
15 confirms St Mary's was run by civilian staff:

16 'I did not come into contact with any priests.'

17 He goes on to talk about the routine, and then at
18 paragraph 90:

19 'I didn't spend much time at school as I was sent to
20 work in the kitchens. They decided that I had had
21 enough schooling. I did not take any Highers, exams, or
22 anything like that. I did not get any qualifications.

23 'We were not allowed out of the school grounds
24 except on a Friday, when we were allowed to visit our
25 respective families. I remember on one occasion getting

1 the bus and train to my mother's house and finding that
2 the house was empty. My mother had just moved. I had
3 to ask the neighbour where she had moved to. I was very
4 angry that she had not told me she had moved. I found
5 her new address, but I didn't want to go inside in case
6 it was the wrong house or a wind up. I chapped on the
7 door. My mother answered the door and she said, "Oh,
8 it's you". I said, "You might have told me that you had
9 moved?" She just said, "I didn't think you would be
10 home this weekend".

11 'I never ran away from St Mary's, although I was
12 late back at the weekends a few times. It was when
13 I visited my sister at Barrhead. I was a one-trick
14 pony. Generally I was more settled at St Mary's and
15 more accepting of the situation. I was aware of what
16 could happen if I misbehaved, so I tried to keep my head
17 down a bit.'

18 Then at paragraph 96 he says:

19 'When I arrived at St Mary's I was getting to the
20 end of schooling age. The school was located within the
21 grounds. My education had been good and I was clever
22 enough. Compared to the other boys I could read and
23 write relatively well. I knew my times tables and
24 things. They decided that my schooling was ample and
25 I could go and work in the kitchens instead. I could

1 have been too advanced for the classes they put on
2 because of my reading and writing and arithmetic. I had
3 to attend at the kitchen at the same time that I would
4 at school. I worked 9 am until 5 pm.'

5 He tells us that he worked there with another boy,
6 and he says at 98:

7 'Nothing untoward happened until I had been at
8 St Mary's for about four or five months. There was
9 a baker who was a nice old man from Bishopbriggs. One
10 day he asked us to watch a wedding cake that he had
11 made. There were various tiers and they were in the
12 oven. He asked us to watch the cakes for him. We
13 thought it would take hours for the cakes to cook so we
14 went out to play football. When we came back the
15 wedding cakes were completely black. When [the baker]
16 came in the next day he went ballistic. He gave us
17 a massive hiding, a really severe beating. It would be
18 criminal now to use that sort of violence. I had
19 thought he was a nice guy before that.

20 'A while later, we were allowed to make scotch pies.
21 We had to put the mince in the pastry. [We] decided to
22 add loads of salt to the pies so that when people bit
23 into the pie they would get a mouthful of salt. We got
24 a big hiding for that too. I had to work in the laundry
25 after that as a punishment. It was disgusting, I had to

1 physically pick up soiled teenagers' underpants. They
2 didn't give you gloves or tongs or anything. I worked
3 at the laundry for three to four months before returning
4 to the kitchens.

5 'There was also a big guy called HHG. He was
6 civilian staff, but I don't know what his job title was
7 ... He was a big brute of a man. I remember we were at
8 the communal showers one day. There was just this young
9 boy ... who had old-fashioned round National Health
10 glasses and bright strawberry blond hair. His face was
11 always flushed red. I will never forget the wee boy.
12 He said something cheeky to HHG. HHG grabbed him out
13 of the shower. When [the boy] came back his eye was
14 bursting out. It looked like his guts were hanging out
15 of his eyes. His glasses were just mangled. His hair
16 was all ripped up. He got such a severe beating for
17 nothing.

18 'He was never taken to hospital. I think if he had
19 been taken to hospital, questions would have been asked
20 about what had happened to him. There might have been
21 a nurse within St Mary's. I don't know whether he got
22 treated by her. If it happened nowadays he would
23 definitely have been taken to hospital. His eye was in
24 some mess. When I saw him again he had his eye covered.
25 Whether that was by a nurse or by HHG himself, I don't

1 know. When the bandage came off there was some mess to
2 his eye. He would have been scarred for life. I was
3 never asked about the incident by the staff or SNR
4 SNR or anyone.'

5 At 103, he says:

6 'We would be threatened with never seeing our
7 families again. In my case that was a good thing. They
8 would threaten us with never seeing our families as
9 a general policy, really. It was mind games to try to
10 get us to behave. If you had a Children's Panel hearing
11 coming up you would be threatened with a bad report.

12 'When I went back to work in the kitchens, there was
13 a man called Bill Franks who worked there. He was
14 a civilian cook. I remember he said he was quite
15 claustrophobic. He was in charge, he started getting
16 overfamiliar with me. He started brushing against me
17 unnecessarily. I was in the fridge one day. It was
18 a walk-in fridge. Bill Franks touched my backside.
19 I ignored it and didn't say anything. The next day
20 I was in the fridge and he followed me in. There was no
21 reason for him to be in the fridge. He closed the door,
22 I said, "If you touch me in this fucking fridge, sure as
23 God, I will be jailed tonight for murder. I am going to
24 go into that kitchen, get the biggest knife, and I am
25 going to cut your fucking throat". Those were the exact

1 words I used. He looked at me. I said to him, "Go on,
2 Bill, try something". His words were, "Please don't
3 tell anyone". He knew exactly what he was going to do.
4 He was in there to molest me or rape me or sexually
5 abuse me. I said to him, "You might get what you want
6 right now, but trust me, when I get out of this fridge
7 I will get what I want". That was the end of our
8 conversation.

9 'Looking back it was strange that he followed me
10 into the fridge, because he said he was claustrophobic.
11 It could just have been an excuse so that he went into
12 the fridge with other boys.

13 'After the fridge incident, Bill Franks never came
14 near me again. I still worked in the kitchen, but there
15 was an uneasy tension. I can honestly say that if he
16 had laid a hand on me, I would have killed him. I would
17 have stabbed him there and then. It wouldn't have
18 bothered me if I had got 20 or 30 years in jail. He
19 backed off from me after that but he was definitely
20 interfering with other kids.

21 'Bill Franks had a habit of making new recruits, the
22 youngsters, sit on his knee in the recreation room. He
23 was always taking the new recruits up to the recreation
24 room after they first arrived. He would do that for
25 maybe the first week or two to "give them comfort".

1 There was a TV, couch and magazines in there. The
2 lights were always turned off. There was never a light
3 on at night, just the TV. In hindsight it must have
4 been one of his ploys to keep the lights out. He kept
5 the young ones at the back and he would fondle them.
6 The boys must have been around 13 years old.

7 'When I first started at St Mary's, Bill had tried
8 his luck with me. I don't know if he was a drinker or
9 a smoker or if it was just really bad BO, but he had
10 this overwhelming smell. He tried to get me to sit on
11 his knee. He tried to play with me beneath my midriff
12 and get into my trousers. He pretended to be kidding
13 around, but he wasn't pretending. He was seeing how
14 much he could get away with. I just told him to "Get
15 away". After sitting on his knee, I was pretty clued up
16 about him. I was pretty streetwise by that stage.
17 I knew what was happening. I wasn't stupid. I was
18 angry, really angry, and wouldn't tolerate it.

19 'There was another member of staff, he liked sitting
20 boys on his knee as well. He worked in the workshops
21 and smoked a pipe. I don't know whether it was my
22 attitude that kept him away from me. Maybe Bill Franks
23 had told him what I had said to him. Maybe they worked
24 in groups to target certain boys ... I think [that this
25 member of staff] was convicted of sexual abuse much

1 later.

2 'When I was working in the kitchen my social worker
3 ... started taking me under her wing a bit. I think she
4 saw that I was getting a bit old to be still at
5 St Mary's. She took me to one side and said, "If you
6 start to behave yourself and get on with your life in
7 her I will get a appointment with the Children's Panel
8 and we will see if we can get you out of here". I was
9 past school age by then. I don't know whether it was
10 a time bar on how long they could keep you.'

11 He goes on to tell us that first of all that he was
12 unsuccessful before the Panel, but that thereafter he
13 was successful.

14 He says at paragraph 113:

15 'The Panel listened to what my social worker had to
16 say about the course. I was accepted on to the course
17 and let out of St Mary's. I left St Mary's in [REDACTED] and
18 started college in [REDACTED].'

19 Just to confirm the dates, he left St Mary's,
20 I think in 1980.

21 LADY SMITH: He thinks it was [REDACTED].

22 MR MACAULAY: Yes, in [REDACTED]:

23 'After I had been at college about ten weeks, [she]
24 sent me a letter asking how I was getting on. We didn't
25 have a phone in those days. I wrote back telling her

1 that I was fine and enjoying the course. I thanked her
2 for all her help. She was the only person I had come
3 across during my time in care that had any sympathy.
4 I really appreciated what she did for me. I have been
5 cheffing ever since. That was how I got into the
6 catering industry.'

7 Talking about reporting of abuse, he says he never
8 reported Bill Franks and the sexual abuse to the police
9 or anybody else. He mentions again his social worker,
10 and another civilian who was 'great':

11 'There were good people as well as bad at St Mary's.
12 Some of them took an interest in your welfare and made
13 sure that if you behaved yourself you would be rewarded.
14 By rewarded I mean you would get out, go back to see
15 your families. In hindsight, I could probably have told
16 the social worker about what was going on and she would
17 have believed me. I just wish that I did.

18 'Whether the staff saw what happened and turned
19 a blind eye, I don't know. They couldn't have missed
20 the young boy's eye. His eye was in such a mess someone
21 other than **HHG** must have seen it. Whether the staff
22 told the boy not to tell anyone what had happened or put
23 the fear the God into him, I don't know. Maybe they
24 told him to say that he fell or something like that.
25 I couldn't say for sure what happened, but they couldn't

1 not have seen his eye. I would say that those sorts of
2 beatings at St Mary's happened weekly or fortnightly.'

3 Then going on to paragraph 122, where he talks about
4 life after being in care, much of which has been already
5 looked at in a previous read-in.

6 He tells us at 125, for example, that he was sent
7 for a three-week remand stint in Barlinnie, fighting and
8 breaches of the peace:

9 'It was then that I had a wake-up call. I was lying
10 in a cell one night and I said to myself "Is this the
11 life you want?" It kind of sobered me up. I was
12 thinking "Do you really want to go through life like
13 this?" I knew what was going to happen if I didn't toe
14 the party line, behave and settle down. I knew
15 criminality would just become my lifestyle, like my
16 brother...'

17 Going on to paragraph 130, he says there:

18 'It took a couple of years before I got a head chef
19 job ... That's where I met my partner. From then until
20 2007 I behaved myself. There was not so much as a blot
21 on my paper.

22 'I bought a house in 1997 ... my daughter went to
23 school ... I was working offshore in a routine
24 two-weeks-on/two-weeks-off [basis]. I was going through
25 life going on holidays, I had bank cards, I was just

1 doing what everyone else does.'

2 Then he talks about his breakdown, he says at 132:

3 'One day I was on a bus to Aberdeen. The train had
4 been cancelled so I had to take the bus. I hate buses,
5 I can't get on them to this day. I left the house at
6 12 pm and I was due to check in at 5 pm to go offshore.
7 I was on the bus for two minutes when I got a whiff of
8 this smell. It was the smell of Bill Franks. I don't
9 know whether it was his bad breath, his body odour,
10 smoke or whatever it was, it just gave me a flashback.
11 I thought I was sitting beside him. I felt physically
12 sick. I had to get off the bus.'

13 Then he talks about his downhill spiral, that he hit
14 the bottle with a vengeance, that his debts started to
15 spiral out of control and that he ended up being
16 bankrupt.

17 On paragraph 136, the following page, he says that
18 he moved to London and slept rough for a couple of
19 weeks:

20 'I slept in cardboard by Waterloo train station.
21 I had time to reflect and I said to myself ... you had
22 bought a house, you had a job offshore, you had a family
23 and you just threw it away. In my mind it was
24 Bill Franks, the homes, the abuse, the alcohol. I just
25 couldn't handle the flashbacks. I said to myself, "You

1 have to get your act together"'.
2

3 And that's essentially what he did, he made contact
4 with his wife and he got back to work.

5 On paragraph 139, under 'Impact', he says:

6 'My biggest issue when I was growing up between
7 coming out of the homes and meeting my partner was
8 anger. I have struggled with anger right through my
9 life. Total and utter anger. I cannot emphasise enough
10 how much I would have stabbed someone in the blink of
11 an eye ... It wouldn't have entered my head as to the
12 consequences. I was that angry. As I grew up,
13 obviously I got older and wiser, but I still had a big
14 chip on my shoulder.

15 'A lot of anger was directed towards my mother and
16 the way I was brought up. A lot of anger was towards
17 the establishment and the way I was treated. To get on
18 in life, you have to respect authority. To this day
19 I just can't come to terms with someone telling me what
20 to do. I am very short fused.'

21 At 141:

22 'Going back to when I ran away from St Mary's, the
23 police never asked me "Why?". They probably would know
24 back in the 1970s it was a different kettle of fish. The
25 boy went home at the weekends. Why the hell didn't
someone say something about his eye? Why didn't someone

1 call the police? There were so many things, telltale
2 signs left, right and centre, that were never picked up.
3 That caused a lot of anger within me.'

4 Then moving on to lessons to be learned at
5 paragraphs 145 onwards, these paragraphs have
6 essentially been looked at and read in, indeed read in
7 verbatim, but at the end of 145, the message we have
8 regularly heard:

9 'Listening to children has to be 100 per cent the
10 priority, because if they have a story to tell someone
11 has to be listening to them.'

12 At 146, at the end:

13 'Someone who might have expertise in dealing with
14 children who have suffered child abuse.'

15 Would be an appropriate person to be involved in
16 care.

17 He ends up by saying:

18 'I have no objection to my witness statement being
19 published as part of the evidence to the Inquiry.
20 I believe the facts stated in this witness statement are
21 true.'

22 'Raymond' has signed the statement on
23 9 January 2018.

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

25 We will stop there for today and we return to oral

1 evidence tomorrow morning, I think, is that right?

2 MR MACAULAY: We have two oral witnesses tomorrow.

3 LADY SMITH: Two, one in the morning and one in the
4 afternoon?

5 MR MACAULAY: Yes.

6 LADY SMITH: Thank you.

7 (3.55 pm) (The Inquiry adjourned

8 until 10.00 am on Thursday, 5 December 2024)

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23

24

25

INDEX

1	Andrew Nelson (affirmed)	1
2	Questions from Mr MacAulay	2
3	'Iain' (sworn)	62
4	Questions from Ms MacLeod	63
5	'Graham' (affirmed)	113
6	Questions from Mr MacAulay	115
7	'Terry' (read)	153
8	'Raymond' (read)	160
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

