

1 Wednesday, 28 January 2026

2 (10.05 am)

3 LADY SMITH: Good morning, and welcome back to Phase 10 of
4 our case study hearings. We're looking at the provision
5 of residential care in various places that were local
6 authority institutions or used by local authorities and
7 some others. And we're moving now I think to
8 St Margaret's in Fife; is that right, Mr Peoples?

9 MR PEOPLES: Yes, good morning, my Lady. We are moving to
10 evidence about St Margaret's and we will have evidence
11 from one applicant in person and also oral evidence
12 today and perhaps tomorrow by a witness from Fife
13 Council. And the plan is to have some read-ins as well.

14 LADY SMITH: Thank you.

15 MR PEOPLES: But the first witness this morning is
16 an applicant who is anonymous and whose pseudonym is
17 'Jamie'.

18 LADY SMITH: Thank you. (Pause)

19 'Jamie' (sworn)

20 LADY SMITH: 'Jamie', thank you so much for coming along
21 this morning to help us with your evidence, by giving
22 evidence in person, in addition to the written evidence
23 I already have from you. It's been really helpful to me
24 to be able to read that in advance.

25 And you'll see your statement is there in the red

1 folder in front of you.

2 A. Yeah.

3 LADY SMITH: And we'll also bring it up on screen when we
4 are looking at particular sections of it. I am sure you
5 understand, we are not going to go through it line by
6 line, don't worry.

7 A. No, yeah.

8 LADY SMITH: But there are some particular aspects we'd like
9 to explore with you, if that's all right.

10 A. Yeah.

11 LADY SMITH: The key when you're giving evidence, so far as
12 I'm concerned, 'Jamie', is I want to do what I can to
13 make it as comfortable as possible, knowing that what
14 you're doing isn't easy. However used any of us may be
15 to performing a role in a public place or doing
16 something in public, this is different. Although it's
17 in public, it's you coming along to talk about yourself,
18 and in particular your childhood and some bad things
19 that happened in your childhood.

20 A lot of people find that, although they're prepared
21 and they know they can do it, they think -- they get
22 quite taken aback by their own emotions as we go through
23 the evidence. I do understand that.

24 A. Yes.

25 LADY SMITH: Don't worry if that happens. Don't worry if

1 you think, 'I really need a break'. That's fine, just
2 tell me. Or a pause. Equally, don't worry if you find
3 that you're fine and you go through it without any of
4 that.

5 If you've got a question at any time, don't hesitate
6 to ask, that's not a problem, and if you don't
7 understand what we're asking or why we're asking it,
8 that's our fault, not yours. So you tell us, okay?

9 A. Thank you.

10 LADY SMITH: If you're ready, I'll hand over to Mr Peoples
11 and he'll take it from there.

12 A. Thank you.

13 LADY SMITH: Mr Peoples.

14 Questions from Mr Peoples

15 MR PEOPLES: Good morning, 'Jamie'.

16 A. Morning.

17 Q. As her Ladyship has said, your statement's in front of
18 you and it also appears on the screen. Whatever works
19 best for you.

20 A. Yeah.

21 Q. But if I could ask you to perhaps look at the red folder
22 initially, and could you turn to the final page of your
23 statement on page 32 and can you confirm the
24 statement -- sorry, I should give the reference for our
25 purposes, you don't need to be worried about this. It's

1 WIT.001.001.5502.

2 And on page 32, can you confirm that you have signed
3 your statement and dated it?

4 A. Yes. Yes.

5 Q. And I think that you say in your final paragraph that
6 you have no objection to your witness statement being
7 published as part of the evidence to this Inquiry, and
8 that you believe the facts stated in your witness
9 statement are true?

10 A. Yes. Yes.

11 Q. Now, can I move to the front, or the beginning of the
12 statement, and I'll take you through parts of it, as her
13 Ladyship said this morning.

14 You tell us that you were born in 1952, and I don't
15 need the exact date.

16 A. Yes.

17 Q. And then you have a section where you tell us a bit
18 about your background and life before going to care.
19 Now, it was a fairly brief period before you went into
20 care because you were born and then shortly afterwards
21 you were put into foster care?

22 A. Yes.

23 Q. And therefore, essentially, you've been -- you were in
24 care for really the whole of your childhood?

25 A. Yes, I was, yeah.

1 Q. And you tell us in paragraph 2 that you were fostered
2 alongside two other girls. They weren't related to
3 you --

4 A. No.

5 Q. -- by birth?

6 A. No.

7 Q. And that they became your foster sisters?

8 A. Yeah.

9 Q. And that it was an unmarried woman who fostered you?

10 A. Yes.

11 Q. And you regarded her as your mum?

12 A. Yes. Yes.

13 Q. And can I just tell you that we have been able to obtain
14 some records and they do provide some dates for your
15 foster care, your period in foster care. And you went
16 into foster care initially on [REDACTED] 1952, not long
17 after you were born?

18 A. Yeah.

19 Q. And you remained there for the best part of seven years?

20 A. Yes.

21 Q. And you then had a short spell in St Margaret's?

22 A. Yes.

23 Q. So you left foster care, according to the records, on
24 [REDACTED] 1959, so you were nearly 7, I think?

25 A. Yes. Yeah.

1 Q. And you went to St Margaret's for around about six
2 weeks?

3 A. Yes.

4 Q. From [REDACTED] 1959, according to the records, until about
5 [REDACTED] 1959, which I think is in line with what
6 you've told us in your statement.

7 A. Yeah.

8 Q. And then, on [REDACTED] 1959, until [REDACTED] 1960,
9 around about six months --

10 A. Yeah.

11 Q. -- you went back to foster care with --

12 A. Yeah.

13 Q. -- the person who had been fostering you previously?

14 A. Yeah, yes.

15 Q. And then, on [REDACTED] 1960 -- I know I'm throwing
16 a lot of dates at you -- when you were aged about 7 and
17 a half --

18 A. Yeah.

19 Q. -- you went back to St Margaret's?

20 A. Yeah.

21 Q. On [REDACTED] 1960?

22 A. Yes.

23 Q. And the records say that you remained there until you
24 were almost 14 years of age. I think you thought you
25 were a little bit older, but the records say that you

1 left and went into foster care again?

2 A. Yes.

3 Q. On [REDACTED] 1966.

4 A. Yes.

5 Q. So that's what the records are showing.

6 A. Yes.

7 Q. And don't worry, I think we all know that if you're

8 trying to remember dates and you were a young person --

9 A. Yeah.

10 Q. -- it's not always easy to get them completely precise.

11 So you tell us that you did have two stints at

12 St Margaret's Children's Home, and we've got the dates

13 for these.

14 Now, at paragraph 5 and following, you have

15 a section dealing with St Margaret's itself. And you

16 describe the place itself and I think you're

17 complimentary. It was a villa by the beach with a back

18 garden onto the beach, so the actual place itself, on

19 the face of it, was a pleasant --

20 A. It was ideal, yeah.

21 Q. -- environment. You tell us that there were both girls

22 and boys in your time?

23 A. Yes.

24 Q. And you estimate there were perhaps 15 boys and

25 10 girls. That's paragraph 5?

1 A. That sounds about right, yeah.

2 Q. But they were segregated in the sense that there was
3 a girls' dormitory?

4 A. Yes.

5 Q. And several dormitories for boys?

6 A. Yes.

7 Q. Can I just ask you this though: would children all come
8 together for meals, for example?

9 A. Yes. Yes.

10 Q. And they would to some extent mix, during the day?

11 A. Oh yes, yes. I mean, it wasn't segregation in terms of,
12 say, prison segregation. There was no demarcation.

13 Q. And you tell us about the layout and I think that the
14 dormitories were on the first floor of the property?

15 A. Yes.

16 Q. That's paragraph 7. And then you tell us a little bit
17 about staff and, first of all, for the whole of the
18 first period you were there, the first stint, and for
19 a short period during the second stint at St Margaret's,
20 there were what you call two SNR [REDACTED] or
21 SNR [REDACTED]?

22 A. Yes. Yes.

23 Q. Who were SNR [REDACTED] the home?

24 A. Yes.

25 Q. And you have a recollection that their surname was

1 [REDACTED] KNC-SPO?

2 A. Yeah, but I may be wrong.

3 Q. Don't worry about -- well, I'm about to say that I think
4 your recollection is pretty good because we do have
5 records that tell us that -- and indeed information from
6 the council, that [REDACTED] KNC was [REDACTED] SNR and
7 his wife was [REDACTED] SNR, if you like.

8 A. Yeah. Yes.

9 Q. So your memory is very good.

10 And you tell us that there was another woman who was
11 in charge of the girls at St Margaret's, Margaret
12 Findlay?

13 A. Yes.

14 Q. And she was there throughout your time, both stints, you
15 think?

16 A. No, I don't think she was there for my first stint.

17 Q. Oh, I see.

18 A. But she was certainly there for my second stint.

19 Q. No, that's fine. That's fine.

20 And I'll just mention his name just now, we'll come
21 back to this person.

22 A. Yeah.

23 Q. At paragraph 11 you have a recollection of another
24 person who I think worked in the home for, I think you
25 thought about a year, called [REDACTED] KND? That's at

1 paragraph 11 of your statement, do you --

2 A. That was much later.

3 Q. Yes, but he was there during your second stint?

4 A. Yes. But he was there, yeah. Yes, yeah.

5 Q. Can I ask you this: can you remember anything about him?

6 You'll tell us about what he did, but let's leave that

7 to --

8 A. What can I remember about him?

9 Q. Do you remember what sort of accent he had?

10 A. He was Northern Irish. Erm, he lived in a street in

11 Belfast --

12 Q. Yes, I don't need too many details.

13 A. -- which isn't there now, but --

14 Q. No. So he was Irish, he was Northern Irish?

15 LADY SMITH: Yes.

16 A. Oh yes.

17 LADY SMITH: It's okay, 'Jamie', just tell me what comes to

18 mind if it's easier for you, don't worry.

19 A. Yeah, I mean, he was typically Northern Irish. He had

20 that heavy Northern Irish brogue.

21 MR PEOPLES: And can you just tell me this: you say he was

22 an assistant housefather; did he come to fulfil that

23 role or was he there on a temporary basis?

24 A. Well, that I can't tell you because they didn't tell us.

25 Erm, I got the feeling at one point that he had been

1 brought in to help Murphy, but by Murphy, rather than,
2 you know, being appointed to a role.

3 Q. Because we sometimes hear of people working in care
4 settings, children's homes, as students learning their
5 work, and sometimes they'd come in as assistant
6 houseparents and the like. So I was just trying to see
7 whether you were able to tell us --

8 A. Well, if he was a student, he was certainly a very
9 mature student.

10 Q. Okay, so he was a bit older?

11 A. Yeah, yeah.

12 Q. Okay.

13 Now, you tell us about David Murphy from
14 paragraph 12.

15 A. Yeah.

16 Q. And you tell us that shortly after you arrived for your
17 second stint, David Murphy took over the role of deputy
18 houseparent?

19 A. Yes.

20 Q. And again, I can maybe help you that the records
21 indicate that David Murphy started at St Margaret's on
22 1 May 1960, so I think that does align with your
23 recollection. Because you would be there --

24 A. Yes.

25 Q. -- for [REDACTED] months, then he would turn up?

1 A. Yes.

2 Q. You tell us he's an ex-policeman. We know from other
3 records he was an ex-policeman.

4 A. Yes. Yeah. Yeah.

5 Q. And I think that information emerged subsequently when
6 he was on trial.

7 A. He let us know, though --

8 Q. Oh, he did?

9 A. -- as children. He made sure we knew that he had been
10 a policeman and he had friends who were still policemen.
11 And he used that when a kid would run away and they'd be
12 brought back by police. And there was a police house
13 across the road from the children's home, so he had
14 a relationship going there.

15 Q. With the local police?

16 A. Yes.

17 LADY SMITH: So, 'Jamie', what did he do to make the
18 children realise he had been a policeman himself?

19 A. He told you. He told you. I mean, it was used as
20 a warning, you know, 'Don't do anything, don't say
21 anything, do what you're told, because I was a policeman
22 and I've got friends'.

23 LADY SMITH: Okay. So it was a sort of, 'I was a policeman,
24 I know what I'm talking about and I've still got friends
25 in the police' --

1 A. Yeah. Yeah, it was very much -- he operated very much
2 on, at other times, 'I've got friends in high places'.
3 That was something he was very keen on exploiting.

4 MR PEOPLES: And I think you tell us, and to put it in
5 a nutshell, is that he presented himself in the local
6 area as a pillar of the community and a respected figure
7 who was well-regarded by all and sundry; is that right?

8 A. Yes, and doing marvellous work for these poor children.
9 You know, I mean, he joined the yacht club, he did
10 things with the Scouts. You know, he ingratiated
11 himself into all the areas that you would, I suppose, at
12 that time, consider respectable.

13 Q. And you told us that he made it known that he was
14 a former police officer. We know from records that he
15 was a former police officer in Glasgow.

16 A. Yes.

17 Q. Not in Fife.

18 A. Yes.

19 Q. But clearly he got to know the local police in Fife as
20 well.

21 A. Yes.

22 Q. You tell us that shortly after your arrival for the
23 second stint, Mr **KNC** and Mrs ?

24 A. Yes.

25 Q. I don't need to know the reasons --

1 A. No.

2 Q. -- I think you were told some information about --

3 A. Yes.

4 Q. I'll maybe leave that to one side at the moment?

5 A. Yes, yeah.

6 Q. Because you won't have any personal knowledge of why [REDACTED]

7 [REDACTED].

8 A. No. Well, no, other than --

9 Q. Other than through --

10 A. Yeah.

11 Q. -- what people may have told you?

12 A. Yes.

13 Q. Okay.

14 And then what you say at paragraph 13 is that, [REDACTED]

15 [REDACTED] KNC-SPO [REDACTED] Mr [REDACTED] KNC and Mrs [REDACTED] [REDACTED], it was

16 Mr Murphy in charge and Margaret Findlay?

17 A. Yeah. Yes.

18 Q. And what you say is that from the minute that Murphy

19 took over, everything changed and you say:

20 'There was a tangible feeling of fear. People were

21 pitted against each other. The kids were encouraged to

22 tell on each other. There was a divide and conquer

23 thing going on.'

24 So, do you attribute that to Mr Murphy?

25 A. Oh, very much so.

1 Q. And you also tell us that, really from almost the
2 outset, there was an instant hatred between yourself and
3 Mr Murphy?

4 A. Yeah.

5 Q. Was that mutual then? Or was it hatred on your part?

6 A. Yeah, I think it was mutual.

7 Q. Yes. And you say that:

8 'I had a sense that this man had danger written all
9 over him.'

10 Was that what you felt at the time?

11 A. Yes.

12 Q. Now, moving to paragraph 16, you tell us that -- and
13 I think this is maybe a reflection, that you think
14 Murphy was 'purely a paedophile'. You don't think he
15 was gay?

16 A. No -- I don't know what his sexuality was. But I think
17 he was probably solely a paedophile.

18 Q. Well, I think we know that he was that --

19 A. Yeah.

20 Q. -- from subsequent events and what he was convicted of.

21 A. Yes.

22 Q. So that's your estimate, your opinion?

23 A. Yes. Yeah.

24 Q. And you tell us that, and I think this is a theme in
25 your statement, that he was at times a very violent man?

1 A. Very. Very.

2 Q. Is that right?

3 A. Yes. I mean, I think he -- there was an element of
4 sadomasochism in his sexual activity, but he was also
5 very violent outside of that.

6 Q. So I mean, you are trying then, I think, to make a link
7 between his violence at times and his sexual behaviour
8 towards young people?

9 A. Oh yes. I mean, I think he -- a large element of his
10 enjoyment was the subjugation, not just in the sexual
11 way, but in a sadistic way.

12 Q. And there's maybe a suggestion that some residents, to
13 use the modern parlance, were groomed by him and were
14 spoiled by him and given presents, and in that way
15 I think the Fife Inquiry report eventually said that was
16 a classic paedophile grooming exercise --

17 A. Yes, yeah.

18 Q. -- with some residents.

19 A. Yes.

20 Q. Was that something that you observed?

21 A. Yes, yes, very much so.

22 Q. And you seem to think that the violence was sometimes
23 a precursor to some sort of sexual activity towards
24 residents?

25 A. Yes, I think, yeah, I think sometimes when he used the

1 violence, for violence's sake, it would often be
2 followed by sexual contact, yes.

3 Q. And then, if we go to a section on routine, and I'm not
4 going to take this in too much detail, but just to get
5 a flavour of, I think Mr Murphy was quite a controlling
6 figure; is that right?

7 A. Well, yes. I mean --

8 Q. We're going to come to some examples --

9 A. Yeah, I mean, yes.

10 Q. -- but in broad terms?

11 A. He, on some occasions, he made Stalin look like a nice
12 man.

13 Q. Well, that's quite an achievement.

14 A. Yes.

15 Q. Well, you say for example that when the boys were -- I
16 mean, he would be dealing with the boys most of the
17 time?

18 A. I think he had almost an adverse reaction to females.
19 He didn't seem to like girls.

20 Q. And Ms Findlay was in charge of the girls?

21 A. Yeah, and he left it solely to her.

22 Q. Okay, so when he went out on the activities that we will
23 hear about, these were generally with boys or groups of
24 boys?

25 A. Boys, yes.

1 Q. But you say when boys were getting dressed, Murphy would
2 just stand there and watch?

3 A. Oh yes. And when you were having a bath, when you were
4 having a shower, when you were getting dressed. Yes.
5 I mean, even down to -- I mean, it sounds petty now, but
6 he made you always wear your shirt outside your
7 underpants, and he was very strict about that. I mean,
8 it was almost obsessive. And I think I later on came to
9 realise that that was something to do with imagery and
10 that a shirt tucked in left a bulge and detracted from
11 what he thought was, was good.

12 Q. Well, he could get a better view of certain parts of the
13 human form --

14 A. That's exactly --

15 Q. -- that he was interested in?

16 A. Yes. Yes, yeah.

17 Q. Now, you also tell us that at bath times and showering,
18 that he would sometimes wash residents; is that right?

19 A. Yes.

20 Q. And you say that, depending on what he had done to
21 a particular boy, there might be a bath in the middle of
22 the night?

23 A. Yes.

24 Q. And I think we know that -- could that have followed
25 sexual activity?

1 A. Oh, yeah, yeah. Definitely. I mean, that was simply --
2 that wasn't part of his sexual fantasy. That was not
3 wanting to get caught by leaving any trace.

4 Q. Yes, I just wondered because, when he gave a bath, did
5 he do anything to you when you were in the bath?

6 A. Of an ordinary bath night? Yes, yeah.

7 Q. What, touching?

8 A. Yes, yeah. He'd insist on --

9 Q. In private areas?

10 A. Yeah, he insisted on ensuring that you were clean around
11 the back passage and around your testicles. Erm, yeah.

12 Q. How did he seem to react when this was happening? Did
13 he appear to be getting any gratification from this?

14 A. Oh yeah.

15 Q. Now, you tell us that you weren't someone who wet the
16 bed, but you were aware of what -- how he treated
17 bed-wetters?

18 A. Yes. Oh, he was vicious.

19 Q. And you say that, at paragraph 23, if he discovered that
20 a child had wet the bed, a boy, he would make sure that
21 the boy would lie in it and make a point of telling him
22 how filthy --

23 A. Yeah.

24 Q. -- filthy he was, and you say you've actually seen, or
25 you recall seeing Mr Murphy rub children's faces --

1 A. Yes.

2 Q. -- in their urine-stained sheets and so forth?

3 A. Yeah. Yes.

4 Q. He also, you recall, would make them take the sheets off
5 and take them to a bathtub to wash?

6 A. Yes, and it was all done very publicly.

7 Q. In front of other boys?

8 A. Yes. I mean, there was the point -- he made the point,
9 these people are dirty and they need to be punished.
10 And you need to witness that punishment.

11 I don't know --

12 Q. So bed-wetting was a crime, for him?

13 A. Everything was a crime.

14 Q. Right, okay. And you also talk about mealtimes and say
15 that you sat in silence at both breakfast and dinner.
16 You didn't talk and if you did, you would get thrown
17 out --

18 A. Yeah.

19 Q. -- and probably get a belting from Mr Murray.
20 Mr Murphy, sorry.

21 A. Yeah.

22 Q. So was that -- it was a silent occasion?

23 A. Yeah.

24 Q. And whose rule was that?

25 A. His.

1 Q. What did Ms Findlay think of all of this?
2 A. Oh, she never went against anything he ever said.
3 Q. Because the girls would be eating as well?
4 A. Yes.
5 Q. So she was very much the number two?
6 A. Very much, yeah.
7 Q. Do you think she was intimidated by him? (Pause)
8 A. Yeah. Yes, I do.
9 Q. Do you think she would have dared cross him if she
10 didn't like something?
11 A. Oh, she would never have crossed him. She would never
12 have said anything.
13 Q. Now, you tell us at paragraph 25, 'Jamie', that you can
14 recall an occasion when Mr Murphy put a particular dish,
15 macaroni cheese, on the table for an evening meal.
16 I can see you're already --
17 A. Yeah.
18 Q. -- wincing at the --
19 A. Yeah, the thought of it.
20 Q. The thought, and that you weren't -- you couldn't eat
21 it?
22 A. No.
23 Q. And you tell us that -- there, that he re-served it
24 several times until it was sort of all getting mouldy
25 and green?

1 A. Yeah.

2 Q. And indeed in the end he pushed your face into the meal?

3 A. Yes.

4 Q. So he didn't force-feed you as such, but he did do what
5 you described?

6 A. Yes. I mean, yeah. I suppose in a manner it was
7 force-feeding, yeah.

8 Q. Yes, but not --

9 A. But not with a tube down your throat, yeah.

10 Q. That must have been a very unpleasant experience.

11 A. I still can't -- I even hate the words macaroni and
12 cheese. I -- I'm sorry. I just -- makes me cringe and
13 want to be sick.

14 Q. Yes. Now, you tell us a little bit about education and
15 I think, in short, you put it quite neatly at 26,
16 paragraph 26, that you don't feel you received much of
17 an education when you were in St Margaret's?

18 A. Yeah.

19 Q. And part of your problem at school, I think you put down
20 to discovering later that you suffered from dyslexia, is
21 that right?

22 A. Yes.

23 Q. But it wasn't just that, you say, because you tell us
24 that when you went to the senior school in Anstruther --

25 A. Yeah.

1 Q. You say:
2 'All the kids from St Margaret's seemed to get
3 dumped in the lowest classes [and] we were thought to
4 not be very bright.'
5 A. Yes.
6 Q. So that was the general opinion?
7 A. Well, I think it was that we came from a children's
8 home, we were scruffy, you know. Society's view of
9 children in care at that time was very much that it
10 was -- you must have done something, you know.
11 Q. Were you encouraged to learn?
12 A. Were we encouraged to learn? No.
13 Q. No. And so far as being encouraged by St Margaret's and
14 Mr Murphy to do things like homework and help you with
15 homework, did any of that happen?
16 A. Oh, he -- he used to make me do spelling, and he knew
17 that I had difficulty, and that led to slaps, punches,
18 and eventually, one night, having a good kicking.
19 Q. And I think as you tell us, this is someone who
20 professed, in some of his correspondence with others, to
21 have some knowledge of child psychology?
22 A. Oh yes, I mean, he --
23 Q. And yet he did this to you?
24 A. Yes, and I mean, I think -- I can't remember where it
25 was, whether it was in his statement or -- no, I think

1 it was in my report to the local authority. He gives
2 a whole paragraph of what is just psychobabble. It
3 makes absolutely no sense at all. But it's all about
4 how, you know, he has regressed the boy through the
5 penal and anal stages and made them aware of their
6 bodies -- I mean, it was -- he just -- I think he just
7 viewed himself in a very grandiose way.

8 Q. Well, I can tell you that, I've seen a record, that very
9 record, so it does exist and I think it may actually be
10 in the bundle for this hearing, where he uses that sort
11 of terminology and I suppose I did, when I read it,
12 think to myself, 'What does he mean by that?'

13 So you're quite correct in your recollection, you've
14 probably seen this record at some point in time.

15 A. Yes, yeah.

16 Q. It was a letter to the children's officer, I think,
17 about you and your development and so forth?

18 A. Yes, I think so, yes. Yes.

19 Q. Using language which was somewhat difficult to fathom?

20 A. Trying to make himself seem as if he knew more than
21 anybody else, and he had this insight.

22 Q. It looks as if some people seem to have swallowed this
23 without reflection on, well, what on earth's going on
24 here?

25 A. I think a lot of people did. And the sad thing is

1 I think a lot of people who should have known better
2 swallowed it and accepted it.

3 Q. Well, we have been able to recover some inspection
4 reports. I know you weren't aware of inspections for
5 the -- from 1958 through to 1966, I think there are
6 three reports. I don't need to take you to them but
7 I think it's clear that the inspectors, when they
8 visited from central government, child care inspectors,
9 seemed to be impressed by the activities, the level of
10 understanding of Mr Murphy and how innovative he was
11 being and how active he was with the children. So that
12 he was clearly -- they were clearly accepting he was
13 doing a good job --

14 A. Oh yeah.

15 Q. -- and caring for the children well?

16 A. Oh yes, I mean, the facade that was put forward was very
17 much that, that it was innovative, it was encompassing
18 all the aspects of growing up, you know?

19 I mean, it was just somebody trying to be something
20 that he wasn't. I mean, reading some of the things he
21 did and said, now, as an adult, having gone to
22 university, having studied and was a psychotherapist for
23 a while, erm, I can see through it. But I think
24 probably at that time, very few people did, 'cause the
25 understanding and the training just wasn't there.

1 Q. Well, it didn't look as if the children's officer saw
2 through it?

3 A. No. No. I mean, but, you know, that's somebody coming
4 for, what, half an hour, half a day at the most? He
5 could maintain the facade.

6 Q. Now, going back to Mr Murphy's controlling behaviour --

7 A. Yeah.

8 Q. -- and perhaps to some extent his instincts for
9 humiliation of those under his care, you tell us at
10 paragraph 28 that when you were at primary school, you
11 had a bad bowel problem?

12 A. Yes.

13 Q. And what you tell us there is that Mr Murphy made
14 an arrangement with the headmaster of the school that if
15 you had an accident at school, you would be made to walk
16 home to the children's home?

17 A. Yeah.

18 Q. And then you say there, in some ways that was worse than
19 the violence and that you had to go through the
20 humiliation of walking through the school, past your
21 peers, past the village and then, when you got to
22 St Margaret's, you had to clean your trousers yourself?

23 A. Yes. Yeah.

24 Q. That seems to be humiliating you in front of --

25 A. Oh yeah.

1 Q. -- everyone?

2 A. It was done for that very purpose. I mean, it wasn't
3 done for any other reason. I mean, I don't know if
4 anybody could ever think of a reason for doing it. But,
5 yeah, it was humiliation.

6 Q. And that was control beyond the confines of
7 St Margaret's?

8 A. Oh yeah. Yeah.

9 Q. And you tell us about --

10 LADY SMITH: 'Jamie', can you remember how long it took you
11 to do that walk from school back to the home?

12 A. Probably about 20 minutes, half an hour.

13 LADY SMITH: Thank you.

14 MR PEOPLES: Because you were in the local primary school?

15 A. Yeah. Yeah.

16 Q. You also say that he seemed to be at pains to try and
17 make sure you weren't mixing with girls at school.

18 A. Oh yeah.

19 Q. And indeed he seemed to have told the school that you
20 shouldn't be mixing with girls?

21 A. Yeah.

22 Q. And the school seems to have agreed with what he was
23 asking them to do, and you say that Murphy actually told
24 you that he had made this arrangement?

25 A. Oh yes. Yeah.

1 Q. So he was quite open about he had told them?

2 A. Yeah, I mean it was -- I can't tell you now, even with
3 all my experience, whether it was -- what the reason
4 was. I mean, I have my own suspicions. I think he felt
5 that I might be gay and maybe he saw something of
6 himself in me and he hated it. But he took every
7 opportunity to --

8 Q. But, I mean, you'd have thought that he might have said,
9 well, if he's worried about that, mixing with girls
10 might be a good thing?

11 A. Well, not in those days.

12 Q. Not for him it wasn't.

13 A. I mean he -- it went as far as trying to keep me
14 separated from my foster sisters.

15 Q. Yes, I was going to come to that as well, but --

16 A. Yeah.

17 Q. So yes, he also tried to avoid you visiting them or
18 seeing them, and blocking visits and so forth with any
19 number of excuses. Is that in essence what he was
20 doing?

21 A. Yes. Yes. Yeah.

22 Q. And indeed I think you say more generally that both any
23 attempts by I think your -- one of your foster sisters
24 and others to give you foster care, were blocked by him?

25 A. Yeah, blocked by him, yes.

1 Q. I mean, some might say, did he want to keep you for
2 himself?

3 A. I think there was an element of that, yes. I mean, you
4 know, if -- I suppose if somebody keeps a person
5 subjugated and dependent, it makes the influencer more
6 powerful in their own mind.

7 Q. And I suppose there's the risk that if you mix with
8 foster sisters --

9 A. You tell people things.

10 Q. You'll tell things?

11 A. Yes.

12 Q. And he doesn't have that control?

13 A. No.

14 Q. And you also say that Murphy encouraged the school to
15 give you the belt for anything that went on?

16 A. Oh god, yes.

17 Q. So that was another example of him --

18 A. Yeah.

19 Q. -- even controlling how the school behaved towards you?

20 A. Yeah. I mean, I don't know where he got this power
21 from.

22 Q. And the upshot of that, I think you put it at
23 paragraph 30, is that to your mind, that's an indication
24 there was no safe place, you had nowhere you could go,
25 and there wasn't an adult you could speak to with any

1 confidence that --

2 A. No.

3 Q. -- things would improve or get better?

4 A. No.

5 Q. I think we will learn from other evidence that Mr Murphy
6 did like outdoor activities and taking boys for trips,
7 but I think you in fact say that -- well, you're going
8 to tell us about two things I think, but as far as trips
9 are concerned, you were only taken out once, and in his
10 caravan, is that right?

11 A. Yes.

12 Q. And we'll come back to that, because you tell us I think
13 about a caravan incident, so I'll come to that shortly.

14 But you also say though that Murphy created
15 activities to keep you occupied and I think he seemed to
16 be someone that seemed to be full of ideas to play
17 things in group situations and with individual boys?

18 A. Yes. Yeah, firing guns, playing bow and arrow, you
19 know, all that sort of thing that appealed to him.

20 Q. And he was quite an outdoor type, was he not?

21 A. Oh he was, yeah.

22 Q. And he liked to do walking, camping --

23 A. Yeah. It was funny though, you see grown men in shorts
24 and boots with socks and, you know, it's all tally-ho
25 sort of attitude. That was how he was.

1 Q. But unfortunately for Mr Murphy, and you ultimately
2 I suspect, your activities didn't -- Mr Murphy's
3 activities didn't interest you one bit?

4 A. No, they didn't, no.

5 Q. And you used to try and disappear or avoid them?

6 A. I did, I often disappeared and spent hours just walking
7 along the cliffs or sitting there watching the sea.

8 Q. But you say that that annoyed him?

9 A. Yes.

10 Q. Because you weren't doing what he wanted you to?

11 A. Yeah. Yeah. I was rebelling.

12 Q. Yes. And then you give an example of, in effect,
13 rebelling against him at paragraph 34. You say that
14 Murphy signed you up to go to Cubs?

15 A. Yeah.

16 Q. And you, when you got there, as you say, were a mouthy
17 kid?

18 A. Yes.

19 Q. You said to the Cub leader, 'This is a waste of time',
20 and walked out. And you tell us, I think, that when you
21 got back to St Margaret's, Mr Murphy assaulted you?

22 A. Yes.

23 Q. He grabbed you by the hair, he took you to his room and
24 he slapped you about?

25 A. Yes.

1 Q. Because, as you suggest, this was because you had showed
2 him up?

3 A. Yeah.

4 Q. And he didn't like that?

5 A. Yeah.

6 Q. And it was embarrassing for him?

7 A. Yes. Yeah. One of his boys misbehaving. You know. He
8 would -- I mean, he always referred to you as 'his
9 boys'.

10 Q. And we'll come back to that, because I think you've got
11 something to tell us about that at the trial, but we
12 will leave that till later on.

13 A. Yes, yeah. Yeah.

14 Q. You don't have a recollection of many books around
15 St Margaret's?

16 A. No. No.

17 Q. So he was -- well, I think we know it from other
18 information, that he sometimes taught residents music?

19 A. Oh yes. Yes.

20 Q. But was he not a bookish person?

21 A. No, he wasn't a bookish person. I don't think he was
22 even a music person. I think it was all just part of
23 his image of himself and his lifestyle. I mean, he
24 bought one of the boys, who was a particular favourite,
25 a violin, and another one got a flute, and one got

1 bagpipes. You know.

2 Q. These were presents for certain boys?

3 A. For them, from Murphy, yeah.

4 Q. Okay. And then, but you say that while he did these
5 things, he didn't make a fuss of your birthday?

6 A. Oh God, he couldn't be bothered.

7 Q. No. And any presents you got at Christmas became
8 communal presents?

9 A. Yes.

10 Q. And you had no possessions, I think you tell us as well,
11 and in some ways you feel that Murphy -- this was --
12 Murphy made you feel like nothing and, to some extent,
13 having no possessions helped him to create this feeling
14 in you?

15 A. Yes. Yes. Yes.

16 Q. That's at paragraph 39, I think, if you --

17 A. Yes, yes.

18 Q. If you are looking at the statement.
19 And then moving on to 41, and I don't need to go
20 into this too much, but you say he also heavily
21 controlled pocket money?

22 A. Oh yes.

23 Q. So just another example of his controlling nature?

24 A. Yes, yeah.

25 Q. You tell us that there were chores to do, paragraph 44,

1 and you tell us that you always got to do the shoes or
2 the potatoes?
3 A. Yes.
4 Q. 'Because that would mean being out back on my own.'
5 A. Yes.
6 Q. Is that because you would prefer to be that way, or
7 that's because Murphy wanted to have you on his own --
8 on your own?
9 A. Well --
10 Q. Do you know what I'm saying? Sorry, I --
11 A. Yeah, yes, it was very much part of the playbook.
12 I mean, you sat at the back door, erm, no coincidence
13 that his room was just round the corner.
14 Erm, so, I don't want to say everything he did had
15 an ulterior motive, but it does seem like it, you know?
16 I wonder why I always had to be the one that did the
17 potatoes or did the shoes. It never really sat well
18 with me.
19 Q. You weren't volunteering for this?
20 A. Oh God, no.
21 Q. And then you say that Murphy would come through and
22 whack you if you weren't doing the chores right?
23 A. Yes.
24 Q. So, punishment.
25 Now --

1 LADY SMITH: Do you know if that happened to other children
2 as well?

3 A. Yes.

4 LADY SMITH: You saw it happening, did you?

5 A. Sorry?

6 LADY SMITH: You saw it happening?

7 A. Oh yes. Yes.

8 Oh, I think to an extent we all knew what was
9 happening to each of us. Some denied it. Some wouldn't
10 talk about it. But when you did talk amongst
11 yourselves, you know, there was a common thread and you
12 all knew.

13 MR PEOPLES: So there was discussion amongst the boys about
14 what was going on? Or not?

15 A. Yes, but not discussion as in discussion --

16 Q. Not explicit?

17 A. It was just gossiping.

18 Q. Gossip. But you saw Murphy being violent towards other
19 residents?

20 A. Oh yes.

21 Q. Boys in particular?

22 A. Yes. Yes.

23 Q. And you will tell us about one occasion, I think, when
24 you were present when sexual activity between Murphy and
25 another boy took place. So you -- that's something that

1 you were witness to?

2 A. Yes, and that was somebody who got an instrument.

3 Q. Yes, okay. I don't need the name, by the way.

4 A. I wasn't going to give you it.

5 Q. So you saw these things?

6 A. Yes.

7 Q. I mean, obviously, often a child is abused by an adult

8 when it's a one-to-one situation. But in your case, you

9 were able, at least on one occasion, to see it for

10 yourself, or hear it for yourself?

11 A. Yes. Oh yeah. I mean, there was, I mean, at least one

12 occasion where it was, I suppose, three -- a threesome.

13 Q. Yes, I'll come to that one, because you tell us about

14 it.

15 A. Yes.

16 Q. But I was just trying to get the general picture --

17 A. Yeah.

18 Q. -- of what you witnessed, as opposed to --

19 A. Oh yeah.

20 Q. -- what you learned through the gossip factory and

21 rumour.

22 A. Yeah, no. No.

23 Q. Now, you've told us about Murphy trying to prevent you

24 going to see your foster sisters and you tell us a bit

25 about that and he was finding excuses and so forth?

1 A. Yeah.

2 Q. And I think it's fair to say that having, the records
3 we've seen, there are certainly entries that seem to
4 show that he has reservations about you seeing one of
5 your foster sisters, the older one, I think?

6 A. Yeah.

7 Q. And he's finding reasons why it might not be a good
8 thing that you mix. Is that --

9 A. Yeah.

10 Q. I think you were aware of --

11 A. Well, I wasn't aware of a lot. I mean, I knew when
12 I did see my sisters that they had said, 'Oh, we thought
13 you were coming for X, Y or Z', and they'd been told
14 I was not well or whatever. But I wasn't aware of just
15 quite how much he was doing it until I read my file.

16 Q. I think it's borne out by the records that he seemed to
17 be wanting you not to have too much contact with your
18 sister --

19 A. That's -- yeah.

20 Q. -- and I think there was one occasion when in fact there
21 was a suggestion that you might be going to a caravan
22 with them and he felt that somehow, you being this close
23 to a woman was a problem for him?

24 A. Well, being close to a woman would be a problem for him,
25 I think, and then --

1 Q. It was a problem for him that you were there?

2 A. Yes, because he, I think, saw a reflection, to some
3 extent.

4 Q. Now, I'll not deal with the potential foster parents,
5 but I think it's the same theme, that any time anyone
6 showed an interest in perhaps fostering you, Mr Murphy
7 would find some reason to block it?

8 A. Yes.

9 Q. And the reality is we know you weren't fostered until,
10 after the initial period, until you were around 14?

11 A. Yeah, and it wasn't by choice that I was fostered then.

12 Q. No, I think you'll tell us that there were perhaps
13 reasons for that.

14 A. Yeah.

15 Q. But we'll come to that, if I may.

16 A. Yeah.

17 Q. You also say, as regards friends, you 'were actively
18 discouraged from mixing with anybody else'. Do you mean
19 outwith St Margaret's?

20 A. Yes. Yeah.

21 Q. Were you allowed to take friends from school home? Or
22 to the home?

23 A. Very, very occasionally.

24 Q. Were you allowed to go to their houses?

25 A. Yeah, I had a friend, who now practises law in Fife, and

1 because his family were seen by Murphy to be, I suppose,
2 upper middle class, he would allow me to go, and allow
3 me to mix. Erm, which meant he could speak to their
4 parents and, again, enforce this view of himself.

5 Q. Did he allow you to stay with them overnight?

6 A. No. No.

7 Q. I mean, it must have been, given what we now know what
8 Murphy was doing from the outset at St Margaret's and
9 abusing a lot of boys --

10 A. Yeah, not just me.

11 Q. -- then this was happening and yet, at the same time,
12 he's doing all these things, so he was taking a risk?

13 A. I suppose being a paedophile is a risk. It's taking
14 a risk by virtue of what they do.

15 Q. Yes, but all I'm saying is he was taking a risk that on
16 these occasions --

17 A. Oh, you mean that I wouldn't open my big gob? I think
18 I probably did on occasions intimate it to people.

19 Q. But did he ever, when you were at St Margaret's, how
20 often would he say anything about not saying anything?

21 A. Oh, if I was going anywhere, to see anybody, it was made
22 clear, 'You don't say a word'.

23 Q. Okay.

24 A. 'You don't tell them what goes on here.'

25 Q. And you tell us, at paragraph 54, about an occasion when

1 you had to spend a period of months in hospital because
2 of your bowel problem?

3 A. Yes.

4 Q. And, I mean, many people don't relish the prospect of
5 a spell in hospital, but you say this was a fantastic
6 time for you because it meant you were away from
7 Mr Murphy?

8 A. Yes. Yeah.

9 Q. But you didn't say anything about what Murphy was doing
10 when you were in hospital?

11 A. He -- I mean, in a way, there's been many opportunities
12 missed, not just by me but by other people, erm, to
13 expose him. But I think you have to understand how
14 controlled we were, you know? You wouldn't have dared
15 say anything.

16 Q. I'm not criticising you for not speaking up.

17 A. No, I know you are not, no. I mean I often wonder why
18 myself, why I let opportunities go, but I think it was
19 because -- well, he had been a policeman, he knew
20 policemen, everybody that ever ran away from the place
21 was brought back. You know? So and -- you just saw
22 a way of life and --

23 Q. And at the time, did you think if you had said anything,
24 you would have been believed?

25 A. I didn't think anybody would believe me. I mean, he was

1 such a nice man, he was doing such wonderful things with
2 these children, you know. I don't think anybody would
3 have believed a word we said.

4 Q. And just on the point of telling you to keep your mouth
5 shut, you do tell us, you give an instance of having to
6 go to a clinic in Methil --

7 A. Yeah.

8 Q. -- and you were told before you went to keep your mouth
9 shut and not to tell anyone what was going on.

10 So you had been given a clear warning not to
11 disclose anything?

12 A. Oh yeah. Yeah.

13 Q. Then you have a section about abuse during your first
14 stint at St Margaret's, which starts at paragraph 59,
15 and I can just deal with that briefly, if I may.

16 This was when you were around about 7 years of age?

17 A. Yes.

18 Q. And you recall the first night in St Margaret's, on that
19 occasion, that you had gone to bed?

20 A. Yes.

21 Q. And you say that later in the night, Mr **KNC** got up
22 and took you through to the bathroom?

23 A. Yes.

24 Q. So at that stage there was nothing odd about it, he was
25 just taking you to the toilet?

1 A. Yes.

2 Q. But then you say that when you got there, apart from
3 injecting something in your buttock, he told you, you
4 were 'a special little boy', and words to that effect?

5 A. Yes.

6 Q. And he also, as you describe it in paragraph 61, and
7 I'll just read:
8 ' [Mr KNC] then started to rub my back and
9 gradually moved in close to me until he had me against
10 the wall. He started to rub himself against me.
11 I didn't know what was happening. Looking back now,
12 I know he was starting to get aroused. He then
13 ejaculated, cleaned me up and sent me back to bed.'

14 A. Yes.

15 Q. You've got quite a clear memory of that?

16 A. Oh yeah, a very clear memory of it, yeah.

17 Q. Would that have been the first sexual abuse you had
18 encountered at the hands of an adult?

19 A. Yes. Yes, it was.

20 Q. You say in paragraph 62 that occasionally he would come
21 and do the contact again. Do you mean that similar
22 things happened on a few occasions?

23 A. Yes, yeah, yeah.

24 Q. Did it ever progress beyond what you've described in
25 paragraph 61?

1 A. No. No.

2 Q. There was no form of penetrative activity?

3 A. No. No, not even an attempt to.

4 Q. No, okay.

5 Then moving on to your second period at
6 St Margaret's, from paragraph 63, here you're talking
7 about David Murphy and we can maybe go through some of
8 the things you tell us there.

9 You talk initially about the sexual abuse by
10 Mr Murphy and say it was something that started
11 gradually.

12 A. Yes.

13 Q. And your recollection is he started to come and take you
14 out of bed at night to go to the bathroom, not
15 dissimilar to what you've just described?

16 A. Yes, yeah.

17 Q. And that it gradually got progressively more and more
18 intimate, and at the same time more and more violent.
19 And I think you've told us you saw the link between the
20 two.

21 And you also say, however, that it was also that it
22 started more with punishments than abuse.

23 A. Yes.

24 Q. And you recall being introduced to boxing and wrestling,
25 and I don't think that was something you particularly

1 cared for?

2 A. No.

3 Q. And you say that Mr Murphy himself was pretty vicious

4 and that he would -- that he would get you to fight

5 other boys; is that right?

6 A. Yes, yeah.

7 Q. Were they the same age or older or younger? Or

8 a mixture?

9 A. Some older. Some the same age.

10 Q. And you say that he knew you didn't like doing this?

11 A. Oh, he knew I hated it.

12 Q. And then you say, however, he would also join in on

13 these occasions and you say, 'The next thing you knew,

14 he'd be on top of you.'

15 Now, I just want you to tell me, what exactly

16 happened next? Would something of a sexual nature

17 happen?

18 A. Yeah, I mean he -- he would get involved, 'Oh, you're

19 not doing this right', or 'Let me show you', and then

20 he'd get more involved and more involved and eventually

21 you'd feel his hand on your groin, or you'd feel him on

22 your back, rubbing himself against you.

23 Q. Would he be erect?

24 A. Oh yeah, yeah.

25 Q. So this was for sexual gratification?

1 A. Yes.

2 Q. This was inappropriate touching?

3 A. Yes.

4 Q. And this was in the presence of other boys?

5 A. Oh yes.

6 Q. So he was quite open --

7 A. Oh yeah, but he knew none of us would ever dare say.

8 Q. Do you think the other boys worked out what was

9 happening to the boys that were being touched?

10 A. I don't think anybody was in any doubt of what was

11 happening.

12 Q. It just wasn't sort of horseplay, innocently done, with

13 no sexual motive or anything of that nature?

14 A. No. No. No.

15 Q. It wasn't that type of contact?

16 A. No.

17 Q. And did this happen quite frequently?

18 A. Yes. I mean, I've got five sons, and I would never,

19 ever have thought to do and behave the way he did,

20 towards them. I mean -- I would never dream of touching

21 my children's genitals or something like that.

22 Q. But you were there from maybe about the age of 7 to 14.

23 A. Yeah.

24 Q. Now, just to try and get an idea of how -- over what

25 period this happened to you, how often would this happen

1 in that period? Was it happening when you were 14 and
2 when you were 7?

3 A. It started to get -- it started to peter out.

4 Q. As you got older?

5 A. Yes. But I used to see him coming or hear him coming in
6 the night and I would almost offer myself up rather than
7 let him get to the younger ones. You know?

8 Q. As you got older, apart from doing that --

9 A. Yeah. He wasn't really interested.

10 Q. Did he move on to younger boys?

11 A. Yes. He also did things like shave you, your pubic
12 hair, when you started to get it. He would shave it
13 off. You know, so ...

14 Q. Did he tell you why he was doing that?

15 A. No.

16 Q. But he did it?

17 A. He did it, yeah.

18 Q. And did he do it to other boys, do you know?

19 A. Yes.

20 Q. Did he almost want pre-pubescent boys?

21 A. I think, looking back now, yes. Yeah.

22 Q. And this inappropriate contact through activities?

23 A. Yeah.

24 Q. While it may have stopped to a large extent with you, it
25 carried on with other boys who were perhaps younger?

1 A. Oh, it didn't stop with me. I mean, it still carried
2 on. There was -- you know. But I knew that he was
3 looking at younger ones as well.

4 Q. And you were getting bigger and older --

5 A. Well, I never got bigger.

6 Q. Well, sorry --

7 A. I mean, I'm still not bigger.

8 Q. Well, you were getting older?

9 A. Yeah.

10 Q. And I think we'll find out that at least you started to
11 resist?

12 A. Yes.

13 Q. And we'll come to that.

14 A. Yes.

15 Q. But his attentions would turn to younger boys as well?

16 A. Yes.

17 Q. And you saw this?

18 A. Yes.

19 Q. And paragraph 65 makes a point I think you've made
20 already, that you feel that some of the violence that he
21 was displaying on occasions was a sexual stimulant for
22 him. And he also seemed to take some pleasure out of
23 seeing one boy hurt another?

24 A. Yes. Well --

25 Q. Through fighting and --

1 A. Yeah. Particular boys. Particular boys doing the
2 hurting. And particular boys being hurt.

3 Q. I take it that he seemed to take pleasure in seeing you
4 hurt?

5 A. Oh God, yes.

6 Q. Was that because in some ways you hated his activities,
7 you tried to avoid them and you --

8 A. Yes, and I tended to argue.

9 Q. And argue.

10 A. Yeah.

11 Q. You rebelled?

12 A. Yeah.

13 Q. He didn't like that?

14 A. Oh God, no. No, that was the most grievous of all sins,
15 was to argue with him about anything.

16 Q. And it wasn't just physical violence and sexual abuse.
17 I mean, he was capable of other forms of abuse, because
18 you tell us at paragraph 66 that you recall that you,
19 one evening, you asked Murphy if you could send a letter
20 to --

21 A. Yes.

22 Q. -- the person you thought at that time was your mother?

23 A. Yes.

24 Q. You didn't at that stage know you had been fostered?

25 A. I knew nothing. She was just my mum.

1 Q. And I think you say you were taken into Murphy's sitting
2 room?

3 A. Sitting room, yes.

4 Q. He sat you down and I'll just read what you say at
5 paragraph 66:

6 '[He says], "I've got something to tell you. You
7 won't be writing to the woman you think is your mother.
8 She died two weeks ago and she's buried. She wasn't
9 your mother anyway and [her surname] isn't your name.
10 Your name is [and it gives your name] from now on".'

11 And you say that's how he broke the news of her
12 death to you?

13 A. Yes. And that's how he told me what my real name was.

14 Q. I think we know from records, just to put a timeframe on
15 this, that your foster mum died around [REDACTED] 1961?

16 A. Probably, yeah.

17 Q. A bit after you started at St Margaret's, the second
18 time?

19 A. Yeah, yeah. I mean, she was quite ill when I went back
20 the second time.

21 Q. But that's how you found out?

22 A. That's how I found out, yeah.

23 Q. So there was no opportunity to go to her funeral?

24 A. Oh God, no.

25 LADY SMITH: So you'd be about 9 years old then?

1 A. Yes. Yes.

2 MR PEOPLES: And you say, and I think it's in relation to
3 this particular episode that you've told us about, that
4 everything he did seemed to produce some sort of
5 enjoyment. He got enjoyment through inflicting some
6 sort of emotional or physical pain. So do you think
7 that the way he did this was that he got some sort of
8 kick or enjoyment out --

9 A. Yes. Yeah.

10 Q. -- of telling you this?

11 A. Yes. I think he took -- I mean, I don't know if I said
12 it in my statement, but I didn't cry when he told me.
13 I deliberately didn't cry. I held it till I was away
14 from him because I knew that, if I broke down, he would
15 get some sort of enjoyment of seeing me like that.

16 Q. And --

17 LADY SMITH: And this was after you'd, as a 9-year-old,
18 written a letter to your mother?

19 A. Yes. I still had the letter in my hand.

20 LADY SMITH: With your news. Thinking of her as being
21 alive.

22 A. Yes.

23 MR PEOPLES: It sounds as if he wasn't really keen not just
24 on contact with your foster sisters, but with your
25 foster mum, or your mum as you thought.

1 A. No he didn't like this contact. Particularly --

2 Q. I mean, had you sent other letters to your mum --

3 A. Yes.

4 Q. -- before then?

5 A. Yes.

6 Q. So you were doing that and thinking, 'Yeah, well, she's

7 going to get a letter from me'?

8 A. Yeah.

9 Q. 'And that will be a good thing'?

10 A. Yeah, and I'll get a letter back.

11 Q. Okay.

12 You say this obviously had a fairly profound effect

13 on you.

14 A. Yes.

15 Q. And you say that, well, obviously, when you found out

16 she wasn't your birth mother --

17 A. Yeah.

18 Q. -- that also had its own concerns for you, raised all

19 sorts of questions in your mind at the time, and a lot

20 was going on at the time. And you say Murphy used that

21 to start the sexual abuse.

22 Now, can I just clarify something with you. Your

23 mum, as you knew her, died maybe in [REDACTED] 1961,

24 I think was the date I gave you, and you had been in

25 St Margaret's for a while by then?

1 A. I mean, yeah, when I say he used that opportunity, that
2 was the first time there was actually intercourse.

3 Q. Right, so he had been abusing you sexually?

4 A. Yes, yeah.

5 Q. That's fine, but --

6 A. But that was the first time he took it that step
7 further.

8 Q. So that was a major progression in the activity?

9 A. Oh God, yes.

10 Q. But you had been subject to the abuse before then?

11 A. Yes, yeah.

12 Q. Okay. And is that why you say the sexual abuse started
13 slowly, it kind of graduated to --

14 A. Yes, yeah.

15 Q. Then escalated after the death of your mum?

16 A. Yeah, yeah.

17 Q. To the point --

18 A. I think he saw me as being so upset and probably
19 withdrawn at that point that he could get away with it.

20 Q. You were particularly vulnerable at that point?

21 A. Yes, and he used that, because he would hold you and say
22 how special you were and how not to get upset by -- you
23 know. I'm sure you have heard it a thousand times from
24 survivors, of how you are led to believe that you're
25 something to the abuser.

1 Q. And I think you put it this way, that you said that:
2 '[Things] escalated to the point of [anal] rape.'

3 A. Yeah.

4 Q. 'He'd make me perform oral sex on him and all the rest.
5 As a child, you're very drawn to try and make the person
6 who is hurting you stop doing what they are doing to
7 hurt you. You do what they tell you in the hope that
8 that will make them stop, and it didn't with him.'

9 A. No.

10 Q. Now, can I move on from there to what I can maybe term,
11 in shorthand, the broken window incident?

12 A. Oh yeah. Yeah.

13 Q. That you think this was when you were around about
14 12 years of age?

15 A. Yeah, 11 or 12, yes.

16 Q. And the background is that someone had broken a window
17 at the back of the extension?

18 A. Yeah.

19 Q. At the back of the extension, at the back of the house?

20 A. Yeah.

21 Q. And you knew who broke the window, but the code, I think
22 we know, 'grassing' --

23 A. Yes.

24 Q. -- was that you didn't tell? And then you say that --
25 I'll just read what you tell us of how Mr Murphy

1 reacted, because clearly he wanted to know the culprit.

2 A. Mm-hmm.

3 Q. You say:

4 'Murphy made me stand in my pyjamas and bare feet
5 for hours in that freezing cold cloakroom. When I still
6 wouldn't tell him who did it, he made me stand outside
7 his office for about half an hour. I was freezing. He
8 then took me into his office and he started to say the
9 usual things like "Why do you make me do this?", and
10 "Why do you make me do things like this?" I don't know
11 what I said, but he literally launched himself across
12 the room at me. I think that was the worst violence
13 that I had suffered from him at that point. He had
14 a belt in his hand and he kept belting me. He didn't
15 care where he was hitting me. I tried to crawl up in
16 a ball under his desk. He then pulled me out by the
17 hair and started kicking me. That night, I actually
18 thought he was going to kill me. He then held me up by
19 the neck against a wall. I must have blacked out
20 because all I can remember was coming to in the attic in
21 a great deal of pain.'

22 So that was the start of it, so you'd had this
23 vicious assault?

24 A. That was when he really started with the violence.

25 Q. Because you wouldn't tell him who broke the window?

1 A. Yeah.

2 Q. And you say that you ended up in the attic of the --

3 A. No, not because I wouldn't tell him who broke the

4 window. Because I wouldn't say that it was me that

5 broke the window.

6 Q. Oh, I see. He wanted you to confess?

7 A. Oh yes, yeah.

8 Q. Sorry. That's my mistake. It wasn't you, as you tell

9 us?

10 A. Yeah.

11 Q. But he wanted you to admit to it?

12 A. Yes. Yeah.

13 Q. And by not admitting, he took it out on you in the way

14 you have described?

15 A. Yeah. Yeah.

16 Q. And then you were put into an attic room for about three

17 weeks?

18 A. Yeah.

19 Q. And you say that -- you say that he didn't want other

20 kids to see you in case you would talk about what

21 happened, and also he didn't want anyone to see what

22 state you were in?

23 A. Yeah.

24 Q. And if you were in the attic, you weren't attending

25 school?

1 A. No.

2 Q. And you say it also meant that he had the privacy to
3 come up and do what he wanted without anyone else
4 seeing.

5 A. Yeah.

6 Q. So there was a lot of advantages to him?

7 A. Oh yes. Yeah.

8 Q. And did something happen when you were in the attic at
9 all, do you recall?

10 A. Yes. Yeah, I mean --

11 Q. Sexual abuse?

12 A. Yes, just a continuation of what was -- had been going
13 on.

14 Q. So he used that as an opportunity as well?

15 A. Yes.

16 Q. But you say that you were in quite a bad way at that
17 point because you couldn't open your eyes because they
18 were so swollen?

19 A. That's right. I mean, he didn't do it, like, the next
20 night.

21 Q. No, no.

22 A. It was ... a week later.

23 Q. Yes. And you feel as if he completely lost the plot and
24 didn't know to stop on that occasion?

25 A. Yeah, and I think he frightened himself.

1 Q. Yes.

2 A. I think he got so angry, so excited, so -- I don't know,
3 you know, but I think he frightened himself.

4 Q. Yes, because this was giving opportunities, if someone
5 was to see you --

6 A. Yes.

7 Q. -- to conclude that --

8 A. To ask questions.

9 Q. It wouldn't just be a case of, 'Well, he fell off
10 a tree'?

11 A. No. No.

12 Q. And you say that you spent three weeks there, you had
13 cracked ribs and other injuries as you've told us, and
14 you were given no medical treatment?

15 A. I -- no. No.

16 Q. So that's an episode that I think stands out quite
17 vividly for you?

18 A. Yes, yeah.

19 Q. Now, you've got -- if I can move on to what I call the
20 caravan incident. You did tell us earlier you didn't go
21 on many trips and this was the one that you did go on?

22 A. Yeah, which I didn't want to go on.

23 Q. And you didn't want to go.

24 But you say that when you went to the caravan site
25 on this occasion somewhere in Fife, that Murphy lost his

1 temper with you. This was after, was it, this other
2 assault in the attic?

3 A. Yes, yeah.

4 Q. You say he battered you and threw you out of the caravan
5 and left you outside until the early hours of the
6 morning?

7 A. Yes.

8 Q. He then took you inside and he said he wanted you to
9 take part in a threesome with another boy. And I don't
10 want the name, I don't need the name.

11 A. No. No.

12 Q. And you said, 'You can knock me out, you can kill me,
13 but I'm not doing it', and you say you were battered
14 again by Murphy?

15 A. Yes.

16 Q. And after that, he made you sleep under the bunk bed
17 whilst he had sexual activity with the other boy?

18 A. Yeah.

19 Q. So that was an occasion where you saw another boy being
20 party to sexual abuse by Murphy?

21 A. Yes. Yes.

22 Q. And you -- I don't need the name, but I think that boy
23 featured on Murphy's indictment at the trial in 2001.
24 You may not know that, but I will just say that for the
25 record.

1 A. Yes, I know he did, but he --

2 Q. I don't want too much information about the boy, I just
3 wanted to --

4 A. Yeah. Yeah, he also said nothing happened.

5 Q. I see, okay.

6 So -- well, I think Mr Murphy pled guilty to sexual
7 abuse.

8 A. Yeah.

9 Q. So obviously he thought something had happened.

10 LADY SMITH: Yes, he pled guilty to about 13 charges,
11 I think, didn't he?

12 MR PEOPLES: 30 charges out of 60. So, 16 sodomy charges
13 and 14 lewd and libidinous --

14 A. Lascivious.

15 Q. -- libidinous practices and behaviour towards 18 boys,
16 17 of whom were residents of St Margaret's, over the
17 period from 1960 to 1973, and sexually abusing another
18 boy at Linwood Hall between 1975 or thereabouts and
19 1985. And these boys were sexually abused mostly on
20 repeated occasions in St Margaret's and many other
21 locations, caravans.

22 A. Yes.

23 Q. Lay-bys.

24 A. Yeah.

25 Q. Dinghies, whatever.

1 A. Wherever he thought he could get away with it.

2 Q. Well, he basically was a prolific and insatiable sexual
3 predator?

4 A. Oh, I mean, he must have had a huge sexual appetite,
5 erm, because there were occasions when he probably raped
6 more than two of us in one night. You know, he really
7 was very sexually active.

8 LADY SMITH: Yes, I mean, not to put too fine a point on it,
9 'Jamie', that's a man preying on children for 25 years,
10 that he admits to.

11 A. Yes, and probably more.

12 MR PEOPLES: Yes. I mean, I worked out, I've not got the
13 figures here, but it's over 4,000 days that children at
14 St Margaret's, particularly boys, were exposed to the
15 risk of abuse and many were abused and probably many
16 were abused that he didn't admit to.

17 A. Yes.

18 Q. But they were at risk for that whole period, 13 years at
19 St Margaret's and another 13 or so years at
20 Linwood Hall.

21 A. Yeah. And lots of missed opportunities.

22 Q. Missed opportunities. But they were all at risk. All
23 the boys.

24 A. Oh, everybody was at risk. It wasn't just me because
25 I'm me. I was just one of many.

1 Q. Now, you tell us about what I could call the dinghy
2 incident as well.

3 A. Yeah.

4 Q. And you say that you were about 13 when Murphy took you
5 out on his dinghy?

6 A. Yeah.

7 Q. This is in the Firth of Forth?

8 A. Yes, yes.

9 Q. And were you alone with him?

10 A. Yes.

11 Q. On that occasion?

12 A. Yes.

13 Q. And what you tell us is that during the trip, he
14 suddenly grabbed you, pushed your head over the side of
15 the boat, he held your head under water. You thought at
16 the time you were going to drown?

17 A. Yeah.

18 Q. And you say he did that a couple of times and then he
19 raped you over the side of the boat?

20 A. Yeah.

21 Q. And then you say that after he raped you, he said
22 various things to you and I'll just quote what you tell
23 us at paragraph 77:

24 'I could kill you now and nobody would miss you.
25 There is nobody in this world who cares about you.

1 Nobody would think anything about you if I killed you
2 now.'

3 And then you say he pushed you over the side of the
4 boat and you had to swim back to shore?

5 A. Yes.

6 Q. And you say it was a long way from the shore and it took
7 you ages to get back, and I think you had worries that
8 you wouldn't make it?

9 A. Yes, yeah.

10 Q. And when you got back, you tell us at paragraph 78, lo
11 and behold, Mr Murphy had been watching and rushed down
12 to the beach with a towel and wrapped it round you.

13 A. Yeah.

14 Q. As if, presumably, he was --

15 A. Oh, (inaudible) you, yeah.

16 Q. -- trying to comfort you?

17 A. Yeah.

18 Q. Did he try to explain how on earth it came to be that
19 you ended up having to swim ashore?

20 A. He didn't explain to any -- well, I don't know.

21 I mean -- no, I don't think he did. I'm sure he didn't
22 say anything to anybody. He probably said I jumped
23 overboard.

24 Q. Yes, or it was an accident?

25 A. Yeah, or it was an accident, yeah.

1 Q. But you have no doubt it was a very deliberate act?

2 A. Oh, it was totally deliberate.

3 Q. Did you think he thought you couldn't swim to shore?

4 A. I thought -- I think he thought I might not be strong

5 enough to swim to the shore. I think he was quite

6 shocked when I got back. But I think it was

7 pre-planned.

8 Q. Well, I think we could put a classification into that if

9 you're right, but -- so, and then you say that, at

10 paragraph 79, that you -- I think you tell us, maybe the

11 first time you put up real resistance to his advances,

12 is that right?

13 A. Yes.

14 Q. You say that this was after the dinghy incident that

15 you've told us about, that Murphy wanted to perform oral

16 sex on you?

17 A. Yeah.

18 Q. But on this occasion you said you'd had enough and you

19 didn't care what was going to happen to you and that you

20 bit on his penis as hard as you could?

21 A. Yeah, he wanted me to perform oral sex on him, not him

22 on me.

23 Q. Yes, sorry, yes. Sorry, yes.

24 And you bit down and you -- I think you, for once,

25 took some pleasure out of the situation?

1 A. I did, but it was short-lived.

2 Q. Well, yes. And you say that:

3 'After that incident, he slowed down and backed off

4 a bit. I think he also backed off because he realised

5 I was getting older. He wanted to go for younger

6 children.'

7 So it wasn't the end of the abuse, the sexual abuse?

8 A. No, no, it never ended.

9 LADY SMITH: 'Jamie', can you remember approximately how old

10 you were at that stage?

11 A. 10, 11?

12 MR PEOPLES: Well, I wonder if that's right, because you

13 tell us you were 13 at the dinghy incident --

14 A. Oh, so it was after that.

15 Q. -- and you say it was after that.

16 LADY SMITH: It must have been after that.

17 A. Yeah. Well, I don't know.

18 MR PEOPLES: But it was towards the end of your period at

19 St Margaret's, near the end --

20 A. No, the dinghy wasn't near the end.

21 Q. No, okay. Well, okay. I mean, it's very difficult to

22 remember precise ages and dates.

23 A. Yeah, yeah.

24 Q. Don't worry about that. But you've got no doubt these

25 things happened?

1 A. Oh -- yeah.

2 Q. And you also talk about, well, you've said, this is
3 I think the same theme at paragraph 80, that you've
4 described horrific instances of violent behaviour,
5 sometimes uncontrolled by Murphy, and you talk about --
6 it sounds awful to say -- 'normal' violence?

7 A. Yes.

8 Q. And you say, but if he wanted to do something sexual,
9 certainly in your experience, there was always some form
10 of violence associated.

11 A. Yes.

12 Q. And you give examples of some of the things he would do?

13 A. Yes.

14 Q. Including tie your hands above your head?

15 A. Yeah.

16 Q. To his headboard in his room?

17 A. Yes.

18 Q. And spit in your face or in your mouth?

19 A. Yes.

20 Q. So you say there was always a demeaning aspect to his
21 abuse, and he used to say things like, 'I'm in charge
22 and you are nothing'?

23 A. Yes.

24 Q. And was that the sort of thing he would say on more than
25 the odd occasion?

1 A. He kept reminding you of it, yes.

2 Q. And you also tell us about some irregular punishments,
3 that Mr Murphy would do things like make you stand
4 upstairs in your bare feet, he'd slap the soles of your
5 feet with a belt, which you tell us was incredibly
6 painful, and meant you couldn't stand properly?

7 A. Yeah.

8 Q. And would this just be a punishment, for a particular
9 reason or not?

10 A. I mean, you often wondered what you were being punished
11 for. I mean, I think a lot of the incidents were in his
12 head.

13 Q. Did other boys get that sort of punishment, do you know?

14 A. Yeah, I think -- I -- I think Murphy had a particularly
15 strong dislike of me.

16 Q. So you maybe got more than most?

17 A. I got more than most of the others.

18 Q. Yes. And you tell us about what -- and again, we're
19 using language that's perhaps -- to try and put some
20 kind of spectrum on these various activities of
21 Murphy's. But you told -- call these 'everyday
22 punishments', at paragraph 82, like stopping pocket
23 money, sending you to bed early without tea, for
24 normal --

25 A. Yeah.

1 Q. -- children's bad behaviour, as it no doubt was
2 categorised in the day.
3 So these would happen also?
4 A. Yes.
5 Q. And you've told us about the occasion when you couldn't
6 spell a particular word properly and every time you got
7 it wrong, you were smacked across the face by Murphy?
8 A. Yeah.
9 Q. Now, we move on from Mr Murphy now to another individual
10 that you mentioned briefly earlier on, called **KND** ?
11 A. Yes.
12 Q. The Northern Irish person?
13 A. Yes.
14 Q. You say that initially he seemed a very nice guy?
15 A. Yes.
16 Q. And said to you one day, 'You seem pretty upset, what's
17 wrong?', and you told him everything --
18 A. Yes.
19 Q. -- about what Murphy was doing to you?
20 A. Yes.
21 Q. And then you say he made you show him what had happened,
22 what Murphy was doing, and you say it was probably the
23 worst thing you could have done --
24 A. Yes.
25 Q. -- to tell him. Because then he started to abuse you

1 also?

2 A. Yes.

3 Q. And you say that went on for maybe a period of around

4 nine months?

5 A. Yes.

6 Q. And your understanding is that this individual is now

7 deceased?

8 A. Yes. Yeah.

9 Q. I think that's information you learned through the

10 police?

11 A. Yes. Yes.

12 Q. At some point.

13 I don't need to know too much.

14 A. No.

15 Q. Just that that's what you understand.

16 But you say that Murphy, no doubt ever the control

17 freak, got to learn of what **KND** was doing?

18 A. Yes.

19 Q. And you say he had a right go at you?

20 A. Yes.

21 Q. Slapped you about, shouted at you and swore at you?

22 A. Yes.

23 Q. Can you fathom or think about why he did that? Was he

24 upset that someone else was muscling in on his boy?

25 A. I think, yes. I think it was that, and I think he saw

1 it as some form of betrayal.

2 Q. By you?

3 A. By me, yes.

4 Q. So you were the one that got --

5 A. Yeah.

6 Q. -- the brunt?

7 A. Yeah.

8 Q. But you say that it wasn't that long after, perhaps,

9 that, for one reason or another, that Murphy and **KND**

10 **KND** fell out.

11 A. Yes.

12 Q. I don't know whether it was over you or something else,

13 but you say that after a few weeks, he had gone?

14 A. Yes.

15 Q. And it was back to simply abuse by Mr Murphy?

16 A. Yes.

17 Q. Okay.

18 LADY SMITH: So it was quite a short time, from your memory,

19 that **KND** was there, is that right?

20 A. He wasn't there long at all.

21 MR PEOPLES: Now, you've got -- you go on to leaving

22 St Margaret's. At paragraph 93, you --

23 LADY SMITH: Mr Peoples, I'm just wondering, given the time,

24 whether we should take the morning break now or do you

25 think it won't take too long to finish this? I don't

1 want to put you under pressure, and 'Jamie', I'd
2 normally take a break sometime around now. We could do
3 that and get back to your evidence after?

4 A. Yeah.

5 MR PEOPLES: Can I just finish this short paragraph about
6 leaving?

7 LADY SMITH: One short bit here?

8 MR PEOPLES: It's a natural break.

9 LADY SMITH: Let's do that then.

10 MR PEOPLES: Because I can move on to other topics.

11 LADY SMITH: Yes. Yes.

12 MR PEOPLES: You tell us that you didn't think you were
13 going to get out of St Margaret's, that you were
14 starting to lose hope, I think?

15 A. Yeah, I thought I was just going to be there until I was
16 18 and --

17 Q. Yes. And then you remember standing in Murphy's way,
18 between him and a younger kid, you say, and you
19 threatened Murphy that you'd cause trouble and report
20 him if he touched the boy.

21 A. Yeah.

22 Q. You think you were about 15. I think you were about 14
23 according to the records --

24 A. Yeah. Yeah.

25 Q. -- but it doesn't matter.

1 You say that you think he thought that you would do
2 something and therefore, out of the blue, you were told
3 that there was a couple coming to see you and wanted to
4 foster you. And you say, for you, it was an escape and
5 you just grabbed at the opportunity?

6 A. Yes.

7 Q. You said you'd have gone with Jack the Ripper at that
8 stage, you just had to get out?

9 A. Yeah.

10 Q. And you also say, though, Murphy, when you left, said
11 something to the effect that, 'If you muck this up and
12 cause trouble, you'll be back here and I will finish
13 you'.

14 A. Yeah.

15 Q. I mean, arguably, on your estimation of the dinghy
16 incident, he was perhaps trying to finish you off a bit
17 earlier?

18 A. I honestly thought, I mean, where I say I would have
19 gone with Jack the Ripper, at that stage, I think
20 I thought I wasn't going to live to see my 18th birthday
21 and be out of care. I thought I was going to be in care
22 and that the inevitability was that one day he would
23 kill me.

24 Q. Okay. That's what you thought at the time?

25 A. That's what I thought, yeah.

1 MR PEOPLES: Well, that's a convenient point to stop.

2 LADY SMITH: Let's take a short break just now --

3 A. Okay.

4 LADY SMITH: -- and let's give you a breather, 'Jamie', and

5 then we'll return to your evidence afterwards.

6 A. Thank you.

7 (11.28 am)

8 (A short break)

9 (11.45 am)

10 LADY SMITH: 'Jamie', I hope that break was helpful.

11 A. Yeah, it was, thank you very much.

12 LADY SMITH: Are you ready for us to carry on?

13 A. Thank you.

14 LADY SMITH: Thank you.

15 Mr Peoples.

16 MR PEOPLES: My Lady.

17 'Jamie', before the break, we were discussing your

18 leaving of St Margaret's and we know that, from the

19 records at least, that you were just around 14 years of

20 age and you left in 1966, around [REDACTED].

21 Now, you've got a section on life after

22 St Margaret's, and I'll take this short, but I would

23 like just to get a few points out just to give --

24 A. Yeah, certainly.

25 Q. -- a structure to what happened after that.

1 You say that, about six months after leaving
2 St Margaret's, you went to a college to do a course in
3 hotel management, and you did work in catering in
4 a Scottish hotel for a time?

5 A. Yes.

6 Q. And you had made a decision, I think, that you didn't
7 really want to go back to living with your foster
8 parents, the ones -- the recent ones?

9 A. Yes. Yeah.

10 Q. And you decided, I think, that you wanted to head for
11 London. So you went there?

12 A. Yeah. Yeah.

13 Q. Yes. Well, and I think London -- well, you went there
14 and you tell us in paragraph 96 that when you got
15 there -- and you'd be pretty young then? I mean --

16 A. Yeah.

17 Q. You spent nearly a year on the streets?

18 A. Yes.

19 Q. And --

20 A. Probably more than a year, thinking about it.

21 Q. More?

22 A. More than a year, yeah.

23 Q. Okay. I mean, it's not -- I mean, yes, you spent a long
24 period.

25 A. Yeah.

1 Q. And you tell us, and you had certain thoughts about,
2 where you'd suffered at the hands of adults and you say
3 at that time you were thinking, well, why not make them
4 pay for the sort of things that were being done to you?
5 And you say that's when you, I think you put it, 'went
6 on the game'?

7 A. Yeah.

8 Q. Now, I think we know colloquially that's sometimes known
9 as a rent boy?

10 A. Yes, prostitution, yeah.

11 Q. Prostitution.

12 A. Yeah. And, to be honest, it was -- this might sound
13 completely off the charts, but that was a very good time
14 for me in a way, because there was a group of us, all
15 Scots, that had all -- were all the same age and all had
16 gone to London for the, you know, 'streets paved with
17 gold' thing. And we were all friends and we looked out
18 for each other. And it was the first time I actually
19 felt part of something. You know? So it's strange that
20 what is horrible can also be good.

21 Q. Were they doing the same as you, though?

22 A. Yes. Yeah.

23 Q. And were any of them from a care background?

24 A. Yes.

25 Q. Was that a common enough background for some of the

1 boys?

2 A. Erm, yeah, yes.

3 Q. But you found at least some positives from that

4 experience?

5 A. Oh yeah, yeah.

6 Q. And to some extent, the group saw each other and looked

7 after each other in a sort of way?

8 A. Yeah, yeah, we did, we watched out for each other and --

9 Q. And then I think you made a decision that you really

10 wanted to change your life --

11 A. Yes.

12 Q. -- in a significant way?

13 A. Yeah.

14 Q. And you say that, you tell us that you ended up becoming

15 a trade union officer?

16 A. Yeah.

17 Q. And I think that was with the [REDACTED]?

18 A. Yes, yeah. Yeah.

19 Q. During --

20 A. Also known as [REDACTED] in 1979,

21 during the winter of discontent.

22 Q. Well, it was an interesting time, and you say, not only

23 did you obviously have a huge change of direction, you

24 went to the LSE?

25 A. Yes.

1 Q. With the assistance of a bursary?

2 A. Yeah.

3 Q. And obtained a degree in social sciences?

4 A. Yep.

5 Q. And you, at the time that you provided this statement,
6 you were sitting as a magistrate?

7 A. Yes.

8 Q. And you do say there that sometimes you were -- you had
9 the feeling, when you were doing that particular role,
10 that you weren't the sort of person who should be doing
11 it because of your background in care. But -- and you
12 had these thoughts that sometimes you shouldn't be there
13 and you say, as an intelligent person, you know that's
14 a ridiculous thought, but I suppose, we've heard this
15 before, that people have what they call the 'imposter
16 syndrome', where they don't somehow feel sometimes they
17 are worthy, or why should they be in this lofty
18 position --

19 A. Yeah.

20 Q. -- as they see it. But I think you realise that you
21 shouldn't have these thoughts?

22 A. Yes, yeah.

23 Q. And then you also tell us that you set up a charity for
24 survivors and have provided counselling for survivors.
25 Is that something you still do or is that something --

1 A. No, I'm retired. I have a damaged spine. I mean, it's
2 something that happened at birth but as I've got older,
3 it's got worse. So I decided after years of doing that
4 and all the other things, it was time for me to take
5 a step back.

6 Q. Now, you have a section starting at 100, 'Reporting of
7 abuse whilst in St Margaret's'. And you've told us
8 already this morning that really, because of Murphy's
9 position and the people he knew and how he had presented
10 himself, his public face, and the sort of control he
11 exercised in the community, that there was nobody you
12 felt you could turn to when you were in St Margaret's,
13 and didn't feel that if you had told the police at that
14 time they would have believed you. And you feel that
15 Murphy made sure that that's the way you kept thinking,
16 because he was always telling you that you wouldn't be
17 believed if you tried to say something; is that right?

18 A. Yes.

19 I mean, it's interesting that during his court
20 period, the solicitor who was representing me had
21 an investigator, or whatever they call them, who had
22 been a policeman.

23 Q. A private investigator?

24 A. Yeah. Well, worked for the -- worked for the solicitor
25 as an investigator, yeah.

1 Q. Yes.

2 A. And he said, 'I've got to apologise to you', he said,
3 'Because I took kids back'. Not just to St Margaret's,
4 he said, but, 'I remember taking them back to
5 St Margaret's and them begging not to go, and we all
6 thought it was a brilliant place'.

7 Q. This was an ex-police officer who told you?

8 A. This was an ex-police officer, yeah.

9 Q. Who had direct experience of apprehending runaways and
10 taking them back?

11 A. Yeah, yeah, yeah.

12 LADY SMITH: Sorry, 'Jamie', I'm not sure I'm following.
13 How did you come to engage with this man? What was
14 going on?

15 A. I went to claim the compensation.

16 LADY SMITH: Ah, so it was the civil --

17 A. It was the civil hearing.

18 LADY SMITH: -- litigation solicitor.

19 A. Yeah, I got to know this policeman, yeah.

20 LADY SMITH: Okay. So this was nothing to do with the
21 criminal trial?

22 A. No. No, no, no.

23 LADY SMITH: But you got to know a man who was a solicitor
24 who'd previously been a policeman.

25 A. He wasn't a solicitor. He was an investigator for the

1 solicitor.

2 LADY SMITH: Oh, an investigator.

3 A. Yeah.

4 LADY SMITH: Used by the solicitor?

5 A. Yes.

6 LADY SMITH: Thank you.

7 A. But he said, 'I'm really sorry', he said, 'Because

8 I took boys back there', he said, 'And they told us

9 stories, but we didn't believe them'.

10 MR PEOPLES: Was this conversation after the conviction of

11 David Murphy?

12 A. Yeah, it was after the conviction, yeah.

13 Q. Okay. And you tell us about Margaret Findlay, who was

14 there, and I think you are saying that you didn't

15 actually tell her at any stage in terms what Murphy was

16 doing, but you don't feel that she would have believed

17 you, she would have said, 'Just stop telling lies'. You

18 think that would have been her reaction?

19 A. I do, because, just from a practical point of view,

20 I don't understand how she can say she didn't know

21 something was happening, because her bedroom was on the

22 same floor as ours. So we were literally next door.

23 And what was going on in the common area, the stairwell,

24 et cetera, she must have heard, or must have had some

25 idea that something was going on, and just pushed it to

1 the back of her mind. I don't know. I mean, I can't
2 speak for her.

3 Q. Well, it sounds like falling on deaf ears or Nelson's
4 eye?

5 A. Yes. I mean, I think when it all came out, she said,
6 'oh', she was shocked, and she felt that all her years
7 of good work with children had gone to ruin for nothing,
8 and I thought, 'Well, you could have done something
9 about it'. I think --

10 Q. Well, she would have certainly seen the dining room and
11 how children sat in silence?

12 A. Yes, yeah. Why didn't she speak up?

13 Q. Yes. Well, it's perhaps not uncommon for people who are
14 staff who are not necessarily the subject of allegations
15 to somehow say, when asked many years later, 'Well, we
16 weren't aware that something was going on'. It's maybe
17 very difficult for them to say, 'I was aware and I stood
18 and did nothing'.

19 A. Yes.

20 Q. I mean, it's quite hard for people, to be honest?

21 A. Yes, yes, and she's got to live with that. That's
22 between her and her conscience.

23 Q. Okay.

24 And you've talked about missed opportunities. I'm
25 not going to go through the passage on the doctor.

1 A. Yeah.

2 Q. You have told us that it was possibly an opportunity but
3 you didn't say something. Maybe you hoped that they
4 would notice something but --

5 A. Yeah.

6 Q. And the whole matter would come out. But that didn't
7 happen.

8 But you also talk about maybe what others should
9 perhaps have done, in the section, 'Reporting abuse
10 after leaving St Margaret's'. And you've got a section
11 there and I think you're aware, because I think
12 I mentioned it to you fairly recently, that in fact we
13 were able to recover a letter that you wrote on
14 8 December 1970 to a Miss Walker, who was in a senior
15 social work position in Fife County Council at that
16 stage?

17 A. I think she was, at that stage, she was -- oh, no, she
18 became Head of Social Services later.

19 Q. Well, she was quite senior?

20 A. Yes, yeah, she was senior.

21 Q. But she had been involved with your case?

22 A. Oh yes, she had been my social worker.

23 Q. And the letter you sent, I'll just give the reference,
24 I think we can look at it, but I don't think you
25 necessarily want to necessarily look at it, but --

1 A. You might not know what it's talking about.

2 Q. Well, I'll give you the gist of it, but it's just
3 because of some things you say that -- based on
4 recollection, many years after the event when you gave
5 this statement. But the letter is at FIC-000001808,
6 pages 3 to 4.

7 It'll come up on screen but --

8 A. Yeah.

9 Q. -- I don't need you to look at the detail. But what
10 I want to be clear about is that what you did -- I think
11 it's pages 3 to 4, if you scroll on. No, I think it's
12 further on. No. Further. Further on.

13 Yes, just stop there.

14 That's your handwriting, I think?

15 A. Yes.

16 Q. Well --

17 LADY SMITH: So you were in London by this time?

18 A. Yes, I was, yes.

19 LADY SMITH: And although you say in paragraph 104 you'd
20 have been 16, coming up 17, we see from the postmark, as
21 Mr Peoples has already indicated, that it was
22 December 1970 the letter was sent, so you'd be 18 by
23 then?

24 A. Yeah. Yeah.

25 LADY SMITH: But that sort of age?

1 A. Yes. I would have [REDACTED] turned 18.

2 MR PEOPLES: And that has significance, not just because of
3 some of the things you say in the letter, but because
4 [REDACTED] before that letter was written, because you had
5 turned 18, you would have been discharged from care at
6 that age. You weren't in a care setting, but you were
7 under the care.

8 A. I think that's why I felt safe writing the letter.

9 Q. Yes, because you were no longer --

10 A. They couldn't do anything to me.

11 Q. So you wrote this letter on 8 December 1970 while living
12 at an address in London?

13 A. Yeah.

14 Q. And, without going through the letter in detail, you
15 told the council at that stage that David Murphy had
16 sexually assaulted you when you were aged 13 or
17 thereabouts and at St Margaret's. And you said to them,
18 if he was still looking after children, he should be
19 sacked.

20 A. Yeah.

21 Q. And so -- because you -- and you were saying you were
22 anxious to make this known because of concerns for other
23 children?

24 A. Yes.

25 Q. And what we do know then, and what we do know, is that

1 at that date, St Margaret's was still operational?

2 A. Yes.

3 Q. And David Murphy was still working there?

4 A. Yes.

5 Q. And actually what we now know is that for some
6 considerable time, between 1960 and 1970, he had been
7 prolifically abusing boys at St Margaret's. So we know
8 all of that.

9 So, I'm not going to take you through the rest of
10 that document because I think there's some
11 difficult-to-read, handwritten notes by Miss Walker.

12 A. Yeah, yes.

13 Q. Who you dealt with mainly at that time?

14 A. Yes, yeah.

15 Q. But basically what appears to have happened from the
16 notes, as far as I can read them, is that Miss Walker
17 appears to have discussed the matter with an in-house
18 lawyer or lawyers, and at some point she had some
19 conversations with you over the telephone at that time?

20 A. Yes.

21 Q. And I think that, in the course of those conversations,
22 as she recorded in these handwritten notes, that you had
23 indicated that you were prepared to travel to Fife to
24 speak to them?

25 A. Yes. Yes. Yeah.

1 Q. And I think she said the matter might become the subject
2 of police involvement?

3 A. Yes.

4 Q. There's notes to that effect at that time.

5 And it appeared initially that she or those on the
6 council were in favour of you coming north to speak, and
7 you indeed said you had a holiday planned to go to
8 Europe?

9 A. Yeah, yeah.

10 Q. And that you would cancel that holiday?

11 A. Yeah.

12 Q. And travel north, if --

13 A. If need be, yeah.

14 Q. Yes.

15 And what appears to have happened is that you were
16 told -- well, they'll take some advice from the lawyers.
17 They did pass the letter to the police. And at that
18 time you were told by her, or someone within the
19 council, that, 'Actually, there's been a change of plan,
20 we don't think it's necessary for you to come to Fife',
21 and that a statement could be taken from you, perhaps by
22 police in London.

23 A. Yes.

24 Q. That's the gist of the -- her notes?

25 A. Yeah.

1 Q. And I think that -- so you never did travel to Fife at
2 that time?

3 A. No, I didn't.

4 Q. I know in your statement you suggest you weren't willing
5 to, but I think in fact, when we look at those notes,
6 you were willing to go --

7 A. I was and I wasn't. I was very --

8 Q. Well, you might have been in two minds --

9 A. Yeah.

10 Q. -- but you had said you would go?

11 A. Yes. I would have gone, yes. But, I mean, I was a bit
12 'urggh'.

13 Q. You had concerns?

14 A. Yeah. I was 18 years old. I was -- I didn't know how
15 much power they had over me.

16 Q. Well, I understand all of that. I'm just trying to, for
17 your benefit --

18 A. Yeah.

19 Q. -- to say it wasn't a decision of yours just to sort of
20 let the matter lie?

21 A. No. Oh no, no.

22 Q. And indeed, once this discussion with Miss Walker or
23 other officials was taking place, you had -- I think you
24 did make plans to come up north?

25 A. Yes.

1 Q. And before you were told not to come, you got a visit
2 from the Chelsea Police?

3 A. Yes.

4 Q. Out of the blue, as it were?

5 A. Yes.

6 Q. And in these notes, Miss Walker records that you phoned
7 her or you had a conversation with her and you said:
8 'I was visited last night by the police in Chelsea
9 but I didn't give them a statement because I'm intending
10 to travel north to Fife.'

11 A. And they didn't ask for a statement.

12 Q. Well, maybe they didn't, but you --

13 A. Yeah.

14 Q. She appears --

15 A. I think they thought I was going to come to Scotland.

16 Q. Yes. Well, she appears to have been told by you anyway
17 that the reason the statement needn't be given to the
18 police there was that you were coming north; that was
19 your intention?

20 A. Yes. Yeah. Yeah.

21 Q. And after that, you got word, 'Well, you don't have to
22 come and maybe there will be some way of taking
23 a statement from you using the police in your area'.

24 A. Mm-hmm.

25 Q. That seems to be all we can devise from the

1 contemporaneous record, and matters kind of end at
2 18 December with that, you being told -- and perhaps
3 being somewhat disappointed -- that you're not being
4 asked to come north?

5 A. I -- yes.

6 Q. The upshot, so that I'm clear, is that you didn't at
7 that stage, in December 1970 or thereabouts, provide
8 a statement either to the Chelsea Police or the Fife
9 Police?

10 A. No.

11 LADY SMITH: But you had approached the police in London?

12 A. Yes.

13 MR PEOPLES: Well, you say you --

14 A. Well, Fife had told them --

15 LADY SMITH: You say at the beginning of paragraph 106, you
16 went to the police in London.

17 A. Yes, I went to the police station in Chelsea.

18 MR PEOPLES: No, well, that's what I'm trying to say to you:
19 the police visit wasn't at your instigation.

20 A. No.

21 Q. The Chelsea Police could only have visited you because
22 the Fife Police had asked them to contact you?

23 A. Yes. Yes.

24 Q. When they arrived at your premises --

25 A. I knew nothing about it.

1 Q. -- you knew nothing, but you didn't give them
2 a statement because you were intending to come north?
3 A. I didn't give them a statement 'cause they didn't ask
4 for a statement.
5 Q. No, I know, but she has recorded, Miss Walker --
6 A. Yeah.
7 Q. -- that you told her that you were coming north?
8 A. Yes, 'cause I had every intention.
9 Q. Yes. So -- and you say in your statement you went to
10 the police. What I'm trying to say to you is, based on
11 what I'm telling you now --
12 A. Yeah.
13 Q. -- based on the contemporaneous record --
14 A. Yeah.
15 Q. -- are you sure you actually did attend a police station
16 in Chelsea?
17 A. Yes.
18 Q. You did?
19 A. I did.
20 Q. And what do you recall happening?
21 A. I was told that it was a matter for the Scottish Police,
22 in particular Fife. They couldn't really do anything
23 but they just -- they would pass my details back to Fife
24 Police and somebody, probably from Fife Police, would
25 contact me.

1 Q. And now, just to follow that through, no one from Fife
2 Police ever spoke to you directly at that time?

3 A. No.

4 Q. And they never made arrangements to take a statement
5 from you?

6 A. No.

7 Q. And they didn't know -- they didn't need to know the
8 details because they gave the details of you to the
9 Chelsea Police, which is how they could visit you --

10 A. Yeah.

11 Q. -- at your address and raise this matter with you?

12 A. Yep.

13 Q. And they must have reported, presumably back to Fife
14 Police, that they had visited and perhaps said you were
15 intending to come up north.

16 So it does seem as if you were given the runaround?

17 A. Oh I was. I didn't know -- I mean, at some points
18 I didn't know if I was on my head or my feet. I mean,
19 it was just crazy.

20 Q. The other thing is, did Miss Walker or anyone else from
21 Fife Council, to your recollection, get in touch with
22 you after that call to say, 'You don't have to come
23 north', do you recall?

24 A. No, I don't think I got any further contact.

25 Q. So they didn't phore you or contact you direct to say,

1 'Oh, by the way, having passed the letter to the police,
2 Fife Police, what's happening, 'Jamie', can you tell us,
3 have they been in touch, have they taken a statement?'

4 They didn't do anything like that?

5 A. No, and I don't think they contacted the Fife Police to
6 see what was happening.

7 Q. No. Right. So that was really where matters rested?

8 A. Yes.

9 Q. Because I think later on, some play was made of the fact
10 that, well, you didn't make a formal complaint, and
11 perhaps that's an explanation for nothing being done by
12 Fife County Council. What sort of -- what do you think
13 about that response?

14 A. I think that is -- it's appalling. It's just an example
15 of victim blaming. Because the victim hasn't done
16 everything by the book, because they didn't know how to
17 or couldn't, somehow they're to blame.

18 I mean, Fife Council had every opportunity to
19 contact me and say, 'We need to take a statement, we
20 need to talk to you about what happened'.

21 Q. So the upshot is that Fife Council know of your
22 allegations?

23 A. Yeah.

24 Q. They don't make any investigation that you're part of?

25 A. No.

1 Q. And in fact there is no evidence they made any
2 investigation themselves.

3 A. No, no.

4 Q. They pass the letter to Fife Police; there's no evidence
5 that Fife Police, other than perhaps getting in touch
6 with the Chelsea Police, did anything. They didn't take
7 a statement, certainly. And they didn't, to your
8 knowledge, investigate the matter at that time.

9 A. No.

10 Q. And the matter just drifted and --

11 A. Yep. And I sort of thought, oh, I'm not strong enough
12 at the moment to -- to do all this. I can't take the
13 council on. Not at -- no. Not at 18.

14 Q. But you were willing?

15 A. I was willing, yeah, and if the opportunity had been
16 there, I would have done it.

17 Q. And if you'd been given some encouragement and support
18 by the county council at that time --

19 A. Oh yeah.

20 Q. -- it's possible that any anxieties you had might have
21 been allayed?

22 A. Yes. Yes.

23 Q. And you certainly said in your letter that you were
24 concerned about him, that he might still be working, and
25 you were concerned there were children that he might

1 have been --

2 A. I was, yes, I was very concerned that what had happened

3 to me could very well be happening to someone else.

4 Q. Okay.

5 A. And I felt sure that it was happening to someone else.

6 Q. Okay. Because you've got something in your statement,

7 I just want to ask you, that you say -- and I've now

8 told you about this letter.

9 A. Yeah.

10 Q. But you say that you had a conversation with Miss Walker

11 at some point where you say that she said something to

12 the effect that, 'If you ever tell anyone else, we'll

13 sue you'?

14 A. Yes.

15 Q. Now, do you remember that being said?

16 A. Yes.

17 Q. But can you try and put some context -- because I've

18 given you the letter?

19 A. Well, I said, I mean, I must have said at some point to

20 her that I'd go to somebody else, you know. I mean, I

21 don't know, maybe the papers or something like that.

22 I can't remember exactly.

23 Q. Can I put this possibility to you: that if you had said

24 words to that effect, that someone might have said to

25 you, 'Well, these are serious allegations. If you were

1 to go public with them and they were not true, you could
2 be sued for defamation'. Could she have had
3 a conversation along those lines with you?

4 A. No.

5 Q. No?

6 A. What was -- it was not like that. I could have
7 understood that. It was, 'If you repeat this, we may
8 have to take action, or we may have to sue you'.

9 Q. But they had passed the letter to the police?

10 A. Yeah, but in their mind, I think they thought nothing
11 serious had happened.

12 Q. I suppose, what she did say, when she responded in
13 writing to you initially, to that letter, was to express
14 concern about what you were alleging?

15 A. Yes.

16 Q. And -- but her reply to you was, 'Well, if you had told
17 us at the time, we would have thoroughly investigated
18 it'. Well, that wasn't much good, was it, because
19 St Margaret's was still open, there were children there,
20 Murphy was there, there was a risk that you were raising
21 and they didn't investigate it at all?

22 A. No. But they must have done something or been aware of
23 something, because he was very soon afterwards,
24 I understand --

25 Q. Well, don't -- I think I will deal with this with

1 others --

2 A. Oh right, okay, yeah.

3 Q. -- because I think what you're saying is that further
4 allegations were made, and that's correct, but they were
5 made in May 1973, which was two and a half years after
6 your letter. So it didn't happen overnight.

7 A. No, no.

8 Q. So for two and a half years beyond your letter, children
9 were at St Margaret's, Murphy was at St Margaret's, we
10 know from his admissions at the trial that he was
11 abusing boys throughout his period of employment at
12 St Margaret's, and yet, nothing was done?

13 A. No. I mean, even if I hadn't been prepared to come up
14 and go through the trauma of a hearing or whatever, the
15 things I was telling them were serious enough for them
16 to have instigated some sort of inquiry of their own.

17 Q. Well, you will probably know from your later career that
18 if someone makes an allegation of that nature, the most
19 obvious course of action is to say, 'We must investigate
20 for ourselves', and particularly if it has consequences
21 if true.

22 A. Yeah.

23 Q. Because they didn't know whether it was true or not at
24 that stage.

25 A. No.

1 Q. They couldn't just dismiss it --
2 A. No.
3 Q. -- and walk away?
4 A. But they did.
5 Q. But they did, yes. They appear to have tried to wash
6 their hands of the matter?
7 A. That was exactly how I felt. It was a bit like
8 Pontius Pilate, you know, 'I'm not doing anything, we
9 haven't done anything wrong', you know.
10 LADY SMITH: Yes.
11 MR PEOPLES: So there's a few corrections for your
12 recollection --
13 A. Yes, yes.
14 Q. -- that, if I were to suggest to you --
15 A. Oh yes, yeah.
16 Q. And I'm not blaming you --
17 A. No.
18 Q. -- because you were asked in 2017 to remember events
19 that occurred in the 1970s --
20 A. In the 1960s and 1970s, yeah.
21 Q. -- without seeing the letter I've shown you?
22 A. Yeah.
23 Q. And the records the council have still -- still have?
24 LADY SMITH: And just going back to the context, 'Jamie',
25 have I got this right: you were in London, you had not

1 been there that long.

2 A. No.

3 LADY SMITH: You were learning how to lead an independent

4 life for the first time.

5 A. Yes.

6 LADY SMITH: With no guidance.

7 A. No.

8 LADY SMITH: It was a high-risk life you were leading?

9 A. Yes.

10 LADY SMITH: And this was getting to you, this fact that

11 Murphy had abused you.

12 A. Yeah.

13 LADY SMITH: And, so far as you were aware, he was still in

14 post and other children were exposed to risk.

15 A. Yes.

16 LADY SMITH: And you tried to do something about that.

17 A. Yes.

18 LADY SMITH: But you needed the proper grown-ups to take

19 a lead.

20 A. Yes.

21 LADY SMITH: And they didn't.

22 A. No.

23 LADY SMITH: Now, really, is that what it comes to?

24 A. Yes, yes, you've summed it up.

25 MR PEOPLES: Now --

1 LADY SMITH: Mr Peoples.

2 MR PEOPLES: -- can I move rapidly on to the late 1990s.

3 Don't you worry about 1973. I'll deal with that --

4 A. It's a century ago.

5 Q. -- and I will deal with 1976, but --

6 LADY SMITH: Yes, we know about the suspension in 1973 and

7 so on.

8 A. Yeah. Yeah, yeah.

9 MR PEOPLES: And I can raise that --

10 A. Yeah.

11 Q. -- with others, so you don't have to concern yourself.

12 I know you've learned things about it.

13 A. Yeah.

14 Q. But I'll just pass over that period for the moment.

15 But if I move on to the late 1990s, and I'm not

16 going to take you through in depth with what you say

17 about reporting to Merseyside Police or contact with

18 them. But the upshot was, and can I put this as briefly

19 as I can, is that you provided a statement in 1999,

20 I think, around June, according to records --

21 A. Yeah.

22 Q. -- about Murphy's abuse.

23 A. Yes.

24 Q. Along the lines of what you had already told --

25 A. Yes.

1 Q. -- the council in December 1970. So you provide
2 a proper statement.

3 A. Yes.

4 Q. That statement, whatever the mechanics, got back to Fife
5 Police?

6 A. Yeah.

7 Q. And what I can tell you appears to have happened is that
8 before that statement was provided by you, in 1998, the
9 year before, another ex-resident came forward through
10 his solicitor -- you'll probably know a bit about this?

11 A. I know a bit about it, yes.

12 Q. But came through his solicitor to allege and claim that
13 he had been abused while in the care of Fife County
14 Council, both in foster care and at St Margaret's.

15 Following perhaps a rather pedestrian period to deal
16 with that letter and allegation, Fife took a statement
17 or made a report based on this resident's claims, and
18 then, in April of 1999, passed the matter to the police.

19 Following the police getting involved, they -- steps
20 must have been taken to see who else might be saying
21 something and whether they hark back to the 1970
22 allegation or not, you become involved, you provide
23 a separate statement independently of the other person,
24 and lo and behold, we have a major police --

25 A. Yes.

1 Q. -- investigation launched in July 1999 --

2 A. Yes.

3 Q. -- which ultimately led, after considerable

4 investigation and interview of many residents, to

5 a trial in 2001 of David Murphy on 60 charges involving

6 34 complainers, many of whom were at St Margaret's,

7 a substantial number at Linwood Hall, and possibly four

8 in the community, and on the day of the trial,

9 Mr Murphy, having protested his innocence between the

10 first allegation put to him, whenever that was, in the

11 1960s or early 1970s --

12 A. Yes.

13 Q. -- he then admits to 30 offences: 16 of sodomy, 14 of

14 lewd practices towards children, boys, 17 of whom were

15 at St Margaret's between 1960 and 1973.

16 A. Yes.

17 Q. So that's the story, taking it forward.

18 A. Yes, yeah.

19 Q. Whatever happened, but it took a very long time to get

20 to that point.

21 A. Oh yeah. Yeah.

22 Q. And I think you would probably say there were lots of

23 missed opportunities?

24 A. Yes, yeah.

25 Q. Now, you have a section on the trial and prosecution at

1 paragraph 112, which I don't need to take this at too
2 much length but, you're quite right, there were a lot of
3 complainers -- I have just told you I think there were
4 34 in the indictment.

5 A. Yeah.

6 Q. You do say there that police told you that you were the
7 only person they could find who provided evidence of
8 suffering both physical and sexual violence.

9 Now, whatever the police told you, I can correct you
10 perhaps on that because --

11 A. I'm sure that was wrong.

12 Q. Well, I'll tell you this: there were ten assault charges
13 on the indictment.

14 A. Yeah.

15 Q. For some strange reason, Murphy didn't confess to any of
16 them but they were there and so it wasn't -- you weren't
17 the only one.

18 A. Yeah. No, no.

19 Q. So I'm just telling you that for information --

20 A. Yeah.

21 Q. -- and as you say correctly at 113, at the start of the
22 trial, he pleaded guilty at the last minute --

23 A. Yes.

24 Q. -- and accepted guilt on 30 of the 60 charges and
25 therefore there was no trial.

1 Now, as it turned out, the charges relating to
2 you --

3 A. Weren't led.

4 Q. Well, they weren't led and they weren't ones that he
5 pleaded guilty to.

6 A. No.

7 Q. But can I assure you, perhaps, that it's not uncommon in
8 a case with many charges, where there's a possibility of
9 a potentially long trial, the uncertainties and vagaries
10 of a trial, the traumatic experience for people who are
11 complainers, that if someone is prepared to admit guilt
12 to a lot of serious charges that will undoubtedly get
13 a lengthy prison sentence, as happened here, that it's
14 not unusual, or uncommon at least, for pleas to be
15 negotiated on that basis.

16 A. Yes, yes.

17 Q. And he certainly did plead to very serious charges, as
18 I've just told you, and he got a 15-year sentence and
19 an appeal against sentence was refused in due course.

20 So if you had any reservations about, or tried to
21 read anything into the fact that your charges were not
22 pursued or not insisted on, perhaps that sort of will
23 allay any concerns you may have.

24 A. No, I mean, I totally understand that. I mean, I'd seen
25 it as a magistrate, so I knew -- and I also knew that

1 there was a practice at one point of holding some
2 charges back in case you needed them --

3 Q. Well, I don't think we have got the lying on file system
4 that you may have down south so --

5 LADY SMITH: It's different up here.

6 A. Yes.

7 MR PEOPLES: -- I think you either go to trial and either
8 pursue the charges or you withdraw them.

9 A. I know the Met used to hold some back.

10 Q. No, it's slightly different I think -- I'll stand
11 corrected but we do things slightly differently here.

12 But all I'm saying is there was no determination,
13 there was no judgment by a jury of the evidence of any
14 of the complainers.

15 A. Because it wasn't heard.

16 Q. It wasn't heard and Murphy admitted --

17 A. Mm.

18 Q. -- 30 serious charges so that's the comfort I'm trying
19 to offer you today, if you had any worries about that.

20 A. Yeah. No, no.

21 Q. Now, you do say though that you attended the trial.
22 Obviously, you were a complainer and you'd been cited,
23 as were many others, and you say that you went to the
24 trial and you obviously were there when he pled guilty
25 and you saw him in the dock and you saw him as he was

1 led down after conviction. I think sentence was
2 possibly deferred but --

3 A. Yes, it was.

4 LADY SMITH: Yes, I think it was.

5 MR PEOPLES: For a short period.

6 A. For a very long period, as it happens.

7 Q. Well, but you describe it as you went and you saw this
8 decrepit old man and you thought at the time, 'Why was
9 I ever scared of that?' And you say:

10 'He was just a shadow of what he once was.'

11 Do you remember saying that; it's at paragraph 114?

12 A. Yes, yeah.

13 Q. But then you say -- and you tell us that you were in the
14 Perth High Court -- and you say that ... at 115:

15 'As they opened up the doors to take Murphy down, he
16 put his hand on the police officer and said, "Hold on
17 a minute, I want to see my boys." He looked at every
18 one of us. I was on the end. He looked at each of us
19 in turn, then looked at me. I could feel the hatred.'

20 I think that's your hatred towards him, is that --

21 A. No, it was his hatred towards me.

22 Q. Oh really, okay.

23 'It's the only time that I could feel a physical
24 reaction to the way someone had looked at me.'

25 You seem to have had a reaction too?

1 A. Yes. I mean it was a physical reaction to -- I mean
2 it's the first time I've -- you hear people talk about,
3 you know, being affected by a look or whatever. It's
4 the first time I had actually experienced it but it was
5 very real. For that few seconds, I was that little boy
6 again.

7 Q. Yes, and then you say:

8 'What proved to me that he thought there was nothing
9 wrong was the fact that he said that to the policeman.
10 Even after all of that time, he felt we were something
11 he owned. It was really horrible. He showed no
12 remorse.'

13 So that was how you interpreted his behaviour and
14 actions?

15 A. Yes. Yeah, yes.

16 Q. As we know, he went to prison and died in 2003 in
17 Peterhead Prison.

18 But I take it that you got some comfort from him
19 being brought to justice finally, even if he perhaps
20 didn't spend as long in prison as you perhaps would have
21 wished for?

22 A. Yeah, it's -- it's a very strange reaction because you
23 feel guilty that you've sent somebody to prison, and
24 certainly somebody that had a major role in your life.
25 As much as you'd hated him, or as much as I hated him,

1 and as much as I wanted him punished, I still felt
2 a terrible amount of guilt that he was going to prison
3 for that length of time and I felt sorry for him.

4 It didn't last long, I've got to be honest, but it
5 was something I had to struggle with, certainly for the
6 few days after he was sentenced.

7 Q. Well, I hope people tried to convince you that that,
8 whether it was a natural feeling or in some cases you
9 shouldn't feel that way and not certainly make you dwell
10 on a feeling of that kind?

11 A. No, I think I made myself realise it, you know.

12 Q. Now, you have a section on impact, and I think we know
13 from the fact that you picked yourself up and made
14 a career, that you didn't let this completely crush you
15 and ruin your adult life, although clearly it had
16 an impact and continues to have an impact; is that
17 correct?

18 A. Yes.

19 Q. And you do say you have bad days from time to time. You
20 do take antidepressants. You have physical health
21 problems related to what happened to you when you were
22 in St Margaret's and the abuse by Murphy.

23 A. Yeah.

24 Q. So far as relationships are concerned, at paragraph 125,
25 if I move on, you say that you've not been entirely

1 successful at relationships.

2 A. No.

3 Q. But I think that there's been a change in recent years.

4 I know you've had the loss of your wife, is that, more

5 recently --

6 A. Yes, she died in [REDACTED].

7 Q. -- for which you have our sympathies for that loss.

8 A. Thank you.

9 Q. You say it was borne out of a lack of trust in many ways

10 and you say one of the main things that annoys you most

11 is that you lost not just your childhood but the natural

12 trust that you should have built up, and that that was

13 stolen from you and indeed, in some ways, it annoys you

14 more than the physical and sexual pain; not being able

15 to trust is far worse, you say, because that's the

16 lasting impact?

17 A. Yes.

18 Q. You talk about records, and I don't think we need to

19 spend too much time -- you did get hold of them, you

20 destroyed them after the court case.

21 A. Yes.

22 Q. And you --

23 A. I wished I hadn't destroyed them now.

24 Q. Well, we've spoken about what's in the records and some

25 of the gobbledygook that you mentioned at paragraph 130,

1 and I think we can -- I'll just give the reference for
2 that, I've found it now. It's FIC-000001803. On
3 page 1, I think, is the letter that you're referring to,
4 to the children's officer. We don't need to look at it
5 but I'll just give that for the record.

6 Then you have some observations based on your
7 experiences about what you think should change, or needs
8 to change if it hasn't already changed, including
9 an understanding of possible signs of abuse, not simply
10 waiting for someone to say something.

11 A. Yes.

12 Q. And I think we have heard evidence that people do get
13 much better training these days, and obviously, a point
14 that many make, that people have to be prepared to
15 believe children --

16 A. That's the biggest --

17 Q. -- and not simply make a judgment that they must be
18 lying or making up stories.

19 A. I think that's the highest hurdle that social workers,
20 et cetera, have to overcome. They've got to start not
21 thinking of children who have been put in care as being
22 bad, unreliable, liars, thieves, whatever, and just
23 listen; and I often say to people, you know, don't just
24 listen to what the children say, listen to what they
25 don't say.

1 LADY SMITH: Yes.

2 A. Listen to the silences between sentences, and then
3 you'll begin to realise what's happening.

4 LADY SMITH: Yes.

5 MR PEOPLES: These are the signs, not just the words. It's
6 the signs and the behaviour that have to be studied and
7 considered to see if they might be indicative of --

8 A. Yeah.

9 Q. -- of abuse.

10 A. Yeah, I mean I think, in a way, I know we've made huge
11 advancements in social work and understanding but, at
12 the end of the day, we haven't made those advancements
13 with children; we've made it with the professionals and,
14 you know, even they can miss something.

15 You know, children don't trust social workers. I've
16 never met a child in care who trusted the social worker,
17 because the social worker is part of the state. They're
18 the person that put them there in the first place, you
19 know?

20 So you've got to concentrate on building that
21 relationship and getting children to understand that
22 they can trust social workers. Yeah, there will always
23 be bad social workers and there will always be good
24 social workers but you've got to get the children to
25 trust you.

1 Q. We now know that many people and many organisations,
2 where children are living away from home, provide access
3 via independent people to talk to children. Do you
4 believe that's a step forward?

5 A. I think that's a step sideways -- if that makes any
6 sense?

7 LADY SMITH: Well, from what you're saying I'm wondering if
8 that the first step is, if you, say, are working with
9 a child in care, you have got to work really hard at
10 building trust, a proper relationship and trust.

11 A. Yes, yes.

12 LADY SMITH: And I wonder if it's not just as simple as
13 saying you have to believe everything the child tells
14 you --

15 A. No.

16 LADY SMITH: -- but you have to listen, you have to observe
17 their behaviour, because children talk to you through
18 their behaviour, and, having listened, you mustn't
19 discount the possibility that what they're saying to
20 you, even although it might not seem to add up at first
21 blush, it's possible that there's a grain of truth in it
22 --

23 A. Yes.

24 LADY SMITH: -- and the child has to get the message that
25 you're listening, you're taking them seriously and

1 you're going to keep thinking about this --

2 A. Yes.

3 LADY SMITH: -- and you're going to keep talking to them

4 about it if that's what they want. You're going to try

5 and do something to help them and reassure them.

6 A. Yes. I think what you're saying sums up what happened

7 with Murphy. His standing was so great that --

8 LADY SMITH: Nobody would go there.

9 A. -- nobody thought to look beyond.

10 LADY SMITH: Yes.

11 A. You know, I mean he wore that mask so elegantly.

12 MR PEOPLES: Well, but some children tried to remove the

13 mask, but --

14 A. Yeah, that's the children but they weren't listened to.

15 Q. No, I'm saying that. I'm saying that some made

16 an attempt, courageously, to do that but it fell on deaf

17 ears.

18 A. Yes, yeah, and what I'm saying is you can't afford to

19 have deaf ears.

20 Q. One final thought you have, and as you say, it's

21 an uncomfortable topic, but saying that, apart from

22 obviously having to listen to children and understand

23 and read the signs and build a relationship of trust,

24 people do have to do perhaps more research on

25 paedophilia because you felt that there's insufficient

1 research about having to understand perhaps what
2 motivates, what the risk factors are, how they escape
3 detection or get into situations where they can abuse
4 children; that sort of thing, is that what you're
5 advocating?

6 A. Yes, yes.

7 I mean, I've worked with convicted paedophiles with
8 the probation service, and it's hard to hear, harder for
9 somebody like me to hear what they say but you've got to
10 listen, because you don't learn if you don't listen; and
11 they will tell you things that could have signposted
12 that there was a problem long before it happened.

13 And they are expert at lying. They are
14 absolutely -- you know, they build the cases to such
15 a standard that they believe it and they believe that
16 they are this person, therefore they can make you
17 believe it.

18 Q. It's almost a Jekyll and Hyde-type of person.

19 A. Yeah.

20 Q. That on the one side, they even see themselves as
21 respectable, doing all the right things; caring, loving,
22 warm, non-violent and so forth, and then, of course,
23 they turn into the other personality?

24 A. I'm sure Murphy would have told you that he did
25 everything he could for his boys. He spent his own

1 money buying a dinghy, buying the caravan, doing it up,
2 you know. He would believe, and he would convince you,
3 that he was doing good all the time.

4 And the other thing is, could we please move the
5 conversation on from women and girls. Because it's okay
6 talking about violence against women and girls, but
7 a lot of the violence against women and girls come from
8 people who are -- from men who have suffered the
9 violence in their childhood.

10 So, you know, the government, yeah, it's great,
11 violence against women and girls should be taken
12 seriously. But it should also be taken seriously for
13 boys, you know. We've left boys out of the equation.

14 Q. Well, I think there are moves, I think we heard it in
15 Phase 8, about trying to do more education with boys --

16 A. But a lot needs to be done.

17 Q. To make sure that when they grow up as adults, that they
18 don't behave abusively towards their partners, whatever
19 sex they may be.

20 A. But that's still focusing on women and girls.

21 Q. No, I said partners.

22 A. Well, yeah, or partners, yes, sorry. I stand corrected.
23 But it's still this one-way traffic, isn't it, and
24 nobody's looking at the whole picture. We're all
25 looking at little pieces. And I don't think there's

1 joined-up working.

2 Q. Well, I'm sure these observations will be listened to.
3 There are people here that will have to address these
4 issues going forward, and these thoughts are always very
5 valuable, particularly from someone who knows and has
6 experienced abuse and its consequences.

7 A. Yeah.

8 MR PEOPLES: So, these are all the questions I have today,
9 'Jamie', and I thank you for coming today and assisting
10 the Inquiry and I wish you well in the future.

11 A. Thank you very much indeed.

12 LADY SMITH: 'Jamie', let me add my thanks. We've really
13 grilled you this morning, I'm sure it's been exhausting,
14 but it's been of enormous value to me to hear you in
15 person and to have that in addition to your written
16 statement, thank you.

17 A. I'm glad it's helped you in some way.

18 LADY SMITH: Safe journey home.

19 A. Thank you very much indeed.

20 Bye bye.

21 LADY SMITH: Bye.

22 (The witness withdrew)

23 LADY SMITH: Just a couple of names I want to mention of
24 people whose identities are protected by my General
25 Restriction Order. We've used them this morning, but

1 they're not to be -- these people are not to be
2 identified as referred to in our evidence outside this
3 room.

4 That's Mr KNC, KNC, I think his first
5 name is, and KND.

6 Okay, well I'll rise now until 2 o'clock, I think.
7 Unless you say there's time to do a -- should we leave
8 it?

9 MR PEOPLES: Perhaps we could sit at 1.45 pm.

10 LADY SMITH: Let's sit at 1.45 pm then. That would make
11 sense.

12 MR PEOPLES: I think that way we'd probably not -- I don't
13 know how long I will be with the next witness, but
14 I think the extra 15 minutes could be useful.

15 LADY SMITH: Right. Well let's do that. I'll rise now and
16 sit again at about 1.45 pm.

17 (12.37 pm)

18 (The luncheon adjournment)

19 (1.45 pm)

20 LADY SMITH: Mr Peoples.

21 MR PEOPLES: My Lady, the next witness is a person who's
22 familiar to the Inquiry, who's given evidence, I think,
23 twice before.

24 LADY SMITH: Yes.

25 MR PEOPLES: It's James Ross.

1 LADY SMITH: Thank you. Good afternoon.

2 James Ross (sworn)

3 LADY SMITH: Welcome. Welcome back. You'll no doubt
4 remember you assisted us in relation to Phase 8 of our
5 investigations, way back on Day 416, as a matter of
6 interest, if you clocked it, and also then in relation
7 to Phase 9, when we were looking at healthcare
8 additional support needs and disabilities, and that was
9 Day 542. And here you are, we've called you back again
10 for Day 578. I'm really grateful to have you here
11 again.

12 When you were here on these last occasions you were
13 content with me using your first name; is that all
14 right, James?

15 A. It is.

16 LADY SMITH: Thank you very much.

17 You know what happens, you know how we work, you
18 know what's in that red folder, and if it's okay with
19 you, I'll hand over to Mr Peoples and he'll take it from
20 there.

21 A. Yeah, thanks.

22 LADY SMITH: Thank you.

23 Questions from Mr Peoples

24 MR PEOPLES: I hope you don't mind me calling you James?

25 A. That's totally fine.

1 Q. Good afternoon. I won't run through your background
2 other than to say, since you have given evidence twice
3 before, that you are currently Head of Service, Children
4 and Family Social Work and Chief Social Work Officer for
5 Fife Council, and you've held that position since May of
6 2024?

7 A. That's correct.

8 Q. And prior to that, you were in a senior position with
9 Dundee City Council, a senior service manager for
10 Children and Families and Justice Social Work Services
11 from May 2023 to May 2024; is that correct?

12 A. It is.

13 Q. And I think you'd previously worked for Fife Council in
14 various roles before then as well; is that correct?

15 A. That's right.

16 Q. I have a CV but I'm not going to trouble you with it,
17 but we have it, and we can see the various positions
18 you've held over the years.

19 Now, you know why we're here today, that it's about
20 St Margaret's. But perhaps I can reassure you that I am
21 conscious that you did give evidence in Phase 9 and that
22 that phase looked at three residential establishments in
23 Fife, including Linwood Hall, and that, as we know,
24 David Murphy worked in Linwood Hall after he had been
25 employed in St Margaret's with a job in between.

1 I'm aware of the evidence you gave, and I'm aware of
2 the closing submissions that were made in Phase 9 and,
3 to a large extent, I suspect you can confirm that what
4 you said then in relation to Linwood Hall and some of
5 the other establishments, about the historical position
6 in Fife, and what was said in the closing submissions,
7 could be applied with equal force to St Margaret's?

8 A. Absolutely, that's totally correct.

9 Q. So I suspect that will spare me, or spare you, the need
10 for me to go through it and repeat what was said. So
11 I'll try, so far as possible, not to try and go over old
12 ground that you've covered with the Inquiry before. But
13 if there are matters that either you didn't cover then,
14 that you feel were relevant to St Margaret's in
15 particular, or there's something that you may want to
16 add to any closing submissions on the behalf of the
17 council, please say so at an appropriate point, if
18 there's something that you'd like to add.

19 So, to a large extent, I think that exercise will
20 spare me the need to ask you too many questions about
21 the current position and how things have changed since
22 the days gone by, particularly the era that we've been
23 looking at with David Murphy; is that right?

24 A. That's right.

25 Q. Okay.

1 What I would like to do, though, is, perhaps just
2 using a sort of chronological approach, to just go
3 through the rather sort of terrible history of
4 St Margaret's, if you like, and just pick out some
5 things. And I think you'll be aware, probably have
6 a fair idea, of where I'm going with that exercise,
7 having listened this morning to some of -- I think you
8 did listen to the whole of the evidence of 'Jamie', who
9 spoke about his experiences at St Margaret's, when he
10 was there.

11 So can I just begin by perhaps breaking into three
12 broad periods, because we have the pre-Murphy period,
13 which is from the opening of St Margaret's in 1955
14 through to about 1960, when David Murphy takes up
15 employment at St Margaret's. So if I may just ask
16 briefly about that period.

17 And St Margaret's officially opened, as I understand
18 it, on 11 October 1955.

19 Just by way of background, you may well know this,
20 but it had been a hotel. I don't know if that was news
21 to you or not?

22 A. Yes.

23 Q. But it was acquired by Fife County Council towards the
24 end of 1953. It was intended to replace another home
25 called Greenbanks in Leven, but due to an increase in

1 the number of children in care needing residential
2 accommodation at the time, and a need to reduce numbers
3 in an existing home in St Andrew's to bring it up to
4 a proper standard, according to a Scottish Government
5 file that we've been given, consent, with some
6 reluctance, was given to acquire -- to the acquisition
7 of St Andrew's [sic] as an additional children's home.

8 So that's the background. It didn't look as if
9 there was a great deal of enthusiasm for opening it in
10 the first place, but I think it did need Scottish Office
11 approval and funding to some extent, so I think that's
12 the origins of this particular home.

13 We did -- I think we've given you a Scottish
14 Government file that gives that information. I don't
15 need to take you to it.

16 And indeed the file that I'm thinking of -- I'll
17 just give the reference, it's SGV-001033912. That file
18 tells us that in February 1956, it was -- it had
19 accommodation for 17 children of varying ages between
20 about 5 to 15.

21 And I think we've learned from another home that we
22 had some evidence about this week, that maybe at that
23 time and in the 1960s, if there was a large family, but
24 there were some very young children, it wasn't unknown
25 for the very young children to be separated from the

1 older ones for a time in a particular home in the area,
2 and then to be reunited in one home; I don't know if
3 that's your understanding too?

4 A. It is, and I'm sure, looking -- my recall for
5 St Margaret's was that the intended purpose of
6 St Margaret's was to house siblings and keep them
7 together. So when you look at the purpose of
8 St Margaret's, it should have been -- it was before its
9 time, perhaps, in its thinking and, so location, the
10 purpose of St Margaret's, you would have hoped that the
11 aspiration behind it would have led to exceptional
12 levels of care, and perhaps not the situation that
13 children find themselves in, in terms of separation from
14 siblings, et cetera.

15 Q. So, I mean, the idea --

16 LADY SMITH: James, if you've followed any of our other
17 work, including recently, places like Widowers', they
18 had almost identical aspirations. And unfortunately,
19 there was very similar failing in terms of standards of
20 care and levels of abuse.

21 MR PEOPLES: Perhaps the difference between Widowers' and
22 St Margaret's was that Widowers' was originally designed
23 to take the children of widowers, who were working, and
24 couldn't work and look after the children, and who paid
25 a contribution, if they were able, towards the cost of

1 their maintenance. I think St Margaret's, maybe more
2 children received into care?

3 A. Yeah.

4 Q. Would that be correct?

5 A. Yeah.

6 Q. And then we know, I think from records, that [REDACTED]
7 SNR [REDACTED] was a Mr KNC [REDACTED], and Mrs [REDACTED]
8 was also there in some SNR [REDACTED] capacity when the
9 [REDACTED], and was there, I think, until around 1961,
10 and [REDACTED] David Murphy arrived.

11 And I don't want to -- I think you'll have seen that
12 we did include in the bundle, three inspection reports
13 by central government, central -- childcare inspectors,
14 that we were able to recover from, I think, 1958 to 1961
15 and 1966.

16 And what I would just say about these reports, and
17 this isn't unusual in our experience, is that they don't
18 raise any concerns about the way the home has been run
19 or anything; any concerns about the people running the
20 home, including David Murphy. You'll have seen the
21 reports, I think, and I'm not going to trouble you with
22 going to the detail.

23 What they do say, though, is that, and again this is
24 not something unusual to this Inquiry, is that the home
25 was generally overcrowded. Too many people. And that

1 seems to have been a recurrent theme of those reports at
2 that time.

3 But what also I think one of them tells us is
4 that -- and again, this is maybe slightly unusual --
5 that Mr KNC and Mrs [REDACTED] held residential childcare
6 certificates, and Mr David Murphy also held
7 a residential childcare certificate when he took up
8 employment. And I think we have probably found that,
9 generally speaking, a lot of the people that held these
10 positions didn't have such qualifications and many of
11 their staff had no qualifications, no training and no
12 experience.

13 So that might have seemed a good sign?

14 A. I think it was unique at the time, so therefore people
15 felt that you had adults in charge that had a level of
16 understanding that would have made them more suitable to
17 meet the needs of the children in their care.

18 Q. But you have obviously heard some of the evidence of
19 'Jamie' --

20 A. Yeah, yeah.

21 Q. -- about how at least one of them, Mr Murphy, seems to
22 have been able to try and create the impression that he
23 had a level of understanding about childcare and,
24 indeed, almost a knowledge of psychology and child
25 development and so forth, in correspondence he was

1 writing to the children's officer. I think you heard
2 that evidence and I think you may have seen a letter --
3 I'm not going to take you again. I think it has
4 gobbledygook in it, would you agree?

5 A. It is, and I think for us, the current -- what we look
6 at now is that, you know, a qualification, you know,
7 a knowledge base, you know, an evidence that underpins
8 your practice is hugely essential, but that, along with
9 other things are essential in -- to respond to the needs
10 of children and their care. So just that perception
11 that someone holds a certificate and therefore, you
12 know, they're absolutely ideal for the position is, you
13 know, a very naive approach, but perhaps one that was
14 reflective of the time.

15 Q. Well, they might have thought this was a gift, to have
16 people that actually had qualifications, as opposed to
17 people that had none?

18 LADY SMITH: Would it be safer to regard the qualification
19 as a ground base from which continued development and
20 learning needs to flow?

21 A. Yeah, and that's where we find ourselves. Now, for all
22 of us, as even social work practitioners, that, you
23 know, what you know is what you know, but you use the
24 practice wisdom, the experience, you know, that concrete
25 experience to further develop your understanding, your

1 learning and your approaches.

2 And I think the other thing about David Murphy,
3 which I think's unfortunate, is when you look at
4 St Margaret's, and there was a strong reference to the
5 need for power and control, and therefore a man who was
6 qualified perhaps was perhaps seen as someone who was
7 going to be able to do that, so ones who had the
8 qualification, but equally, had a man who was applying
9 for those posts. And I think that language enables
10 perhaps certain behaviours to become, you know, in
11 practice.

12 MR PEOPLES: Well, ironically, in the case of Widowers', one
13 of the criticisms of Widowers' was that it didn't have
14 male staff and therefore the female staff dealing with
15 challenging adolescent boys, where the staff themselves
16 were quite young, that they perhaps needed the influence
17 of male staff as well. They had male staff, but they
18 were handymen, they weren't carers, and so it maybe cuts
19 both ways.

20 On that point though, and I don't take you to it,
21 but there is a visit by a childcare inspector in 1966,
22 a Ms Neilson, SGV-001033912, at pages 11 to 13. And at
23 that stage, St Margaret's had 25 children in residence,
24 aged 3 to 16, and it said a high proportion of the
25 children had been in one or more foster homes and had

1 shown signs of emotional disturbance and behavioural
2 difficulties. And indeed, there seemed to be quite
3 a lot of input at that time from the Fife Regional
4 Hospital Board Family Psychiatric Department to give
5 advice on the children at St Margaret's.

6 Now, you may have remembered reading that at some
7 point prior to giving evidence today, and it did say
8 that, at that stage, it was Mr Murphy and Ms Findlay
9 that we've heard about today, assisted by
10 Miss RFY [REDACTED], and that the post of assistant father
11 was 'vacant at present', says the report. And the
12 report says that it is 'desirable that this post be
13 filled by a man who can both understand and handle the
14 difficult adolescent boys who are sent to St Margaret's,
15 the only Fife local authority home with men on the
16 staff'.

17 So that was the inspector's view and clearly the
18 inspector thought, 'What a good thing, and perhaps we
19 should have not just Mr Murphy but someone else'. And
20 I think we heard some evidence today that, perhaps not
21 in 1966, but before then, there was a person from
22 Northern Ireland called KND [REDACTED]. And we'll come back
23 to KND [REDACTED], I think, in due course.

24 But there were two males at one point.

25 A. Yeah, I think sometimes it's still not uncommon to hear

1 that language, that, you know, when you've got
2 a residential house where there's young boys that can be
3 fairly challenging, you can still at times hear people
4 say, you know, a man in the workforce would be helpful.
5 And you've got to really unpick that because ultimately
6 what we would say is that ideally you'd would want
7 a blend of staff, because for children who have had
8 absent parents, how do you have good role models that
9 you can model your own behaviour on. But ultimately --
10 and I'm very clear in Fife -- that we need staff that
11 are passionate, that are caring, compassionate and
12 nurturing, that they understand the behaviour and their
13 response is informed by a knowledge base. So, that
14 doesn't come by gender, it comes by the experience, the
15 culture and the training that we provide to the staff.

16 So again, you know, that gender-based language is
17 perhaps reflective of the time and the perception of the
18 young people that were placed there. Where now, you
19 know, I think our language around boys that present
20 difficult behaviour is that we understand the trauma
21 that was behind that behaviour, whereas at the time,
22 perhaps not.

23 Q. I think you made that point in Phase 9 during your
24 evidence with Maria Lloyd, and I'm conscious that that
25 point was made.

1 However, and I put it to 'Jamie' this morning, that
2 it appears from this report I've just quoted from, that
3 Mr Murphy, when a childcare inspector called, was saying
4 all the right things and coming across as understanding
5 and a caring housefather. And yet, of course, we know
6 that that was probably year six of his campaign of
7 abuse.

8 A. Well --

9 Q. Food for thought.

10 A. It is, and I suppose -- I mean, I use the term in the
11 senior management team that I lead, around a wind
12 blowing through our establishments. You can't just
13 take -- you can't take things on face value. And
14 therefore you've got staff who present in particular
15 ways, but there's always lots of other rich sources of
16 information, that if you're open to exploring, gives you
17 a good sense of the care and the experience of children
18 within houses.

19 Q. Well, I think 'Jamie' made the point that, maybe with
20 better understanding and better training of staff, that
21 even if there weren't disclosures, by reading the signs
22 and knowing the signs, including silences and pauses and
23 so forth, that that perhaps could have uncovered
24 suspicions and concerns that could have led to some form
25 of action being taken much earlier than 1973.

1 I mean, I think you would accept that's a fair
2 point?

3 A. Yeah, absolutely, and I think there was a kind of
4 real -- a point that was raised this morning that really
5 resonated with me as well, around young people who run
6 away. And for us, you know, what is it they're running
7 away from? We need to be open to better exploring that,
8 particularly when there's a pattern of going missing
9 from the establishment. So for me, behaviour is
10 communication, it's the role of the adults around that
11 young person to give them the opportunity to share their
12 experiences, so we can understand their behaviour and
13 what it's telling us.

14 Q. Although you'd also say, and I think you said it in the
15 last phase, that you would like even now to improve the
16 communications between staff and children, to enable
17 children to have the confidence to speak up, not just to
18 be -- for their behaviour to be interpreted by others?
19 So that you've got both weapons against someone who is
20 minded to abuse?

21 A. Yeah, and I think it's for us as senior leaders to set
22 the tone and set the culture, and so I suppose for me in
23 Fife, I'm very clear about relationship-based practice,
24 that young people won't trust you, you have to invest in
25 that relationship. So predictability of social worker,

1 frequency of visiting, ensuring that we spend time to
2 really understand that young person and they have
3 a trust in the professional that can act in their best
4 interests when information is received, and that -- and
5 that's certainly, in terms of the role that I currently
6 have, very clear about that and all of the kinda
7 language that we use in terms of kinda service direction
8 and vision.

9 And our -- work of all of our managers is to instil
10 that in, but their staff have to believe that there's
11 a purpose to that. And I think probably now we're much
12 more aware of the voice of a young person and the role
13 that a social worker can have in empowering them when
14 they feel really disempowered.

15 Q. Can you reassure 'Jamie', because you heard what he said
16 towards the end of his evidence, that generally
17 speaking, in his experience, young people who are in
18 care, who have had problems, sometimes problems
19 domestic, at home, don't, generally speaking, trust
20 social workers because they're part of the state, part
21 of the establishment, part of the authority and so
22 forth. Do you feel that that's changing but it's still
23 a problem?

24 A. I think it's a challenge and I think children live
25 within a system where decisions can be made for them

1 that they don't see as in their best interests, and
2 perhaps their parents don't agree with and therefore
3 there will always be an element of conflict that comes
4 within that legalistic process. But I'm much more
5 confident, and perhaps confident from a quality
6 assurance approach, that what we can see in Fife is
7 an increasing investment into relationships.

8 We see children tell us that they can confide in key
9 people, in particular their social worker, and that they
10 know that they have their best interests and will act in
11 their best interests. I think that's a position that's
12 changed and I think we've made huge progress. There
13 will always be a lot of work to be done in that area and
14 I think we can't eliminate that anxiety that young
15 people have about social workers because they work in
16 really complicated, you know, conflictual settings
17 around their future.

18 Q. But we have heard on other occasions people saying,
19 'Well, I like my social worker, I would speak to them
20 but there are certain things I wouldn't tell them.
21 I might tell my friends or I might tell someone else
22 that I'm comfortable speaking to, but I wouldn't go that
23 far'.

24 Now, is that also a challenge?

25 A. I think that this learning, we should be -- I think we

1 should be encouraging that, because actually sometimes
2 people just don't get on, you know, as personalities.
3 So I think we should -- I think we've always been really
4 clear about that, that a trusted adult is the most
5 important thing, not just a trusted social worker. So
6 if there's a teacher, if there's a residential worker,
7 if there's another support worker in the network for the
8 young person that, should that young person confide in
9 them, that the team around them respect that person's
10 been told that, and that we act on what then that person
11 can advocate on their behalf. And I suppose for me I'm
12 really clear in our own service that there's not
13 a professional hierarchy. Residential care staff can
14 often be seen as the worst person in the pecking order
15 in terms of professions, but they have a lot of time
16 with young people, they have a lot of excellent
17 relationships. So we just need to make sure that we're
18 not being selective about the profession or person that
19 we'll listen to, that any voice that advocates for
20 a child is heard in whatever forum that is.

21 LADY SMITH: James, you used an interesting word there, the
22 'network' supporting the child, and one of the things
23 I have heard from time to time is the problem that
24 arises from a particular child losing their social
25 worker, which could be for very good reasons. A social

1 worker may go on maternity leave, they may change jobs,
2 they may be off sick for a long time, they may get a
3 promotion. So you can't ever assure a child they will
4 have the same social worker so long as their need for
5 a social worker is there.

6 Are you telling me that what you've got to do is
7 make sure that it's not all dependent on one person who
8 has responsibilities towards the child?

9 A. Yeah, and I think that there's too many points of
10 failure that come within that process.

11 So for me, in our service standards, we have at
12 least a minimum of monthly, team around the child,
13 meetings for all of our looked-after children, so that
14 we're clear that all of these adults have a key role in
15 supporting the looked-after child, regardless of what
16 might present and who's the best adult to work with that
17 young person, or perhaps undertake a direct piece of
18 work or explore something that might have been said.

19 So I think what we want to do is ensure that there's
20 enough adults around the young person, because they're
21 always changing, there will always be turbulence within
22 the system, and therefore we need to safeguard that by
23 ensuring that this young person knows they've got
24 multiple people that they can speak to.

25 MR PEOPLES: I suppose the point is that in, say, a healthy,

1 happy, family environment, there is a constant, from
2 birth to leaving home and beyond.

3 Unfortunately for some of the children that end up
4 in the care of an authority, that constant can't be
5 replaced. They will come across a variety of adults
6 and, yes, you don't want someone like David Murphy who
7 basically controls everything, and no one in any way is
8 there to be a cross-check on how he's behaving and
9 treating them. But -- so these are real challenges, are
10 they not?

11 A. They are. Constancy is one of the most challenging
12 things to achieve within the care system and in fact,
13 it's probably the most damaging thing for a young person
14 when it's not achieved in terms of multiple adults.
15 The lack of trust further compounds your attachment
16 difficulties. But it's not about one person. So if
17 I reflect on just our current residential estate, we
18 have residential workers, we have a house manager, we
19 have an external team manager and we have an external
20 service manager.

21 So what you've got is many adults who really get to
22 know a young person, understand them, understand their
23 history. And so if there's any absence within the
24 system, there's enough knowledge, and that young person
25 is exposed to these people, so that there's a reasonable

1 relationship. And I think you have to try and do the
2 best that you can. But I suppose for me, I'm really
3 clear, all of our social work staff need to be clear
4 about the risks that care poses to children, when that
5 is the recommendation that they're making.

6 So we might manage some risks at home, but do we
7 have an eye to the risks that might come with care. And
8 that, I think, is a very different language that's used
9 in social work that was never used before, and it's
10 certainly something that, you know, we really clearly
11 articulate in the work that we do.

12 Q. Just going back to the report in 1966, and my point
13 about Mr Murphy saying all the right things, in that
14 report, of course, we get the inspector saying:

15 'Both Mr Murphy and Ms Findlay would welcome
16 opportunities of further training, provided that this
17 did not last more than three months at one stretch.
18 A longer [break], they say, would break the relationship
19 between themselves and the children, affecting the
20 development of the more disturbed and insecure types of
21 children.'

22 So he's making all the right noises; 'I could
23 benefit from training if you provided it'.

24 So it's maybe again part of the mask?

25 A. I think it is, and I think we always have to be mindful

1 that there's challenges with regulator inspections, that
2 on the day you find people as they are and if -- and
3 unless you're looking at other sources of information
4 then to counterbalance that, then you won't ever have
5 that accurate picture.

6 But I suppose again it just brings us back to --
7 again, probably the kind of key message that I have with
8 the workforce is that, I'm not waiting on the care
9 inspector to tell me how good or not the care settings
10 are for the children, that's the role of our management
11 team, that's the role of our quality assurance processes
12 and our self-evaluation.

13 I think, in the Inquiry before, you, when you walk
14 into a children's home, you will know if it is
15 functioning well without anyone telling you that it is
16 or it isn't. And that for me is the stuff that's really
17 important for our workforce.

18 Q. I was interested in that and I did read that that was
19 something you said in Phase 9. There are really two
20 points I would make. First of all, if we look at
21 Mr Murphy, if we looked at the period 1960 to 1966, for
22 example, and we're seeing what's been recorded about
23 him, it didn't appear that the inspector or anyone else
24 was walking in and having a sense of dread or fear or
25 concern or suspicion, because the reports don't say

1 anything of note on that thing.

2 And I do wonder whether -- well, I take your point
3 that maybe you can -- someone with good instincts can
4 perhaps make these judgments. But, I mean, that's not
5 necessarily a cast iron way, that you can go in and
6 sense that there's something wrong.

7 I mean, what is it that would tell you, for example,
8 can you give me a concrete example of if you walked in
9 and everything has the appearance of being great
10 visually, and you see children and you see the staff and
11 you see them interacting, what is it then that would
12 make you stand back and think, 'No, this isn't -- this
13 isn't right'. Can you give me an example?

14 A. Yeah, I suppose there are a number of things and I think
15 we probably inspect the environment far too much. So
16 the physical make-up being what's really important, but
17 it's only important if other conditions are right in
18 a children's house. So I suppose for me, I mean, I was
19 also a service manager for residential, so I worked in
20 that area for quite some time. You will see if children
21 are distant. So if you come into the house and children
22 are in their rooms, they're not present, that should
23 concern us.

24 What a child says and how they emotionally present
25 can be two different things, so we should be curious

1 about that. So if a child says, 'I really love living
2 here', but they don't smile when they say it, what does
3 that tell us? And do we pick up on: does the
4 interaction feel false? And I think that's equally
5 important. And I think you can, if you work with
6 children, you can quickly pick that up.

7 Q. Well, you can, and no doubt that's why you are where you
8 are today. But my worry might be, if I was just Joe
9 Public, is, well, can all the staff that you engage at
10 all levels to do that sort of work, would they be able
11 to do the same?

12 A. I think you would have a confidence in the system now
13 that you wouldn't have had before, that staff are aware
14 of all the other things that they have to be observing
15 and picking up on. So all the non-verbal cues.
16 I suppose for me that's why it's important to have
17 a structure around our care provision, so that if some
18 staff can't do that, we've got other staff that are
19 vigilant in doing that.

20 So we shouldn't for a minute -- we can only -- we
21 can do satisfactory checks on people, and we'll know
22 what we know about them, but that's not the start and
23 the end of that process of safeguarding children and
24 young people. We learn a lot about staff when they
25 provide care and therefore I think it's important just

1 to have, you know, all these nuances that people are
2 aware that they need to pick up on.

3 But you'll -- and I suppose for me the safer
4 recruitment process is far better than it was before,
5 but it tells you what you know; it won't tell you what
6 you don't know about somebody, and that in itself is
7 what we need to be mindful of.

8 Q. But in those days, and indeed it was one of the main
9 recommendations of Black and Williams' report, that
10 there was no whistleblowing policy and that was
11 obviously instituted shortly afterwards, I think. And
12 there were lots of other places where there were no
13 policies as there should have been. But taking that
14 one, for example, I mean, as of today, I mean, how
15 frequently do care staff, residential care staff, use
16 the whistleblowing policy to speak about concerns they
17 have of colleagues? Is that a well-used service?

18 A. It doesn't happen frequently, but when it does, I think
19 that's always indicative of something that's happened.
20 So I do have a -- you know, used fairly recently in our
21 own service and we've had to -- you know, that's
22 initiated an extensive investigation into caring
23 practices.

24 So it's not something that's used routinely and
25 you'd be pleased that it wasn't, but it is used and

1 often when you investigate on the back of that, you are
2 able to get a better understanding of what that care
3 setting is like.

4 Q. I take your point that on one view it could be
5 encouraging that it's not well used. The other view
6 might be that people who are in work have a fear of
7 reporting their colleagues when they're still at work.
8 They might say it when they leave the workplace.
9 Because we know from common experience that people worry
10 that they will end up being -- suffering some form of
11 detriment if they speak about a colleague, and either it
12 doesn't turn out to be well-founded or their concerns
13 are dismissed or they feel that they didn't get a fair
14 crack of the whip and somehow their life changes, their
15 colleagues are not so happy with them, they don't seem
16 to be getting the opportunities that they would have
17 otherwise got. That's a real worry?

18 A. I think there's always, there's a fear for anybody in a
19 work setting around just the repercussions of lifting
20 your head and what does that mean for you and your work
21 and your day-to-day work.

22 I suppose for us, it's about us ensuring that our
23 staff know that there's a level of protection for them,
24 should they escalate matters that need to come to our
25 attention. I'm much more confident that that's the

1 culture that we've got in the Children, Families and
2 Justice Service in Fife. But for me, whistleblowing
3 happens outwith the formal whistleblowing process. If
4 you have an open door to your staff, and you have an ear
5 to the ground and you have a good trusted relationship,
6 they will come to you and share things that you still
7 can investigate, that hasn't meant that they've felt the
8 need to go through that formal whistleblowing process.

9 Q. Well, I was going to ask you about that as well, because
10 the other aspect you said that has improved is the more
11 formal and structured supervision arrangements, and that
12 that provides its own opportunity to have a free and
13 frank discussion, not about just your own practices
14 and -- but also about practices in general and
15 colleagues and their work habits and treatment of
16 children in interactions.

17 But again, I'll ask the same question: how often
18 does that become a source of -- that it comes to your
19 desk and requires you to carry out maybe some form of
20 investigation to ensure that bad practices or bad habits
21 or ill-treatment are not taking place. How often does
22 that happen?

23 A. We don't have a lot of concern being raised by the
24 workforce. I suppose one of the things that I've always
25 been very clear about, the role that I've got, is

1 that -- so I review every residential placement every
2 four weeks with the leadership team, and I review every
3 foster placement every eight weeks. So I want to know
4 what's happening, what's the plan for the child, the
5 young person, what's their experience, what are they
6 enjoying; what are they saying about what's going on,
7 and what's the atmosphere and the culture like in those
8 houses. So I would know what was going on and I'm
9 around all the houses as a service manager, and having
10 worked in Fife for such a long time, you've got
11 relationships, and that enables all of that to happen.

12 We don't have a lot of escalation of concern about
13 the care that's there, and that's not an indication that
14 everything's good. Our quality assurance process has to
15 tell us that, because we can't be reliant on people
16 raising things when we know it can be so difficult to do
17 so.

18 Q. So these are the checks and balances that I think you --

19 A. Absolutely, all of the time.

20 Q. -- told us in Phase 9. But, I mean, how often do you
21 walk the shop floor?

22 A. Well, I'm around Fife all the time, so I do a lot of --
23 you know, I'm around the children's houses, I do a lot
24 of, you know, working with unpaid works and justice.
25 I meet with parents that are open to our supporting

1 birth parent service. I'm in all their offices. So
2 I would have a sense of what's going on and I'm in
3 a very busy office and I sit next to all the operational
4 team.

5 So culture is hugely important and I think that's
6 one of the things that we have to learn from the Black
7 and Williams report around leaders need to be aware of
8 what's going on and they need to be -- have a process
9 for their staff always escalating that where it's
10 required.

11 Q. But you then -- but as you've described, the way you do
12 things, you are seeing for yourself, by just walking in
13 or visiting, you're also seeing the managers who are
14 external, and the service manager's team leaders, you're
15 working with them. And also you are dealing now in Fife
16 with small units, with a fairly small cohort of children
17 in residential care; is that the position nowadays?
18 It's not like the old days?

19 A. Yeah, we have moved the residential estate on and that's
20 something I think we should be really proud of. We have
21 now ten maximum four beds. We have some singleton
22 placements and we have our transformational board who
23 we're looking to move to houses that only accommodate up
24 to two young people. So I think we, over time, you
25 understand the challenges of providing group --

1 Q. But didn't Fife get its fingers rapped in 1992 for
2 almost saying that residential care was something that
3 was -- should be avoided at all costs? I think there
4 was some sort of inquiry, if I remember, at that point,
5 where there seemed to be almost a policy of avoiding,
6 even if it seemed to be the best option. I think Angus
7 Skinner was the person who said, in Another Kind of
8 Home, don't treat it as a hierarchy and treat it -- that
9 that's the dumping ground or the place to put
10 the problem that you can't solve. And it should be
11 treated as an option, just like any other option, and
12 they should all be on the table and it's what works best
13 for that child.

14 I mean, is that still the position?

15 A. Absolutely, and our position is that it's a legitimate
16 option for children who are deeply traumatised, and it's
17 an option that we should consider to stop that cycle of
18 foster placement disruptions. So it's sometimes now the
19 placement of first choice, but I think when you have got
20 a skilled worker who understands the traumatised
21 behaviour, they can appraise the options available to
22 respond to that.

23 But for us, we almost have all of our children now,
24 who require residential care, being cared for in Fife,
25 and within our own internal provision, because what

1 I will always know is what's happening in our internal
2 provision. You can't always be assured of what's
3 happening externally because you don't have access to
4 all of the information.

5 Q. But the idea of placing -- I mean, this isn't
6 a voluntary home, this was a local authority home, but
7 Fife doesn't use voluntary sector for residential care?

8 A. So we have something like 16 children that are in
9 external provisions, so that's kind of the private
10 sector and voluntary. Very small numbers, and ten of
11 them are outwith Fife. So we don't use -- we have less
12 reliance on the external provision because we've
13 invested in developing our own estate.

14 Q. But you have some reliance?

15 A. We have some reliance.

16 Q. And some children have to go outwith Fife?

17 A. That's right.

18 LADY SMITH: But you've got your own four places, is it
19 still, in Fife?

20 A. We have ten houses and we have a plan to build another
21 residential house for children with disability and
22 another three singleton placements.

23 LADY SMITH: Okay.

24 A. What we tend to find is that children who we have out of
25 Fife, externally, they have a level of complexity that,

1 if you matched them to a group living environment, it
2 would be difficult for everyone. So the need that we
3 can't meet, that we rely on external placements for,
4 will be met when we have these new builds in 2027.

5 LADY SMITH: So that's ten houses. Is that now on --
6 I can't remember, I'm sorry -- ten different sites?

7 A. Yeah. Maximum of, I think, 29 beds, because we've
8 capped the sizes of --

9 LADY SMITH: Yes, I remember that.

10 A. -- of children, and we're about to open a mother and
11 baby residential and support centre as well. So we --
12 and we have -- the difference for us now is that we also
13 have a placement-only house for primary-aged children.
14 We know the challenges of placing children of such big
15 age variance, so I think we've, again, adapted the
16 residential estate to meet the needs of children.

17 MR PEOPLES: So the increase from -- I mean, I think I saw
18 some figures in Phase 9 that suggested it was a lot
19 smaller, the number of units.

20 LADY SMITH: Yes. Yes.

21 MR PEOPLES: But is that because you're trying to bring them
22 home, as it were, to the local authority establishments,
23 rather than contracting out with a private sector,
24 either within Fife or outwith Fife; is that the policy
25 at the moment?

1 A. Yes, our strategy has been for some time to have
2 children 'belonging to Fife', is what it's been called,
3 and kind of two key fundamental things for that: how do
4 you know what's happening for a child when they're at
5 such a distance? Your ability to visit is reduced.
6 That relationship can't be developed when you're
7 travelling less frequently to visit young people. But
8 the loss for that young person is really quite profound
9 in terms of education, friendship, family. And the
10 aftercare support is limited, if non-existent, if
11 they're in a local authority outwith Fife.

12 Q. I think we know from the old-fashioned boarding out, in
13 the Highlands and other places, remote from the urban
14 centres that the children came from, to distance them,
15 as Professor Norrie said, was the philosophy, that this
16 would solve the problem.

17 I mean, this to some extent is simply a natural
18 development from that, but also to bring things back to
19 the local authority, reduce the units, make them more
20 bespoke, in the community, and so forth?

21 A. Yeah, and I think, you know, I've always been very clear
22 that we're not here to replace parents. We need to
23 co-parent. And I think that's something that's very
24 different when you look at the Black and Williams report
25 and some of the behaviours that were around for

1 David Murphy. So we need to co-parent where best we
2 can.

3 But I'm confident that children get a better care
4 experience by their own internal provision, and that our
5 aftercare support is much more well-rounded, robust and
6 for longer, if we have them in Fife, and I can guarantee
7 their educational experience will be better if they're
8 in Fife, because I can challenge the education system
9 and have much more dialogue with council partners.

10 Q. Because you heard what 'Jamie' said, and I think this
11 isn't new for us, because many applicants have come to
12 our Inquiry, wherever they've been based, and said that
13 the education they got, whether it was in-house or in
14 the community, was not one that was very great and
15 denied them opportunities. Some made up for it, as did
16 'Jamie', as you can see but that was a common situation,
17 that their education was really not given any great
18 priority, even within the home. And St Margaret's,
19 there wasn't a lot of attention devoted to improving
20 their educational standards and doing their homework and
21 helping and so forth.

22 So, you have moved on a lot.

23 A. We have, but we have a lot more work to do in the area
24 of education and perhaps aspirations for our young
25 people that are in care. But, you know, I'm confident

1 as a leader of what's important and trying to drive that
2 forward. But a lot of work, if we were being honest,
3 still to do.

4 Q. You made that point in Phase 9, didn't you, that there
5 is still a low level of aspiration for children that
6 have been looked after?

7 A. That's --

8 Q. That's still a common situation?

9 A. And much more for children in residential care, because
10 what they -- they might present as dysregulated
11 behaviour within schools, and schools' ability to manage
12 that, along with the other cohort, becomes problematic.
13 So again, we've got a strategy around that, but still
14 much more has to be done, I think, in that area.

15 Q. Now, just going back again to the -- Mr KNC .
16 We know from one of the documents from Scottish
17 Government was that Mr KNC , apparently in 1961, was
18 appealing against -- to the county council against
19 removal from St Margaret's.

20 Now, if he did appeal, he wasn't successful, because
21 he disappeared at that time.

22 And just about Mr KNC , we don't know much about
23 him, but what we now know is that 'Jamie' told us that
24 he was sexually abused on several occasions by KNC
25 KNC .

1 Now, this is obviously a sign that St Margaret's has
2 got a very poor history of people that are employed
3 there: KNC [REDACTED], David Murphy, Trevor Francis.

4 LADY SMITH: KND [REDACTED].

5 MR PEOPLES: KND [REDACTED] was mentioned as well. So, and
6 that's covering a period from possibly 1955 through to
7 certainly 1973. And it closed in 1983. So that's for
8 most of its existence. It's had people who, some that
9 we know were convicted, and one who's been said to have
10 been a -- well, two have been said to be abusers by
11 evidence we've heard today.

12 So, whatever was happening, they weren't making, as
13 it turned out, very good choices.

14 A. And I suppose one of the things that I couldn't do in
15 preparation for today was understand what that
16 recruitment process was, what -- how someone's character
17 was determined. And I suppose one of the things that we
18 would need to be open to is that Mr Murphy might have
19 been able to select people to work there based on
20 a knowledge of them and a shared interest, and that
21 might have been the reality of what was around, which
22 meant that the young people there were exposed to
23 significant amounts of abuse.

24 Q. I know you say that, but I think the way it was put,
25 'Jamie's' evidence would suggest that, in fact, if

1 anything, Mr Murphy was upset that someone else was
2 basically taking over his territory, if we're talking
3 about **KND**. And the other thing I think was that
4 when the major investigations were done around 2000, and
5 it may well be that Black and Williams said something
6 along these lines, that there was no evidence to show
7 that there was any kind of ring or network or group
8 within the house or home that were acting together to
9 sexually abuse children. And I think Mr Murphy's modus
10 operandi was to do things on his own, not with the
11 assistance of other staff. Is that the picture?

12 A. I mean, I think we'll never know --

13 Q. No, well --

14 A. -- the truth of the matter, and I think we can't throw
15 one thing out and keep one thing in. And I think we've
16 got, it's, you know, multiple men who behave in
17 a particular way, all in the same care setting. I think
18 that in itself's indicative of something. So we need to
19 take that into consideration.

20 There is also something about -- it's very hard,
21 when you hear about the extent of the abuse, for there
22 never to have been anything raised or noted in the
23 records by another member of staff. So what was the
24 culture that was being created, conditioned and allowed
25 to happen, that perhaps meant that a number of adults

1 felt comfortable and confident enough to abuse children
2 to the degree in which they did.

3 So I think all of it, for me, I think, might be
4 symptomatic of something bigger, but it's hard to ever
5 make it --

6 Q. Well, either that, or that those who were colleagues,
7 like Margaret Findlay, although they professed to be
8 shocked, it's difficult to believe, I think 'Jamie'
9 thought, that she couldn't have had an inkling, as he
10 put it in his statement, that something was happening
11 that wasn't right, but for whatever reason, she kept her
12 mouth shut. Which, that's not unique; I think we've
13 heard lots of evidence to that effect, that colleagues,
14 for one reason or another, seemed reluctant to speak
15 out, even if they had concerns privately. And they
16 might emerge during a police investigation. If you're
17 lucky, if you speak to an ex-member of staff, they'll
18 suddenly say, 'Well, yeah, I did have a problem with
19 that person and that, but I didn't do anything about
20 it'.

21 So that seems to have been the historical position,
22 was it not?

23 A. I think it is, and also just around the perception of
24 what -- children in particular settings could just be
25 discarded. And we see that in terms of the language

1 that's used around, children should, you know, that are
2 undeserving, should be grateful for the care that they
3 receive. And perhaps when you -- and I think 'Jamie'
4 testified that this morning, that when you create
5 a perception of children who are delinquents, difficult,
6 antisocial, you know, young criminals, you know, that
7 narrative, perhaps -- I mean, I think all the adults
8 around that perhaps share a view and a perception, and
9 therefore certain behaviours are acceptable, because
10 children are deemed to have deserved that, and that's
11 the only way to deal with them. So I think all of that,
12 I think, creates just that culture.

13 But it is concerning that there's a number of men
14 who behaved in a particular way in -- and all of our
15 knowledge would tell us that that's fairly unusual.
16 And --

17 Q. Well, I don't know about that, because in the Quarriers
18 case study, as I recall, there was a number of
19 convictions of -- it was a cottage system, but there was
20 quite a large number of convictions of staff who were
21 houseparents in different cottages. Not all, I mean
22 there was about 30 cottages or maybe more, I can't
23 remember the exact number.

24 LADY SMITH: Around that, I think, yes.

25 MR PEOPLES: But there was a lot of them. And they weren't

1 cottages. Some of them were houses.

2 LADY SMITH: Some of them were quite substantial houses.

3 A. Yes.

4 MR PEOPLES: So maybe it's hard to try and piece it together
5 and try and rationalise it as -- when you see that, and
6 try to work out why that would be so.

7 A. But we know that sometimes adults can close their eyes
8 and their ears, and we know that can happen in any
9 family that we work with in a social work setting, where
10 sometimes the most horrific abuse might happen in
11 a house, and for whatever reason, people close down when
12 that's happening around them. And so I think there's
13 just all of that complex conditions that allow people to
14 become, you know, even more powerful in the setting that
15 they find themselves in.

16 LADY SMITH: Something I've come across, 'Jamie' [sic], also
17 is adults, other members of staff, not saying anything
18 for fear that they're wrong, and they cause difficulty
19 and damage to their colleague by raising their concerns.
20 And they justify it to themselves by reference to no
21 child having complained, 'So maybe I'm wrong, I should
22 leave it alone'?

23 A. Yeah, and I think it is a human aspect, that you don't
24 want to think the worst in people. And perhaps -- you
25 know, I think we've worked with various -- I think

1 anyone who's, you know, been able to create the
2 conditions of sexual abuse, so many children over so
3 many years, are skilled at manipulating the adults
4 around them as well. So, as 'Jamie' spoke about, you
5 know, that Jekyll and Hyde-type personality, your
6 persona for your colleagues could be almost you're
7 grooming the adults around you, to groom the children.

8 MR PEOPLES: Well, certainly Mr Murphy seems to have done
9 that, not just for his colleagues in St Margaret's but
10 for the community in general, and the social work
11 department that he was corresponding and communicating
12 with and so forth.

13 Going back to Mr **KNC**, apart from 'Jamie's'
14 evidence, there is a document, I'm not going to take you
15 to it, but I will make reference to it. It is
16 FIC-000001820 at page 1. It has all the appearances of
17 being a Crown precognition that somehow Fife had got
18 hold of for the Murphy trial, and it does have things
19 about -- a section called 'History of the accused'.

20 And in that section, in that -- on that page that
21 I've mentioned, there is a reference to **KNC**
22 being -- well, leaving St Margaret's. They may have
23 even used the term 'dismissed'. And there's reference
24 to there being some suspicion or investigation into
25 embezzlement, but it also says, 'and sexual abuse'.

1 Now, that's the only reference, other than the
2 evidence we've heard from 'Jamie', and I don't think
3 that Mr [KNC] 's dismissal, if it was for -- after
4 investigation for sexual abuse, could have been because
5 of what 'Jamie' told us this morning.

6 So it's a mystery, in some ways, but it's there. He
7 went under a cloud, whatever happened, and there were
8 concerns about him generally about his [REDACTED]
9 the home. I don't think they were to do with abuse
10 concerns, but we have that.

11 So we've got this -- it's a sort of mystery.
12 There's gaps, we don't have enough records. But it's
13 there, and it's a worry, because again, that's another
14 period when, if that's right, children, including very
15 young children, were exposed to someone who was -- could
16 be abusing them, as happened to 'Jamie'.

17 A. And I think we touched upon that, and perhaps into,
18 maybe into a bit of detail in Phase 9, and I think for
19 me, that's what brings all of my thinking to some form
20 of conclusion, is that the opportunity to have suspended
21 someone, to ensure rigorous investigation, wasn't lost,
22 it wasn't pursued.

23 Q. Too many times.

24 A. Exactly, and as a consequence of that, actually that
25 person has become even more powerful. And when there's

1 a history of someone that goes recorded but unresponded
2 to, when do you respond? And I suppose that's the thing
3 that worries -- that has worried me through all of the
4 reading around that.

5 Whereas in the current climate and situation, when
6 a significant allegation like that is made about
7 a member of staff, they are suspended, and they are
8 suspended for their own benefit. It's a safety for
9 everybody until the facts can be explored.

10 And it's not about -- they have to believe children,
11 but then the role of the professional is to believe them
12 and then understand the narrative and sequencing and
13 getting the facts and --

14 Q. Well, just pause there. I think that point was taken up
15 in Phase 9. I think what that means, I suspect, is that
16 when a child comes with an allegation, you keep an open
17 mind. You don't make a judgment whether a child is
18 telling the truth or not telling the truth, as happened
19 in the past, on assumptions and whatever; you keep
20 an open mind, you investigate and you have to be
21 prepared to make the finding, if it's justified on the
22 evidence and investigation, but equally, if it's not
23 justified, to make an alternative finding. That's just
24 a fair process for everyone?

25 A. Absolutely. And some -- I suppose there's two things

1 around believing. I think it's important that the
2 child, when he makes an allegation, that that is met
3 with a very supportive response. So that, believing
4 that there's something there to be explored, is hugely
5 important. We know for the recovery of people who've
6 been abused that that initial response is hugely
7 important. So I think there's, for me, I'm really clear
8 about what our response needs to be.

9 Children live complex lives. They might have
10 experienced abuse and, you know, neglect from multiple
11 adults. So our job's then to support that young person
12 to tell their story and for us to try and piece that
13 together. And in that exercise we then determine
14 whether or not it's valid, what's been said. And if it
15 is, we continue with the HR process with staff. And if
16 it's not valid, there's an opportunity for the staff
17 member to come back into the setting, 'cause that risk
18 has been assessed and understood.

19 But we can't dismiss anything.

20 Q. Oh, I'm not suggesting -- I'm honestly saying --

21 A. No, but I think we're now really clear, I think we're
22 very clear about that. I have to say, children don't
23 make allegations about staff often. I don't think they
24 ever did and I don't think they do now or will do in the
25 future.

1 So it's not something that we ever deal with, so
2 when it does happen, I think it is of significance.

3 Q. Well, they didn't make them in the past, even if there
4 was widespread abuse, for reasons that we've explored in
5 many case studies. The fear of consequences, the fear
6 of not being believed, attitudes towards allegations by
7 young children in care who've got a dysfunctional
8 background and perhaps a history of petty criminality
9 and so forth.

10 LADY SMITH: Or just making life worse for themselves, daily
11 life becoming worse.

12 A. I think one of the things I think is really important,
13 and I think it's steeped in the practice that we have in
14 Fife, and again, people have mixed views on it:
15 residential houses are children's homes. They're the
16 workplace of a member of staff. And I think it's hugely
17 important that when an allegation is made, that young
18 person isn't moved. That they're kept in their home and
19 the staff member perhaps is displaced. Because what are
20 you telling other young people of the future who might
21 live there? If you make an allegation, you lose
22 everything? So if they're trying to create the
23 conditions for young people to have a voice, be
24 confident that the reprisal is less, then our actions
25 are hugely important.

1 So I'm always really clear, and clear to the staff,
2 and I wouldn't apologise for that, that sometimes you're
3 temporarily displaced so that we can understand and
4 manage the risk. But that young person, who's had
5 a really traumatic life, can't lose everything, because
6 if you move that young person, ultimately we're blaming
7 them for something that perhaps has happened and they
8 can't be responsible for.

9 MR PEOPLES: We know historically, if allegations are made
10 and someone had to be removed, it wasn't the staff
11 member.

12 A. It was always the young person, and that's, you know,
13 certainly not the case for us. Fostering's very
14 different, but in a residential setting, we are really
15 clear, and it is not about blame, it's about an open
16 mind and we have to establish the facts in what can be
17 really complex, complicated situations.

18 Q. Can I move on to Mr Murphy then. I've moved away from
19 Mr **KNC** now. And we know he started, according to
20 records, on 1 May 1960, I think it was. And I think in
21 Phase 9, it was suggested that the first allegations
22 that surfaced about Mr Murphy that the council were
23 aware of, arose from 'Jamie's' letter in 1970,
24 in December.

25 But I think you'll now be aware from the documents

1 released to the Inquiry that we have a statement from
2 an applicant, a male applicant, whose pseudonym is
3 'Dennis'. I think you'll know the name. And he was in
4 St Margaret's in the 1960s, he thought between 1962 and
5 1966. There may be some dubiety about his dates, but he
6 was there before 1970, I think.

7 And his evidence to this Inquiry is that he told his
8 social worker, whom he named, that he was being sexually
9 abused by Uncle Dave. And he's told the Inquiry that he
10 wasn't believed, and it appears from the evidence he's
11 given that he was told by his social worker that
12 David Murphy, when the matter was raised with him by the
13 social worker, denied any wrongdoing, causing the social
14 worker then to ask 'Dennis' why he was making up lies
15 and stories.

16 There's no evidence that the social worker did
17 anything other than tell Mr Murray [sic], the alleged
18 abuser, what had been said about him. I mean, that's
19 inexcusable, isn't it?

20 A. And there's nothing else, other than to say it's
21 inexcusable.

22 Q. I mean, it's a totally wrong procedure just to say,
23 'Well, let me go to the alleged abuser, he tells me
24 something different, he's the adult, he's the person in
25 authority, that's a child in care, so let's not bother

1 doing any more, go back to him and accuse him of being
2 a liar'. I mean ...

3 A. There's nothing rigorous around that process at all and
4 actually, it takes more than a social worker to do that
5 investigation. And I suppose the confidence we would
6 have now is around child protection processes for any
7 allegation that would require that initial referral
8 discussion as part of national guidance. But none of
9 that has been explored in a rigorous --

10 Q. There wasn't even an investigation.

11 A. No.

12 Q. I mean, he didn't make any enquiries. All -- he went to
13 the person that was accused and he obviously believes
14 and swallows everything he says without criticism or
15 enquiry. And then he goes back and not only says, well,
16 Mr Murphy denies it, he doesn't just stop there, he
17 says, 'You're lying'.

18 I mean, what on earth is a child supposed to think
19 if that's the response they get?

20 A. And perhaps that -- and we will never know what young
21 people shared with each other in St Margaret's. But if
22 there's one young person that's made a disclosure,
23 that's had that response, and if they've ever shared
24 that with another young person, that that was the
25 experience that they had, then we've silenced the

1 population of young people not to disclose what was
2 going to come down the road for them.

3 LADY SMITH: You may also remember from looking at that
4 statement, James, and it was at paragraph 46, that
5 'Dennis' explained that once David knew, Uncle Dave knew
6 about his allegation, he called him into his office and
7 he punished him by strapping him vigorously. For having
8 had the temerity to tell his social worker.

9 A. And that's the bit that surrounds St Margaret's, is it's
10 actually -- it's isolated from everybody and everything.
11 So a position -- someone who becomes a very powerful
12 person, given a lot of status, when actually they
13 shouldn't have had it, and been able to do their own
14 thing, and even when you look at the inspection for
15 St Margaret's, Mr Murphy's word is what ultimately
16 becomes the recommendation or the grading. There's no
17 validation of that. So there's just a lack of rigour
18 around anything that's happened for the young people who
19 have attempted to make a claim of abuse.

20 MR PEOPLES: And he writes most of the reports.

21 A. The reports.

22 Q. And so you get his narrative and slant, and that maybe
23 colours everyone else who reads the reports that are
24 going through, and there's no one else trying to perhaps
25 put the other side or put the child's side or whatever.

1 There's nothing like that at that time.

2 I mean, I'm not saying that was uncommon, but that's
3 what was -- how it was done.

4 But going back to this social worker, if you were to
5 put that situation today, you've told me there would be
6 an investigation if it was reported. If it hadn't been
7 reported, would a social worker today be disciplined, if
8 it came to light?

9 A. Yeah. You know, they've left the child at potentially
10 further risk of harm.

11 LADY SMITH: Yes.

12 A. So both in terms of our codes of practice for the
13 profession, as well as the expectations from our
14 internal processes, then there would be a suspension
15 perhaps, or at least an investigation of that social
16 worker's practice.

17 So I think there's two processes that would kick in.
18 There's the issue around safeguarding of the young
19 person, but there's also about the professional
20 expectations of a social worker.

21 MR PEOPLES: And the possibility of disciplinary action?

22 A. Yeah.

23 Q. In those circumstances?

24 A. And the strong likelihood that that would be the case
25 for that, for a social worker now.

1 Q. Now, if I move on -- I mean, that was a missed
2 opportunity. We don't know what would have happened had
3 the matter been taken further and senior management had
4 been told and perhaps if the police had been brought in,
5 who knows. We just -- we can't really say. But we can
6 say it's a missed opportunity?

7 A. Yeah, and I suppose again, just to kinda reaffirm my
8 position, there's -- no missed opportunity is
9 acceptable. So our job is to safeguard and protect
10 children, both within their families and within a care
11 system, and social workers have that pivotal role in
12 doing that.

13 Q. Now, I'll move on to the next missed opportunity, if
14 I may. And you'll know -- I'm not going to take this at
15 length because I went through this with 'Jamie' this
16 morning. But we have 'Jamie's' letter on 8 December
17 1970, and we have a letter from Miss Walker of Fife
18 County Council in response to 'Jamie', in which she
19 seemed to say, 'Well, if you had said something at the
20 time, we would have rigorously or vigorously
21 investigated', and she left it at that. I mean, what
22 an appalling response, do you not think?

23 A. Yeah. And again, I suppose, irrespective of the age at
24 which someone makes a disclosure, and perhaps being
25 an adult is more likely when it's going to occur, when

1 a person's out of the situation and feels they're safer,
2 our duty of care extends to the person as an adult.
3 Both to support them throughout what might come, but to
4 ensure that that is again investigated and action taken.

5 Q. And also, she got a letter about David Murphy.

6 St Margaret's was still open, David Murphy was still
7 working there, and there seems to be no consideration
8 given to whether, apart from supporting 'Jamie' and
9 seeing that he was okay and making sure that the matter
10 from his point of view was handled appropriately,
11 there's no attempt to even speak to David Murphy and
12 there's no attempt to consider suspension, to consider
13 what action needs to be taken to protect the children
14 then in care.

15 None of that seems to cross this person or the
16 others involved in this decision at the time, because
17 she took advice, legal advice, she seemed to have the
18 Head of Social Work, then Mr McNicoll, involved and
19 other senior figures, and between them, they don't seem
20 to have thought that, 'Well, why don't we have
21 an investigation, whatever the police do, because this
22 is something we need to drill-down and decide, and let's
23 see what we do meantime to protect children who are in
24 care'.

25 That, again, is appalling, isn't it?

1 A. Yeah, and there's just two things that in my mind should
2 have happened, which is a clear plan of how we were
3 going to respond to 'Jamie's' allegation as an adult
4 through the criminal process. And then, what is the
5 immediate risk that might be posed to the children now
6 in the care of someone who has had a serious allegation
7 made about them, and how do we manage that, mitigate
8 that and deal with that seriously.

9 So the -- because I think sometimes we can convince
10 ourself that a criminal conviction is the thing that's
11 required, or a charge is required for action to happen.
12 For me, that's a criminal process, the like of which --

13 LADY SMITH: And, James, something that struck me about that
14 letter, and 'Jamie' said, 'Oh, I'm not sure you'll be
15 able to follow it', the spelling mistakes. He's not
16 just talking about one thing in the letter, he's not
17 just talking about Murphy and what Murphy did to him.
18 He's got an anxiety to try and get some documents he
19 thinks that he can get from the social work department,
20 but, separately, he says something about being worried
21 regarding children who could be hurt by Murphy again.

22 So he, in all this text, he flags up the risk. But
23 nobody else does.

24 A. And the concerning thing perhaps is that there is a lack
25 of a chronology of events for that establishment that,

1 you know, if you had had that ongoing, you would have
2 seen that, you know, there had been allegations. Some
3 were albeit by a different member of staff and would
4 make you much more inquisitive to just question what was
5 happening in that institution.

6 MR PEOPLES: I mean, I'm not sure whether the social worker
7 that 'Dennis' confided in let anyone else know other
8 than Mr Murphy, which clearly might have meant there
9 wasn't a record. Here there is a record, and one that
10 could have been used going forward as well.

11 But the other thing is, I mean, I think you had
12 concerns at what you called the 'conundrum' in Phase 9
13 of a situation where -- and this was in the context of
14 the Linwood Hall appointment of Murphy that -- and
15 perhaps a view between, in human resources or legal
16 circles at that time, that the problem of innocent until
17 proven guilty, and the weight, if any, that should be
18 given to unproven allegations when considering issues of
19 recruitment of staff, suspension, termination, and so
20 forth.

21 And I think it was even submitted that this was
22 an area in which guidance in the form of recommendations
23 from this Inquiry would be welcome.

24 Now, can I just perhaps put this to you, that first
25 of all the presumption of innocence is a presumption

1 that many convicted abusers of children in residential
2 care have used in the hope of escaping justice. And
3 indeed, we've got the very example here of David Murphy,
4 who, until his trial in 2001, at which point for the
5 first time he admits sexually abusing 17 boys at
6 St Margaret's between 1960 and 1973, having previously,
7 whenever confronted, denied any wrongdoing. So he was
8 sitting on the presumption.

9 But I think the other point to be made is, and the
10 problem for Fife over the years was, that in all of
11 these instances, they never really carried out any
12 investigation at any time into any of the allegations
13 themselves. And where allegations of abuse are made,
14 and I don't think the justifications in the Black and
15 Williams report for what happened are really very
16 convincing, but where they are made, the best way to
17 avoid the conundrum is to ensure that allegations are
18 properly investigated at the time they're made.

19 And I think if it's not understood by local
20 authorities, when an employee is under police
21 investigation for alleged criminality which took place
22 in the workplace or during the course of their
23 employment, that police investigation and any parallel
24 criminal proceedings do not, in principle, or in law,
25 necessarily preclude the employer from continuing to

1 conduct its own investigation and instigating
2 disciplinary proceedings against the employee.

3 There must be some care not to prejudice the
4 criminal proceedings or investigation, but the court has
5 power, if necessary, to take appropriate action to, to
6 some extent, determine the order of events. But that's
7 all. It doesn't have to -- and it doesn't always do so,
8 and there's nothing to stop someone saying, 'Well,
9 there's a police investigation, we can't do anything'.
10 That's just wrong.

11 So the conundrum doesn't have to -- it only arises
12 because people fail to do the right thing.

13 Do you see what I'm getting at?

14 A. Yeah, absolutely, and I totally agree with what you've
15 said, and for me, the -- in terms of the social work or
16 social care profession, I'm not -- the process isn't
17 about proving, you know, if you are innocent or guilty.
18 It's about what is the likelihood of risk. And do we as
19 an organisation have confidence that this person could
20 be safe.

21 Q. I follow that, in terms of disposal and decisions. But
22 the investigation itself has to take place, and it can
23 be done on a different footing. In some cases, the
24 person, if they're under investigation by the police,
25 may not want to say very much, but it doesn't mean that

1 you can't do something and make judgments and decide
2 whether the allegations have substance or not and, if
3 so, take appropriate action.

4 I mean, I think it seems that there was a feeling
5 around, certainly historically, that, 'Oh gosh, we can't
6 really step in here because there's other things going
7 on'. Parallel proceedings are not a problem.

8 A. This was the challenge for me, just on reading the file,
9 was that it was even hard to -- to clarify the rationale
10 for the decisions that were taken or not.

11 So there wasn't any clear documentation about
12 what -- if this person wasn't investigated, why not. So
13 what was the rationale for not even doing that. And
14 it's hard -- you can't get that from, unfortunately,
15 from the records.

16 What I think is hugely important is, for me, that
17 all allegations are investigated.

18 Q. Yes.

19 A. We formally log them, within the complaints department
20 of the council, so they don't sit in an inbox, they
21 don't sit with individuals. There's a formal process to
22 go through.

23 I think that's the bit that's hugely important, so
24 that we look at it independently, with a bit more of
25 a neutral eye. And I'm always really clear that the

1 people closest to the staff are not always the
2 best-placed person to investigate that. Because they'll
3 have worked with them, they'll have relationships and
4 they'll have a view on a person and sometimes, perhaps,
5 the allegation.

6 So, you know, external fact-finding from another
7 person is often much more helpful and fair to all, but
8 there's not an occasion where any complaint or
9 allegation would not be followed up.

10 Q. Then you get -- you avoid the mess that arose when he
11 applied for Linwood Hall, because by that stage the
12 other matter had been investigated by the council, even
13 if the police and the Crown for certain reasons didn't
14 take action. A decision on the allegations would have
15 been made. And it may not have been the right one, but
16 let's say it was a proper investigation and let's say
17 they had decided that they were well-founded, whatever
18 happened in 1973, then that would have been the end of
19 the matter. I mean, they would have been able to say,
20 'It's not a matter of saying there's a bit of rumour
21 going on. We found that he did what he was alleged to
22 have done', and he would never have been employed in
23 that situation, surely, even by a high-handed education
24 department or a human resources department that thought,
25 'Oh gosh, presumption of innocence, unproven

1 allegations'; they would have been proved?

2 A. Yeah, and every allegation, every complaint's
3 investigated, and the documentation that follows, that's
4 in every staff member's personnel file. Because what
5 you need is the facts, you need the evidence. You can't
6 rely on organisational memory. So that if a member of
7 staff is reinstated, that there's a record of that,
8 should a further allegation come up. Because sometimes
9 people -- an allegation might not be proven and a person
10 remains in work, but a further allegation might come and
11 therefore you've got to look at the two things together.
12 So you've got to have that chronology on someone's
13 employment history.

14 LADY SMITH: James, before we -- and I'll stop for just
15 a very short break in a moment. Before we do that, in
16 your current practice, at what stage does the council
17 report to the police in relation to an allegation?

18 A. So, every allegation of physical or sexual abuse by
19 a staff member results in an initial referral
20 discussion, and the police sit at every one of those
21 discussions and a decision is made then about what's the
22 best course of action.

23 LADY SMITH: Good. So you're working on a multidisciplinary
24 basis.

25 A. Yeah, from the very first point that that's received.

1 LADY SMITH: Thank you.

2 MR PEOPLES: Yes, I think this is as good a time, just to
3 take a short break.

4 LADY SMITH: I think we should just stop now. I normally
5 take a short afternoon break, you may remember, at this
6 point. So we'll do that now, if that's okay, James.

7 (3.05 pm)

8 (A short break)

9 (3.15 pm)

10 LADY SMITH: Are you ready for us to carry on, James?

11 A. Yes.

12 LADY SMITH: Thank you so much.

13 Mr Peoples.

14 MR PEOPLES: My Lady.

15 James, I'm not going to spend a huge amount of time
16 on the 1970 allegation, because you heard me go through
17 it with 'Jamie', and you saw what I suggested to him
18 based on the record, and you've seen the record.

19 And I think in my view, and I suggest to you, the
20 initial response by Miss Walker was both curious and
21 inappropriate, just to almost say, 'Well, thank you for
22 letting us know, if you'd let us know at the time, we
23 would have investigated'. That's not really the
24 response that should have been sent by a member of the
25 council at that time, in my -- is that -- would you

1 agree?

2 A. It is, and I suppose I'm also really clear in the role
3 that I have as the Chief Social Officer, that our -- we
4 offer much more to adult survivors of abuse,
5 particularly from the care system.

6 So we -- there's, around the care, a rigorous
7 response to the allegation, how we investigate that and
8 the criminal matters that might come. But there's still
9 an apology that's required, there's still support that
10 might be offered. And certainly as the Chief Social
11 Officer, I do that, I write an apology to any adult that
12 comes forward, regardless of whether I can prove it or
13 otherwise. That's not for me to do. It's their lived
14 experience. But is there anything else that we could
15 offer them to help them in their recovery from what's
16 happened before, if they've not accessed that already.

17 So I think for me, there's just much more that we
18 need to be offering people who perhaps we brought into
19 care because we think we're going to offer something
20 better quality and safer. And when that's not happened,
21 we've got an even greater responsibility to ensure the
22 right support's offered.

23 Q. Well, I mean, he didn't get the support in this instance
24 and there was no real sense of urgency about progressing
25 matters as well for the children that were in

1 St Margaret's at the time. And Murphy wasn't even
2 approached. And I suppose, had he been aware of another
3 allegation, it might have dawned on him that the net
4 could be closing in and that an investigation might have
5 brought his time at St Margaret's to an end sooner than
6 in fact was the case.

7 So there are all these possibilities, another missed
8 opportunity.

9 And I put it to 'Jamie' that my reading of it was
10 that to some extent he was given the runaround by Fife
11 County Council and the Fife Police, because the letter
12 was passed to the police and between them, they seemed
13 to have been going round in circles, and he was getting
14 the initial signal, 'Come and see us'; 'Yes, I'll cancel
15 my holiday'. Then, 'Oh, don't come and see us, someone
16 will take a statement', and he didn't get any direct
17 contact from the council or Fife Police. He may have
18 spoken to the police in London but, really, that wasn't
19 good enough?

20 A. No, and I think certainly, you know, what would happen
21 now would be, a serious allegation of historical abuse,
22 regardless if the person that's the alleged abuser is in
23 post or not, is a strategy meeting.

24 None of us will ever know the scale of that abuse,
25 if it did indeed happen, so there's something about,

1 what do we do now to respond to this individual, and
2 what's required by all of us to just, to widen the
3 scope, to see if there's, you know, a scale of abuse
4 that needs to be investigated.

5 And I certainly have been involved in those types of
6 meetings and know that our response would be around
7 that, so a genuine desire to get to the bottom of what
8 might have happened. And that might mean an approach to
9 many people who have lived in that care provision.

10 LADY SMITH: Yes.

11 James, did you find it a little short of astonishing
12 that Miss Walker wrote with such confidence as she did,
13 saying, 'Well, if you'd told us at the time, we
14 certainly would have thoroughly investigated it then'?
15 Did she have any basis for saying that at all?

16 A. No, and the practice at the time would indicate that
17 that was not the approach that was being taken anyway.
18 And I suppose -- I suppose the thing that I would -- as
19 difficult as that -- just that formal communication is
20 quite dismissive of someone, and it doesn't allow that
21 person's feelings and their reality to be appreciated
22 and acknowledged as well.

23 MR PEOPLES: I mean, in fairness to Miss Walker, there was
24 telephone communications, but the gist of them was such
25 that she was being very coy; she took advice, they

1 changed the plan, he was going to travel, then he was
2 told not to travel, by which time the police had already
3 visited locally and Chelsea had said that he didn't give
4 them a statement because he was coming north.

5 So all of that was just not satisfactory, and
6 I think I'd put it that, effectively, the council, it's
7 regrettable to say, was washing its hands of the matter,
8 'Leave it to the police and actually, if it goes away,
9 that would be a good result'.

10 I mean, that's the impression you get, that, 'We
11 don't really want to go there'. I mean, I don't -- you
12 might not agree with that interpretation, but it seems
13 it's one that's open, on the way that the matter was
14 handled and the way that the matter ended, so far as the
15 council were concerned, that they didn't even trouble to
16 ask him, phone him up and say, 'How are you getting on?
17 Have the police been in touch? Have Fife Police spoken
18 to you? Are you going to be able to give them
19 a statement?' Something. And then saying, 'Do you need
20 some help as well?'

21 And none of that seems to have happened.

22 A. It didn't, and I suppose I'm -- we spoke earlier about
23 kinda the culture that you create within
24 an organisation, and so I'm always very clear that we
25 don't shut anything down, we don't dismiss anything and

1 we robustly investigate, 'cause the opportunity for
2 reflection and learning enhances the future practice.
3 And I suppose everybody's lived experience is their
4 lived experience, and it has to be validated. So
5 there's also that human element of any investigation
6 that has to happen.

7 So, but we need to have a culture of transparency,
8 of investigation, of accountability, and that comes
9 through an open, transparent way of responding to any
10 allegation that's made.

11 Q. Because I mean, in the end, there was no police
12 investigation. There was no council investigation.
13 There was no statement that was obtained.

14 And yet, the police in Fife were seized of the
15 matter, and they must have been the people that asked
16 the Chelsea Police to pop round and speak to 'Jamie'.
17 How else would they -- they don't just come along
18 without some kind of basis, and they must have reported
19 back. And yet, he didn't get any word from the local
20 police.

21 So they didn't exactly cover themselves in glory
22 either?

23 A. Yeah, and that's where kinda those strategy meetings are
24 hugely important, 'cause there's a shared understanding
25 of the actions, who's responsible for their actions and

1 the timescale for that action. And when you're clear
2 about that, you can articulate that to the person who's
3 made the allegations.

4 So I think, you know, again, just practice at the
5 time is certainly different to the practice that we
6 would experience now.

7 Q. And if we go on to 1973, if I may, now. And there were
8 further allegations in May 1973 which resulted in the
9 suspension of David Murphy on 22 May from his position
10 at St Margaret's, and that he never worked again at
11 St Margaret's. So at least the children there were
12 protected against him because of his removal.

13 There was a police investigation, but no criminal
14 proceedings. And we understand, I think, from the
15 documents, such as that exist and there's not very much,
16 that the reason being, that those who had made the
17 allegations against Mr Murphy were not willing to repeat
18 them when precognosced by the, or on behalf of the
19 Procurator Fiscal.

20 What we know from a Scottish Office minute, which
21 you may have seen now, I think you'll maybe recall, that
22 was sent at the time, is that what had happened was that
23 a girl had run away from St Margaret's, gone to her
24 granny in Lochgelly, said something to Granny, who told
25 the police or got in touch with them. The police went

1 to the school and in the presence of the headmaster,
2 I think, interviewed a number of pupils individually,
3 some of whom made allegations about Murphy. And then
4 the police told the Assistant Director of Social Work
5 about this and the following day, Murphy was suspended.
6 And it appears that these were along the same lines as
7 the sort of things that had been said before.

8 And the minute is troubling because, for example, it
9 says at one point that the Assistant Director of Social
10 Work hinted that the police were making too intensive
11 enquiries of the situation. What on earth are they
12 saying that for?

13 I mean, it suggests, well, surely, they could just
14 sort of treat these allegations as no doubt unfounded in
15 fact, and in fact when we see the minute, the minute
16 actually says, I think in terms, that the writer, who is
17 a Scottish Office official, says -- because there was
18 a risk of closure I think, because of this problem, and
19 maybe that caused consternation locally amongst the
20 staff and perhaps some of the residents.

21 But what the minute says, and I'll just read it, is:

22 'I think there have always been questions in
23 people's minds about the housefather, who's now over 40,
24 as he is unmarried and there were other allegations
25 about three years ago, which were not discussed with

1 him.'

2 And I think that would be 'Jamie's' allegations:

3 'This has been a home in Fife where quite a number
4 of disturbed children have been placed deliberately,
5 very often on a recommendation of Dr Haldane, the
6 psychiatrist.

7 'Mr McNicoll [who I think was Head of Social Work]
8 and a Mr Carrochar [I think he was maybe High Assistant
9 or Senior Official] have both spoken to the housefather
10 [Murphy] and the general opinion seems to be there's no
11 truth in the allegations.'

12 What on earth were they saying that for when they
13 hadn't investigated and spoken to Murphy? It sounds
14 like a rerun of what happened when 'Dennis' told his
15 social worker. They form a judgment, an initial
16 judgment. I mean, that's not acceptable, surely?

17 A. No, and I suppose that informal conversation is not --
18 never -- is not an acceptable way to proceed any of
19 these matters. So there's no investigation, and --

20 Q. Sorry, can I pause there. I should make it clear, the
21 police did carry out an investigation in the sense of
22 interviewing, and a report went to the Fiscal, and
23 clearly, the children at that point changed their
24 position. But the council made no investigation at any
25 stage, and that's the problem for the council. And

1 that's the criticism, isn't it?

2 A. Yeah, and sorry, that's what I meant there --

3 Q. Sorry.

4 A. -- in terms of there was no investigation by the
5 council, and the informal nature of the discussion,
6 equally, doesn't allow for a rigorous approach to
7 identifying what's going on.

8 But I think equally you could, perhaps, on
9 reflection, think that the police investigation wasn't
10 that rigorous either. So whilst there was a number of
11 children that were spoken to, St Margaret's has housed
12 a large number of children and young people over many
13 years, and perhaps if the net had been widened, then you
14 would have had a greater understanding of the scale of
15 the possible abuse that was taking place.

16 Q. Yes, and I think today, if such an investigation had
17 happened, even if there might have been a shift in
18 position by some people, it's possible that the police
19 would have said, 'Well, we need to speak to more people,
20 just to see what's going on', and they might have -- we
21 don't know if they even were told about 'Jamie's'
22 allegation, at that stage.

23 I mean, someone told the Scottish Office, but we
24 don't know whether they told the police as well, and
25 said, 'Well, actually, someone came along a few years

1 back and made similar allegations to the ones that these
2 boys I think were making'. No one seems to have joined
3 the dots or put the links in place and maybe carried out
4 the intensive or appropriate investigations, whether the
5 police or the council; is that fair comment?

6 A. It is.

7 Q. And then, I mean, it's not clear when the author of this
8 minute became aware of the 1970 allegation. I rather
9 suspect that she was told by the Assistant Director of
10 Social Work when he made the call in 1973, because
11 I think he was perhaps involved in the 1970 discussions.
12 It's very difficult to work out the initials of the
13 people involved, but Mr McNicoll was involved, and
14 someone else. I don't think it's easy to read, but it's
15 highly probable that he might have been part of the 1970
16 discussions as well.

17 So, but obviously, when the police get involved, not
18 through the initiative of the social work department,
19 what do they do? They get straight in touch with the
20 Scottish Office and, well, to some extent action is
21 taken, but not satisfactorily resolved.

22 But one thing that happened was that there was no
23 investigation of Mr Murphy by the council, but he was
24 suspended from duty and he was not allowed to return to
25 work at St Margaret's. And there was no disciplinary

1 process at that stage against him which found that the
2 allegations were well-founded, or that earlier
3 allegations were well-founded. There was nothing of
4 that kind.

5 So it's a slightly curious position. And I know
6 this was explored a little bit in Phase 9, but I just
7 want to just ask a couple of things.

8 Mr Murphy clearly was denying, again, that he'd done
9 anything wrong. And we see that the senior managers in
10 social work seem to have had an initial opinion that
11 there was no truth in the allegations. So that was it.

12 But, whatever the initial reaction or opinion was of
13 social work managers, without any disciplinary process
14 against Mr Murphy, and findings that the allegations
15 were well-founded, they still decided that David Murphy
16 would not only not be allowed to go back to
17 St Margaret's, but they would no longer -- he would no
18 longer be employed in a role that involved working with
19 children who were the responsibility of the social work
20 department.

21 So, pursuant to that decision, he is moved to a post
22 working with the elderly in Leven Social Work Office,
23 and there's no suggestion that Mr Murphy made any
24 attempt to challenge that move, or if he did, he
25 couldn't have done it successfully.

1 So he's moved away from working with children.
2 That's more than simply, there's an unproven allegation,
3 it's not been investigated, there's not been
4 a disciplinary process; they have taken a decision and
5 ultimately formed a judgment on Mr Murphy.

6 So it's a bit more than just, 'Oh well, a boy came
7 along with an allegation'. They have formed a judgment
8 and made a decision on the basis of it, because he might
9 have turned round and said, 'Hang on, you've not
10 disciplined me, what's the basis for not allowing me to
11 go back to work?'

12 So they actually did do something without the formal
13 processes. And maybe that's to their credit, at the end
14 of the day.

15 A. I think there's a couple of reflections that you would
16 have, is that the kind of comments that were made, that
17 there was little belief that there was truth in the
18 allegation, but there was enough substance for them to
19 believe it that meant he wasn't allowed to return to
20 work with children. So it almost appears fairly
21 contradictory.

22 And then that lack of kinda formal process
23 investigation ultimately enabled him then, at a later
24 date, to access -- to have a further role in
25 a children's provision.

1 And so there was opportunity to have dealt with the
2 matter more formally, perhaps brought a more serious
3 conclusion to it, and potentially stopped him being able
4 to move then to Linwood Hall.

5 Q. Yes, a formal investigation and disciplinary process
6 would have been the answer?

7 LADY SMITH: Yes.

8 MR PEOPLES: And of course when it came to 1976 or whenever,
9 the Linwood process -- and I'm not going to labour this
10 because you went through it in some detail in Phase 9,
11 but what did happen was that while the senior managers
12 or a senior manager in social work did alert the
13 education department to the allegations and the grave
14 concerns they had, and I think even a senior member of
15 the education service did the same, it would appear that
16 the appointment was confirmed and he was allowed to go
17 to work for 13 years, with catastrophic consequences.

18 And I know that possible explanations why the
19 education department chose not to heed the warnings were
20 canvassed and explored with you in Phase 9, and I'm not
21 going to go back over that. And there was a sense that
22 maybe there was a bit of tension between the two
23 departments and one thought they were superior to the
24 other, and maybe that HR would support the idea that you
25 can't possibly block his appointment because there's

1 been no formal finding. That seems to have been the
2 possibilities. But nonetheless, surely, in the whole
3 state of matters, and given the judgments that had
4 already been passed, even informally, any reasonable
5 person might think -- and any survivor of abuse might
6 think -- that they should have blocked it. And taken
7 the consequences. Even if they'd handled it badly
8 legally, they should have said, 'He will not work with
9 children again in this authority and we will not let him
10 take up this post'. And they could have had a frank
11 conversation with him, and if he wanted to try and take
12 action, then so be it.

13 I mean surely, surely what they did was inexcusable?

14 A. Yeah, and I think there's --

15 Q. Or do you agree, or do you think that's going too far?

16 A. No, I'm agreeable with that, and I think for the
17 survivors of both Linwood and St Margaret's, is that
18 there should have been more serious and perhaps
19 consequential action that was taken, when you've got
20 a number of young people who make a disclosure of
21 a similar nature. That in itself perhaps could have
22 terminated his employment at that point in time, if
23 there had been a rigorous investigation, and that would
24 have been the end of the matter.

25 Q. And would he really have made a fuss? Because he's

1 already had a few narrow escapes, hasn't he?

2 A. And whether he makes a fuss or not is irrelevant,
3 actually. These serious matters need to be dealt with
4 rigorously because their duty is to protect children,
5 not to protect employees.

6 LADY SMITH: Yes.

7 A. And therefore the opportunity not to have that on record
8 meant that the ability to move through the organisation,
9 back into a role with children, was more easier for
10 Mr Murphy.

11 And perhaps I think one of my own reflections is
12 that, and he was perhaps emboldened more to behave in
13 a particular way at Linwood, because he had managed to
14 escape, you know, any serious consequences for the
15 behaviours that he knew the organisation were aware of.

16 LADY SMITH: James, is it possible, and I'm sorry if I asked
17 you this during Phase 9, that another factor at play
18 here was at the time -- and we're talking 1970s -- the
19 culture and attitude to boys, as some would say,
20 exploring their developing sexuality, was such that
21 people didn't think of this as actually mattering very
22 much? Is that also possible?

23 A. I think there's a lack of knowledge and awareness.
24 I think there was a lack of, perhaps, confidence to face
25 something that is so serious and I think difficult to

1 comprehend.

2 MR PEOPLES: Well --

3 A. And then I think there's always -- and at times you want
4 to be very careful about people putting organisational
5 reputation before other matters. I think that
6 combination of factors, perhaps.

7 LADY SMITH: Yes.

8 MR PEOPLES: Well, with due respect, I can understand if it
9 was allegations of, even as we heard in Widowers', with
10 a very young employee and a similar-aged boy. But, this
11 is a person who's an adult, who's much older. This
12 isn't to do with boys, even boys who are seen as
13 troublesome, having some sort of sexual encounters that
14 in some way people don't think are important to them or
15 to society or to the care system. That's not -- that
16 can't possibly have been in the minds of people who did
17 this, because whatever understanding there was in 1973,
18 or 1970, sexual abuse was sexual abuse. And if someone
19 says that a person in whatever age he was by then, in
20 his 30s, was having a sexual relationship, instigated by
21 him, with a 13-year-old or 14-year-old boy, surely,
22 anyone in their right mind would have said, 'This has to
23 be investigated and action taken if appropriate'.

24 You can't just, like the Black and Williams people,
25 say, 'Well, we'll explain why they didn't rescind his

1 employment and we'll relate it to understanding of child
2 abuse.' That's flimsy, unconvincing reasoning. This
3 was a straightforward allegation that was serious in
4 nature then, and would be now.

5 There's no excuse for not condemning that decision,
6 is there not?

7 A. Yeah, and I'm in total agreement that, by not
8 progressing with that very formal process to expose all
9 of that, meant that Mr Murphy was able to, for a period
10 of time, be in an older person's team and then resurface
11 back into children's services, and then you look at --
12 and then you read the allegations that were made, they
13 were very bold and very clear about the nature of what
14 was happening to them, and it's multiple young people
15 over a period of time. It wasn't a group of people --
16 sometimes there could be a perception that young people,
17 when they make a disclosure, who have all lived
18 together, that there's group-thinking and group
19 behaviour. That wasn't even the case. Here it was
20 individuals, in different circumstances, in different
21 times, that tried to share their story.

22 LADY SMITH: James, don't get me wrong, I wasn't offering
23 an excuse; far from it; but a worry that there are
24 times, times in the development of society, that there
25 can be careless thinking, sloppy thinking, because of

1 certain perceived mores, not the right mores, but what
2 always has to lie at the heart of it, doesn't it, is the
3 risk to the child, and is there a risk that we're
4 failing the child here and this child needs protection
5 and other children need protection that we have not
6 given them and they are not getting.

7 A. Yeah, and I think what we also -- I think, in that time,
8 there's the element of sexuality and what people's
9 perception was of that, and I do think that influences
10 people's judgment and how they rationalise behaviour
11 but, ultimately, this was a man in a position of power
12 with significant responsibility and access to children,
13 and the action should have been a rigorous
14 investigation, with perhaps, with that nature of
15 allegation, quite a serious consequence for Mr Murphy
16 and, whilst it might not have been the end of his
17 abusive behaviour, it might have been the end of his
18 abusive behaviour within settings where the most
19 vulnerable children were.

20 MR PEOPLES: But what's so sad about this is that the people
21 who made the allegations in 1973, and appeared to have
22 withdrawn them in some shape or form, or not repeated
23 them at precognition, later told the police
24 investigation in 1999 and 2000 that they had been put
25 under pressure by the staff and other residents between,

1 presumably, their original allegation and the
2 precognition stage to withdraw what they were saying,
3 perhaps because there was a risk of closure and perhaps
4 because some staff, and even some residents, had
5 a belief, unfounded, that Murphy was a good guy who
6 didn't abuse children, which we know was clearly not the
7 case, but that's worse still.

8 I mean it's a situation where they felt pressured,
9 they withdrew or retracted, no criminal proceedings
10 followed and yet in 1999/2000, an investigation looks at
11 the matter more intensively, discovers these children or
12 the identities of some, and they say, 'Well, the reason
13 that we pulled back was pressure from staff and other
14 residents'. That's appalling.

15 A. It is, and, again, there's nothing about that that can
16 be, you know, can be excused and perhaps justified. The
17 only thing that I think is worthy for us is around the
18 denial that can come around in sexual abuse situations
19 by the adults and by the children around them, and
20 there's an element of self-protection and I suppose
21 for -- and, again, not to justify any of the actions but
22 to try and contextualise that -- and I suppose the power
23 of -- I suppose it's the power of influence that
24 a person can have to make people behave in a way that
25 they wouldn't perhaps normally behave and, again, not to

1 justify the action but --

2 Q. Well, I think that Black and Williams looked at whether
3 Murphy himself was part of the influence and pressure
4 and concluded that he wasn't; it was actually some of
5 his apparently loyal staff, and some residents perhaps,
6 who somehow wanted to support Murphy, and indeed at the
7 time of the 1999 investigation, I think we have a record
8 in one of the briefings saying that two residents,
9 residents or former residents, were protesting his
10 innocence, and yet two years later at the trial, by his
11 own admission, he says he was abusing boys from 1960 to
12 1973. Goodness knows what they must have thought when
13 he made that confession.

14 A. I suppose, just an earlier point that I made was around
15 it is hard to believe that staff in that setting didn't
16 have some form of knowledge or indication of what might
17 have been happening, given the scale of the abuse that
18 we know took place and I suppose, when you just put all
19 these things together, you do wonder if the staff's
20 position to keep it quiet is almost, you know --

21 Q. Self-serving?

22 A. Yeah, and a fear of what they had to share, that they
23 had probably not dealt with. So I think there's
24 something about that.

25 You know, again, when I look at, you know, their own

1 children's homes and children's homes of the past, that
2 it's very difficult to be confident that staff didn't
3 have some form of understanding but, when investigations
4 come, people have to be accountable and will have to be
5 pressed and will have to be answerable and therefore
6 sometimes, you know, just keeping the status quo feels
7 easier for everybody rather than facing their own
8 demons.

9 Q. There must have been a lot of people on 5 February, or
10 thereabouts, of 2001, when Murphy finally confessed to
11 30 offences, 16 of sodomy, 14 lewd and lib, towards
12 children, most of whom were at St Margaret's, there must
13 have been a reaction saying, you know, 'Every time
14 allegations come up, we've kind of dismissed them as
15 completely unfounded; why on earth are they trying to
16 say something about this great guy, Mr Murphy?' And now
17 they discover from his own mouth what he was doing all
18 along.

19 I mean it's -- how would they sleep easily in bed at
20 night?

21 A. I think people have to wrestle with their own moral
22 compass and conscience, and I suppose that's the thing
23 that's really important, I think, for all of us as
24 social workers, is that you have to deal with some of
25 the most awful sets of circumstances to protect people,

1 and particularly those who have senior leader positions.
2 That is the role. That's what comes. If it means
3 closing a children's home, it means closing a children's
4 home; because the lifelong impact of childhood abuse can
5 be supported to be less impactful, but it's with someone
6 forever.

7 LADY SMITH: James, I wondered what you made of the decision
8 in 1973 to simply transfer Murphy to another vulnerable
9 group, elderly people, and this was a man who was
10 violent, as well as being a sexual abuser?

11 A. Again, you know, my own reflections on all of that would
12 be, that that was, thinking about my own position, if
13 I was in, that I couldn't see someone being in the
14 workplace or having any contact with service users was
15 something that at all was possible and I suppose, when
16 I reflect on it, I just think if there was a very
17 simplistic perception that these allegations were made
18 by children and, if they're working with, you know,
19 an older population, somehow that meant that the risk
20 was less but, again, there's real -- I suppose I always
21 look at current practice, which is, if someone's not
22 suspended, what's a suspension risk assessment? And
23 that's where you struggle to see that informed
24 decision-making within the records.

25 MR PEOPLES: I have to say, the impression I got -- but

1 I might be completely wrong -- is that he was
2 transferred to a social work office. So it was
3 an office-based job. It wasn't an old folks' home.

4 LADY SMITH: Was it? Your Section 21 said he transferred to
5 being a 'social work assistant with elderly people'.

6 A. Yeah, so that would have been an operational team that
7 would have been working in the field with older people.

8 MR PEOPLES: A field worker?

9 A. Yeah.

10 Q. So he could have had access to --

11 A. To the older people.

12 Q. No, no, it's a fair point then, yes.

13 So moving on to when finally the net did close in,
14 you heard me this morning just go through the process,
15 because I think 'Jamie' wondered how his statement in
16 1999 fitted into the picture, and I think we know -- and
17 I'm not going to labour this -- that another resident
18 wrote to the council through his solicitor
19 in November of 1998 alleging in broad terms that he'd
20 been abused and ill-treated while in local authority
21 care, including at St Margaret's, and what I said to
22 'Jamie', and I'm going to repeat to you, is that the
23 council took until April 1999 to complete the taking of
24 a statement from the former resident and then passed
25 a copy to the police.

1 And so in my view -- and I don't know if you
2 agree -- it appears that matters progressed at a very
3 pedestrian pace, yes?

4 A. Yeah.

5 Q. And then everything changed in July 1999 and, by this
6 time, we had 'Jamie's' statement and the other
7 resident's statement and the police were seized of the
8 matter, but everything changed when a local journalist
9 intimated his intention to publish information which he
10 had relating to an investigation into allegations of
11 abuse at St Margaret's, and I suppose my observation
12 would be it's amazing what media interest can achieve in
13 a very short space of time; do you not agree?

14 A. Yeah, and I think that's the bit that's really
15 unfortunate for the survivors, because I suppose for
16 them there was lots of allegations to that point.
17 Nothing happened at pace, nothing was followed up and
18 the threat of exposure by a journalist led to --

19 Q. Press interest suddenly generates activity?

20 A. Yes -- the action that they were keen to happen before
21 that.

22 Q. Because the way I read the sequence of events is that
23 the press say, 'We're going to publish something';
24 members of the council and senior officers are then
25 informed, at least formally, of the nature of the

1 investigation. The Scottish Office is informed
2 immediately. A press statement is issued by the police
3 and the social work department appealing for assistance
4 in relation to the investigation and offering support
5 through local voluntary organisations. The first formal
6 meeting of councillors about the matter takes place
7 in July 1999. A major police investigation is
8 established in the same month, which ultimately led to
9 the conviction in 2001. A special team is set up to
10 investigate and met for the first time in July 1999.
11 The team is supported by HOLMES -- I think you know what
12 HOLMES are, but it's the Home Office Large Major Enquiry
13 System, which often was used for murders and complex
14 cases. Councillors are informed and kept briefed and
15 a cross-party members group receives periodic briefings
16 because of the importance of the matter, and various
17 factual information is given about the progress of the
18 investigation, the fact that some residents, two in
19 fact, are asserting his innocence and also the fact that
20 the investigation is handicapped by a lack of records,
21 staffing files having been destroyed, the register for
22 the home can't be located because it's disappeared or no
23 longer exists. But, of course, the review of current
24 practice and policy and procedure is announced and then,
25 of course, we have a major police investigation. Many

1 people are interviewed. And then there's an audit by
2 the council in 2000. And then we've got the trial and,
3 after the trial, immediately on the conviction, the
4 announcement of the Black and Williams inquiry, and that
5 was the major investigation which reported -- and I'm
6 not going to repeat it here but that took place as well.

7 So, goodness me, there was a flurry of activity in
8 that period, after a slow start; would you agree?

9 A. Yeah, and you can reflect on that when you review the
10 files, that there was huge amount of activity both at
11 the point of that large scale investigation and you can
12 see the extent of the support that was offered to
13 survivors at the point of the Black and Williams report
14 being progressed as well. So different -- you know, at
15 that latter stage, a really coordinated intense effort
16 to pull things together, to get to the bottom of what
17 had happened and to learn the lessons, but that wasn't
18 what we had seen at the time of the previous
19 disclosures.

20 Q. No, and the thing about the audit, and the Black and
21 Williams exercise, was that there was a lot to be done.
22 There was a lot of recommendations: there was no
23 whistleblowing policy, there was no policy on restraint,
24 there was other shortcomings about training, there was
25 quite a comprehensive need for action then, let alone

1 what happened subsequently. So a lot was uncovered of
2 what was wrong and I have mentioned Black and Williams
3 in a kind of negative sense that I don't find their
4 justification for the way that they analysed the 1976
5 appointment process -- I don't find that convincing but
6 that's for others to judge but, generally speaking, they
7 categorised the situation as:

8 '... a series of failures by the agencies involved,
9 a culture in which little credence was given to the
10 words of children in care and an assumption that those
11 working with children had their best interests at
12 heart.'

13 Now, and I think in your closing submissions for
14 Phase 9, it said that the organisational culture in the
15 1980s, in the 1970s and 1980s, created an environment in
16 which abuse could and I think did thrive, as we know,
17 and there was a culture of disbelief that children, if
18 they made allegations, were not to be believed.

19 What you also say there is that, until at least the
20 1970s:

21 '... the very thought that a person in a position of
22 trust would abuse children in their care was alien, both
23 to the general public and the professionals.'

24 Well, perhaps I can take issue with that statement,
25 because, as this Inquiry has learned, that is not the

1 case, if one has regard to what approved school
2 inspectors were saying in the 1960s about people who ran
3 approved schools and the practices going on in approved
4 schools and what was being discovered from time to time
5 happening there.

6 So it's maybe rather charitable of Anne Black and
7 Ceri Williams, to some extent, to try and mitigate the
8 decisions of the past by reference to attitudes, beliefs
9 and understandings. There clearly was a bit more known
10 than the public were led to believe; maybe not so much
11 about children's homes, because there was maybe lighter
12 touch, but certainly in relation to approved schools, to
13 which many of the children graduated from children's
14 homes.

15 So I just put that point to you, if you might want
16 to reflect on, in that way, and also that obviously we
17 know now that the allegations against Murphy didn't just
18 first arise in 1970; we have evidence now that another
19 person had said something before then. So I just make
20 that point but I think, generally speaking, I think what
21 you've said there, I think, echoes what you have said
22 today and what you have said in Phase 9; is that
23 correct?

24 A. It is, and I suppose, you know, on reflection on all of
25 it, and having been so removed from the practice of the

1 time and the -- there was significant missed opportunity
2 and we know that that came as a consequence of not
3 believing in children, not listening to children and
4 perhaps not seeing children as being able to be abused
5 in a care setting that was run by the local authority.

6 I think that the efforts that were made to try and
7 reflect and learn from the situation were quite
8 significant. That doesn't take away from the people's
9 experience. What we'd have to have now is
10 a confidence -- and we do have a confidence that the way
11 in which we go about our business in child protection
12 matters within the care system are much more rigorous.

13 Q. Now, I'm conscious of time but there are a couple of
14 things I want to finish off with -- and I'll try and
15 finish today because I don't think there's very much
16 I want to explore. We know your general position, and
17 unless there's anything you want to change from what you
18 said in Phase 9, I think I've got the gist of your
19 position on the whole matter but I suppose what Murphy's
20 belated admission shows -- and I put this point to
21 'Jamie' -- is that all male children admitted to
22 St Margaret's Children's Home between 1960, when Murphy
23 began working there, and 1973, when he was suspended,
24 were exposed at all times to the risk of serious abuse
25 by Murphy and many children were repeatedly abused by

1 him, the ones he confessed to, and very probably many
2 more that he didn't admit to abusing, because there were
3 60 charges and we've got other evidence.

4 So it's an appalling situation all round, and it was
5 reported in the media shortly after publication of the
6 Black and Williams report in 2002 that an estimated 200
7 children -- some would be girls -- passed through
8 St Margaret's Children's Home during the period of
9 employment of David Murphy between 1960 and 1973. So
10 we're talking of sizeable numbers here who were exposed
11 there to his abuse.

12 I'm not going to repeat what I have given about the
13 statistics of the trial. I think you know the facts
14 and, obviously, I said he was a prolific abuser,
15 insatiable appetite for abuse, he would abuse in any
16 number of locations, it would appear, and that's the
17 picture that we have.

18 And so far as the last matter I want to deal with is
19 Trevor Francis. I mean, to some extent, another bad
20 choice, it would appear, because Mr Francis, as we know,
21 was convicted in 2017 in March of three charges of
22 assault and two of lewd and libidinous practices and
23 behaviour towards two female residents at St Margaret's
24 between 1974 and 1975, or thereabouts, and received
25 a nine-month sentence.

1 Now, that's not a very happy situation just after
2 what happened with David Murphy. I don't know if you --
3 I don't think you were able to get much information
4 about the process of appointment and why he was chosen;
5 is that the position?

6 A. That's the position.

7 Q. So what we do know is he had a kind of nursing
8 background, as did RGT [REDACTED], [REDACTED], and that
9 when they were -- I think according to RGT [REDACTED],
10 she's told this Inquiry that they went, or rather
11 Trevor Francis was appointed in 1973, took up his post
12 in early 1974 in the belief that he was going to a home
13 with young children, as before, but I think your A to D
14 response tells us that, as it happened, there was
15 a change of policy and it became a purely adolescent
16 unit with quite challenging youngsters; is that correct?

17 A. That's correct.

18 Q. And so it doesn't appear as if he was necessarily the
19 best qualified to do that work and, indeed, we have
20 a statement, and I think you may have read this,
21 a police statement from a chap called Ray Lee -- I don't
22 know if that name means anything to you -- but Ray Lee
23 told the police that he was appointed to the post of
24 officer in charge at St Margaret's in 1974 and he took
25 up the position on 1 June 1974. I think there was

1 an interim person in charge who was a senior official in
2 Fife, and he says he worked there till 1 June 1976 and
3 Trevor Francis was his deputy. He described him to the
4 police as 'inexperienced in residential childcare' -- so
5 it begs the question, why was he appointed -- and then,
6 when Ray Lee started, he said it became over a few
7 months, a fully adolescent centre and younger children
8 were moved and he said:

9 'Not long after starting, it was brought to his
10 attention that Trevor Francis was going into girls'
11 rooms unescorted.'

12 He told police that he made clear to Francis that
13 this was unacceptable and that only female staff should
14 be going to girls' rooms and he should not be going
15 unescorted. He said if there was any need for a male
16 member to go to a female resident's bedroom, that they
17 should be accompanied by a female member of staff. He
18 did say otherwise he had no concerns but he obviously
19 warned him and it's interesting that, when one looks at
20 the charges he was convicted of, the two lewd and lib
21 charges are for female residents, both of which involved
22 entering their room and carrying out sexual activity.

23 So we have that and it appears that the reason he
24 left, ultimately, was that, in 1975, after -- in late
25 summer, three boys had absconded from St Margaret's, and

1 Trevor Francis, I think as he put it 'spreadeagled them
2 against a wall', and Ray Lee was not happy with the way
3 he had dealt with the situation. He reported it to
4 Mr Lee's line manager and he said he was made aware
5 subsequently that Mr Francis was interviewed about the
6 matter and had tendered his resignation. So off he went
7 in 1975, fortunately, it would appear from what we now
8 know.

9 So he was a person that was another bad choice and,
10 just for completeness, if I could finish off by saying
11 that RGT [REDACTED], did, it appeared, do some
12 form of work at St Margaret's during that period and
13 what she's told the Inquiry is that neither she nor
14 Trevor Francis had prior experience of working with
15 disruptive children. I think they went in in the belief
16 that they would be dealing with younger children.

17 She said that there was no application by her, she
18 arrived and found herself on the rota on arrival in
19 early 1974, which sounds pretty astonishing: she had no
20 application; no interview; no job offer; no references;
21 no job description; no probationary period; she was not
22 informed who her line manager was, although she assumed
23 it was Mr Lee, eventually; she had no formal supervision
24 during her period; she had no induction; she had no
25 training at all during her period there; she had no

1 formal support, I think, and there was no restrictions
2 on acts, as she said, as a matter of policy; she said
3 there was no waking staff during the night; there was no
4 guidelines or policy for discipline and punishment; none
5 of the staff had any experience of working with this
6 client group, the teenagers; there was no restraint or
7 de-escalation training; there was no formal policy or
8 code of conduct on that matter; there was no formal
9 complaints process; there were no child protection
10 arrangements; there was no external monitoring.

11 Well, that's quite a list, isn't it?

12 A. It is, and I suppose in the absence of any of that, what
13 are the parameters?

14 And I think policy and procedure is helpful in the
15 fact that it sets those parameters out as supportive for
16 staff but when there's no parameters, adults can begin
17 to make the rules and for those who have had the
18 intentions that we've seen at St Margaret's, that
19 becomes very blurred and I think creates a culture that
20 is toxic and lends itself to support abusive situations.

21 Q. Well, I'm sorry to present you with such a long list
22 towards the end of the day but I think it was important
23 to establish how things were and how bad things were at
24 that time in many respects, in terms of the systemic
25 failings, as well as obviously the extensive abuse that

1 was going on.

2 So these are all my questions for you. I'm grateful
3 you've put up with me patiently when I've asked a lot of
4 questions of you today but I thank you for coming again
5 to assist the Inquiry; but these are all the questions
6 that I have.

7 LADY SMITH: I have no further questions, James, either,
8 you'll be glad to hear.

9 I just want to thank you again and please be assured
10 that in pressing you as we have done, and throwing some
11 very difficult questions and narratives to you, we are
12 not suggesting that you personally are at fault for any
13 of this, but we recognise the very important role you
14 now have, the very burdensome role. Well done in
15 achieving that role but keep up the good work, because
16 it's plain that you're thinking deeply about it now and
17 I appreciate that.

18 Feel free to go and rest for the rest of the day.
19 I think you've earned it.

20 (The witness withdrew)

21 LADY SMITH: I have no fresh names, just to repeat two we
22 mentioned this morning: one was **KNC**, the
23 other was **KND**. They're not to be identified as
24 referred to in our evidence outside this room, but that
25 completes the evidence for today.

1 Tomorrow, Mr Peoples, what does that hold?
2 Have I missed one?
3 MR PEOPLES: No, no.
4 There are two read-ins to complete St Margaret's.
5 LADY SMITH: Yes, tomorrow. Yes.
6 MR PEOPLES: And then I think we'll be moving to evidence of
7 another establishment, Coblehaugh, after the break.
8 I think that's the plan.
9 LADY SMITH: Right.
10 MR PEOPLES: And I won't be involved in that.
11 LADY SMITH: That's why you're smiling. Very well. So you
12 say after the break, so we should get the two read-ins
13 before 11.30 am done?
14 MR PEOPLES: I think Ms Forbes, who's doing the read-ins,
15 says she will be able to do the read-ins. So we should
16 be able to make a prompt start to the next --
17 LADY SMITH: I would have expected that, and of course we've
18 already alluded to one of them this afternoon.
19 MR PEOPLES: Yes, yes, and I think one of them has given
20 quite a bit of evidence before and has appeared.
21 LADY SMITH: Yes, the man who we've seen and 'Dennis'.
22 Very well. Well, thank you all very much and I'll
23 rise now until 10.00 am tomorrow morning.
24 (4.09 pm)
25 (The Inquiry adjourned until 10.00 am the following day)

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