

Friday, 27 February 2026

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(10.00 am)

LADY SMITH: Good morning, and welcome back to Phase 10 of our case study hearings in which we're looking into the provision of residential care for children by local authorities and in institutions used by local authorities to fulfil their statutory responsibilities.

Now, we start this morning with a Webex link and I'll turn to Ms Forbes to introduce the witness. Thank you.

MS FORBES: Thank you, my Lady. Good morning.

The first witness this morning is a witness who's anonymous and is known as 'Jim' and he is someone who would require a warning.

LADY SMITH: Yes, thank you very much.

'Jim', good morning. Can you hear me? Oh, hang on a minute, because I can't hear you. Either you're muted or we're muted at this end. Let's try again --

A. Yes, my Lady. Yes.

LADY SMITH: That's much better, 'Jim'. Thank you.

Let me introduce myself. I'm Lady Smith and I chair the Scottish Child Abuse Inquiry here in Edinburgh.

Thank you for joining us over the Webex link this morning, so that you can help us with your oral evidence.

1 'Jim' (affirmed)

2 (Evidence given via Webex)

3 LADY SMITH: 'Jim', before I hand over to Ms Forbes to ask
4 you some questions, there are one or two preliminaries
5 I'd like to mention.

6 First of all, thank you for your written evidence.
7 That's been very helpful to me to be able to see it in
8 advance. We're not going go through it line by line
9 today, I hope that reassures you, but there are some
10 particular aspects that we'd like to focus on.

11 A. Yeah.

12 LADY SMITH: And I do appreciate that we're asking you to
13 cast your mind back decades, not just a few months or
14 a few years, so don't worry about that, and if you want
15 to take time over answering questions, or your memory's
16 not clear or accurate, I'm well used to that when we
17 have to go back so far in time for a witness. But
18 I know from reading your statement that you'll do your
19 best to help me here.

20 A. Yeah.

21 LADY SMITH: If you need a break at any time, please do let
22 me know. This session will normally run through to
23 about 11.30 and I take a break then, but it's okay if
24 you need a break before then, so just speak up.

25 A. Okay. Thank you.

1 LADY SMITH: Now, separately, 'Jim', there's something
2 important that I need to say to you. And I'm sure you
3 understand that this isn't a courtroom. It's a public
4 inquiry. But you have all the protections that you
5 would have in any court proceedings, whether civil or
6 criminal. And it's possible that some of the questions
7 that we ask you are questions, the answer to which could
8 incriminate you. You are quite entitled not to answer
9 those questions if you don't wish to do so, it's your
10 choice.

11 A. Okay.

12 LADY SMITH: If you do answer them, of course, your answers
13 are going to be in the transcript and I expect you to
14 answer them fully. If you're in any doubt as to whether
15 it's one of those sort of questions that you're being
16 asked, before jumping in with your answer, by all means
17 check with us, that's not a problem. Does that make
18 sense to you?

19 A. Yes, my Lady.

20 LADY SMITH: Thank you.

21 If you're ready, I'll hand over to Ms Forbes and
22 she'll take it from there, okay?

23 A. Okay. Thank you.

24 LADY SMITH: Thank you.

25 Ms Forbes.

1 Questions from Ms Forbes

2 MS FORBES: My Lady.

3 Good morning, 'Jim'.

4 A. Morning, Dana.

5 Q. 'Jim', you've provided us a statement, quite a lengthy
6 statement, 63 pages, so thank you very much for
7 providing that information. But I understand, 'Jim',
8 that you're registered blind, is that correct?

9 A. Yes, that's correct.

10 Q. So when it came to you signing your statement, my
11 understanding is that your statement was read out to you
12 by the statement takers, and once that had happened, you
13 were happy with it and that you signed your statement,
14 is that correct?

15 A. That's correct, yes.

16 Q. And at the very end of your statement, 'Jim', there's
17 a paragraph, this is at paragraph 256 of your statement
18 and it says:

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

23 And then it's your signature and the date is
24 16 December 2025, and do you remember that?

25 A. Yes, I do remember that, yeah.

1 Q. And is that still the position, 'Jim'?

2 A. Yes, it is.

3 Q. Now, 'Jim', we give your statement a reference number.

4 I'm just going to read that out for the transcript, but

5 it's not anything you have to worry about. It's

6 WIT-1-000001714.

7 Now, 'Jim', I know you have your statement there in

8 a red folder, but I understand that your eyesight is

9 such that you are unable to follow along with your

10 statement, is that right?

11 A. Yes, that's correct, yeah.

12 Q. So as we go along today during your evidence, 'Jim',

13 I will refer to various parts of your statement and the

14 paragraphs, but that's really so that I can help people

15 who are following along with your evidence see where we

16 are in your statement, is that okay?

17 A. That's fine. That's great.

18 Q. 'Jim', you tell us you were born in 1963, is that right?

19 A. That's correct.

20 Q. And then you give us some background about your life

21 before you ended up working in Bellshill Children's Home

22 and you tell us about that from paragraph 2 onwards.

23 And, 'Jim', you say that you left school at 15 without

24 any qualifications, is that right?

25 A. That's correct, yes.

1 Q. And you had a job as an apprentice butcher for a short
2 period of time, but then you went to Motherwell College
3 and you completed a course in caring for people and that
4 led on to a pre-nursing course and you say that -- did
5 you go on to the pre-nursing course, 'Jim'?

6 A. Yes, yes, I did.

7 Q. You did. So you completed the pre-nursing course as
8 well?

9 A. I didn't -- I don't think I completed that.

10 Q. Right. Okay.

11 A. Erm, I started working full-time as a temporary care
12 officer/houseparent. I did complete two O-Grades, in
13 fact, I completed two O-Grades, exams.

14 Q. Was that later on?

15 A. That was later on, yeah.

16 Q. Okay. 'Jim', I think you do tell us that in 1981,
17 through the job centre, you started as a temporary care
18 officer/houseparent, and that was with
19 Strathclyde Regional Council. And you tell us you
20 worked in various care homes for the elderly at that
21 point, is that right?

22 A. That's correct, yes.

23 Q. And then you say, 'Jim', that you were asked to work at
24 the assessment centre in Blantyre called Calder House
25 for a while, so that was then you working with children,

1 is that right?

2 A. Calder House, yes, that was the first time.

3 Q. And you then moved from there to work at Flemington

4 House Children's Home, on to Wooddean Children's Home,

5 Strathaven Children's Home and Leaburn Children's Home,

6 is that right?

7 A. Leaburn. Yeah, Leaburn, yeah. Yeah.

8 Q. Sorry, Leaburn.

9 A. That's correct.

10 Q. And then you say that you were then, from Flemington

11 House, I think you say you were seconded back to

12 Flemington House as a houseparent in a permanent post,

13 and then from there you were seconded to Bellshill

14 Children's Home?

15 A. That's correct.

16 Q. Now, 'Jim', you tell us, this is at paragraph 4, you say

17 that that was in 1984, but I think later in your

18 statement you say that was 1983. Was it actually 1983?

19 A. No, it was 1984.

20 Q. Right, okay. And you tell us then that you were -- and

21 we go on a little bit later to look at the jobs you did

22 there, but I think you tell us that you left Bellshill

23 Children's Home in 1993?

24 A. Yeah.

25 Q. And went on to work at the David Anderson Centre as

1 a care officer, is that right?

2 A. No, it was in 1993 after -- it was after a period of
3 illness I started -- I was due to start back working in
4 Bellshill, but it was felt that, you know it wasnae --
5 it wasnae -- it wouldn't have been very good for me if
6 I went back to Bellshill. So the -- instead I went to
7 work in the David Anderson Centre and it was agreed that
8 after a year, I would return to Bellshill Children's
9 Home, after working a year in the David Anderson Centre.
10 When the year was up, they didnae put me back to
11 Bellshill. I went to Carluke Children's Home, but that
12 was only for about a week. And then, then, I started
13 in -- I managed to get a new job outwith a social work
14 department, Strathclyde East.

15 Q. And I think was that a senior support worker for
16 Lanarkshire Association for Mental Health?

17 A. Yeah, that's correct, yeah.

18 Q. And then I think you tell us --

19 A. I was based --

20 Q. Sorry, 'Jim'.

21 A. Yeah, I was based at the -- in the residential
22 establishment in Comely Bank, Hillhouse, Hamilton, and
23 it was supporting people with -- who had committed --
24 long-term hospital care, mental health.

25 Q. And were these adults, 'Jim'?

1 A. Yes. Yes, they were, yeah.

2 Q. So was Carluke Children's Home then the last time that
3 you were in a post that was involved in the care of
4 children?

5 A. It was, yes.

6 Q. And then you tell us that you went to work for the
7 Richmond Fellowship Scotland as a volunteer services
8 officer and that was -- ended up being for two years,
9 and you tell us that the services you set up during the
10 course of that position was passed to individual
11 residential units. And then you left and went to set up
12 your own antiques business, is that right?

13 A. That's correct, yeah, yeah.

14 Q. But, 'Jim', I think you point out that by that time,
15 your health was deteriorating and you decided to retire,
16 and that was in 2017?

17 A. Yeah.

18 Q. So that's --

19 A. That's correct.

20 Q. -- a snapshot, really, of your CV and your working
21 history?

22 A. Yeah.

23 Q. 'Jim', I'm going to move on now and talk about what you
24 tell us about Bellshill Children's Home, and you tell us
25 about that from paragraph 6 onwards.

1 And I think you tell us at paragraph 7, 'Jim', that
2 the first day that you were at Bellshill, you say that
3 one of the things that you were blown away by was the
4 number of boarded-up windows that you saw?

5 A. That's correct, yes.

6 Q. And you say there was very few intact windows and the
7 building looked derelict?

8 A. Yeah, from outside it looked pretty -- pretty grim.

9 Q. And you tell us, 'Jim', that when you walked in the
10 front door, the first thing you saw was a young boy, who
11 you say was about 7, scrubbing the front stairs?

12 A. Yeah.

13 Q. And you asked --

14 A. That's right.

15 Q. Sorry, 'Jim'.

16 A. When you went in, walked in the building, basically, you
17 could have just walked -- you just walked in -- anybody
18 could have walked in, because in the office, where the
19 office was, nobody could see who was coming in or out
20 the building. And then the first thing I saw is this
21 wee laddie with a big hand-scrubbing brush, and then
22 I said to him, you know: what are you doing? He's like:
23 I'm just, this is my punishment, I'm scrubbing the
24 stairs. And I was like: what did you do? And he's
25 like, he says, 'I swore at her'. And there was a member

1 of staff standing in the middle landing. And I took the
2 brush off him, I said, 'You know, don't swear at the
3 staff, it's no nice'. And, erm, that didnae go doon too
4 well because I'd just walked in the door. But that was
5 just how I saw things and, erm, I felt it -- I felt
6 I just, that I had to stop it. It shouldnae be
7 happening.

8 Q. And 'Jim', you tell us a bit more about that later in
9 your statement, so we'll come to what you tell us about
10 the changes that you made while you were there.

11 'Jim', you tell us there were three units at
12 Bellshill. There was the group one, group two and group
13 three. And group one was the independent living unit
14 and I think --

15 A. Yeah, that's correct.

16 Q. I think initially you were working with group two, but
17 I think later you went on to work with group one, is
18 that right?

19 A. That's correct, yeah.

20 Q. 'Jim' --

21 A. Yeah, PVX -- sorry. PVX, who came in as
22 SNR, erm, asked me to move from group two
23 to group one, because he felt that my skill sets would
24 be better served in group one, working with the older
25 young people.

1 LADY SMITH: I notice, 'Jim', from a little earlier in your
2 statement, you tell me that you arrived at Bellshill
3 having just the previous day done a backshift at
4 Flemington House, and you were straight into a backshift
5 at Bellshill.

6 A. Yes, that's correct, my Lady.

7 LADY SMITH: Now, do I take it from that that you had no
8 induction, no training, but you were straight into
9 working with the children?

10 A. Yeah, but that wasnae -- that wasn't unusual. When
11 I worked as a temp, temporary houseparent in South
12 Lanarkshire in Flemington, Wooddean, et cetera,
13 basically you walked in, you got a briefing, what had
14 happened that day. You would get a set of keys and
15 a logbook for that, for the particular unit you were
16 going to, and, erm, you had to straight run in,
17 basically.

18 LADY SMITH: By the time you went to Bellshill, I think
19 I've counted up that you'd worked in five different
20 places where residential care was being provided for
21 children and young people. Had I got that right?

22 A. That's correct, my Lady, yeah.

23 LADY SMITH: And you're telling me that at that time, so
24 we're talking the mid to late 1980s, in none of them did
25 you get any induction or training when you started?

1 A. In Flemington, yes, I did.

2 LADY SMITH: On day one?

3 A. Day one, yeah.

4 LADY SMITH: Right.

5 A. A member of staff -- I had to shadow a member of staff
6 when I first started working in the unit, erm, and I get
7 access to what they called a briefing pack, which, erm,
8 brought you up to speed on how the unit worked and how
9 the children's home worked.

10 LADY SMITH: Okay, but are you telling me it stood out as
11 being different, because the general practice was you
12 just got thrown in at the deep end, as some people might
13 say?

14 A. Yeah. Yeah, that's the case, my Lady, yes.

15 LADY SMITH: In that area of Scotland, that's what happened.

16 A. Yes.

17 LADY SMITH: Thank you.

18 A. Yes, my Lady, that's how it worked.

19 LADY SMITH: Thank you.

20 Ms Forbes.

21 MS FORBES: Thank you, my Lady.

22 'Jim', now I think we established a little
23 bit earlier that it was 1984, you say, by the time you
24 got to Bellshill, is that right?

25 A. Yeah. Yeah, that's correct.

1 Q. And you were born in 1963, so you would have just been
2 20 or 21 at that time?

3 A. Yeah, that's correct.

4 Q. And as her Ladyship asked about the various places, it
5 was five places you were in, but it was a short period
6 of time between 1981 then and 1984 before you ended up
7 in Bellshill?

8 A. Yeah. Yeah. I was still -- I hadnae turned 20 when
9 I first started. When I worked in Calder House for the
10 first time, you know, I was only maybe about two or
11 three years older than some of the young people who were
12 in there.

13 Q. 'Jim', just continuing on to what your first impressions
14 were about Bellshill, I think you tell us at
15 paragraph 10 that you describe it as being bedlam, and
16 you give us some examples of what was going on, and you
17 say that at meal times, kids were jumping about, some
18 were feeding each other and staff members were just
19 standing about eating off a plate?

20 A. Yeah. Yeah, that was the first -- when I first went up
21 in the backshift, you know, I was -- you know, the
22 dining room was, was just mad. And, erm, there was one
23 member of staff standing with his foot on a chair and
24 the kids were just, as I say, they were -- it just
25 wasnae -- it just wasnae what I was used to. So

1 I actually went in and I sat doon in the chair, erm, and
2 had my dinner, and I was sitting and I was trying to
3 engage with the kids and saying to them, you know, 'You
4 need to sit doon and calm doon and eat your dinner,
5 right, or your dinner's going to get cold'. And trying
6 to engage with them. Which was difficult, erm, because
7 I think that's just how it had been beforehand.

8 Q. And 'Jim', you say that you used humour quite a lot in
9 how you worked with the kids and you say that diffused
10 a lot of the situations that went on at dinnertime. And
11 you give us some examples of that, telling a boy if he
12 ate his chops, they were Rambo chops, he would get big
13 muscles?

14 A. Yeah.

15 Q. And he asked you what you did before you came to
16 Bellshill and you said you were a stunt man on the TV,
17 things like that?

18 A. Yeah.

19 Q. So you feel that helped you in dealing with the kids?

20 A. Yeah, it did, yes. It's building up a rapport with the
21 kids and getting their attention. And you could
22 actually tell them stories, erm, that would distract
23 them from what had been happening before. They would
24 actually sit doon and listen to you and spend time with
25 you.

1 Q. 'Jim', you sort of describe that, at paragraph 13 of
2 your statement, as being a kind of 'kidology' that you
3 used?

4 A. Yeah.

5 Q. Is that how you described it?

6 A. Yeah.

7 Q. 'Jim', apart from the way that the children were acting,
8 you tell us about the state of the place inside and you
9 tell us that the sitting room was a disaster, that there
10 was very little left of the furnishings. There was
11 broken chairs. We've talked about there were broken
12 windows already. The TV was upside down. And you tell
13 us that there didn't seem to be any action taken by the
14 staff to do anything about it?

15 A. Yeah. After, after they'd had their dinner and went
16 through to the sitting room, as I say, there was very,
17 very little left. There was a couple of chairs and the
18 TV which sat on the top of a stand. And it was very
19 sparse. There was nothing on the walls, like pictures
20 or anything like that. It was like square carpet tiles,
21 which I think was -- they were the general use
22 throughout Strathclyde Regional Council in their offices
23 et cetera. It was -- it wasnae a sitting room. It
24 didnae feel like a sitting room.

25 And the kids were just running about and jumping

1 about, so I got a -- I managed -- I found a chair and
2 sat in the middle of the room, turned the TV up the
3 right way and started watching TV. And, erm, I think
4 they were quite bemused by this. So they stopped what
5 they were doing and asking me, 'What you doing?',
6 I said, 'Watching the TV, do you want to sit doon and
7 watch the television with me?'. And that kind of
8 brought the kind of level of angst doon a couple of
9 notches.

10 Erm, so yeah, it was -- it wasnae great.

11 Q. You also mentioned, 'Jim', telling the staff that they
12 shouldn't shout at the children, and you make the point
13 that you're very quiet spoken and you didn't need to
14 shout and you said you tried to get the staff to
15 challenge the children to stop what they were doing if
16 they were misbehaving, and to try and find out why they
17 were behaving that way and explain to them the possible
18 consequences of their actions?

19 A. Yeah, yeah. Erm, the staff seemed to -- they operated
20 at quite a high-pitched level, shouting, trying to get
21 the kids to calm -- to behave. And, you know, and
22 I said to them: look, you're fighting a losing battle,
23 you know. You're just setting yourself up to fail.
24 Your shouting, your voices are getting higher and higher
25 and higher. What you need to do is go in and sit doon,

1 get a chair, go in and sit doon and engage with them at
2 a level, you know, a calmness. You need to be calm in
3 the middle of what's happening about you. And if you do
4 that, they will, they will stop what they're doing and
5 they will engage with you. You need to talk to them
6 about what's happened in their day, you know, why
7 they're behaving the way they're behaving. Establish,
8 if they can tell you why, you know, if they've had a bad
9 day at school or whatever, erm, you can deal with things
10 like that, rather than just shouting, shouting at them
11 and -- because the kids just werenae listening.

12 Q. And you also go on to tell us, 'Jim', that there was
13 a key worker system in operation, but it seemed to be
14 that the staff were holding each other accountable for
15 the behaviour of the children they were key workers to.
16 And I think you point out that that would mean they
17 wouldn't deal with an issue at the time, they would wait
18 until the key worker was on shift and then tell them
19 about it. But you pointed out that that wasn't
20 acceptable, that it had to be dealt with there and then?

21 A. Yeah.

22 Q. Otherwise it would escalate. And really just passing
23 the buck, is that how you saw it?

24 A. Well, that's exactly what was happening. The kids were
25 behaving what people, you know, deemed as being badly.

1 And instead of, you know, challenging that, you know,
2 they would wait until the key worker was on, were on
3 duty, and they'd get the blame. That's how it seemed to
4 me. You know, they just told the key worker, you know:
5 oh, so-and-so was doing this, this, this and this. And
6 the key worker was taking it on board and having to go
7 and then talk to the child. This is like two days
8 later. And I was saying, you know, 'Why are you no
9 challenging it now? You know, why are you no saying to
10 them', you know, 'Stop what you're doing', you know,
11 'Let's sit doon and talk about what's happening'.
12 Right? But that seemed to be foreign to the staff at
13 that particular point of time.

14 But at the end of the day, they did take on board
15 what I was saying, and to be fair, it wasnae just me.
16 The senior of the group, Heather Hall, was of the same
17 view as me, and another member of staff, Jess Weir, you
18 know, we were -- we kind of worked as a kind of team
19 with the other members of staff that were working in the
20 group and trying to lead by example.

21 Q. 'Jim', you mentioned something else that was happening
22 and that was in relation to reports about the children,
23 and you say that in those reports, the staff would write
24 how bad the children had been, but you tried to change
25 that, so that there wasn't such a concentration on

1 negative things or bad behaviour, but to include some
2 positive aspects of the child and their progress. And
3 you say that you wanted it to be the case that you were
4 seen to be on the child's side and speaking up for them?
5 A. Definitely. To be fair, again to be fair, it sounds as
6 if it was just me. It wasnae just me. There were
7 a group of us staff that worked together who were of the
8 same mind, erm, so, yeah. Erm ...
9 Sorry, what were we talking about there a minute
10 ago?
11 Q. It's okay, 'Jim', I think we've got your answer about
12 that. That it wasn't just you who thought that the
13 reports needed to have some positive aspects?
14 A. Yeah.
15 Q. It was the other staff that you've mentioned as well, is
16 that right?
17 A. Yeah, I was sick and tired, to be honest, of hearing how
18 bad these kids -- how they'd behaved or how, you know,
19 they were disliked. Well, one boy in particular, the
20 staff were openly saying they disliked him. And then
21 I went to the childcare review with his social worker
22 and other people who were involved with his care and,
23 you know, I just said: look, this is because the staff
24 don't like him. They said they don't like him. And
25 I think that shocked people in the room. But that

1 was the truth.

2 Q. 'Jim', you say in your opinion it wasn't the children
3 who were the problem at Bellshill; the problems were
4 created by a small number of what you describe as
5 'delinquent' staff who fed into the behaviour of the
6 children in the home?

7 A. Yeah, yes, that's correct. Even going to, like, say,
8 the Children's Panel reviews, the Children's Hearing,
9 you know, it seemed to be, you know, staff saved up all
10 the bad things that they could think, you know, that
11 they could, you know, say that the child had done, and
12 that's what they took out. And I was saying: well, why
13 are we not going to the Children's Hearing systems and
14 sit down and tell them how -- the positive things that
15 that child's achieved? If they've been not truanting
16 fae school and they've stopped that, they've gone back
17 to school, why is that not getting fed in? It just
18 seemed to be, you know, a kind of -- how could I put
19 it -- an opportunity for staff to moan about how bad
20 these kids were.

21 Q. You say as well, 'Jim', that the police would come into
22 the building at Bellshill on a regular basis?

23 A. Yeah.

24 Q. And you told the police you didn't need them there and
25 said you're quite capable of dealing with things within

1 the home yourselves and you didn't want them in the
2 building at any time?

3 A. Yeah.

4 Q. And did you feel that that was something that was
5 detrimental to the children then, seeing the police
6 there?

7 A. Yes, definitely. It wasnae just detrimental to the
8 children. It was detrimental to the local community
9 round about us, because the Bellshill Children's Home
10 had a bad press in the local community. A lot of people
11 were really upset. Local householders. And that was
12 something else that we had to kinda encourage people to
13 engage with, was with the local community, and then try
14 and kinda raise the kinda positive view that people had.
15 And the police being there on a regular basis just fed
16 into people's kind of perception that the kids in
17 Bellshill were bad and feral.

18 So, yeah, when -- if the police came into the unit
19 when I was working there, I would tell them to leave.
20 I'd ask them to leave. Because if I wanted them there,
21 I would phone and ask for them to be there, you know.
22 I was saying, 'Do you just normally walk into people's
23 homes without knocking the door, and sit doon and, you
24 know, expect to get a coffee?'. Erm, I felt that was
25 quite a bad thing to be happening.

1 Q. And how was that received by them, 'Jim'?

2 A. I think people -- there was only a perception in me,
3 they seen as being different in some way, or odd,
4 because I would say to the police, you know, 'I don't
5 need you here, go away'. Or I would say, you know,
6 'let's concentrate on the positives when we go to
7 meetings regarding the kids'.

8 So, yeah. I felt that I was being treated
9 differently sometimes, erm, because I would, as people,
10 other people said, took the part of the kids. And it
11 came across as if it was a, erm, 'them and us' situation
12 between the kids and the staff and I would take the
13 kids' part and people were obviously kinda upset by
14 that.

15 Q. 'Jim', you talk about the situation initially in
16 relation to punishment when you were there and you say
17 that there was a punishment book whereby staff would
18 fine children from their pocket money for bad behaviour.
19 But you pointed out that once they had all their pocket
20 money taken from them, then they had nothing else to
21 lose, so there was no other form of punishment. And you
22 pointed out that that was something you thought was
23 illegal anyway?

24 A. Yeah, that's correct, it was illegal. The children's
25 pocket money was their pocket money. You couldn't --

1 nobody was allowed to take that off them. And, yeah,
2 you know, when they got to the point where there's no
3 more pocket money to take off them, what are you going
4 to do? You know, they've lost the battle. Erm, and
5 I was saying, you know, like: take that away, and if
6 a child's behaving badly, you know, try and engage with
7 them, find out -- they're obviously behaving that way
8 for a reason, try and engage with them. Find out why
9 they're behaving that way and use positive reinforcement
10 by saying to them: that's really good that you're sat
11 down, we've spoke about it and you're calm and, you
12 know, you feel, you feel safe to talk about these
13 things, rather than act out. And use positive
14 reinforcement. No by bribing them, but by telling them,
15 you know: this is good, this is a good thing that you're
16 talking and you're behaving.

17 Q. Did the fining for -- as a punishment change then while
18 you were there? Did it stop?

19 A. Yeah, yes. Yeah, I mean, I would go into the office for
20 the first week or so and the punishment book would be
21 back on the table and I would take it away and put it
22 back in the bin where I thought it belonged.

23 At the end of the day, it was stopped, although
24 Heather Hall, the senior, you know, she kept a hold of
25 the book so it could be archived with -- it was

1 technically a legal document, as far as I was concerned,
2 and it shouldnae be just disposed of, although I put it
3 in the bin. It should go with the rest of the other
4 documents fae Bellshill to be archived.

5 Q. 'Jim', when you say it put it in the bin, do you mean
6 a physical bin or --

7 A. Yeah, yeah, it was a bin, yeah. That was just my
8 annoyance and anger about the situation. I just
9 physically put the book, the punishment book in the bin
10 in front of staff and say, you know: that's where that
11 belongs. Right, that's in the past. It shouldnae be
12 happening. You know it shouldnae be happening.

13 LADY SMITH: But, 'Jim', did that mean that no record was
14 being kept of any punishments after that?

15 A. It would be -- the situation would be logged in either
16 the general logbook for the unit and/or the child's
17 personal notes in their confidential file.

18 LADY SMITH: So did you know about what the law was so far
19 as requiring punishment books to be kept was concerned?

20 A. Any documentation as far as I was concerned, erm,
21 relating to the children and about their time in
22 Bellshill --

23 LADY SMITH: But you didn't -- sorry, you didn't see the
24 need to keep a specific record of punishments issued and
25 administered?

1 A. I didnae see the need for that.

2 LADY SMITH: Okay.

3 A. It only emphasised the punishment. And I didnae believe
4 that there was a specific need for a punishment book.
5 There was a set format for recording things, using daily
6 log for the unit and individual children's personal
7 notes.

8 LADY SMITH: Thank you.

9 MS FORBES: 'Jim', you go on to tell us that the broken
10 furniture and windows that needed replaced were actually
11 replaced, that money was obtained for that, and I think
12 you explained that you tried to involve the children in
13 doing that, so that they had a sense of being involved
14 and a sense of ownership? And I think that was --

15 A. Yeah.

16 Q. -- something that changed when you were there, so you
17 did get new furniture, new TV, curtains, things like
18 that?

19 A. Yeah, yeah. As I say, it wasnae just me, it was --
20 there was a few of us who banded together and basically,
21 you know, demanded that these children deserved better,
22 right. People were saying, 'oh well, it was them that
23 caused the damage'. And that's where the sense of
24 ownership -- involving the children in picking
25 wallpaper, choosing furniture, saying to them, 'Look,

1 these windows have been put back in so you can have
2 a nice bright room'. You know, I said, 'This is your
3 space. It belongs to you'. You know, encourage them to
4 put stuff up on the walls, posters or their favourite
5 pop group or football team, et cetera, et cetera, make
6 it their space, so they didnae feel the need to damage
7 things. And you could use that again as a positive
8 reinforcement by saying to them at group meetings, you
9 know, how well -- how good the place looked and how
10 homely it felt is an entirely different feeling, and
11 build their confidence and sense of pride up in their
12 surroundings.

13 Q. And did that work? Was there less vandalism then after
14 the children were involved?

15 A. Yeah, yeah. Definitely. The only difficulty in that
16 was when we got somebody new come into the group, and if
17 they acted oot and behaved -- you know, damaged stuff,
18 the rest of the children would be quite upset aboot it
19 and would want to angst on them aboot it, but, you know,
20 and that's where the staff come in and did say: well,
21 look -- to this new kid -- this is how the kids view it
22 in here. This is their home. You just cannae come in
23 and start damaging stuff, you know, but you too can be
24 a part of this and try and get, you know, try and --
25 I would try and get one of the other kids to try and

1 kinda spend time and befriend, you know, somebody new
2 coming into the building, because it was quite
3 a traumatic thing to be admitted into care.

4 Q. 'Jim', just going to a part of your statement now where
5 you tell us a little bit about your career progression
6 in Bellshill. This is paragraph 24. And you say you
7 were a houseparent initially and then you became
8 an acting senior houseparent in group two. And then you
9 became an acting senior houseparent on the nightshift,
10 and then a full-time senior houseparent. And you think
11 you became the senior houseparent around 1984 and that
12 was, as we said before, initially in group two and then
13 you moved over to group one?

14 A. I don't think -- sorry, I don't think it was 1984.
15 I think it was about a year or so after I started, so it
16 would be round about 1985. But time's -- my sense of
17 time is pretty bad, because I've suffered a couple of
18 strokes, which, erm, kinda dampens your memory.

19 Q. 'Jim', I think it was my fault. I said 1984, but it's
20 actually 1989 you say you became a senior houseparent.
21 Does that seem about right?

22 A. Er, I think so, yeah.

23 Q. Okay. You tell us later in your statement, 'Jim', about
24 the groups, and this is at paragraph 54, but I'm not
25 going to go to that just now. But it's just to say that

1 you explain that each of these three groups; group one,
2 two and three, had eight children. Group three was for
3 the youngest, from 5 up to 13 or 14. Group two --
4 sorry -- yeah, group three was for the youngest
5 children, sorry. Group two was for children aged 14 up
6 to 16, and then group one was for children aged 16 up to
7 18. Does that sound right?

8 A. That's how I remember it, yeah.

9 LADY SMITH: So just before we go on to the next section, to
10 check one other thing, 'Jim'. If it was about 1989 when
11 you became a senior houseparent, that would mean you'd
12 be about 26 years old. Does that fit with your memory?

13 A. Yeah, yeah, that's about right, yeah.

14 LADY SMITH: So still a young man?

15 A. Yeah, still young. I must have been one of the youngest
16 seniors in Strathclyde Region, yeah. And as I've said
17 before, the only qualifications I had was I had
18 basically two O-Levels but, you know, I worked with my
19 experience that I'd spent in a lot of children's homes,
20 plus my personal experiences, growing up. I didnae come
21 fae, you know, a very, very good background. There's
22 a lot of trauma in my life and my experiences that
23 I used, tried to use as a positive in working with
24 children who had suffered trauma and some of the -- just
25 being admitted into --

1 (Audio breakdown)

2 LADY SMITH: Oh.

3 A. -- getting wrenched away from them, it was over a long
4 distance as well, going into Glasgow, some of the
5 residents in Glasgow when it was -- they were quite
6 detached from the local -- what they were used to as
7 being a local community.

8 LADY SMITH: Thank you.

9 MS FORBES: 'Jim', I think part of you broke up there, but
10 just to confirm, I think you were saying that some of
11 the children that were admitted into Bellshill were away
12 from their families, I think, by, is it quite a long
13 distance, you were saying?

14 A. Quite a long distance, yeah.

15 Q. Okay, that's fine.

16 I just wanted to make sure that we have that,
17 because it broke up a little bit there.

18 'Jim', at paragraph 26 you tell us about the process
19 of first being seconded to Bellshill and whether you had
20 to go through an application or interview process, and
21 then afterwards, when you did have a formal interview.
22 And you say that when you got the full-time houseparent
23 post -- sorry. For the very first care post you had to
24 provide referees, and when you got the full-time post at
25 Flemington House you had to provide referees. And then

1 later, when you got the full-time houseparent post and
2 the senior houseparent post, you had to provide
3 referees. But you're not aware of any police checks
4 ever being carried out on you at that time?

5 A. Er, not at that time, I don't think so.

6 Q. You've mentioned Heather Hall and you say that she was,
7 when you were a houseparent, she was your first senior
8 in group two?

9 A. Yeah, that's correct.

10 Q. And she was the day manager.

11 A. Yeah.

12 Q. And then ^{SNR} [REDACTED] was Kevin Murphy?

13 A. Yeah.

14 Q. 'Jim', you go on to tell us about supervision at
15 paragraph 27 and we have that there, so I'm not going to
16 go through it, but one point you do make is that it
17 should have been monthly, but actually it was more
18 sporadic, probably every two or three months. And you
19 explain that sometimes it just didn't happen because of
20 the setups of the units and the shift patterns. But you
21 tell us about that at paragraph 27.

22 'Jim', you go on to tell us that training was quite
23 sporadic, but there was a sheet that would come round
24 from the council where you could apply for various
25 training events and you went on a few and --

1 A. Yeah.

2 Q. -- they covered a wide variety of subjects, but there
3 was no specific training given for the different roles
4 when you took up the different positions that you had.
5 Is that right?

6 A. No, there was nothing like that, no.

7 Q. So there was no specific training on how to be
8 a houseparent or a senior houseparent, that kind of
9 thing?

10 A. No. No.

11 Q. You tell us, 'Jim', about the structure at Bellshill at
12 paragraph 29. There was an officer in charge, a deputy
13 officer and then a third in charge. And then you tell
14 us there were three senior houseparents for each of the
15 groups, and within each group there were four
16 houseparents as well as a few part-time staff who worked
17 backshift.

18 There was a nightshift with two senior houseparents
19 and two basic grade members of staff, and you talk about
20 some other staff like domestic staff and cleaners and
21 laundry?

22 A. Yes.

23 Q. Is that right? And there was three different shift
24 rotas, so would that be dayshift, backshift and
25 nightshift?

1 A. Yeah, that's correct, yeah.

2 Q. And when you became a senior houseparent, you tell us

3 your SNR [REDACTED] was [REDACTED] Kevin Murphy, [REDACTED]

4 [REDACTED] PVX [REDACTED] ?

5 A. Yeah, that's right.

6 Q. And you say [REDACTED] it was Ed Stanton who

7 was the officer in charge, [REDACTED]

8 PVX [REDACTED] ?

9 A. Yeah, that's right.

10 Q. You tell us a bit about Ed Stanton and you say he stayed

11 in the flat attached to the children's home and you

12 describe his leadership style as being non-existent?

13 A. Yeah.

14 Q. I think you say he was supposed to work alongside your

15 shift, but it just didn't happen?

16 A. Yeah.

17 Q. So was he just not there?

18 A. He would float out and in to the flat basically, and if

19 he did work a shift, he based himself in the front

20 office and that was it. He'd come out to go and get his

21 dinner and to get a coffee, but as far as like say

22 actually working in the groups, no. Or coming to work,

23 you know, going round the building and making his

24 presence felt, no, he didn't.

25 Q. I think you go on to tell us that whilst you were at

1 Bellshill, you became aware that Ed Stanton was under a
2 police investigation for allegations in England, and
3 then he was moved to Wooddean Children's Home
4 thereafter, is that right?

5 A. Yeah, yeah, that caused me a great deal of annoyance.
6 I was really angry about it, 'cause obviously I worked
7 with a lot of the children in Wooddean and I worked with
8 the staff in Wooddean, and I was -- when I first heard
9 it, I mean, I went to Kevin Murphy and I said to him,
10 'Kevin, this is really bad', you know, 'If, you know,
11 there's any suspicion at all in what they're saying
12 about Ed Stanton, moving him to another childcare
13 resource, into a children's home, is a complete and
14 utter disaster'. And Kevin agreed, but that's what had
15 been decided to happen and that was that. So I felt the
16 only thing I could do was make my feelings clear when
17 that -- and I did so and as part of my supervision with
18 Kevin, and that was recorded that, erm, I'd said that.

19 Q. You point out, 'Jim', that you were more or less told
20 that it was none of your business and it was above your
21 pay grade?

22 A. That's basically what happened, yeah. Yeah, that's what
23 they were saying.

24 Q. Who told you that, can you remember?

25 A. Kevin told me that. He says: that's just the situation

1 we're in.

2 You know, Kevin was then SNR [REDACTED] at --
3 'cause, you know, as Ed Stanton had been moved across to
4 Wooddean. And, you know, Kevin, I think Kevin felt
5 powerless in it as well.

6 Q. So was Kevin SNR [REDACTED] Ed Stanton [REDACTED]
7 PVX [REDACTED] ?

8 A. Yeah, he was, yeah.

9 Q. You tell us then about PVX [REDACTED] coming into Bellshill
10 and you say that he seemed to be more proactive. He was
11 throwing money at everything. He was taking the young
12 people out of the building, doing activities. He was
13 telling staff to take the kids out swimming,
14 ice skating, football, and that was something you agreed
15 with?

16 A. Yes, yeah. I mean, he did, when he first came in, he
17 made a big, big difference and, you know, getting -- no
18 just the units decorated and furniture. It was like
19 office furniture and filing cabinets and getting things
20 organised, you know. I thought he was doing a really
21 good job on that side of things.

22 But when it came to things like supervision, erm,
23 I -- I don't think -- I think I can only remember
24 a couple of times having supervision with PVX [REDACTED] in the
25 time that I worked with him. I don't think he was --

1 that I fitted, erm, very well with his outlook and how
2 things should be. We were two different personalities.
3 I think he viewed me as being quite odd because, you
4 know, he said that I stuck up for the children. I took
5 the side of the children all the time. And he said
6 that, erm, I would take things -- things that had been
7 said, I would take back to the children, that's been
8 said about them. And that was true. I don't deny that.
9 But I don't think that if -- I didnae think -- if
10 a member of staff, you know, said something or wrote
11 something about one of the kids, they'd a right to know
12 and a right to be able to answer that.

13 So, yeah, we were different. Different
14 personalities is the best way I can put it.

15 Q. I think you do go on to tell us a bit more detail about
16 that, 'Jim', and the differences between you and
17 PVX, and we have that in your statement so
18 I won't go through all the things, but we have read it
19 and we have it there.

20 But one of the things I think you say is that when
21 you were interviewed by PVX for the senior post
22 at Bellshill, afterwards you said you thanked him for
23 giving you the post and he said you shouldn't thank him
24 because he didn't want you to get the job and the only
25 reason you got it was because you wore a suit?

1 A. That's very true, yeah. Yeah, I was interviewed by PVX
2 and Bernadette Docherty, who was the district officer of
3 childcare, and after the interview, Bernadette
4 approached me and said, you know, 'Look, you know,
5 you've got the post, you know, it was a hard fight to
6 get you the post, so don't let me down'. And I was
7 like, 'Okay'. And then when I went to the office, PVX
8 was -- me and PVX were alone and I said to him, you
9 know, 'Look, thanks very much for putting your faith in
10 me and giving me the post'. And he was like, 'Don't
11 thank me, I didnae want you to get the post'.

12 So there was a kinda awkward silence, and then
13 I left the room.

14 Q. 'Jim', you point out some of his risk assessments and
15 his decision-making you thought were highly questionable
16 and you say sometimes highly dangerous, and you give an
17 example of a trip to France that you went on with
18 a couple of other staff members and some children. And
19 he -- you say he told you that he was glad he got away
20 with not telling the council that you were going on
21 a trip out of the country and you thought that was
22 ridiculous?

23 A. Yeah, yeah. I mean, I think district were aware of what
24 was happening. They had to be aware of it, but
25 regional, the regional council, McIver House, I don't

1 think -- I think they were oblivious to it, the way he
2 was talking, but he kinda -- he kinda thought that was
3 quite funny, he thought that was quite amusing when he
4 came to me on the ferry and said to me, you know,
5 'I'm glad we got on the ferry and through customs,
6 because', you know, 'Region don't know we're away'.
7 Q. And on that trip you talk about PVX allowing two of the
8 boys to go on motorbikes, and you go on to tell us that
9 one of the bikes was stolen and about a couple of hours
10 later, one of the boys was involved in an accident with
11 a car and had a broken arm?
12 A. Yeah.
13 Q. Now, 'Jim', was it motorbikes or could this have been
14 cycling bikes?
15 A. No, no, it was definitely kinda like mo -- is it mopeds?
16 It was definitely a motorised bike, no a pedal bike.
17 These were like things that you take on -- you can
18 actually operate on a road.
19 Q. And on that same holiday, 'Jim', you say that,
20 paragraph 38, that alcohol was an issue with the kids,
21 but in France at that time it was legal for children
22 their age to have a glass of wine with their dinner, so
23 he let it happen and you didn't have a problem with
24 that?
25 A. Yeah, that's correct.

1 Q. And you go on to tell us about an incident, this is at
2 paragraph 39, and you say that one staff member would
3 always remain in the camp on an evening and it was your
4 turn one night, and the rest of them were out for
5 dinner. And when they came back, they were all steaming
6 drunk, apart from Heather Hall. And you say one child
7 you call RJS, wasn't with them and you queried where
8 he was and you were told that he'd been acting out
9 through drink, got into an argument with PVX, had
10 punched and broke the wing mirror of the bus and that
11 PVX had decided to lock him in the minibus and leave
12 him there overnight. Is that right?

13 A. Yeah. Yeah, sorry, that's correct, yeah.

14 Q. And I think you point out that to your knowledge, the
15 boy RJS was a prolific car thief and you were
16 concerned about the fact that he was in this minibus, so
17 you walked down to where that was in the rain and when
18 you got there, the boy was sleeping, so you had to wait
19 until morning. So was this you in the minibus with the
20 boy --

21 A. Yeah.

22 Q. -- until the morning?

23 A. Yeah, yeah. I knew if -- although the door was locked,
24 the side window, you could, you could palm it along and
25 get it open. You could get your hand down inside it and

1 press the lever to open the door, so you could gain
2 access. That's how I gained access to the minibus, and
3 then I closed the door over. And it was a massive --
4 I remember it clearly, 'cause it was a massive
5 thunderstorm and the bus was kinda moving about with the
6 thunder. And it wasnae a great night's sleep.

7 But, yeah, I felt that it was appropriate for me to
8 do that, because RJS was, he was still on a 44(1)(b)
9 section of the Social Work (Scotland) Act. His
10 supervision were in our hands and we were responsible
11 for that. So I didnae think it was right that he was
12 left alone in a minibus, in a strange town and in
13 a strange country.

14 Q. Now, 'Jim', I think you know that that incident that
15 you've talked about has been put to PVX and
16 I think you know his position in respect of that is that
17 that didn't happen. But that's your position, that's
18 a recollection you have, that you went down to the
19 minibus because he was locked in there?

20 A. Yeah. 100 per cent.

21 Q. Okay. You go on to tell us about being asked to go on
22 a trip again the following year, but that you said you
23 wouldn't go because of the particular boys that were
24 going along and the fact that there would be trouble?

25 A. Yeah.

1 Q. You tell us at paragraph 42, and I'm not going to go
2 into the details of that, but you tell us that there was
3 in fact trouble on that trip and you say that some boys
4 were brought back home to Bellshill early by a member of
5 staff, RFG [REDACTED] ?

6 A. Yeah, that's correct.

7 Q. And I think when -- you say that when PVX [REDACTED] came back,
8 the first thing he said to you was along the lines of:
9 'Don't tell me you said so'?

10 A. Yeah, I mean, when they asked me to go -- as I said,
11 I didn't have any issue with, you know, orientating
12 people, young people with alcohol and setting to have
13 a glass of wine with their dinner. That was socially
14 acceptable and it was a good thing to teach, you know,
15 to kinda take the taboo away fae, you know, going doon
16 the park with a bottle of Buckfast and getting drunk and
17 coming up and causing a lot of bother, you know. It was
18 a positive kind of slant on how you could have a glass
19 of wine with your dinner and that's how things were in
20 France with, you know, families and whatever.

21 But, yeah, after my experiences in the first trip to
22 France, when PVX [REDACTED] asked me about going on the second
23 trip, I told him no, because he was taking a particular
24 group of boys who, as I said to him at the time,
25 I wouldnae take them to the local corner shop on a trip,

1 because you're asking for bother. Because individually
2 these guys were okay, they were good kids. But you put
3 them, you put these three boys together, erm, they just
4 sparked off each other.

5 Q. 'Jim', you go on to tell us a bit more about your
6 dealings with PVX and I have that there and
7 I'm not going to go through that. We might talk about
8 him again later on. But you tell us at paragraph 48
9 that most of the training that you received was just
10 really on the job, it wasn't any formal qualification,
11 is that right? I think we've been over that?

12 A. Yeah, that's right. Yeah.

13 Q. And you go on to tell us about the situation when you
14 became a senior and how you managed and supervised the
15 houseparents, and we have that there in relation to
16 their appraisals and the meetings you would have and the
17 goals that would be set out. And that was something
18 that would be kept; notes of those meetings would be
19 kept, so we have that there.

20 A. Yeah.

21 Q. Just to go forward in your statement, 'Jim', you tell us
22 some more things about the set-up in the home, the
23 number of children and things like that and how the
24 shifts worked, and I'm not going to go through that, we
25 have it there.

1 But I think you say that in relation to food, that
2 you pushed -- you and others pushed for the children to
3 get involved in the menus and things like that, because
4 when you first started, you say that children were
5 getting re-presented their lunch at dinnertime if they'd
6 refused to eat it at lunchtime, and that was something
7 that you pushed to have stopped?

8 A. Yeah, that was mainly in group three and, to be fair,
9 I wasnae based in group three at all in the whole time
10 I worked in Bellshill. But I would be passing through
11 and I often saw, like, say, kids being sat and being
12 told, 'You've not eat your dinner, if you don't eat your
13 dinner you'll get it for your supper. If you don't eat
14 it for your supper, you'll get it for your breakfast'.
15 And, you know, that was something that I couldnae
16 tolerate. And when I intervened, and the staff were
17 saying to me, 'You don't work in this group'. And
18 I would say to them, 'Well, look, I've got a roving
19 role, I'm employed as a houseparent in Bellshill
20 Children's Home, not just in group two, right, and if
21 I see something that's happening that I disagree with,
22 that I think is wrong, I'm going to say so. And that's
23 wrong'. You know.

24 Well, then they'd say to me, 'Well, what would you
25 do?'. I'd say, 'Well, if they didn't eat their dinner,

1 I would try and find out, you know, get them on their
2 own and say to them, you know, well, look, are you
3 hungry?', 'Yes'. 'What would you want? Can I make you
4 something, you know, make you soup or make you -- get
5 you, you know, toast and jam or whatever', so at least
6 they'll get something in their stomach. Just sitting a
7 kid down in front of a meal that they don't want to eat,
8 you know, erm, again, I just thought you were fighting
9 a losing battle because a kid would just dig their heels
10 in and they wouldn't eat it and it was just like
11 a never-ending circle.

12 Q. Thank you, 'Jim'.

13 You tell us at paragraph 60 that there was a minibus
14 and you say that eventually that would be used a lot
15 more when you were there and they would go swimming,
16 ice skating, things like that or to the cinema.

17 You talk about there being holidays every year at
18 paragraph 61 and there was a holiday budget, and kids
19 really went, as well as France, they went all over the
20 UK, all over the country?

21 A. Yeah.

22 Q. You go on, 'Jim', at paragraph 62 to say that sometimes
23 children would be taken to a staff member's house, but
24 you thought that that was something quite questionable,
25 but it was allowed. And you give us a couple of

1 examples of when that happened and again I'm not going
2 to go through the examples of when that happened. We
3 have it there.

4 But you say it was common -- it wasn't uncommon,
5 sorry, for a child to go to a member of staff's house,
6 but it would have to be agreed?

7 A. Yeah, it had to be agreed with the social worker and it
8 had to be agreed with management at the children's home.
9 But I wouldn't say it was common. There was a few
10 instances where that took place, yeah.

11 Q. 'Jim', at paragraph 65, you talk about the fact that
12 when you started at Bellshill, some children were
13 administered drugs to manage their behaviour, and you
14 say one of the drugs used was -- I'm going to say this
15 wrong -- Largactil?

16 A. Largactil? Yeah. Yeah.

17 Q. But you didn't approve of that and you were of the view
18 that it shouldn't have been given to any child?

19 A. Yeah, I think -- I mean, it was only the one child in
20 the building that that was -- it was PRN, it was as and
21 when required, when I looked at the bottle, after I saw
22 he'd been given it and asked what it -- you know, why he
23 was being given it. And, you know, it was because they
24 were basically trying to manage his behaviour using it.
25 And I would go back to the doctor and tell him, 'No',

1 you know, 'This isnae -- it's not required. It's no
2 required to manage his -- this boy's behaviour'.
3 I witnessed it happen where this boy's behaviour is --
4 people need to build their relationship with him.
5 Q. 'Jim', you say that was something that you challenged
6 along with others, and that stopped?
7 A. Yes. Instantly it stopped. It was just a matter of --
8 it was, you know, it happened after that. It happened
9 once and -- to ma eyes -- and that was enough.
10 LADY SMITH: When you say you challenged it 'Jim', who did
11 you speak to?
12 A. I spoke to Heather Hall, who was the senior.
13 LADY SMITH: But it wouldn't be her decision whether the
14 children were going to be prescribed medication or
15 whether a prescription was going to be withdrawn, would
16 it?
17 A. No, we took the boy back to the GP and basically said to
18 the GP, 'Look', you know, 'You've prescribed this as and
19 when required. It's no required anymore. It's no
20 required to manage this laddie's -- this boy's
21 behaviour'.
22 LADY SMITH: Thank you.
23 MS FORBES: 'Jim', you talk about chores and you mentioned
24 earlier the boy who was at the stairs when you first
25 arrived. But you say that there were chores when you

1 arrived at Bellshill, it was a punishment for bad
2 behaviour, and you hadn't come across that in any of
3 your previous homes that you'd worked in. You thought
4 that was draconian and you wanted to make sure it
5 stopped. And was that something that did stop when you
6 were there?

7 A. Yes, it did, yes, it did stop. You know, the punishment
8 exercises, erm, you know, were just -- as I say, it was
9 draconian and, er, I felt that, and I said it at the
10 time, you know, it's just an abuse of power. It's
11 a power thing, you know, and trying to kinda manage
12 people's -- young people's behaviour, you know. It just
13 wasnae necessary.

14 Q. 'Jim', just going forward --

15 A. There were --

16 Q. Sorry, 'Jim'.

17 A. Sorry. There were set chores where, you know, children,
18 you know, after meal times, they washed the dishes and
19 dried them, but that was always with -- well, when I was
20 working, I would do it with them. And sometimes I would
21 have to -- once they went away, I'd need to do them
22 again, to make sure, but they took part in an activity,
23 they took part in, you know. There was domestics
24 working in the groups, erm, who tidied up and made sure
25 things were spick and span, but I would encourage

1 children to use the hoover if there was a mess and point
2 it out, 'There's a mess, this is a bit of a mess, let's
3 get the hoover and we'll hoover it up, right'. 'Can I
4 use the hoover, can I push the hoover?' 'Yeah, sure you
5 can push the hoover'. And encourage them to do things
6 like that.

7 So -- but that was doing chores in a positive way.
8 It wasnae being used as a punishment.

9 Q. 'Jim', you go on in your statement to talk about
10 discharge of children from paragraph 74, and you say at
11 paragraph 75 that when you first started, children would
12 get discharged from Bellshill as soon as they turned 16.
13 They'd get a bin bag to put all their stuff in and taken
14 to the nearest bed and breakfast and dumped there, and
15 you say that you decided that this practice would stop
16 and never happen again?

17 A. Yeah.

18 Q. And you point out that it was up to the social work
19 department to get together with the housing department
20 to find suitable accommodation for those children. So
21 that's one of the things you tell us about.

22 'Jim', you go on to talk about an issue with young
23 girls falling pregnant and them being taken away
24 somewhere else to have their child and you thought that
25 was wrong, and you thought they should really be staying

1 in the children's home to have their baby; is that
2 right?

3 A. Yeah. Yeah, that was, that was my experience at the
4 time. And that's why PVX did ask me to move over
5 fae group two to group one, because he -- that's where
6 him and I, you know, agreed that the young people who
7 were in group one had the right to representation. You
8 know, it shouldnae just be the case, you know, that when
9 they turn 16 they left, they left care and that was them
10 finished, you know, and they go to wherever. Normally
11 bed and breakfast. Er, and I didnae think that was good
12 enough, you know. You know, I believed that the social
13 work department and the housing department should be
14 getting their heads together and getting these young
15 people appropriate accommodation and shelter. You know,
16 it was a basic need.

17 Q. 'Jim', just to move on in your statement. I'm conscious
18 we've still got a long way to go. So you tell us about
19 your living arrangements at paragraph 78 and I think
20 there came a time when you moved from living in
21 a council house in Stonehouse to another address in
22 Bellshill to be closer to work. But I think you say
23 that sometimes you would sleep overnight in the empty
24 officer's charge flat, especially if you worked
25 a backshift, because you didn't drive and there wasn't

1 the public transport available, is that right?

2 A. Yeah, when I stayed in Stonehouse it was particularly
3 difficult, because I had to get two buses, and the buses
4 went off fae Hamilton to Stonehouse aboot -- I think it
5 was aboot 7 o'clock. My backshift finished at 10.00.
6 So the agreement was that if it was a dayshift,
7 backshift, dayshift, going onto the backshift I would
8 just stay over.

9 And initially there was a back flat in the
10 children's home. It was just a room off one of the
11 dining room in group three, which was lockable, and,
12 erm, that's where I would sleep over.

13 Q. 'Jim', just to go forward in your statement, you do tell
14 us a bit about discipline and punishment, and we've
15 talked about you putting the punishment book in the bin.

16 A. Yeah.

17 Q. You go on to tell us that there were some other places
18 that punishments were recorded, and this is at
19 paragraph 85. There was the logbook for the unit where
20 daily occurrences were entered, and there were also the
21 children's personal file. And I think you mentioned
22 that earlier, that there were other places you could
23 record punishments, but your view was you didn't think
24 there should be a punishment book?

25 A. Yeah.

1 Q. And you tell us a bit about the fact that the money from
2 the children that was retained would be put in a savings
3 book and they could access it at a later date.

4 You tell us, 'Jim', there was no corporal punishment
5 whilst you were there and you never saw any physical
6 punishment at Bellshill. You wouldn't have allowed
7 that. And we have talked about the changes that
8 happened during your time and you have talked about
9 'a quantum leap' and the staff going along with that.

10 Just to go forward then, 'Jim', I think you say at
11 paragraph 92, you wouldn't say you ever disciplined any
12 of the children and that's not a word that you like, and
13 you've mentioned that you would speak to them, tell them
14 to take a breath and a step back and encourage them to
15 have a look at what they were doing.

16 You then, 'Jim', go on to tell us about restraint
17 and you say at paragraph 93 that that was seldomly used,
18 but you had no qualms in using it if a child was going
19 to harm themselves or if they were -- to prevent them
20 from hurting others, but it would be the minimum amount
21 of force necessary that would be used. And you tell us
22 about an incident where you had to step in when a boy
23 was attempting to hang himself. And we have the details
24 of that there; it might be touched upon again in
25 a minute.

1 But were you ever given any training on restraint,
2 'Jim'?

3 A. No.

4 Q. Okay.

5 A. No, that's why I preferred not to resort to it. No, as
6 far as I was concerned, that was, you know, the last
7 thing that you should be doing.

8 This whole thing about punishment, erm, children
9 that were received into care, they werenae received into
10 care to be punished. Sometimes they would have been
11 taken into care to get away from situations like that,
12 and that shouldnae be the predominant factor. The
13 predominant thing should be compassion, empathy, you
14 know, recognising kids' trauma, no adding to it.

15 So, yeah, that was always my view, and the view that
16 I promoted.

17 Q. 'Jim', you go on in your statement to talk a bit more
18 about discipline, and we have that, and about
19 complaints. And just to go to a particular part of your
20 statement where you deal with a complaint, it's at
21 paragraph 109, and this is where you tell us that you
22 were in group one and you remember a time when three
23 girls claimed that a man called Edward Doherty -- it's
24 in your statement -- had abused them, and that came to
25 light to you on a backshift. And a girl who we're

1 referring to as 'Sarah', but I think you know her
2 name --

3 A. Yes.

4 Q. -- was one of the girls involved in that. And you
5 raised concern with PVX and Clare Flannery SNR
6 SNR at the time?

7 A. Yeah.

8 Q. And you say you spoke to 'Sarah' and she told you that
9 Eddie had done something to her but didn't go into any
10 detail. And I think thereafter Clare was involved in
11 trying to find out what happened and she said -- she
12 then came back and told you what Eddie Doherty had done
13 and that it had affected two other girls as well?

14 A. Yeah.

15 Q. But you tell us in relation to that that PVX said
16 it didn't merit telling the police, and you say you felt
17 that you were being shut out?

18 A. Yeah.

19 Q. And, 'Jim', you go on to say that that incident wasn't
20 reported to the police at the time. You thought it
21 should be, but that PVX said that if it went to
22 court Eddie Doherty would cite all the logbooks and all
23 the details of 'Sarah's' case and they would paint her
24 as a terrible person in court, and he didn't want that
25 to happen?

1 A. Yeah.

2 Q. And he wanted it to be kept in-house. So that's your
3 recollection of that incident, is it?

4 A. Yeah, that's definitely my recollection of things,
5 because I specifically went to PVX and Kevin Murphy as
6 well, and I asked, you know -- and he -- you know,
7 I felt I had to seek advice, because I didn't know what
8 was happening. I don't know what the girls had been
9 told or what had been said to them, erm, and I wanted to
10 know where I stood. And I said to him, you know, 'Is
11 this a situation where if the kids -- if these girls
12 come to me and say they want to involve the police, do
13 we phone the police?'. Or, you know, what -- he was
14 like that, 'No, we feel it's better -- we've spoke to
15 the girls, they're comfortable with it being dealt with
16 in-house and receiving support in-house and don't want
17 to take it any further with the police'.

18 And that -- I said, 'Well, is that what I should be
19 saying?', and he was like, 'Yes', you know, if they come
20 and say, you know, about phoning the police or whatever,
21 I should discourage that and explain to them why we want
22 to -- we felt it was to be discouraged and it was more
23 of a kinda -- get them to accept it was a protective
24 thing for them.

25 Q. 'Jim', I think you say that you feel you let the girls

1 down because you did what PVX said and encouraged them
2 not to --

3 A. Definitely.

4 Q. -- get the police involved. And then I think you tell
5 us that you regret that and that four years later, they
6 did report it, the girls did report it to the police,
7 and that led to Eddie Doherty being convicted?

8 A. Yeah.

9 Q. Yeah.

10 'Jim', just going forward in your statement then, we
11 get to a part of your statement where you talk about
12 allegations of abuse, and you mention a couple of
13 incidents, I think, that are dealt with a little bit
14 later in your statement, so we'll come to them again.

15 I think you tell us at paragraph 130 that you were
16 aware of the police operation involving Edward Stanton
17 and you subsequently became aware that Edward Stanton
18 was convicted in relation to abuse in various children's
19 homes and you tell us about that.

20 You tell us that you were cited as a witness in the
21 case against him and you ended up having to give
22 evidence in his defence. But you say you were treated
23 as a hostile witness and you say you didn't say anything
24 in his defence?

25 A. That was Ed -- sorry, that was Edward Doherty's case,

1 yes.

2 Q. Okay. Sorry, Edward Doherty's case, I do apologise.

3 So Edward Stanton, you were aware of the later
4 conviction, but, in relation to Edward Doherty, you were
5 cited as a witness?

6 A. Yeah, yeah.

7 Q. 'Jim', if I just get to a point in your statement where
8 you're talking about some other staff and you talk about
9 Edward Stanton again. You raise a concern that you had
10 about Edward Stanton and his relationship with three
11 children from the same family and the fact that he would
12 take them back to his flat. And you say there was also
13 a time when he would come in through the unit and sit in
14 the living room with a boy on his knee, and staff would
15 tell him he shouldn't do that.

16 You go on to tell us again about the allegations you
17 became aware of in England, and the fact that later
18 I think you say you spoke to police officers and told
19 them about your concerns. But I think you point out,
20 'Jim', at paragraph 138 that you never saw Edward
21 Stanton abuse any child, although you'd heard about the
22 police investigation?

23 A. Yeah.

24 Q. 'Jim', you then talk about Eddie Doherty and tell us
25 about him from paragraph 139. You describe him at

1 paragraph 140 as being very sexualised in his behaviour
2 and not being a nice person. He was sexualised in his
3 language and his behaviour. And you tell us about
4 an incident at paragraph 141 where he was throwing
5 bananas at the kids and calling them monkeys?

6 A. Yeah.

7 Q. You then, 'Jim', go on to tell us about an incident at
8 paragraph 142 when Edward Doherty made a comment about
9 'sticking a pool ball up a girl's hole', and then
10 another incident where he referred to -- he said
11 something to the boys about 'taking it to the PF' and
12 said that that stood for 'pish flaps'?

13 A. Yeah.

14 Q. And you told him to stop talking like that and that you
15 would talk to him later, and the girls who were there at
16 the time were upset and you told John Blair about that;
17 is that right?

18 A. Well, John Blair was present. He was driving the --
19 that was -- the PF comment was in the minibus. John
20 Blair was driving the minibus and obviously overheard it
21 as well. On both occasions. The incident with the pool
22 balls came to light where a member of staff that was
23 working, Cathleen Irvine, came to me and said to me,
24 'You know, look, a couple of days ago I was in the pool
25 room and there was a situation between Eddie Doherty and

1 one of the girls and he told her to stick the pool balls
2 up her hole'. And then, you know, she was just saying
3 to me as, you know, the senior member of staff: 'You
4 should talk to him about this'. I says, 'Well, why am I
5 to be -- why are you telling me I should talk to him?
6 Why did you no talk to him as a female?'. I find that
7 quite shocking, that she would allow a man to talk to
8 a young girl that way and say nothing, you know, save it
9 up for two days to tell me and then for me to go and
10 deal with it.

11 And then after she told me, I did go and deal with
12 it. But her expectation was that I should come back and
13 report to her what I'd done about it. And, you know,
14 that just -- that wasnae happening.

15 So the second incident in the minibus, it is -- the
16 situation was as you just stated. He made the comment,
17 the girls were very offended. I was actually
18 dumbfounded, because I didnae know what that meant. And
19 when he come out with what it meant, I was quite, quite
20 shocked. And it wasnae till we got to Girvan and got
21 all the kids off the minibus and I said to John Blair,
22 'You take them away, because I need to talk to Eddie',
23 you know. And I told him it -- you know, it just wasnae
24 -- that was just absolutely vile. And, you know, I was
25 really, really shocked and, erm, aggrieved about it.

1 Q. 'Jim', I think you tell us that you did then go to
2 Kevin Murphy and PVX about that, so you did in
3 fact --
4 A. Yeah.
5 Q. -- take that behaviour to others?
6 LADY SMITH: Ms Forbes.
7 MS FORBES: 'Jim' -- yes, we've got to a point where
8 perhaps --
9 LADY SMITH: I think we should.
10 MS MCMILLAN: -- this is time for a break.
11 LADY SMITH: 'Jim', I mentioned to you earlier that
12 I normally take a break at about this point in the
13 morning. If it would work for you, I think we should
14 take just a short break now and then finish your
15 evidence after that. Would that be all right?
16 A. That's fine, my Lady. Thank you.
17 LADY SMITH: Very well. Let's do that.
18 (11.33 pm)
19 (A short break)
20 (11.49 am)
21 LADY SMITH: 'Jim', welcome back. I hope that you found the
22 break helpful.
23 A. Yes, thank you.
24 LADY SMITH: Can we carry on with your questions now, is
25 that okay?

1 A. Yes, my Lady, that's fine.

2 LADY SMITH: Thank you.

3 Ms Forbes.

4 MS FORBES: My Lady.

5 'Jim', you go on to tell us about other members of
6 staff and in particular John Blair and RFG and
7 the issues that you had with them, and that really was
8 in relation to complaints that they made about you. And
9 we have the details of that there, so we know what your
10 position is in relation to that, so I'm not going to go
11 through it.

12 But when we get to paragraph 167 of your statement,
13 you tell us that your position in Bellshill for the last
14 three years of your time there was untenable. That
15 related to the fact you were working with John Blair and
16 RFG and there was a constant wave, you say, of
17 allegations against you in relation to a particular girl
18 who we refer to as 'Sarah' and then subsequent
19 investigations. And you were constantly worried about
20 what the next allegation would be.

21 And you tell us, essentially, 'Jim', that you were
22 so unwell by the end of that that you knew you couldn't
23 stay. But you also go on to tell us that there was
24 a case later, a civil case that you were involved in,
25 and this was about the council neglecting your wellbeing

1 and it was settled out of court. So we have the details
2 of that as well.

3 A. Yeah.

4 Q. I'm now going to go to a part of your statement where
5 some allegations are put to you and I just wanted to
6 remind you of the warning that Lady Smith gave you
7 earlier, that you don't need to answer any questions if
8 the answers might incriminate you, okay?

9 A. Okay.

10 Q. But these are matters that you know about, that have
11 been put to you and you've given your position in
12 relation to them in your statement.

13 So first of all, from paragraph 169, you were asked
14 about statement given by a girl called 'Linda'. And
15 this is somebody that, I think you know her by
16 a different name, but we're referring to her here today
17 as 'Linda'.

18 A. Yes.

19 Q. Parts of 'Linda's' statement were read out to you and
20 essentially, just to summarise what she says, I think
21 she says that you would take money or pocket money off
22 of her and other girls, take them out with it at night
23 to pubs and nightclubs, and this would be along with
24 other members of staff as well.

25 She says she was 13 the first time this happened.

1 You would take her and two other girls to Hattonrigg
2 Hotel and Valenti's Restaurant, buy them meals and get
3 them drunk, buy alcohol with their pocket money, take
4 them back to your house in Stonehouse, put music on and
5 the drinks would be flowing, there would also be drugs
6 lying around the house, like ecstasy and diazepam and on
7 one occasion cocaine. And I think that's something that
8 you deny; is that right, 'Jim'?

9 A. That's correct, yes.

10 Q. And you deny that 'Linda' came to your home in
11 Stonehouse and that any drugs were taken. You tell us
12 later in your statement, you never took any child from
13 the children's home to your house in Stonehouse and
14 I take it you deny, 'Jim', ever offering any young
15 person drugs at any time?

16 A. Yes. Yes I do. I deny that totally.

17 Q. 'Jim', you tell us a little bit later in your statement
18 that 'Linda' did come to visit you at your home after
19 she left care, but you explained that she had a baby by
20 then, that she'd visited the children's home and that
21 PVX had given her your address. This is at
22 paragraph 168, so a little bit later. And you tell us
23 that she came to your house with her boyfriend and her
24 baby, you had coffee, and then she invited you to her
25 house for dinner with her and her boyfriend, and you

1 went?

2 A. Yes.

3 Q. And your wife helped you buy a babygrow for her baby to
4 take back with you?

5 A. That's -- that's right, yeah.

6 Q. And I think a bit later on in your statement, 'Jim',
7 paragraph 182, you say that, you admit that you did take
8 young people out to restaurants for a meal, and this
9 included a girl called RBM, a girl called RFL and
10 a boy called RJS, and you explained that alcohol was
11 available to them because with supervision, young people
12 at that time were allowed to have alcohol at a certain
13 age. You say --

14 A. Yeah.

15 Q. -- under clear supervision.

16 'Jim', are you referring to the law at that time in
17 the '80s that 16- and 17-year-olds could consume beer,
18 wine or cider if they were accompanied by an adult and
19 if it was bought by that adult and consumed with a meal?

20 A. As I read the law at the time, it was alcohol. And
21 I limited that to a low -- the lowest count of alcohol
22 content in a glass of wine you could get. It was
23 a matter of using -- using that as a teaching method.
24 As I said before about, erm, their view of alcohol was,
25 you know, getting their pocket money on a Friday,

1 clubbing together for alcohol and sitting in a park
2 somewhere and getting steaming drunk and come back and
3 them getting themselves into bother. And I'm teaching
4 them, that's not how life could be or should be.

5 Also, the other purpose of going to a restaurant, it
6 wasnae just going and eating a meal, you know. See, one
7 of the girls had spoke to me about her aspirations and
8 her dreams of having a restaurant and being a chef, and
9 I got -- I organised a meet-and-greet in one of the
10 restaurants that I used frequently. I knew the manager,
11 I knew the chef, and I introduced them, that kid, to the
12 manager and the chef. And they could see the kitchen,
13 how it worked and that was explained to them. That was
14 used as a kinda -- well, a teaching tool, to use
15 a phrase, erm, to kinda explain that.

16 Q. 'Jim', in relation to the alcohol, though, is your
17 position that you were with them and bought them alcohol
18 separate from having a meal? Is this something that
19 happened?

20 A. No, no separate from having a meal, no. No.

21 Q. So it would just be when having a meal?

22 A. Yeah, and it would be, it would be one of the -- if the
23 young person who I felt -- I wasnae going to take
24 somebody who was heavily involved in alcohol consumption
25 and misusing alcohol and put 'em in that situation. It

1 would be a young person who I felt that it was
2 appropriate that that could happen.

3 Q. But the ages of these children at that time, would they
4 be under 16 or not?

5 A. Er, no, they'd be 16.

6 Q. Okay. But in relation to taking them out to pubs and
7 nightclubs and buying them alcohol, was that something
8 that you did or not?

9 A. Absolutely not, no. No.

10 Q. 'Jim', 'Linda' also talks about an incident where she
11 says you assaulted her in a flat, and she tells us that
12 you pulled a quilt over her head, dragged her onto the
13 bed, tried to kiss her and open the buttons on her
14 trousers. But your position, do you deny acting in that
15 way towards, 'Linda'?

16 A. 100 per cent, yeah. The flat I was staying in didnae
17 have a bedroom. She said it happened in the bedroom.
18 It was a studio flat.

19 LADY SMITH: Where did you sleep, 'Jim'?

20 A. Sorry?

21 LADY SMITH: Where did you sleep?

22 A. It was a studio flat, my Lady. Erm, there was a bed
23 that folded down from the wall into the living room,
24 erm, you could put that down at night and then in the
25 morning it could be put back up in the wall and it was

1 disguised like a kind of cupboard space.

2 LADY SMITH: Yes. Thank you.

3 MS FORBES: 'Jim', I think in her statement she talks about
4 being in a bedroom and putting covers on a bed when that
5 happened.

6 A. Yes.

7 Q. Is that why you're making the point that actually there
8 wasn't a bedroom, it was a studio flat, so everything
9 was in the one room?

10 A. Yeah, that's exactly --

11 Q. Is that the point that you're making?

12 A. That's the point I'm making, yes.

13 Q. Okay, thank you, 'Jim'.

14 She also says you ended up in a relationship with
15 one of her friends. Was there any truth in that?

16 A. Yes, there is, yeah. I wasnae aware of the relationship
17 when I met the girl. Erm, and basically it was only
18 a matter of weeks into the relationship, I walked into
19 Bellshill to do a backshift, and, erm, I think
20 I actually told the young girl that what I done for
21 a living, I did -- it's no something that I kinda
22 advertised. Erm, I told her -- I think I told her I was
23 like a joiner or something. And I walked in and she was
24 like, 'What are you doing here?', and I was like, 'What
25 are you doing here?'. And basically that's how it come

1 out that I was -- she was friendly with, erm, 'Linda'.

2 Q. So this was a girl that was resident in the home?

3 A. No, no, she wasnae resident in the home, no.

4 Q. She was friends with some of the residents?

5 A. Yeah.

6 Q. Okay.

7 A. I told PVX as soon as he came in on the dayshift

8 the next day. I said -- I pulled him aside and I says,

9 'Look, I might have compromised my position here'. And

10 he was like, 'How?', and I explained to him what had

11 happened. He says -- and his attitude was, 'Well, look,

12 RBP, I don't', he says, 'I don't see it as being

13 an issue, and I'm surprised it hasnae happened before,

14 because Bellshill and Glasgow in general is quite

15 a small area. He said, 'I'm not surprised that a member

16 of staff has met somebody who knows one of the boys or

17 one of the girls of one of the families'.

18 LADY SMITH: 'Jim', how old was the girl you were having

19 a relationship with?

20 A. At that time I think she was about 18.

21 MS FORBES: What age were you at the time, 'Jim', do you

22 remember?

23 A. Er, I would be about 29. I think, yeah.

24 LADY SMITH: Sorry, I thought you said it was early on in

25 the time you were working at Bellshill?

1 A. Erm, no, it wasnae early on. It was during -- when I
2 was -- it was near enough at the end of the time I was
3 in Bellshill.

4 LADY SMITH: It may be my fault. I may have picked you up
5 wrongly. Thank you, 'Jim'.

6 MS FORBES: 'Jim', 'Linda' also says that you tried to kiss
7 her once before in Stonehouse. Did that happen?

8 A. No.

9 Q. And she tells us about you taking her and two girls to
10 a hotel. This was to the bar at the hotel. And
11 RFG and John Blair turned up after about
12 an hour and told the bar staff that they were underage
13 and they were asked to leave. And I think you do recall
14 that incident, but I think your position, you tell us
15 later in your statement, was that you didn't know they
16 were drinking alcohol in the bar. Is that right?

17 A. RFG and John Blair? Were drinking alcohol?

18 Q. 'Jim', it's my fault, the way that I explained it there.
19 'Linda' talks in her statement about you taking her and
20 two other girls to a hotel and that whilst you were
21 there, RFG and John Blair turned up and told
22 the bar staff that the girls were underage, and the
23 girls were asked to leave. And you say --

24 A. I think -- sorry, I think there's some confusion. It
25 wasnae -- it wasnae a hotel. It was a snooker club.

1 Q. But this is an incident you recall and I think --

2 A. Yeah.

3 Q. -- you explain it and you say that you weren't aware
4 that somebody had given one of the girls a drink --

5 A. Yes.

6 Q. -- in the bar?

7 'Jim', 'Linda' also talks about logbooks that were
8 stored in boxes in the loft at the home and says that
9 two days before the police came to Bellshill, she saw
10 you removing the boxes from the loft and putting them in
11 your car. She asked you about it and you said you were
12 having a clear-out. Did that happen?

13 A. No, it didn't. I don't drive. I never have drove
14 a car. I don't hold a licence. Never have done.

15 Documents wouldn't be stored in the loft. These are
16 private, you know, strictly confidential documents
17 that's being referred to, legal documents. And there
18 was a process for dealing with things -- documents when
19 they were completed or the logbook had finished and we
20 opened a new logbook. All that stuff had to go to the
21 main office and sent to district and then on to McIver
22 House in Glasgow. And they would close the documents
23 and they were then sent to the Mitchell Library. That's
24 what my understanding, where they would be archived.

25 Q. Thank you, 'Jim'.

1 LADY SMITH: Can you remember -- sorry, remind me,
2 Ms Forbes, of the paragraph number in the statement?
3 MS FORBES: The paragraph number in the statement, my Lady.
4 I'll just go to it. So there's a number of paragraphs
5 that are put from 'Linda's' statement to him.
6 LADY SMITH: Yes. But they're under one of our paragraph
7 numbers.
8 MS FORBES: They are under our paragraph 170 in 'Jim's'
9 statement, and I'm not sure, because they're not
10 numbered within that, which one relates --
11 LADY SMITH: Okay.
12 MS MCMILLAN: But it's all within --
13 LADY SMITH: It's all within there, is it?
14 MS FORBES: It's just the last paragraph of 164, where it's
15 put to --
16 LADY SMITH: I've got it, thank you. I had it earlier and
17 I'd lost track of it. Yes, that's on page 41 --
18 MS FORBES: Page 41.
19 LADY SMITH: -- of the statement, in that last paragraph.
20 Thank you.
21 MS FORBES: 'Jim', we know from your statement that you have
22 an issue about this, so I'm not going to go into it in
23 any detail. But it is a matter of fact that 'Linda'
24 gave evidence against you at a trial in 2019. [REDACTED]
25 of the indictment related to allegations made by her and

1 there were some deletions made to that charge, but
2 ultimately you were convicted in relation to a charge of
3 indecent assault in respect of her, and that included
4 supplying her with alcohol, attempting to kiss her,
5 touching her on the buttocks and legs.

6 And the matter that was deleted was the reference to
7 pushing her onto a bed, attempting to remove her lower
8 clothing and there was an intent to rape, so that was
9 deleted from the charge.

10 We do have your position about your conviction,
11 'Jim', in your statement, but just as a matter of fact,
12 just to say that 'Linda' was somebody who gave evidence
13 against you at trial and in relation to that offence,
14 you were given 12 months' imprisonment for that charge.

15 A. Yes, that's correct.

16 LADY SMITH: 'Jim', can I just take you back one moment
17 because we need to be absolutely clear with you.

18 I think Ms Forbes may have suggested that the
19 information from 'Linda' about logbooks coming out of
20 the loft, I think she may have said that they were put
21 in your car. Actually that's not what 'Linda' alleged.
22 She said they were put in 'a car'. All right?

23 A. Yes. Yes, my Lady, I understand that, but that -- that
24 did not happen.

25 LADY SMITH: I know that's your position, but it means that

1 what you said about not driving and not having a car
2 actually is irrelevant. That's neither here nor there.

3 A. That's fine, my Lady.

4 LADY SMITH: All right?

5 MS FORBES: Apologies, my Lady. That's my mistake.

6 LADY SMITH: That's all right.

7 Ms Forbes.

8 MS FORBES: 'Jim', we're just going forward in your
9 statement to a part where they talk about some other
10 allegations and these are in relation to documents that
11 were held by North Lanarkshire Council and the police.

12 This is from paragraph 173. And at paragraph 174,
13 there's reference again to a staff member taking young
14 people to his home and taking them out in a social
15 context, alcohol being available and inappropriate
16 relationships between staff. And I think you tell us,
17 'Jim', in respect of that, that there were some truths
18 and some deviations from the truth in relation to that.

19 We know your position that, your position is you
20 never took any child from the children's home to your
21 home, but you do tell us about a couple of occasions
22 when children did come to your home accompanied by
23 another member of staff and you tell us about that.

24 But your position is that you never yourself took
25 any children to any of your homes that you had, either

1 in Stonehouse or in Bellshill, is that right?

2 A. That's correct, yes.

3 Q. And we know about 'Linda' coming to visit you after she
4 had her baby and you talk about another girl called
5 RBL, that we know as RBL, who came to visit you at
6 your house at Bellshill and that was to give you a get
7 well card when you were -- a get well soon card.

8 A. Yes.

9 Q. So we have the details about that and you've explained
10 your reasoning as to why you were taking some of these
11 children out to restaurants for meals where alcohol was
12 available, and you tell us about that at paragraph 182.

13 You then tell us -- you were then asked about
14 a complaint that was made by a boy called RFO and
15 that's at paragraph 184. And this was about a violent
16 threat that was supposed to have been made towards him.
17 And, 'Jim', you go on to explain the situation and we
18 have that at paragraph 185 and 186, where you do
19 remember this boy. You say he was very challenging and
20 he challenged your authority because he wanted keys to
21 the office, but you didn't threaten him?

22 A. Yeah.

23 Q. You told him to stop and go away and think about his
24 behaviour?

25 A. Yeah.

1 Q. And he went to his mum's and told her that you'd
2 threatened him?

3 A. Yeah.

4 Q. And you say that after that, he stayed with his mum and
5 never came back to the children's home?

6 A. Yeah, that's all correct, yeah.

7 Q. Thereafter, 'Jim', you talk about a complaint made --
8 you're asked about a complaint made by a boy called
9 **RFM**. This is at paragraph 188, and this is about him
10 being sexually assaulted and abused. And the allegation
11 is that you and other staff would grope his genitals and
12 sometimes drag him into rooms to do so, watch him bathe
13 and physically assault him with kicks and punches.

14 I think the allegation there is that this was
15 investigated by the police and that there is
16 a suggestion there that you were charged and convicted.
17 But I think you tell us you were never charged or
18 convicted or prosecuted in relation to that offence or
19 that allegation; is that right?

20 A. Yeah, that's correct. That was one of the few documents
21 that North Lanarkshire actually presented, and it was
22 absolutely -- just absolutely untrue. I didn't have any
23 charges or any convictions at all up until 2019 when
24 I was convicted -- what you mentioned before. And that
25 particular case was way, way back before, erm -- I

1 cannae remember the exact date that that allegation was
2 referring to. But it was certainly -- it was right
3 before the time that I was, erm, convicted.

4 Q. 'Jim', you do explain a situation with RFM at
5 paragraph 190 where -- we have mentioned this earlier in
6 your evidence; that he tried to hang himself and you had
7 to intervene, and that was the only incident that you
8 recall, or significant event you recall in relation to
9 him, and in no way in helping him being taken down from
10 what you found and that attempted suicide did you, you
11 say, in no way did you go out to sexually or physically
12 assault him. And that's the position I think you've
13 told us there.

14 'Jim', you --

15 A. Yeah, that's correct.

16 Q. You were then asked about police statements that John
17 Blair gave to the police and that's set out from
18 paragraph 194 in your statement and he tells us, he
19 says, that he reported Ed Doherty to you on two
20 occasions in 1988, about improper language, and then he
21 says that later you denied that he'd made any complaints
22 to you. And he says that -- I think you then explain
23 that he did come to you about this behaviour and you
24 addressed that with Eddie Doherty?

25 A. Yes.

1 Q. And I think we got in your evidence earlier that you
2 took it forward to both Kevin Murphy and PVX, and
3 that's your position in relation to that, is that right?
4 A. Yes, that's correct.
5 Q. You then say at paragraph 196 you don't know what
6 happened as a result of that, because PVX didn't
7 report back to you what was done and you say it was up
8 to PVX how he dealt with it?
9 A. Yeah.
10 Q. John Blair then, at paragraph 197, it's put to you from
11 his statement that he had concerns about you taking
12 girls out on their own, and he names the girls that you
13 were going out with. And I think this is when you
14 reiterate that you did take one of the girls out for
15 a meal in Hamilton and you didn't think that was
16 inappropriate. And I think this is where you've
17 mentioned that some of the girls, you say, wanted jobs
18 perhaps in the restaurant industry. But you say that
19 you took a girl who we call 'Sarah' out for a meal on
20 her birthday when she turned 16, and that's something
21 that you accept happened, is that right?
22 A. That's right, yeah.
23 Q. And you didn't think there was anything inappropriate
24 about that?
25 A. I did not, no.

1 Q. And again, any suggestion that you took girls to any of
2 the houses that you stayed in, you deny; is that right?

3 A. Yes, yes, I deny that.

4 Q. Thereafter, at paragraph 201, 'Jim', John Blair goes on
5 to say there was an occasion where the girl who we refer
6 to as 'Sarah' was going about school with a photo of you
7 saying that that was her boyfriend. And you tell us in
8 relation to that, at paragraph 202, that there were
9 half-truths. She did have a photograph of you and you
10 say that you think she did show it to people and say
11 that you were her boyfriend. Is that something you knew
12 about at the time?

13 A. No, it was -- I wasnae aware of that at the time. Erm,
14 I was actually off on holiday and Kevin Murphy brought
15 'Sarah' to my house to let me know what John Blair had
16 said and done. Basically, erm, [REDACTED] went to
17 school with 'Sarah', erm, and [REDACTED] had come home
18 and told John Blair that PJP was going about -- 'Sarah'
19 was going about with a photograph of me, claiming that
20 I was her boyfriend. John Blair had then told [REDACTED]
21 [REDACTED] basically PJP's full background and the reason
22 why she was received into care, and [REDACTED] went
23 back to the school and it was all over the school. All
24 PJP's business.

25 Q. 'Jim', you tell us about that in detail at paragraph 202

1 and 203, and I'm not going through that with you because
2 we do have it there.

3 A. Yeah.

4 Q. But your point you make in that paragraph is you say
5 there was no inappropriate relationship between you and
6 'Sarah'. So you were never in -- you were never her
7 boyfriend; is that your position?

8 A. Absolutely, absolutely not, no. No.

9 Q. And you tell us, 'Jim', at paragraph 204 that you spoke
10 to PVX [REDACTED] about it because you thought that the
11 incident should be investigated, and you say that you
12 think you should have been suspended whilst that
13 investigation went on?

14 A. Yeah, I should have -- yes, I should have been
15 suspended.

16 Q. Is that what you say, 'Jim'?

17 A. Yes.

18 Q. And that PVX [REDACTED] told you that it would be dealt with
19 in-house?

20 A. Yeah.

21 Q. And you let it go at that stage?

22 A. Yeah, he told me: nothing to worry about, nothing to see
23 here, absolute -- this is absolute nonsense. And he was
24 then outraged that John Blair had broken the
25 confidentiality and made these allegations and it would

1 be dealt with, and John Blair would get extra
2 supervision directly from him in the future.

3 Q. 'Jim', you go on to tell us about the situation,
4 I think -- sorry, we've talked about the situation with
5 you and RFG and John, and John Blair talks about
6 RFG being, I think being sacked in relation to
7 the allegations that were made?

8 A. Yeah.

9 Q. However, I think John goes on later to talk about,
10 paragraph 209, an incident where he says you assaulted
11 a boy, and this was in relation to a trip to Alton
12 Towers and that, as a result, the boy lost two teeth.

13 Your position, 'Jim', in relation to that is that
14 you don't have a recollection of going to Alton Towers
15 with the individuals involved.

16 I think you deny that that assault took place, is
17 that the position?

18 A. Yes, that's correct, yes.

19 Q. And you say --

20 A. I think --

21 Q. -- that somebody would have noticed two front teeth
22 missing on return?

23 A. Yeah, definitely. Somebody would have noticed that and
24 asked questions. And any injuries would have to be,
25 erm, logged and catalogued and, you know, enquiries made

1 with the GP.

2 Q. And, 'Jim', there was also --

3 A. Or dentist.

4 Q. Apologies, 'Jim'.

5 This would be recorded, you say, by the GP and the
6 dentist if something like that had happened?

7 A. Yeah, it would also be recorded in the daily logbook and
8 there would need to be an incident report as well, which
9 would be kept on file and forwarded to the relevant
10 authorities.

11 Q. 'Jim', there's also an allegation about an assault on
12 a girl called REB and you -- John says that you
13 kicked her on the knee and he saw a large bruise on her
14 knee. And in relation to that, I think you explain at
15 paragraph 212, that there was an occasion when this
16 girl, REB, picked up her little sister, who was
17 a toddler, and was spinning her around by the arms; you
18 were concerned that if she let go of the child, she
19 would end up in the middle of the road and get killed.
20 So you intervened, but you say at no time did you kick
21 her and you say that you would never hit her because of
22 her particular behaviour.

23 But, 'Jim', is your position that you ever hit
24 a child?

25 A. Yes, that's -- yes.

1 Q. So, I'm sorry --

2 A. Yeah, I didn't hit her.

3 Q. -- is your position that you never hit a child, ever?

4 A. Never hit a child, never. I would never deliberately go

5 out to strike a child or cause them any physical harm.

6 Q. 'Jim', there's then a statement from PVX to the

7 police and that -- part of that was put to you from

8 paragraph 214 of your statement. And he states that he

9 had concerns about your relationship with a boy called

10 RES, that you were very close to this boy, and I think

11 you give an explanation to that and you say you remember

12 the boy that he's talking about, but that if PVX had

13 any concerns about that relationship, why didn't he deal

14 with it at the time; you were never questioned about

15 that relationship and there was no formal investigation,

16 and that you had a close relationship with that boy

17 because it was your job. And you say this was the boy

18 that none of the other staff liked?

19 A. Yeah.

20 Q. And again, any suggestions about PVX being involved in

21 trying to stop children coming to your house, you say

22 isn't true; these children didn't come to your house and

23 any visits were as you've described in your statement.

24 Is that right?

25 A. Yeah. That's correct, yeah.

1 Q. 'Jim', just going forward in your statement then,
2 there's an allegation put to you in respect of
3 a statement given by RFG, this is at
4 paragraph 225. He gave a statement to the police and he
5 says there was an occasion when there was a child called
6 RHF, and he says that another guy working in the house,
7 Eddie, from Carluke Children's Home, was covering, and
8 he teamed up with you and that together you thought you
9 were hard men. And he says that he can't remember what
10 it was that the boy RHF had done, but that you and
11 Eddie 'pinned him down, sat on his back and were bending
12 his wrists back and digging their knee into his back',
13 and that was done in the main hallway in front of
14 everyone. And you tell us, 'Jim', at paragraph 226,
15 that's a fabrication, you say. Is that right?

16 A. Yeah, that's correct. RFG worked in entirely
17 different shift patterns than me, so I don't get where
18 he says that he saw this. Also, I have no recollection
19 of a member of staff called Eddie coming to work in
20 Bellshill.

21 Q. From Carluke, is that right?

22 A. From Carluke. From Carluke or anywhere else. It just,
23 it doesnae -- and it's something that I would have
24 remembered.

25 Q. So when he's saying that, he's not referring to

1 Eddie Doherty or anything like that?

2 A. I don't -- no.

3 Q. There's then, 'Jim', a reference by RFG at
4 paragraph 229 to an incident that he encountered with
5 the girl that we refer to as 'Sarah', and she had been
6 drinking one night and she came into his bedroom and she
7 kept saying a nickname that might resemble your actual
8 surname and that she sat at the edge of his bed and put
9 her hands under the covers and touched his groin, and as
10 a result of that RFG says there's no doubt in his
11 mind that there was something going on between you and
12 the girl, 'Sarah'.

13 I think your position, 'Jim', again, as you've said,
14 is that there was no such relationship, sexual or
15 otherwise, between you and 'Sarah', is that right?

16 A. That's correct.

17 To be absolutely crystal clear, RFG said that he
18 was doing a nightshift in Bellshill and 'Sarah' came
19 into the bedroom while he was asleep. If he was
20 nightshift, why was he asleep? He said he was in
21 a bedroom in the unit. Why was he in a bedroom in the
22 unit when there was adequate sleeping facilities in the
23 officer in charge's flat? If he was in the bedroom,
24 there was a lock on the door. Why was the door no
25 locked? So it's just absolute -- and I found it really

1 difficult to believe that 'Sarah' would behave in that
2 manner towards anybody.

3 Q. 'Jim', you go on to be asked about a statement to the
4 police from someone called **RIY**, and this is from
5 paragraph 237, and she states that there was rumours
6 going about that if you slept with staff they gave you
7 money or bought you things like new trainers. And she
8 says:

9 'I know the girl 'Sarah' [she refers to] got
10 anything she wanted, but I don't know who she slept
11 with.'

12 Then she says:

13 'One of the staff was a guy called "Jim".'

14 And she says that you hated her because she didn't
15 fit in with the gang and that she asked you for a new
16 pair of trainers one day and you said there was no funds
17 and then 'Sarah' said, 'Watch this'. And she asked you
18 for money and you gave it to her.

19 'Jim', I think you point out that you weren't in
20 charge of dealing with **RIY** in the home and I think
21 you also, earlier in your statement, explain that the
22 girl called 'Sarah' had her own funds and if she wanted
23 to ask for money for things out of her personal savings,
24 she would be given it. It wasn't out of the funds of
25 the home?

1 A. Yeah.

2 Q. Is that your position in relation to that?

3 A. Yeah, that's clear. To be -- again, to be kinda crystal
4 clear in this situation, the girl RIY that you're
5 referring to, this is the girl who John Blair later
6 formed a relationship with and actually married and had
7 children, so the position on that issue has been
8 influenced by John Blair.

9 Q. And was she a child in the care home in Bellshill whilst
10 he was a staff member there?

11 A. Yes.

12 Q. 'Jim', just going on to a part of your statement where
13 you talk about your conviction, and again, as I said
14 before, I'm not going to go into your views about that.
15 We have it there and we know that it's something that
16 you don't accept?

17 A. Yes.

18 Q. But as a matter of fact --

19 A. As a matter of fact, that is the case. I do have the
20 convictions.

21 LADY SMITH: Thank you, 'Jim'. It is a fact and I can't go
22 behind them. I'm sure you appreciate that?

23 A. Yes, my Lady, I do appreciate that and I understand it.

24 MS FORBES: 'Jim', just for the record, lastly, I don't want
25 to obviously labour your conviction, but just so we have

1 it on record, you were convicted after trial at Aberdeen
2 High Court. That was in respect of five charges. All
3 of the charges involved sexual offences, involved three
4 boys and two girls, their ages ranged between 12 and 16
5 between the boys and girls, and these were offences that
6 were said to be committed at Bellshill Children's Home,
7 a property in Bellshill occupied by you, and a property
8 in Stonehouse, occupied by you, and the dates were
9 between August 1986 and December 1993. And, 'Jim', you
10 were sentenced to 30 months' imprisonment in total for
11 those five charges. So, again, that's a matter of fact.
12 I'm saying that to put it on the record, but we have
13 your position in relation to that and, as Lady Smith
14 says, it's not something we can look behind and I think
15 you understand that, it's been explained to you, is that
16 right?

17 A. Yeah, I understand that. I understood it at the time
18 and, you know, I still -- you know, I understand why the
19 jury came to the verdicts that they did.

20 Q. 'Jim', thank you very much for bearing with me today.
21 I know we've gone through a lot of evidence and
22 I'm really sorry for taking longer with you than I
23 intended to, but thank you very much. That's all the
24 questions I have for you today. Is there anything you
25 want to say that I haven't covered or isn't in your

1 statement?

2 A. Yes. I would like to say that the Inquiry would benefit
3 greatly from gaining access to the logbooks, incident
4 reports, files, petty cash books, because it would give
5 the Inquiry a better idea of how things worked, but my
6 understanding is they're not available.

7 I would also like to say from a personal point of
8 view, that if any child was, erm -- suffered emotional
9 harm or trauma from the time that they were in Bellshill
10 Children's Home and I worked there, I offer my deepest
11 apology and feelings of -- upset, and I think I would
12 have let them down greatly so I'd like to apologise if
13 that happened.

14 It was never my intention ever to harm anybody
15 emotionally or physically in my time in Bellshill.

16 I feel that, erm, I done my best to represent the young
17 people and make life better for them and make Bellshill
18 a better place for them to live in.

19 MS FORBES: Thank you, 'Jim'.

20 LADY SMITH: 'Jim', thank you for that and I want to add my
21 thanks to you once more for engaging with us this
22 morning and indeed into this afternoon. You've been
23 very patient as we've probed you with our questions and
24 I'm sure it's been very tiring for you, but it's been
25 really helpful to me to hear from you in addition to, as

1 I've already said, your written statement. Please do be
2 assured that I'm well aware of everything that's been
3 recorded in your written statement, which I've already
4 studied, so I know the details of your position as they
5 are there in matters that we haven't explored today.

6 We'll now switch off the link, but with my thanks
7 again.

8 A. Thank you, my Lady.

9 LADY SMITH: Thank you.

10 Ms Forbes.

11 MS FORBES: My Lady, there is now another live witness,
12 Mr Sheldon is going to take that.

13 LADY SMITH: Thank you.

14 Just while you're changing over, I'll do a round-up
15 on names, and if I can be told if I've missed any of
16 them, of people who are protected by my General
17 Restriction Order and are not to be identified as
18 referred to in our evidence outside this room.

19 And we certainly had RFG and PVX
20 and a boy called RJS, a boy called RFO, a girl
21 called RIY, a girl called PJP, a girl called RFL,
22 a boy called RHF and a girl called RBM. I may not
23 have caught all of the names on that and I'm looking to
24 the solicitors' table for help. An RBL, yes. Was it
25 RBL or RBL? It may have been RBL. RBL, yes. And

1 RES . Yes. I mentioned RFO, yes, and I mentioned
2 RFL .

3 Thank you very much.

4 Mr Sheldon.

5 MR SHELDON: My Lady, I wonder if I might request a very
6 brief break --

7 LADY SMITH: Certainly, that might be helpful, yes.

8 MR SHELDON: -- partly to set up and partly to discuss
9 a particular matter, but, yes, three minutes, I hope?

10 LADY SMITH: That would be fine. Thank you very much.

11 (12.33 pm)

12 (A short break)

13 (12.40 pm)

14 LADY SMITH: Mr Sheldon.

15 MR SHELDON: My Lady, the next witness is anonymous and his
16 chosen pseudonym is 'James'.

17 LADY SMITH: Thank you.

18 MR SHELDON: My Lady, I should have said, 'James' is someone
19 who will require a warning.

20 LADY SMITH: Thank you.

21 'James' (affirmed)

22 LADY SMITH: 'James', thank you for coming along today to
23 engage with us to help us with your evidence. May I say
24 at the outset, I know you've been waiting a little
25 longer than you thought you would before we're starting

1 your evidence. I'm so sorry about that. It's not what
2 I'd hoped would happen, but sometimes things take longer
3 than we expect but we've got you now and I'm grateful to
4 you for that.

5 I'm also grateful to you for providing such
6 a helpful and detailed written statement in advance,
7 which I've been able to study and it's already evidence
8 before the Inquiry, so we won't need to go into it in
9 great detail, but there are some particular points that
10 we'd like to discuss with you.

11 As we do so, you've got the hard copy of it in that
12 red folder in front of you, and we'll also bring parts
13 of it up on the screen, you might find both of those
14 helpful, you might find neither. It's up to you whether
15 you use them or not, but they'll be there.

16 Separately, if you need a break at any time,
17 'James', you must let me know. I know it's hard having
18 to have your memory dragged back decades, as we need to
19 do with you for our purposes here, and sometimes it can
20 get stressful. It's not a problem if you need a pause
21 or a break.

22 We'll run now for about half an hour and then we'll
23 stop at that point and see how we're getting on and
24 we'll make plans if you haven't finished your evidence,
25 which I don't think you will, how we'll move on with

1 your evidence after that. But we'll make the use of the
2 time between now and quarter past.

3 Something very important I need to say to you,
4 'James' and it's this: although this is a public
5 inquiry, it's not a courtroom of any sort. You have
6 exactly the same protections that you would have in
7 a courtroom and that means that when it comes to
8 questions the answers to which might incriminate you, if
9 you respond to them. You don't have to. You don't have
10 to answer them. It's your choice. But, of course, if
11 you do there are two things to bear in mind. One, I
12 expect you to answer them in full, and secondly,
13 a transcript is being made of these proceedings so it
14 would be available after today. Do you understand what
15 I'm saying there?

16 A. Yes.

17 LADY SMITH: And if you've any doubts about whether we're
18 asking you one of those sorts of questions, just say, is
19 that all right?

20 Okay, I'll hand over to Mr Sheldon and he'll take it
21 from there. Mr Sheldon.

22 Questions from Mr Sheldon

23 MR SHELDON: Thank you, my Lady.

24 Good afternoon, as it is now, 'James'.

25 'James', a couple of formalities before we get

1 properly started on your evidence, not something you
2 need to concern yourself with, but first of all, you've
3 given us a statement and the statement reference for our
4 purposes is WIT-1-000001726.

5 And if we go to the last page of your statement,
6 that's at page 53, I think we see that you've signed the
7 statement and that was in January this year, is that
8 right?

9 A. Yes.

10 Q. And you've told us:

11 'I have no objection to my witness statement being
12 published as part of the evidence to the Inquiry.
13 I believe the facts stated in this witness statement are
14 true.'

15 And does that remain the case, 'James'?

16 A. Yes.

17 Q. Thank you.

18 We can go back to the beginning of your statement
19 and again really a formality, and you don't have to tell
20 us your precise date of birth, but I think you were born
21 in 1958, is that right?

22 A. Yes.

23 Q. You tell us that you studied arts at Glasgow University
24 and went straight into childcare after graduation and at
25 that time you say you had no social work qualifications.

1 Can I just ask you first of all, what led you to go
2 into residential childcare? What informed that decision
3 after you'd studied at uni?

4 A. Erm, I was young, I was only 22. In 1980, which is when
5 this was, it was becoming very difficult to find work
6 and there were opportunities in residential
7 establishments and I thought I would give it a go.

8 Q. So it wasn't perhaps something that you had an immediate
9 vocation for, but did that change as time went on?

10 A. Yeah. I would have had an inclination to do something,
11 in my mind, in a very kind of immature way, it would
12 have been about helping people, but would not have had
13 much knowledge about what that -- what was out there --

14 Q. Sure.

15 A. -- and when I was in school I had thought about being
16 a doctor, but I dropped that idea and went a different
17 route. So, yes, when -- it was almost right away when
18 immersed in the world with these children and their
19 lives and their struggles --

20 Q. You tell us that you went to work and I think was this
21 your first job at St Mary's Kenmure Secure Unit?

22 A. It was my first proper job, yes.

23 Q. Yes. And you say that you started as a residential care
24 officer. Was that as it were the first rung?

25 A. Yes, yes. So you were, you know, you were part of the

1 team of care workers within the secure unit, which was
2 divided up into house units, so you were within one of
3 the house units.

4 Q. And you became a team leader in 1983?

5 A. Yeah.

6 Q. So you would be about 25 then?

7 A. Yeah.

8 Q. Is that quite young for that promotion?

9 A. It was. It was quite young. It was quite young.

10 Q. You then go on to say that you left the secure unit:

11 'Because I found it so desperate for the children in
12 there.'

13 But I just want to flip over the page in your
14 statement to two other paragraphs, paragraph 7, you say:

15 'I worked in the secure unit and had some hugely
16 positive experiences.'

17 And then at paragraph 11, this is when you are
18 moving on to Bellshill and we'll come to that, but at
19 paragraph 11 you say:

20 'I wanted to make sense of what I'd experienced in
21 the secure unit.'

22 Perhaps you can marry all those different thoughts
23 together for us, please?

24 A. Yes. So, you know, that experience, which is a two-way
25 thing when you are involved in -- as a professional

1 role -- in a caring role for highly vulnerable young
2 people who've experienced, you know, all sorts of trauma
3 and loss, grief and have -- act that out in their
4 behaviour and have all sorts of difficulties and you
5 discover that you actually, you seem to be helping, you
6 are creating stability in their daily life, giving them
7 some confidence and trust in relationships around them
8 in that situation and then they leave and everything
9 becomes as disastrous as it was in their life that
10 caused them to end up in the secure unit in the first
11 place and you reflect -- I reflected that we hadn't done
12 anything fundamental to change the vulnerability or
13 disadvantage these children faced.

14 And, you know, it led me to think: what is it we
15 should do differently for these children and young
16 people 'cause what we're doing isn't helping turn their
17 lives round.

18 Q. So you could, as it were, stabilise children for a bit
19 while they were in the unit, but then they were left to
20 their own devices and the difficulties resurfaced for
21 them?

22 A. Well, yeah, for example, they may go back to the family
23 from which they'd been removed or they may actually have
24 gone -- routinely the case in those days -- to live
25 independently at the age of 16 or 17 and that, you know,

1 very rarely ended up well.

2 Q. Yes. I mean, at that time, in your view, even at that
3 early stage in your career, did you feel enough was
4 being done to prepare children for life in the outside
5 world again?

6 A. Yeah, I think the emphasis on -- even the understanding
7 that we needed to prepare children was itself based on
8 a very kind of transactional way of thinking about that,
9 you know. We'll teach children to budget and to do
10 shopping. Whereas actually surviving as an independent
11 adult is much more about emotional maturity. It's about
12 psychological and social resources that we take for
13 granted in a well-resourced, kind of stable, happy
14 family, where there is a whole sort of network and
15 a social kind of framework within which people have the
16 opportunity to thrive.

17 Whereas these children were, sort of, you know, we
18 give some rudimentary inputs about how you manage money
19 and put money aside for your rent and tidy your room and
20 go to your job, and all those things fall apart in the
21 first few weeks and it's actually not to do with whether
22 they were adequately prepared with skills, it's whether
23 or not they were in any way prepared to be left to live
24 and survive on their own.

25 Q. Yes. So in '87 you move from St Mary's to another

1 children's home in Greenock and you tell us in
2 paragraph 4 that you were looking for something with
3 more order and structure so you applied for the job -- a
4 sort of SNR [REDACTED] job at Bellshill?

5 A. Yes.

6 Q. And that was July 1988. Did you find more order and
7 structure at Bellshill?

8 A. No, the opposite.

9 Q. Can you tell us about that, please?

10 A. So when I went to Neil Street, it was a children's home
11 and, you know, I was naive. Secondary Institutions - to be published later

12 [REDACTED]
Secondary Institutions - to be published later

13

14

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16

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Secondary Institutions - to be published later

I went to

23 Bellshill Children's Home, Secondary Institutions - to be published later

24 there was just 23 children crammed in here with all

25 sorts of issues and with a highly kind of stretched and

1 inadequate staff group.

2 Q. First of all, what were your first impressions of the
3 physical structure and conditions?

4 A. When I arrived on the first day, when I came up to the
5 building, I was a bit puzzled because I couldn't
6 understand what the building was, and as I got nearer,
7 I realised it was because most of the windows in the
8 front-facing part of the building, which is what you saw
9 when you approached it, were boarded up with actual --
10 so they'd been smashed and then hadn't been repaired,
11 they'd had temporary boards put in front of them.

12 And when I got there, there was two young people
13 sitting outside the front door, this was in the morning,
14 10 o'clock in the morning, I think it was 4 July,
15 drinking, drinking wine. And when I went in, there was
16 no one there in the front area of the office, the
17 reception area, and I wandered round till I found
18 somebody. But one of the corridors, which had bedrooms
19 in it, when you looked in one of the bedrooms, there was
20 a hole in the wall through which you could see the next
21 bedroom, and the next bedroom had a hole in its wall
22 through which you could see the next bedroom. And there
23 was damage like that all through it.

24 And I found the staff group eventually were sitting
25 in the kitchen having some kind of break.

1 They were my first impressions and it was shocking,
2 to say the least.

3 LADY SMITH: 'James', you referred a moment ago to there
4 being an inadequate staff group at Bellshill, and
5 I'm sure we'll come back to some of the detail of this,
6 but one short question now: do you mean inadequate in
7 numbers or inadequate in skills and capabilities?

8 A. I mean both, because there was nobody in the place had
9 a qualification, including me. That changed. There was
10 a couple of people completed a Certificate in Social
11 Studies over the next couple of years. So there were
12 some people in training, but out of a staff group of
13 about 35, that was not significant.

14 Many of the staff were temporary staff, recruited as
15 short-term workers. The staff quite often were mature
16 people, who'd worked in industry in Lanarkshire, at
17 a time when those jobs were disappearing and they were
18 ending up in these types of jobs. There was a big
19 turnover in staff. There was always a high vacancy
20 rate, there was always a high sickness rate. So it was
21 pressured in every way.

22 LADY SMITH: Thank you.

23 Mr Sheldon.

24 MR SHELDON: Yes. At paragraph 38 of your statement, that's
25 page 7, it's the part of your statement, just so we can

1 navigate our way around, where you talk about your first
2 day. And at paragraph 38 you say:

3 'The site of the building was so stark and
4 unbelievably squalid.'

5 And you've told us about the bedrooms with holes in
6 the walls. So not only an unpleasant sense of damage
7 and decay, but also presumably a real concern about
8 privacy?

9 A. Yes.

10 Q. And you told us that when you arrived you couldn't find
11 anyone. At paragraph 39, you say you found a group of
12 staff in the kitchen:

13 'They were all having a lavish feed which had been
14 put on for staff and consisted of fried pork belly,
15 fruit scones and cakes.'

16 What did you make of that, as your first
17 introduction to Bellshill?

18 A. Not that it's relevant, but there was much more than
19 that in the feed.

20 Q. Well, indeed.

21 A. And apparently this was a daily occurrence.

22 Q. Right.

23 A. Which was, you know. And there was -- I've a memory of
24 a child looking for something, a member of staff or
25 something and being chased away, because --

1 Q. I think there are perhaps two questions that I really
2 wanted to ask you about that. The first is, how did
3 that food compare with what the children got?

4 A. I think it was -- I don't think there was the -- there
5 was things that were definitely treats that the children
6 didn't get.

7 Q. And the other question, sorry, is: was this indicative,
8 or is this illustrative of the fact that staff were not
9 sufficiently engaged with the children, but were
10 attending to themselves?

11 A. Yeah. I very quickly thought it came directly from the
12 way that Edward Stanton wanted to run the place, because
13 it became discontinued -- well, [REDACTED],
14 because he was only there -- I only -- he was only there
15 that day.

16 Q. He was the officer in charge at that --

17 A. Yes, so he was the officer in charge. When I met him,
18 he sort of had a meeting with me to introduce me to the
19 job, which didn't take long, it was all fairly cursory.
20 He said that he wasn't going to be there the next day,
21 the Tuesday, because he was going to be at Civic Centre,
22 the headquarters, for 'wrist-slapping time', he called
23 it, a disciplinary. And I thought that he meant that he
24 would be at a meeting where there was a disciplinary
25 action being taken against a member of staff in the

1 staff group. But it turned out it was a disciplinary
2 meeting in relation to his own conduct, and, as
3 a result, he was removed the next day from his position.
4 And so he lived on the premises and he explained that
5 the terms of his employment involved him having
6 emoluments, which meant that he got all his board. So
7 he interpreted that morning sort of tea break thing as
8 part of his entitlement.

9 Q. Right. And, well, first of all, did you gain
10 an understanding of why Stanton had been disciplined at
11 that time?

12 A. Yeah -- I can't remember who told me, but it was in
13 relation to his management of the petty cash.

14 Q. Right. And what was your assessment, in any event, of
15 his management of the home generally?

16 A. Erm, well, it appeared -- I mean, like, the few
17 engagements I had with him, but then the legacy of what
18 was there when I -- I was then placed in a situation
19 where [REDACTED] SNR [REDACTED], was like the two
20 young people who were outside drinking wine, he said --
21 I said to him, 'There's two kids out there drinking wine
22 right at the front door and anybody coming in has got to
23 step over them and it's quite intimidating, but also,
24 it's 10 o'clock on a Monday morning, why is that
25 happening? Are they from here?'.
26

1 'Yes, they're from here', and he explained who they
2 were, 'But the police have told us we've got no
3 jurisdiction because they're outside the home so there's
4 nothing we can do about that'.

5 So I think that was indicative of his attitude to
6 the home itself. He seemed to be disinterested, I would
7 say.

8 And the kind of -- there was blithe acceptance of
9 the fact that the children smashed the windows all the
10 time and set off the fire alarm, got the fire brigade
11 called, set off fire hoses, were destructive in all
12 sorts of ways, ran away. That would seem to be routine.

13 Q. Yes, you say at page 4, paragraph 21, that what you saw
14 on arriving at Bellshill, that:

15 'It was a home that was completely out of control
16 with a staff group ill-equipped for dealing with it and
17 an external management who, although a huge stress for
18 them, had no plan.'

19 Just about that, you felt the home was out of
20 control and we'll come back to that, but just thinking
21 about external management, was there any, apparently any
22 guidance, supervision, support from Strathclyde Region
23 at a more senior level?

24 A. They were certainly, you know, focused on it. I don't
25 think they -- I mean, the people that I dealt with were

1 people who had no direct experience of what it was like
2 to actually work in and run a children's unit like that.
3 They were qualified social workers whose experience and
4 knowledge and skills was about case work, who then
5 become promoted and as part of their portfolio, they've
6 also got these other services to run. So I don't think
7 that the people that I was reporting to, who were trying
8 to support me, had the necessary kind of insight or
9 vision about how to move it on.

10 And I suppose very quickly in my own career, by the
11 time I left Bellshill, my conclusion was that it
12 shouldn't exist. It was ungovernable in that form.
13 23 teenagers with all sorts of diverse, multiple complex
14 needs, and a staff group that was the least qualified
15 and trained to be found in the social care workforce,
16 that that's not a way you should run things.

17 Q. Yes, and in some cases, as was later discovered, some of
18 the staff were actively abusing children.

19 And at paragraph 24 you say, you describe the
20 culture as:

21 '... chaotic, symbolised and expressed in the state
22 of the building. In hindsight, when you have someone
23 like Edward Stanton running the place, later convicted
24 of child abuse and sent to prison, it's no wonder the
25 place was utterly chaotic. For predatory-minded people,

1 chaos is what they need because it gives them cover.'

2 Can you explain what you mean by that, please?

3 A. I think it wasn't just Stanton that kind of thrived in
4 that kind of atmosphere, because, you know, when you
5 have chaos that, as part of the -- the narrative of it
6 is children's behaviour. Everything gets pinned on to,
7 you know, managing behaviour and children being out of
8 control and individual children being the problem. So,
9 you know, regularly you would have, you know, incidents
10 with children's behaviour being the focus of it, and
11 that was almost like a smokescreen from the lack of, you
12 know, an adequate framework of care and nurture for
13 these children to thrive.

14 So it becomes individualised, individual children
15 and their problems. And maybe a perception that some of
16 these children should be in more specialised units or
17 some such kind of discussion within each individual care
18 planning forum.

19 So you come into work and there's been a huge
20 behaviour issue, children are very distressed, there's
21 a lot of acting out going on. People are consuming
22 alcohol, abusing substances. Within that, there's not
23 much focus on the performance or conduct of the adults
24 within that, and that suits predatory-minded
25 individuals.

1 Q. On a related point, at paragraph 6 you tell us -- this
2 is page 2 and I'm sorry to jump around, but I hope this
3 stitches together. You note that:

4 'Bellshill doesn't exist anymore. It was in the
5 middle of a housing estate off North Road leading out of
6 Bellshill towards Coatbridge. It was right in the
7 middle of the community.'

8 What sort of community was that at the time?

9 A. It was council housing. Mixed, you know. There was
10 families, there was elderly people. I would say it was
11 a low-income neighbourhood, but it was respectable, if
12 you understand what I mean.

13 There was a kind of lively kinda, sorta youth gang
14 scene, which was the main interaction that our children
15 would have, would be with these sort of highly
16 intimidating kind of --

17 Q. I was going to say, just to be clear, what sort of gangs
18 are we talking about here?

19 A. So I mean there was one called the North Road Derry.
20 But the characters within it that seemed to strike most
21 fear into children were actually young adults, they were
22 men in their 20s.

23 Q. Right.

24 A. And they would be associated with selling drugs and, you
25 know, petty crime and, you know, they were hugely --

1 they would have -- for children in a home, you know,
2 going to the shop when these people were hanging about
3 the front door of the shop was, you know, that was quite
4 a thought for them, and the staff in the home were
5 entirely passive in relation to it.

6 Q. Right. And jumping again, I'm afraid, to page 5,
7 paragraph 29, you say something about that, I think.

8 You say:

9 'One of the reasons for it being so miserable in the
10 home was to do with what we would now call exploitation.
11 Some of the kids were getting targeted by gang members
12 who had lived external to the home but in the immediate
13 vicinity. They'd get the kids to commit crime for them,
14 for which they would give them things.'

15 What sort of things would they give them?

16 A. So I mean -- I mean, the most obvious crimes that they
17 got them to commit was to rob anything halfway valuable
18 out of the home, so like, you know, stereos, big blocks
19 of cheese out the kitchen, eggs, and -- but also like
20 thefts from cars and things like that locally.

21 And cigarettes and alcohol would be -- would then be
22 in circulation amongst the children -- and again, it's
23 a good example of what is happening to these children,
24 it's dreadful, it's exploitative, it's, you know,
25 traumatic. But the main issue that's been dealt with is

1 the behaviour that they demonstrate as a result of that,
2 which might have been, you know, sort of abusing
3 substances, getting drunk, not going to school, not
4 getting out their bed in the morning because they've
5 been out till all hours.

6 Q. Yes. I mean, were drugs being passed around as well in
7 that circle?

8 A. I wasn't aware so much of -- it was just at the start of
9 the kind of Temazepam thing that was happening, but it
10 was more alcohol, and Buckfast was the drink of choice.

11 Q. Right. That's a fortified wine?

12 A. Yeah.

13 Q. Was it mainly boys who were targeted in this way by the
14 gangs --

15 A. No.

16 Q. -- or girls too?

17 A. Girls as well.

18 Q. Oh, right. And was this a matter of getting children to
19 engage themselves in criminal activity, or was there
20 also a sexual element to it that you were aware of?

21 A. I suspected and feared both.

22 Q. Right.

23 A. You know, I know of, you know, sexual assaults. One
24 young woman was raped and made a complaint to the police
25 about it, though it didn't result in any conviction or

1 anything like that. But there was -- I was aware of
2 disturbing evidence, but my impression was that -- so,
3 you know, children disappear at night with unknown
4 adults. It's not good. And they won't tell you what
5 they've been doing or where they've gone. And they've
6 got money. Their behaviour changes, you know, for the
7 worse. Their mood is, you know, children have turned
8 day into night, sleeping all day, up all night.

9 LADY SMITH: And if it was girls, and you've mentioned girls
10 could get involved, how were they dressed when they
11 disappeared?

12 A. Erm, you know, I don't have any particular memory of
13 that element, that aspect of it. I do remember them
14 getting made up to go out as if it was a night out, but
15 I don't, you know -- I can't say more than that, really.

16 LADY SMITH: Okay. Thank you.

17 MR SHELDON: And your experience when you arrived at
18 Bellshill was that the staff in the home were being,
19 I think your word was 'passive' about all that. Can you
20 say a bit more about that?

21 A. So for example, when there was these characters outside
22 blatantly threatening children in the home, the children
23 wouldn't make a complaint to the police about it because
24 they were terrified. They were more terrified of these
25 gang members than they were confident in the police.

1 And the staff wouldn't make statements to the police
2 either. And -- because I remember a couple of times
3 I kind of got staff to look out of the window when
4 I went out and said to these people to move on. And did
5 it in such a way that what was -- the exchange was then
6 witnessed by these people, so that then I could make
7 a complaint to the police.

8 Q. Right?

9 A. Which did have -- I mean, you know, these -- these young
10 men and teenagers, they're rational. If the police are
11 going to turn up and make their life hard, they
12 disappear. But the staff didn't sort of have that sense
13 of either responsibility or confidence that they could
14 actually influence a situation like that. You know,
15 it's a lack of professionalism really, you know, 'cause
16 when I went out with a shirt and tie on, it creates
17 a response which is -- gives you some control of the
18 situation.

19 Q. Yes. So you tried to do something about it?

20 A. Yeah.

21 Q. I mean, was there any consideration of involving
22 Strathclyde Region or, as it were, bringing more forces
23 to bear on the problem at that stage?

24 A. I mean, I certainly -- that was certainly the tack
25 I pursued. I got support from colleagues within social

1 work who were running community resources. We engaged
2 with the local elected members. They weren't
3 necessarily very positive about that, because they
4 focused very much on what they saw as the problem of
5 these children being out of control.

6 We -- I remember holding -- going and attending
7 meetings of the local community council, but again it
8 was like, you know, it was a posse out to get rid of
9 these children that they didn't want in their community,
10 so rather than seeing it --

11 Q. So they were seeing the children in the home as the
12 problem?

13 A. As the problem, yeah.

14 Q. And you say that in 1989, this is paragraph 31, page 6:

15 'As '89 went on, I felt we were getting somewhere,
16 but then there was a fire.'

17 And you don't know if it was malicious but it came
18 on top of interplay that had been happening with people
19 in the locality. What was happening there?

20 A. I think the sorts of things that I've talked about.

21 Q. All right.

22 A. You know, look, you know, you'll have your own narrative
23 but I do know that we improved massively. And, you
24 know, people's experience of it is individual to them.
25 But I know that we improved the material fabric of the

1 building and we stopped the thefts and, you know, by
2 simple experience, like for example, stereos didn't
3 belong collectively, they would have individual stuff
4 and people were less likely to take individual -- that's
5 that kid's property.

6 So we felt that we were making progress and there
7 was more of a sense of quiet and order and more children
8 were at school. This is my perception.

9 And the fire kind of seemed to set us back, because
10 it wasn't clear -- that there had been some disorder,
11 there had been kids running in and out, involved with
12 these local people. There had been alcohol that hadn't
13 been a feature. So it seemed like a massive setback in
14 my project, naive as it was.

15 Q. Yes, you said, and this is page 5, that you tried to
16 come up with a plan to make things better. And focusing
17 on paragraph 26, you say the second thing you needed
18 were staff that you trusted and there were precious few
19 of them. So I mean, did you have staff that you
20 trusted?

21 A. A few.

22 Q. All right, a few. But some that you didn't?

23 A. Yeah. More that I didn't.

24 Q. And what was it about the staff you didn't trust that
25 made you uneasy?

1 A. I suppose there's, you know, if I look at all the
2 factors rather than each individual, I mean there's
3 a lack of capability, first of all, and that lack of
4 capability included any sort of insight into what was
5 actually going on, what was going on for these children,
6 what their lives were like, what the impact for them was
7 of the terrible experiences they'd had in childhood.

8 But then on top of that, associated with that,
9 positively hostile attitudes towards children. Blaming
10 attitudes, condemning attitudes, seeing them as not
11 deserving.

12 Q. How did the staff speak to the children, or these staff
13 anyway?

14 A. For example, there was a saying that they had, which was
15 when they issued some instruction or decision for
16 a child that they didn't like, like they weren't to get
17 something or they weren't allowed to do something or
18 they had something taken off them, the children would
19 complain and they would say, 'Well, we don't care.
20 We're not here to be liked. We wouldn't be doing our
21 job if we were liked'.

22 And it kind of -- it's like the equation was that
23 their job wasn't to create anything that -- resembling
24 a positive, caring relationship.

25 So, sorry, I'm answering your question and I don't

1 want to go on, but on top of those attributes, there
2 were people that were there that were clearly, you know,
3 suspect in their motivations towards children as well.
4 And, you know, a low-level feeling, nothing you can put
5 your finger on, but you're uneasy about some of the
6 individuals.

7 MR SHELDON: My Lady, I'm conscious of the time.

8 LADY SMITH: I think we should break just now.

9 As I indicated earlier, 'James', we're going to have
10 a lunch break now. We'll keep in touch with you. There
11 is other evidence planned to come in by way of
12 an electronic videolink that's been booked, but
13 I promise you we will try our best not to mess you
14 around, if I could ask you to be patient for a little
15 longer and have a break just now.

16 Thank you.

17 MR SHELDON: Thank you, my Lady.

18 (1.19 pm)

19 (The luncheon adjournment)

20 (2.15 pm)

21 LADY SMITH: Mr Sheldon.

22 MR SHELDON: My Lady, we're ready to carry on and the next
23 witness today is Edward or Ed Stanton and he's a witness
24 who will require a warning, my Lady.

25 LADY SMITH: Thank you very much.

1 Good afternoon. Let me introduce myself.
2 I'm Lady Smith and I chair the Scottish Child Abuse
3 Inquiry here in Edinburgh. Can you see me all right and
4 can you hear me?
5 A. Yes, yes, Lady Smith, yes.
6 LADY SMITH: Thank you. Would you like me to call you by
7 your first name or your second name?
8 A. First name, please.
9 LADY SMITH: And I think you use 'Ed', is that right?
10 A. I do, yes.
11 LADY SMITH: Well, Ed, could we begin by you taking an oath,
12 please. If you raise your right hand and then repeat
13 after me.
14 Edward Stanton (sworn)
15 (Evidence given via videolink)
16 LADY SMITH: Now, Ed, thank you for engaging with us in this
17 way over the videolink this afternoon. As you'll
18 appreciate, we would like to explore some questions with
19 you for evidence for this Inquiry, to contribute to the
20 work that we're doing here, and these questions will be
21 largely asked by Mr Sheldon, but I may also have some
22 for you as well.
23 But before we move on to that, Ed, just a couple of
24 things. I do appreciate that it's difficult going back
25 in your memory for what now is a period of decades, and

1 I don't expect you to be able to remember things as if
2 they happened yesterday, I'm well used to that being
3 challenging for people.

4 Also, I do know that it can be distressing at times
5 to go back and be asked about the sort of things that we
6 have to probe into here, involving children and, in
7 particular, harms that were occasioned to children who
8 were in residential care.

9 If at any time you need a breather, please just let
10 me know and we'll see that that can be done.

11 But one other thing: you are, of course, convicted
12 of offences in relation to children and those are facts
13 that are before me. We're not going into that. I can't
14 go behind the convictions.

15 But it is possible that some of our questions may go
16 into an area where we're questioning you about
17 allegations regarding things of which you have not been
18 convicted. Now, in relation to those questions, you're
19 in exactly the same position as you would be in court,
20 although this isn't a court, and that means you have the
21 protections you would have there and you're entitled not
22 to answer any questions that could incriminate you, if
23 the answers are at risk of doing that.

24 So if you've got any queries as to whether any of
25 our questions are those sorts of questions, do ask and

1 we can confirm to you one way or the other if they are.

2 Bear in mind that if you do decide to answer them,
3 you must do so in full. I expect you to do that. And
4 also, as you may appreciate, a transcript of this
5 hearing is being made, so the evidence will be available
6 at a future date, on a basis of it being available to
7 any member of the public.

8 All right. If you're ready, Ed, I'll hand over to
9 Mr Sheldon and he'll take it from there. As I say, we
10 may both have questions for you as we go through your
11 evidence. Thank you.

12 Mr Sheldon.

13 Questions from Mr Sheldon

14 MR SHELDON: Thank you, my Lady.

15 Now, Ed, first of all, some formalities. I think
16 your full name is Edward Angelo Stanton; is that right?

17 A. That's correct, yeah.

18 Q. And you were born in [REDACTED] 1951?

19 A. Yes.

20 Q. So you're now 74, am I right?

21 A. Yes.

22 Q. Where did you grow up, Ed?

23 A. I grew -- most of my life was spent in Liverpool.

24 Q. All right, and you went to school there?

25 A. Yes.

1 Q. And after that, did you go to college or university?

2 A. No.

3 Q. All right.

4 A. I attended college for formal qualifications and that
5 was in Birmingham.

6 Q. All right --

7 A. Solihull.

8 Q. What were the qualifications you were studying for?

9 A. It was a CRCCYP is a qualification for children and
10 young people in care, in residential care.

11 Q. All right, when was that, Ed?

12 A. Oh, goodness, I can't remember the exact dates, but it
13 was approximately, erm --

14 Q. Was it just after you left school?

15 A. No, no, it was while -- it was like, erm, whilst I was
16 working in social work. This wasn't a residential
17 qualification within the social work framework.

18 Q. All right. How did you get into social work?

19 A. Erm, purely by accident actually. I was helping out in
20 a local youth club where I lived and we went to this
21 children's home to invite the children to come down to
22 the youth club to have, you know, to -- well, normal
23 experiences like for any child, like table tennis and
24 snooker, pool, that sort of thing.

25 Q. And what was your first job in social work?

1 A. That was -- that was at a children's home, funnily
2 enough, where we invited the children from.

3 Q. All right. It may be my fault, Ed, but can you remember
4 which children's home that was?

5 A. Yes, er, Fairfield Crescent Children's Home.

6 Q. Was that in Liverpool itself?

7 A. In Liverpool.

8 Q. All right. And we know that you started working at
9 Bellshill Children's Home in 1985?

10 A. Yes.

11 Q. That was at officer-in-charge level, is that right?

12 A. That's correct, yeah.

13 Q. And before that, I think you worked at St Vincent's
14 School in Formby?

15 A. That's correct, yes.

16 Q. Was that your last job before you moved to Bellshill?

17 A. Yeah, in Formby, yes.

18 Q. All right. When did you start at St Vincent's?

19 A. Would be approximately four or five years after
20 I'd started in the children's home. At Fairfield
21 Crescent.

22 Q. All right, so would that be in the 1970s sometime?

23 A. Yeah.

24 Q. All right. Can you be any more specific than that?

25 A. I can't be. I can't remember exact dates unfortunately.

1 Q. All right. And you moved then to Scotland. What
2 brought about the move from St Vincent's to Scotland?

3 A. Er, the actual job itself. I was wanting to sort of
4 move disciplines from the stricter discipline I was
5 actually employed in at St Vincent's to a less formal
6 setting like the children's home.

7 Q. Yes, I should have asked you, Ed, what sort of place was
8 St Vincent's, was it a residential school?

9 A. St Vincent's was a community home with education on the
10 premises.

11 Q. Right. So just to read that back to you, it was
12 a community home with education on the premises?

13 A. Yeah.

14 Q. All right. So the boys lived at the home and were also
15 educated there?

16 A. Correct, yeah.

17 Q. All right. What was your position at St Vincent's?

18 A. Erm, I was a senior member of staff at St Vincent's
19 before I moved to Bellshill.

20 Q. All right. Was that always the case or did you move
21 through promotions --

22 A. Yeah.

23 Q. -- while you were at St Vincent's?

24 A. Yeah.

25 Q. What was your starting job at St Vincent's?

1 A. My starting job was as a houseparent within the school
2 premises.

3 Q. I didn't catch that, Ed?

4 A. Within the school setting, a houseparent.

5 Q. Right.

6 A. That was moved to -- formally as a housemaster.

7 Q. All right.

8 A. Which I was actually running one of the units which
9 comprised of 15 of the residents. It was all boys.

10 Q. All right. So you were looking after 15 boys in the
11 unit you were in?

12 A. Yeah.

13 Q. All right. Did you live in St Vincent's or did you live
14 outside the home?

15 A. For the most part I was outside.

16 Q. All right. But at times you would be living in the
17 home, is that right?

18 A. Yes, that's correct.

19 Q. And was there shift work?

20 A. There was shift work, yeah. We covered the full
21 24-hour -- well, the day staff would cover dayshifts and
22 early nightshifts up until 10 o'clock at night --

23 Q. All right.

24 A. -- and then --

25 Q. Were you on the dayshift or were you ever on the

1 nightshift?

2 A. I was on dayshift and nightshift.

3 Q. All right.

4 A. The waking night was covered by two waking night
5 officers --

6 Q. Okay.

7 A. -- that were specifically employed to do that type of
8 job.

9 Q. All right. And when staff were doing nightshifts, would
10 they be in the home all night and staying there,
11 sleeping there?

12 A. They were waking night staff, and there was also, erm,
13 residential staff who slept in to -- as a support
14 mechanism.

15 Q. Did you receive -- you've mentioned the qualification
16 that you did. Can you place for us any more precisely
17 when that was that you did the qualification?

18 A. I can't remember.

19 Q. All right. Would it have been in the '60s or '70s?

20 A. It would be possibly the '70s probably, yeah.

21 Q. All right. Was that something that was offered through
22 your work or is it something you did off your own
23 initiative?

24 A. It was offered through -- it was offered as, you know,
25 we were expected to go for qualification within

1 two years whilst at St Vincent's, that was their, erm --
2 their ruling, as it were. So I opted to do the CRCCYP
3 qualification, which was a qualification for residential
4 workers.

5 Q. All right. Were you also offered training on the job at
6 St Vincent's?

7 A. Yeah, but that training took more of a part-time sort of
8 thing, you know, with -- whereas the CRCCYP was
9 an academic year.

10 Q. So it was just a one-year qualification?

11 A. One-year qualification.

12 Q. And what did the training -- what did the course
13 involve?

14 A. Basically the aspects of caring for young people within
15 a residential setting.

16 Q. So you moved to Bellshill in 1985?

17 A. Right.

18 Q. Did either the home or Strathclyde Regional Council ask
19 for references?

20 A. I'm assuming they did, because, erm, obviously they
21 would need some sort of background for me to take a job
22 as the manager of Bellshill. I can state that it didn't
23 take them very long, because I went for the interview on
24 the Thursday, went in to work on -- on the following --
25 it was the Friday of the same week and was told -- I was

1 greeted by my boss within St Vincent's, 'Oh,
2 congratulations, Ed, you got the job in Scotland, they
3 want you to start on Monday'.
4 Q. So you had the interview on a Thursday, offered the job
5 Friday and you started on Monday?
6 A. No. That was -- that's how they -- how I knew about
7 I'd got the job. I didn't start the job until about
8 a month later.
9 Q. All right, I see, thank you.
10 A. Because I had to obviously serve a period of finishing
11 with St Vincent's. And I was committed anyway, 'cause
12 we'd organised a narrowboat holiday for the children
13 there.
14 Q. You've talked about having an interview. Do you recall
15 who interviewed you?
16 A. I can't. Ben McGinny I think was the senior interviewer
17 of Strathclyde, a chap called Ben McGinny. I'm not sure
18 of his position within the Strathclyde.
19 Q. That was Ben McGuinness, did you say?
20 A. Ben McGinny.
21 Q. Right.
22 A. McGinny, yeah.
23 Q. Okay. And what did the interview involve?
24 A. Just basic questions about my job within St Vincent's
25 and why I wanted the job at Bellshill. And I stated at

1 the time as well I was wanting to change disciplines
2 from a -- what I considered to be a fairly harsh regime
3 to a more normal regime.

4 Q. Did they ask you any questions for example about your
5 attitudes to childcare and your approach to childcare
6 and --

7 A. To be honest, they may have done, but I mean, the exact
8 questions I can't really remember.

9 Q. All right.

10 LADY SMITH: Ed, you just said that you were wanting to
11 change disciplines from what you felt was a fairly harsh
12 regime. So I take it that St Vincent's, you thought,
13 was a fairly harsh regime, did you?

14 A. Yes, that's correct.

15 LADY SMITH: And to change to a more normal regime?

16 A. Yes.

17 LADY SMITH: In your head, what was normal that you didn't
18 have at St Vincent's?

19 A. Well, in my head, I mean, it was like -- I felt the
20 regime within St Vincent's itself was quite harsh,
21 inasmuch as the children were obviously -- mostly
22 committed through the courts to reside at St Vincent's,
23 because of maybe poor family backgrounds or poor school
24 attendance, and obviously a mixture of both. Whereas
25 the children's home was a lot more, I felt, more --

1 because the -- the needs were children to be placed
2 within care for all the various reasons, like short-term
3 or medium-term or long-term, because of the family
4 situation, i.e., mum may have gone into the hospital
5 to -- through pregnancy or illness or whatever the case
6 may be, they would be short-term, the children would be
7 short-term for as long as that was needed. And then
8 obviously the very nature of, again, through the -- the
9 Children's Panel system up in Scotland was slightly
10 different from what was down in England, because my
11 experiences down in England were mostly to deal with
12 children who were in need of more structured
13 environments.

14 LADY SMITH: I see.

15 A. Because of their failure to attend school through their
16 own volition, as it were.

17 LADY SMITH: Thank you.

18 MR SHELDON: Ed, given that you were, as it were, changing
19 tack a little bit in your work, did Strathclyde suggest
20 or expect you to do any further training for your job as
21 OIC at Bellshill?

22 A. I don't think so. I think it was assumed that the job
23 would be, you know, something I could handle, which
24 I would suggest that I handled very well -- well, well
25 enough, to secure not just the position but to carry out

1 the duties as well of a manager.

2 Q. All right. I think you [REDACTED] as OIC [REDACTED]

3 [REDACTED] GCH [REDACTED], do you recall that?

4 A. Well, GCH was SNR [REDACTED] me starting as the

5 manager and I didn't really know GCH. GCH [REDACTED]

6 [REDACTED].

7 Q. Ah, right, so you didn't ever meet GCH?

8 A. I met GCH on a couple of occasions.

9 Q. All right --

10 A. That was only because GCH was visiting the home to see

11 the staff that GCH knew, you know.

12 Q. I see. All right. What were your impressions of GCH?

13 It may be difficult to say.

14 A. Well, it would be, 'cause I mean the meeting -- there

15 wasn't so much a meeting, but, erm, GCH come into the

16 home and say, 'Hello, my name's GCH, I [REDACTED] be SNR

17 SNR [REDACTED] here, would it be possible to speak to

18 whoever?', I said yeah. I had no problem with that.

19 Q. All right. Thanks.

20 Did you know anything about Bellshill before you

21 took the job there?

22 A. No.

23 Q. Or perhaps I should ask you: what did you know about

24 Bellshill before you took the job?

25 A. I knew very little about Bellshill. I mean, I came up

1 on the -- I think I've got this bit right. I came up on
2 the Wednesday, erm, I asked permission to visit the home
3 prior to my interview and was told, yes, that would be
4 okay. And then basically after the interview, obviously
5 I took over as the manager.

6 Q. What were your first impressions of Bellshill when you
7 did visit it?

8 A. Erm, just a normal, normal children's home within the
9 community.

10 Q. And we've heard evidence, for example, about windows
11 being boarded up and the interior structure of the home
12 being quite damaged?

13 A. It was quite damaged when I arrived, yes. There were
14 certainly a couple of windows boarded up.

15 Q. But that seemed to you to be quite normal for
16 a children's home?

17 A. Well, normal inasmuch as my sort of expectations were,
18 it's a children's home. Within the children's home,
19 you're going to have variations of behaviour, acting
20 out, that type of behaviour which might result in damage
21 to the home itself or furnishings within. And
22 I wouldn't say it was 'normal', but, yes, on occasions,
23 there was damage made to the -- and windows or
24 furnishings. But not, you know, not to a great extent.

25 Q. Okay. We'll come back to that, Ed, but first of all,

1 what were your first impressions of the children at
2 Bellshill?

3 A. Well, again, I suppose my impression would be the home
4 was not so much structured, as they had three units,
5 which is far -- when I arrived at the home, I tried to
6 structure it in such a way as to cater for the children
7 themselves, i.e. the older teenagers were -- unless they
8 were members of a family, they would be separated
9 inasmuch as a teenage unit and then the other two units
10 were basically for, you know, like, non-school attenders
11 and school attenders in a sense, but not so much as
12 definite as to say, 'Well, you're going in here because
13 you're not going school'. It was more of, 'You're going
14 in here because we can accommodate you as part of your
15 family', as, you know, they may have had siblings
16 alongside them as well.

17 Q. I think my question really, Ed, was what were the
18 children like in terms of their behaviour and their
19 personalities?

20 A. Well, for the older children -- well, the young people
21 within the teenage unit, I mean, there was obviously --
22 at times they could come and -- they may have had
23 a drink or whatever it was and we needed to make sure
24 they were safe, i.e. they weren't likely to choke on
25 their own vomit and stuff like that.

1 To the smaller child who basically just is, you
2 know, a young child.

3 Q. I mean, was there a problem with alcohol and/or drug use
4 by children within the home --

5 A. I don't recollect --

6 Q. -- or indeed in the community outwith the home?

7 A. I don't recollect any drug use within the home but
8 certainly we had problems with alcohol with the older
9 young person, because they were -- well, I think we had
10 at one stage a 21/22-year-old and ranging from that down
11 to children of about, I would say, 4 or 5 age, you know.

12 Q. Was there also a problem with children running away from
13 the home or just being absent from the home for periods
14 of time?

15 A. I don't recollect anyone being absent from the home.
16 I can't really remember anyone really being absent.

17 Q. Children wouldn't sometimes stay out late beyond the
18 time that they were meant to be back?

19 A. Oh, they might be, they might stay out late beyond the
20 time they were meant to be back, but they were --
21 I don't recollect too many children going home on a home
22 visit or leave, unless they were sort of the -- that was
23 part of their -- part of the system itself that was
24 operated within the home.

25 Q. But there was a sort of curfew, wasn't there?

1 A. There was a curfew of 11 o'clock for the older ones,
2 but --

3 Q. And -- sorry to cut across, Ed -- but what happened
4 about children who stayed out beyond the curfew?

5 A. Well, as far as we were concerned, we would report
6 anyone who was beyond the curfew to the field worker,
7 their social worker, and we would expect the social
8 worker to go out and make enquiries about what was going
9 on.

10 Q. Were children in that circumstance ever reported to the
11 police?

12 A. Yes.

13 Q. Were the police contacted?

14 A. We always contacted the police if the children went
15 missing beyond 11/12 o'clock at night, of evenings.

16 Q. All right, and what did the police do in relation to
17 such children?

18 A. I'm not really sure to be honest. I don't know their
19 methodology. Presumably they would go looking for the
20 children, checking their homes first off, and maybe
21 places that the children may have gone to.

22 Q. Was it ever the case that police would detain and charge
23 children who'd absented themselves in that way?

24 A. Er, I don't think so. I don't think they were ever
25 charged. We had a very good relationship with the

1 police on that particular issue. They would just return
2 the children safely. I can't remember them ever being
3 charged with being missing from the home.

4 Q. Were children ever charged or reported to the police in
5 relation to incidents inside the home?

6 A. We -- I can recollect one -- I can't remember his name,
7 but he was in his very early 20s, either 21, 22.
8 I reported him to the police for using a firearm out of
9 the window of his bedroom.

10 Q. What about instances where there had been an altercation
11 or a restraint and a staff member got injured?

12 A. I can't remember anything like that happening within the
13 home.

14 Q. You can't remember?

15 A. No.

16 Q. Okay.

17 Just coming back to the issue of the general state
18 of Bellshill at that time, there is evidence, Ed, of
19 a kind of chaotic, dysfunctional and unsafe culture in
20 Bellshill at the time you were OIC and later. Is that
21 a description that you'd recognise or agree with?

22 A. Erm, I would say that at the time, from my part of being
23 the manager of the home, there was certainly issues
24 within the home and --

25 Q. What sort of issues are you talking about?

1 A. Well, the sort of thing I was just saying, just talking
2 about there. The older, the older residents within the
3 home, there would be issues where they were out having
4 been on illegal procurements of -- well, illegal
5 inasmuch as they got themselves in a state of
6 inebriation.

7 But for the most part, I mean, I would suggest that
8 for the most part, the -- certainly the younger children
9 were well-behaved within the, you know, a normal sort of
10 whatever day it was --

11 LADY SMITH: So, Edward, they were getting drunk, were they?

12 A. Some of the children were getting drunk, yes, but they
13 were the older children.

14 LADY SMITH: And were they stealing?

15 A. I wouldn't know about the stealing part.

16 LADY SMITH: Were they into drugs?

17 A. To my -- to the best of my knowledge, no. I don't
18 remember any drugs within the home.

19 LADY SMITH: But you did know about the drinking?

20 A. I did know about the drinking, yes.

21 LADY SMITH: And not keeping --

22 A. That would be reported to their field social -- the
23 field social worker.

24 LADY SMITH: And not keeping the curfew?

25 A. And not keeping the curfew would also be reported

1 obviously, because we wanted to try and make them safe
2 as we possibly could. And to make --

3 LADY SMITH: Mr Sheldon.

4 MR SHELDON: Thank you, Ed.

5 We've also, I think we touched on this before, that
6 physical conditions within the home were pretty
7 ramshackle and pretty squalid; that's right, isn't it?

8 A. Erm, I wouldn't say ramshackle in the sense that --
9 I would say the place needed -- well, when I first
10 arrived, it certainly needed a lot of repair work doing
11 shall we say, because some of the children acted out by
12 sort of making holes in walls and things like that. But
13 for the -- I would like to think that as time
14 progressed, the children got a sense of being needful to
15 keeping the place as tidy and -- as much as they could,
16 in the sense that it was their home they were living in.
17 So the sense was to try and provide them and say: yes,
18 this is your home and remember to respect it because at
19 the end of the day, it is your home.

20 LADY SMITH: Ed, I'm interested in one expression you've
21 used a few times now and maybe you can help me with it.
22 You talk about the children having 'acted out' or the
23 children were 'acting out'. What do you mean by that?

24 A. Well, I would suggest that some of the children were in
25 need of good, positive parental skills in how they spoke

1 with people and how they acted around other people,
2 because for some of the children, they never -- they may
3 have had a not-so-much structured life within their own
4 family.

5 LADY SMITH: It was this expression, 'acting out'. When you
6 talk about a child 'acting out', what do you mean?

7 A. Well, obviously, I mean, some -- because of the very
8 nature there, you know, the children were -- what's the
9 best way to express it. The children's home itself, we
10 tried to make it as much of, you know, they were part of
11 their own family. We kept it -- if we had siblings, you
12 know, brothers and sisters, we would obviously keep them
13 within the same areas of the home, because there were in
14 fact three separate units within the home. So we would
15 keep as much -- you know, we kept a family together as
16 much as we could. And, you know, normal behaviour with
17 children anyway who would act, act out, because of
18 circumstance, and they may have had a bad day at school
19 or work or whatever.

20 MR SHELDON: Or something bad might have happened to them.

21 A. Yeah.

22 Q. So, Ed, we, I think, have evidence that the culture,
23 there's children drinking, 'acting out', as you put it.
24 Physical conditions in the home aren't great. What did
25 you do or try to do to improve things at Bellshill?

1 A. Well, when I first went there, I mean, for example, the
2 furnishings within the home were pretty ropey, so as
3 quickly as we could, you know, with finances prevailing,
4 we furnished the home, you know, appropriately. The
5 first thing I noticed about it was the TVs. The TVs
6 were invariably not working or whatever. So we had the
7 TVs for each of the units replaced.

8 And the philosophy for me to instil to the staff as
9 well there, we've got a duty of care for the children to
10 make it, you know, as nice as possible, and to explain
11 to the children that: if you're going to wreck things
12 like, you know, your TV or your bedroom, or whatever,
13 then you've got to understand that we, you know, like
14 any home, we have only so much money we can spend on the
15 various things that might need repair.

16 Q. What did you do, if anything, Ed, to help the children
17 and to stop them acting out, getting drunk and so on?

18 A. Well, we have a duty of care to -- children who came in
19 drunk, they would be supervised through the night to
20 ensure that they were, you know, they were asleep, or if
21 need be, care was taken to ensure that if they were sick
22 through the nighttime that, you know, it would be looked
23 to and treated appropriately.

24 But, I mean, I'm trying not to give the impression
25 that this was an everyday occurrence. It was, you

1 know -- yeah, it did happen, but not to the extent that
2 we were concerned every night and would be concerned
3 every night. But it would be on occasion.

4 Q. All right. Thank you, Ed.

5 I've got a series of, I hope, quite quick questions
6 about children's behaviour and how that was dealt with.

7 First of all, were children disciplined for
8 misbehaving?

9 A. It depends what you mean by disciplined. Certainly no
10 physical discipline methods were used, i.e. --

11 Q. All right, the next question is: what methods of
12 discipline were used?

13 A. Well, it would be lack of -- well: 'You won't be going
14 to the swimming baths tomorrow along with the rest of
15 them because of your behaviour'. But, you know,
16 that's sort of a normal family discipline, as it were,
17 you know.

18 Q. So the children would effectively be grounded, is that
19 how you might put it now?

20 A. Yes, as --

21 Q. Would their pocket money be withheld?

22 A. We never -- I don't know if it was used in the past but
23 I certainly never used pocket money as a discipline.

24 Q. All right.

25 A. And if it were used in the sense, that the pocket money

1 would go in to the child some other way. Like they
2 would -- I'm just trying to -- I'm trying to think back
3 at what we may have used. It might have been something
4 like: right, you can pay for your own swimming baths
5 visit or cinema visit yourselves today, as opposed to it
6 would come out of other funds, if that, we were -- we
7 had.

8 Q. All right. Were there group sessions, meetings, where
9 children and staff were able to discuss and comment on
10 each other's behaviour?

11 A. Erm, yeah, I think there were those sort of meetings.
12 That was done on a unit basis, not on a home basis, you
13 know. Each unit had a -- 'duty' is the wrong word,
14 I don't like using -- so, you know, the children were
15 expected to behave within the unit, and if they didn't,
16 appropriate actions would be taken, like they would be:
17 'Right, well, you'll be going to bed early', but -- you
18 know, 'For your behaviours', or whatever.

19 But there was certainly -- that was the sort of
20 sanctions, if you like, that we would use. But it
21 wouldn't be -- that would be the sorts of things that we
22 would use to try and keep the kids, you know, the
23 children and young people within the confines of the
24 home, disciplined, as it were.

25 Q. How did children react to these group meetings, Ed?

1 A. Well. I'm not really -- I'm not sure of what you're
2 looking for, because I mean, you know, the children
3 would be told: well, this is what happened and this is
4 what is going to happen, to the individual, sort of
5 thing, you know. The children were made aware,
6 basically, their behaviour would -- bad behaviour would
7 not be tolerated. Like anywhere, you know.

8 Q. All right.

9 Moving on, were children physically restrained?

10 A. Er, on occasions I would say, yes, they were physically
11 restrained, until they got themselves under control.
12 And then the restraint was lifted if they -- you know,
13 I mean, I don't --

14 Q. What methods were used to restrain children, Ed?

15 A. They were held in such a way that they wouldn't cause
16 themselves any harm.

17 Q. And was that something you had --

18 A. As soon as it was understood that the child, that they
19 were back in control, then the restraint would be
20 taken -- it was like a hug type of restraint.

21 Q. Was that something you were ever given training in, Ed?

22 A. I'm trying to think what training we actually did have.
23 We basically -- I tried to instil it into the staff that
24 the restraint would be as long as was needed to keep the
25 child safe, but once, you know, once they came to get

1 themselves under control, then the restraint was no
2 longer needed.

3 Q. All right, but that came from you as opposed to staff
4 going out to a trainer outwith the home and receiving
5 some formal instruction?

6 A. Well, I'm not sure -- I mean staff, certainly staff
7 undertook training within the -- what's the word
8 I'm looking -- what am I trying -- the courses that were
9 run by various colleges within Strathclyde. I mean, the
10 staff were encouraged to pursue training and certain
11 staff did do that.

12 Other staff who were -- I'm trying to -- certain
13 staff would say, 'No, I don't need the training', and
14 it's not -- you know, they were offered training and it
15 was entirely up to them whether they took it or not.

16 Q. All right, and did some staff --

17 A. I encouraged certainly the staff to undergo their
18 training sessions.

19 Q. Did they actually take up the training though, or just
20 something they were encouraged to do?

21 A. Oh, they would take up the training and there would be
22 formal training sessions.

23 Q. Did you take up the training sessions, Ed?

24 A. I took up some training sessions, as did my deputy and
25 third in charge.

1 Q. What did the training in restraint involve? Was there
2 training in defusing situations as well as holding
3 children?

4 A. As I recollect, I mean, I showed the staff how to
5 restrain children who were in need of the restraint and
6 how long, you know, as I stated was, when we felt that
7 the child had control then the restraint was lifted
8 basically.

9 Q. Were children ever taken to the ground in the course of
10 these restraints?

11 A. I can't think of any time at all that we've actually
12 restrained someone on the ground, no.

13 Q. Did staff ever simply sit on children to keep them
14 restrained?

15 A. No. No, it was more of a, as I say, as an arms-around
16 type of hold on the child to ensure that the child was
17 kept safe at all times, as well as the staff members.

18 Q. Were you aware of children being physically abused,
19 that's to say slapped or punched, given a clip around
20 the ear, by staff?

21 A. I would -- I would -- I've never, ever come across
22 a member of staff giving any child a clip round the ear
23 or certainly punched. I would have been on that like
24 a tonne of bricks. They would have been suspended
25 immediately if they punched a child.

1 Q. How much time did you actually spend within the home
2 with the children, Ed, and how much time did you spend
3 in the office?

4 A. Erm, I would say the time within the office, because of
5 the type of, my style of management, would be as little
6 as possible. I would be within the home so the --
7 myself personally, and I'd encourage the senior members
8 of staff to also do the rounds, so to speak, to make
9 sure that they, you know, that they knew exactly what
10 was going on within the units.

11 Q. All right. But so far as you knew, there was no abuse
12 of that sort, physical abuse?

13 A. I would like to think that there was -- I mean, I never
14 came across anyone who I could think of where -- who
15 would need -- who -- I don't recall having to discipline
16 a member of staff for physically hitting a child.

17 Q. Something I should have asked you, Ed, moving on to
18 a different topic, in the questions about your
19 relationship with the police: was there some arrangement
20 with Calder House Assessment Centre, that particularly
21 difficult children would be sent there?

22 A. I can -- erm, I think at one stage, one of the children
23 was sent to Calder House, but they knew they were going
24 to go to Calder House because of their behaviour and the
25 need for Calder House to be -- so that -- you know, the

1 intervention methods used down there. But I don't think
2 we used it very often.

3 Q. What were the intervention methods used down at
4 Calder House?

5 A. I don't know. I've no idea. No idea really.

6 Q. Was that just an expression that you heard used,
7 'intervention methods'?

8 A. Yeah.

9 Q. By whom? Who did you hear that from?

10 A. I think possibly one of the staff at Calder House,
11 because if I remember rightly, RBQ
12 worked within that sort of establishment, you know,
13 which had the need for -- what's the word I'm looking
14 for -- greater control, or if need be, the young person
15 or the child was needed in, you know, an environment
16 which was more structured than the children's home.

17 Q. All right. So it was known that Calder House was
18 somewhere that would deal with more difficult children?

19 A. Oh, no, I mean, I don't want to give the impression that
20 we were sort of farming children out to -- because they
21 needed discipline, because as far as I can recollect,
22 that happened maybe occasionally, in the time I was
23 there, maybe three or four times over the period of my
24 tenure there of about three years.

25 Q. Moving on again, Ed, was there any independent

1 oversight, inspection really, of the home during your
2 time there? Did someone come in from Strathclyde Region
3 or the government to inspect the home?

4 A. Erm, officially, officially, I suppose they would have
5 done at some stages, but I can't be precise enough to
6 say: yes, this happened at such-and-such a date or
7 whatever, you know.

8 Q. If you don't recall, Ed, that's fine, just say you don't
9 remember.

10 A. Yeah, I don't -- I don't -- there was certain, you know,
11 people would come in from, erm, either -- whether the
12 Clydesdale district or Strathclyde, I'm trying to --

13 Q. I mean, for example, did the social workers come in from
14 time to time?

15 A. Oh, yeah, we had social worker visits practically every
16 other day, you know, the social worker would come in to
17 visit the children who were there, yeah.

18 Q. Moving on again, Ed, did you have, as officer in charge,
19 a room or a flat within the home that you could use?

20 A. Within the home, there was attached to the home, there
21 was a three-bedroom flat that the officer in charge --
22 I used. And certainly GCH used [REDACTED]
23 [REDACTED] as well.

24 Q. Yes. Were you the only one that had accommodation
25 there? Were you the only that would sleep --

1 A. No.

2 Q. -- adjacent to the home or did others do that too?

3 A. We had two waking night staff on each night and there
4 would be a member of the senior staff, either myself, my
5 deputy, my third in charge or a senior houseparent would
6 sleep in as well. But it would be on a rotation basis.
7 But there were certainly two waking night staff and
8 a senior member of staff on at all times.

9 Q. All right. Did you bring children into the flat or
10 allow them to come into the flat?

11 A. What, my flat?

12 Q. Yes.

13 A. Erm, I think the only occasion I did that was when
14 they -- when I first moved into the home itself, because
15 as I say, the TVs for the most part weren't working.
16 Well, I had a working TV, so there would be a member of
17 staff, or members of staff in fact, along with a group
18 of the children would come into my flat to watch TV.

19 Q. Did girls in the home have to come to your flat to
20 obtain toiletries, including sanitary towels?

21 A. The sanitary towels were stored in a spare bedroom
22 within --

23 Q. In your flat?

24 A. Yeah, in my flat. But they didn't have to come to see
25 me for it --

1 LADY SMITH: Why were they stored there?

2 A. I'm really not sure. I can't remember. I think there
3 was -- I don't know, to be -- would be the answer
4 I'd have to give. It was just a matter of storage.

5 LADY SMITH: Well, Ed, without putting too fine a point on
6 it, you didn't need them?

7 A. I didn't need them, no.

8 LADY SMITH: No.

9 A. I -- for the most -- I can't remember having to say to
10 someone, or someone coming to me to get, 'I need
11 toiletries', or something like that. They would go to
12 the houseparent. The houseparent would come to me.
13 I would say, 'There's the keys, have you ran out of
14 your, you know, the supplies you keep within the unit
15 itself?'.
16 But the storage was only as a storage area. I mean,
17 they certainly didn't come to me for them.

18 MR SHELDON: Was there nowhere else in the home, Ed --

19 A. Well, that's what I'm saying. Within the home
20 themselves, there would be the office within each unit
21 or the room that was used as an office, they would be
22 the usual sort of first aid stuff or toiletries or
23 whatever within each unit. I was just the main store,
24 as it were, for -- they would, people, the staff would
25 come to me and say, 'We need whatever'.

1 Q. All right.

2 A. Sanitary towels or --

3 Q. So were other things as well as sanitary towels stored
4 in that spare room in the flat?

5 A. Oh, yeah, yeah. Yeah.

6 Q. I think you ceased to be the OIC at Bellshill in around
7 1988, is that right?

8 A. That's correct, yeah.

9 Q. How did that come about, what happened?

10 A. Erm, I went through a bad period basically, of feeling
11 that I was losing my grip on what was going on within
12 the home itself.

13 Q. So perhaps you can expand on that. So what happened
14 when you lost your grip and you left Bellshill?

15 A. It was -- I can't -- it was sort of -- I suppose for
16 myself it was a build-up of things just starting to get
17 on top of me. So I needed to change.

18 Q. You were effectively relieved of your post at Bellshill?

19 A. Yeah. Yeah, I wasn't functioning to, you know, as
20 I should have been.

21 Q. But I think you continued to live at the home in the
22 flat for some time --

23 A. I did, yeah.

24 Q. -- after that finished. How did that come about?

25 A. It was just a question of finding accommodation outside

1 the place, which I eventually did. I found somewhere
2 else to live.

3 Q. So how long were you living in the flat before you --

4 A. I can't --

5 Q. After you left the job?

6 A. I can't give you any -- I can't give a timeframe, to be
7 honest. I can't remember.

8 Q. A matter of weeks, months?

9 A. Oh, it was months, certainly months.

10 LADY SMITH: So, Ed, help me, have I got this right: for
11 some months you carried on living at Bellshill in your
12 flat and during that period you weren't an employee
13 there or being paid any wages anymore; is that right?

14 A. Erm, no, because I think what happened was I was
15 relieved of my duties and then -- but I was still
16 working within Strathclyde.

17 LADY SMITH: Are you saying you were suspended?

18 A. That would probably be a fair way of saying it, yeah.

19 LADY SMITH: And were you ultimately dismissed?

20 A. Dismissed from the role of manager.

21 LADY SMITH: Well, that's a dismissal, isn't it, Ed, because
22 you weren't being offered any other job?

23 A. Well, I did. I was working in other establishments.
24 I worked in an establishment for adult -- physically and
25 mentally handicapped adults for a spell. I can't

1 remember the exact --

2 MR SHELDON: Was that at Flemington House, Ed?

3 A. No, no, Flemington House was a children's home.

4 Q. All right, so that was --

5 A. No, it was an establishment somewhere in -- I'm trying

6 to remember the name, the name of the area. Wishaw.

7 Q. Was that a council-run establishment?

8 A. It was ran by Strathclyde, yeah.

9 LADY SMITH: Oh okay.

10 MR SHELDON: All right, so you continued to be a Strathclyde

11 employee?

12 A. Yeah.

13 Q. And worked there for a bit?

14 A. Yeah, and then --

15 Q. And then I think you moved to --

16 A. Then Flemington House as well.

17 Q. All right, and after that --

18 A. Which would be --

19 Q. -- And after that Wooddean Children's Home?

20 A. And Wooddean, yeah.

21 Q. All right. Flemington House from about 1989 --

22 I'm sorry. Yes, about 1989, and then Wooddean from '89

23 to about '93 or '94?

24 A. Something like that, yeah.

25 Q. Does that sound right?

1 A. Yeah.

2 Q. Were you aware, Ed, that staff members might take young
3 people out of the home and buy them drinks or meals from
4 time to time?

5 A. No, the only establishment that happened was in the one
6 at Wishaw, 'cause they were -- the residents were adult.

7 Q. Right. All right. But you weren't aware of that
8 happening in Bellshill in your time?

9 A. Well, to my mind, certainly not being taken out for
10 drinks or meals.

11 Q. All right. Were you aware of inappropriate
12 relationships between young people in the home and staff
13 members?

14 A. No.

15 Q. We know, Ed, that RBP and Ed Doherty were both
16 convicted of sexual offences against children at
17 Bellshill, and John Blair stood trial in relation to
18 such offences, and some of the offences were committed
19 while you were OIC at Bellshill.

20 Were you aware that these individuals were
21 committing offences against children?

22 A. No.

23 Q. Given the number of people who seemed to have been
24 abusing children in Bellshill at that period, can you
25 help us with how they could have committed such offences

1 without your knowledge?

2 A. Well, yeah, because I mean, I wasn't on duty 24 hours
3 a day. I had my own duties to do within the home, but
4 it wasn't, you know -- if they were committing offences,
5 then I certainly didn't know about them.

6 Q. And of course you were also convicted of committing
7 sexual offences against children at Bellshill during
8 your period of employment there.

9 So we apparently have at least three, possibly four,
10 members of staff committing sexual offences against
11 children, all during that period?

12 A. Well, I can only make a statement that I would say that
13 I didn't know those offences were being committed by
14 other members of staff.

15 Q. What does that say -- and as Lady Smith said at the
16 start, convictions are facts that we have to accept.
17 What does that say, this string of offences and
18 ultimately convictions, about the culture within the
19 home at that time?

20 A. Well, I can't speak for anybody else who has been
21 committed because I didn't -- as the statement I've just
22 made was, I didn't know about any offences being
23 committed by other people, because if I did, I would --
24 I would have done something about it.

25 Q. Was there not a culture, was there not an atmosphere of

1 such chaos in the home, Ed, at that time, that it was
2 more likely that offences like that might go undetected?

3 A. That might be the case, but I certainly didn't know of
4 anything going on within the home.

5 Q. Let me come at it from another --

6 A. By other members of staff.

7 Q. -- from another angle. As officer in charge at that
8 time, were you aware yourself that sexual abuse might be
9 a possible risk for children in care? Were people aware
10 of the risk of sexual abuse?

11 A. It was certainly never reported to me that members of
12 staff were committing sex --

13 LADY SMITH: No, Ed, listen to the question. Mr Sheldon was
14 asking you about whether you were aware that there was
15 a risk of children in such a home being sexually abused.

16 A. I certainly wasn't aware that that was going on. That's
17 what I'm saying.

18 LADY SMITH: No, I wasn't asking you whether you were aware
19 it was going on, Ed.

20 Were you, when you had that important OIC role,
21 aware that one of the risks that you needed to think
22 about was the risk that any child, any day, might be
23 sexually abused?

24 A. The only way I can answer that was, we tried to ensure
25 that the members of staff who were being employed to

1 work within the residential sector of children's homes
2 were, what's the word, they were certainly vetted by
3 part of the application, and they would be expected to
4 be cleared by police that they didn't have convictions
5 for anything inappropriate.

6 LADY SMITH: Well, that tells you about what's happened in
7 the past or not happened in the past.

8 Going back to my question about risk, and it really
9 is a very simple one, Ed: in that job, did you
10 appreciate that you needed to have regard to the risk
11 that any day, any time, the children --

12 A. Yes, I --

13 LADY SMITH: Listen, hang on -- any of the children in your
14 care might be subjected to sexual abuse?

15 A. I can only say that it was -- while I was there, I don't
16 recollect anyone coming to me and saying: I think
17 such-and-such a member of staff is not being -- may have
18 committed a sexual act against any of the children.

19 LADY SMITH: Mr Sheldon.

20 MR SHELDON: Well, Ed, may I ask you what I hope is a more
21 straightforward question. Did you receive any training
22 about the risks of sexual abuse?

23 A. No. Not really. I mean, it was part of the training
24 that may -- may be going on, but that was only as part
25 of training. It was never suggested to me that that was

1 happening within the home.

2 Q. As I said before, Ed, we know from the convictions which
3 have taken place, that abuse occurred at that time.

4 Can I ask you then: what more, in your view, could
5 have been done to prevent the commission of offences
6 like that? What more could have been done to protect
7 children at Bellshill?

8 A. I'm really not sure how to answer that other than you
9 can only -- there's only -- there's -- within
10 a residential setting, you try and obviously make sure
11 that the children are safe at all times, and if anything
12 should come to light that they were being either
13 physically or sexually abused, that things would be done
14 about it. But I can't recollect any -- I've never, ever
15 had to suspend someone or ask someone to leave the
16 premises because they were either physically or sexually
17 abusing the children.

18 Q. If children were being abused in that way -- well, they
19 were being abused in that way, at that time, would they
20 have been able to speak to, confide in members of staff?

21 A. I would say, yes. You know, there were various members
22 of staff -- well, any member of staff could -- they
23 could be approached by the child if the child needed to.
24 I would like to think that, you know, the children could
25 do that.

1 Q. Even if they were being abused by someone within the
2 home?

3 A. Well, I certainly don't recollect any child reporting
4 anything to me or other members of staff reporting
5 anything to me of that nature.

6 Q. I just want to move on finally, Ed, to your own
7 convictions. And we know that you were convicted in
8 1996 in England in relation to the sexual abuse of boys
9 at St Vincent's.

10 A. Right.

11 Q. Was it 11 charges of indecent assault and what the
12 English courts I think then described as 'buggery'; is
13 that right?

14 A. That I was charged with it, but I can put my hand on my
15 heart and state I have never buggered a child in my
16 life.

17 Q. Well, I'm simply narrating the convictions at this
18 stage, Ed, so --

19 A. Yeah, well, all I'm saying is that I personally
20 didn't -- I have never, never caused a child injury
21 through sexual --

22 Q. And you served 13 years in prison for those offences?

23 A. That's correct.

24 Q. Was that served in Liverpool?

25 A. No, it was served in Dartmoor.

1 Q. Sorry?

2 A. Dartmoor.

3 Q. Dartmoor, all right.

4 A. Which was -- oh, it was served a short time within
5 Liverpool Prison, but only until I was moved to Dartmoor
6 and then eventually moved on to Wymott.

7 Q. All right. And those charges related to the period
8 before you came to work in Scotland?

9 A. Yes.

10 Q. You were convicted on three occasions, 2013, 2016 and
11 2018, of multiple charges of making and possessing
12 indecent photographs of children?

13 A. That is correct, yeah.

14 Q. And in 2021, two charges of indecently assaulting males
15 under 16; children, in other words.

16 A. I don't even know -- I don't -- that charge certainly
17 didn't happen.

18 Q. All right. You're saying it didn't happen?

19 A. I'm stating it didn't happen.

20 Q. All right, but the conviction --

21 A. And I stated that to the police as well at the time.

22 MR SHELDON: All right.

23 LADY SMITH: But just for the transcript, you were
24 convicted?

25 A. Yes.

1 LADY SMITH: Yes? Thank you.

2 MR SHELDON: And you were then convicted in Scotland in 2025
3 of 11 offences against children, including indecent
4 assault, assault, lewd and libidinous practices and rape
5 at Bellshill, Wooddean, Flemington House in the late
6 '80s and early '90s, is that right?

7 A. To which I denied all charges, yeah.

8 Q. All right.

9 A. Certainly never raped anyone. I never raped anyone in
10 my life.

11 Q. I think there were 12 charges on the indictment and you
12 were convicted of 11 of them?

13 A. And that's what I'm stating there. I may have been
14 convicted of them but I've certainly never raped anyone.

15 Q. All right. And you were sentenced in that respect to
16 15 years and that's the sentence that you're currently
17 serving, is that right?

18 A. That's correct, yeah.

19 Q. Now, the judge who sentenced you in 2025 noted that you
20 didn't accept that you'd committed the Scottish
21 offences, as it were?

22 A. That's correct.

23 Q. Are you telling us that you don't accept that you
24 committed offences, the offences in England either?

25 A. The offences that I was charged with, within the English

1 system and the Scottish system, I would say that they
2 were -- I could answer truthfully to the -- I answered
3 truthfully to what I was being charged with in the
4 Scottish system, not guilty, because I was not guilty of
5 any of the charges that were put to me.

6 Q. But the jury clearly disagreed?

7 A. Well, obviously, yeah, 'cause otherwise I wouldn't be in
8 prison.

9 Q. All right. Do you accept that you sexually abused
10 children or behaved in a sexually inappropriate way,
11 other than the conduct that you've been convicted of?

12 A. Certainly, yeah. Yeah, I mean they, what --

13 Q. I'm asking you, did you abuse children at Bellshill and
14 weren't convicted for that abuse?

15 A. I would suggest that the charges I was convicted of were
16 more serious than what I've actually did -- did to any
17 child.

18 Q. Well, that's an odd way of putting that, Ed?

19 A. I know it's an odd way of putting it.

20 Q. What are you telling us there?

21 A. The statement I'm trying to make was, my sexual abuse
22 was more of a slight touching variety than would be
23 considered like rape, for example. It certainly didn't
24 go to that extent. What I'm trying to state is, any of
25 the charges that were put to me within the court, even

1 within the court and what I've been convicted of, were
2 nowhere near what I actually did do. I didn't go to
3 that extent. Didn't do it to that extent.

4 Q. All right. So you accept actually that there was sexual
5 touching?

6 A. Yes.

7 Q. Of children?

8 A. Yes.

9 Q. And did that happen at Bellshill Children's Home?

10 A. Yes.

11 Q. How often did it happen?

12 A. Not very often, because I was -- I'm trying to think of
13 any situation within the home that I sexually abused
14 a child and I can't recollect. I'm trying to think
15 about -- how do I express this --

16 Q. Well, let me just ask you straight, Ed.

17 A. Right.

18 Q. What did you do?

19 A. It would be slight, slight touching, but that was about
20 all. I never ever -- I don't -- I --

21 LADY SMITH: Touching children, Ed?

22 A. Yes, touching.

23 LADY SMITH: Touching their genitals?

24 A. Yes.

25 LADY SMITH: Touching their penises?

1 A. That would be for a very, very, very short time only.

2 LADY SMITH: All right. But you did.

3 A. Not to the extent of --

4 LADY SMITH: Did you touch their bottoms?

5 A. No.

6 LADY SMITH: Did you touch their anuses?

7 A. No.

8 LADY SMITH: Did you touch their testicles?

9 A. Erm, I'd say at some stage, I may have done, yes.

10 LADY SMITH: All right.

11 Mr Sheldon.

12 MR SHELDON: And did that happen elsewhere; did it happen

13 outside Bellshill Children's Home as well? Did it

14 happen, for example, at swimming baths, swimming pools?

15 A. No. The only, the only touching I did at swimming baths

16 was for the young -- helping the young child to dry

17 themselves, and that would be obviously the male

18 children only. The female children would be in

19 a different dressing room.

20 Q. Well, I was just going to ask you, in relation to the

21 children's home itself, was it only boys that you

22 touched in that way, or girls too?

23 A. Erm, I don't recollect touching any girls

24 inappropriately.

25 Q. You didn't touch girls' breasts?

1 A. No.

2 Q. Or their vaginas --

3 A. No.

4 Q. -- their genitals?

5 A. No.

6 Q. No. Their bottoms or anuses?

7 A. No.

8 LADY SMITH: And, Ed, when you engaged in this touching, did
9 it give you an erection?

10 A. Truthfully, on occasion, yes.

11 LADY SMITH: Thank you.

12 MR SHELDON: And Ed, I should have asked you this at
13 an earlier stage, but do you accept that the sexual
14 abuse, any sexual abuse of children, any sexual touching
15 of children, is repugnant and harmful?

16 A. Yes.

17 Q. Now you have admitted to us, Ed, that you did touch
18 children sexually while you were working at Bellshill
19 and you've admitted, I think, in the past to social
20 workers that you were sexually attracted to children;
21 that's right, isn't it?

22 A. Yes.

23 Q. And they assessed you, after your trial in Scotland, as
24 presenting a very high risk of re-offending?

25 A. Erm, physically not -- well, they may have assessed

1 that, but physically, once I'd left the children's home
2 environments, I've never touched a child since.

3 Q. All right. Well, we saw your 2021 convictions, and
4 heard what you said about that. But it's not
5 surprising, Ed, I think, that given your record of
6 previous convictions, that you would be assessed as
7 a high risk of re-offending; is that not fair to say?

8 A. Erm, I may -- their risk assessment may have concluded
9 that, but I certainly haven't since touched a child.

10 Q. All right.

11 Ed, and these are the final questions I'll ask you.
12 You went to work in residential childcare at an early
13 stage. These were among the first jobs you went into
14 after you left school; is that right?

15 A. Erm, no. I don't think it was. I think I was -- no,
16 certainly not.

17 Q. All right, so how old were you when you went into that
18 line of work?

19 A. I'd say mid-20s.

20 Q. All right.

21 LADY SMITH: I think when you went to St Vincent's, you must
22 only have been 19 from the date you gave us.

23 A. No, no.

24 LADY SMITH: You said 1970 and you were born in 1951.

25 A. I wasn't at St Vincent's in 1970, certainly not.

1 LADY SMITH: It's just that's what you said earlier, Ed.

2 A. Did I? Well I apologise for that, because it certainly
3 wasn't that.

4 LADY SMITH: Okay.

5 A. You know, I recollect being at St Vincent's in sort of
6 mid-20s.

7 LADY SMITH: All right.

8 MR SHELDON: All right.

9 Well, I think we can agree, Ed, at all events, that
10 you were a young man when you went into residential
11 childcare?

12 A. Yes.

13 Q. Did you ever think, Ed, that as someone who had sexual
14 feelings towards children, who was sexually attracted to
15 children, that working with children was not a good
16 idea?

17 A. I know that now, yeah.

18 Q. Well --

19 A. But at the time I think -- I don't think my motives were
20 to get within a residential setting to abuse children.

21 Q. You don't think they were?

22 A. No. I think that came much later.

23 Q. Did you ever -- and you've told us that you did sexually
24 touch children at Bellshill, albeit not to the extent of
25 your convictions but the convictions stand. You've told

1 us that. Did you ever consider confiding in someone or
2 indeed confessing to the police that you had these
3 feelings and sometimes acted on them?

4 A. Erm, I never considered that whilst I was working within
5 the residential setting, no.

6 Q. Can I ask you why not?

7 A. I'm not -- really not sure. I mean, I probably wasn't
8 brave enough, is the best way to put it, to admit to my
9 proclivity.

10 Q. And because you weren't brave enough, would you accept
11 that children were harmed as a result?

12 A. Yes. I accept that.

13 MR SHELDON: Those are all the questions I have, my Lady.

14 LADY SMITH: Thank you.

15 Ed, there's one more thing I'd like to ask you.

16 Bearing in mind that so far as Bellshill is concerned,
17 the offences you've told us about happened over a period
18 before you finished working there, how did you not get
19 caught?

20 A. I'm not sure how to answer that.

21 LADY SMITH: How is it you think that you didn't get caught?

22 A. Other than -- the only way I can answer that is to --
23 the offences that I've committed against the children
24 weren't as extensive as I've been accused of.

25 LADY SMITH: Well, I know that, but you've accepted these

1 We are now able to get back to your evidence if that's
2 all right with you; is that okay?

3 A. Yes.

4 LADY SMITH: Thank you.

5 Mr Sheldon.

6 Questions from Mr Sheldon (continued)

7 MR SHELDON: Thank you, my Lady, and may I add my thanks,
8 'James', for your patience.

9 We had looked earlier at your first experiences of
10 Bellshill and you've told us something about that quite
11 graphically.

12 And before we move on to other parts of your
13 statement, I just wanted to show you a document and just
14 get your take on it.

15 If we can go, please, to NLC-000000611 and that
16 should come up on the screen. And if we can go to
17 page 13, please. And I think we can see, 'James', that
18 this is an inspection report, a
19 Strathclyde Regional Council inspection report, and if
20 we scroll down to the foot, we can see it's Bellshill
21 Children's Home, Scott Place, Bellshill, and the number
22 of residents, 23, date of inspection, 25 May 1992.

23 Are you seeing all that all right?

24 A. Yes.

25 Q. If we can go to page 15, please, there's some background

1 on the management. I think we can just see in the last
2 line of the first paragraph, while the management staff
3 are providing what's described as a 'strong management
4 presence, impresses as cohesive and positive, but face
5 major management difficulties', it said:

6 'The houseparent staff are of mixed ability and
7 competence and the impression given by managers and
8 colleagues is that some houseparents are happy to
9 perform minimal duties and tasks within their shifts.
10 During inspection, it is noted that some houseparent
11 staff ignore or collude with behaviour and situations
12 which require skill, confidence and personal authority
13 to manage.'

14 Now, does that -- well, can you just comment on that
15 from your own experience of Bellshill, please?

16 A. Erm, I'm just trying to think who the houseparent staff
17 were. Obviously this report, the inspection took place
18 in May 1992 and I left --

19 Q. I appreciate that.

20 A. -- in June 1991.

21 Q. Yes, I understand that, but just to see whether there's
22 still --

23 A. Yeah, it's interesting. I mean, the relatively new
24 management group, I mean, there were some people that
25 I mentioned in my statement previously who I felt

1 were -- I could trust and I had confidence in and were
2 thinking about how to make things better, how to improve
3 things, so I recognise that.

4 And it kind of -- it kind of mirrors some of what
5 I said about -- it says 'mixed ability', I mean, I said
6 stronger words than that, and competence. Yeah, and you
7 know, this reads like somebody has been in the home and
8 seen things that I recognise.

9 People are happy to perform -- I mean, I felt that
10 people didn't see it their responsibility to try and
11 address the issues that were in front of them, whether
12 it was about the needs of the children or managing the
13 children's needs as manifested in their behaviour, and
14 they'd 'ignore or collude with', you know, I don't know
15 what they mean by that, but I can think of examples
16 where I would recognise that. So for example, children
17 who have been getting scapegoated by other children,
18 staff taking sides in that, essentially with the
19 bullies, those sorts of things.

20 And, yeah. The sickness rate, well, I mean, it's
21 interesting they talk about 'recently been reduced'.
22 I mean, I think you'd only really understand the
23 sickness rate by looking at it over a year.

24 You know, if somebody comes back to work the
25 following week, somebody else goes off, you're back at

1 20 per cent again. So I think that's kind of optimism,
2 but I mean, it's still shockingly high sickness rate,
3 isn't it. And that tallies with my experience.

4 Q. There's -- I won't go in detail to the passage. There's
5 a passage in paragraph 3 on that page about the balance
6 of staff. There's a line about halfway down that just
7 says:

8 'Rivalry between and among these three staff groups
9 is evident.'

10 What were the relationships between staff and staff
11 groups like in your period at Bellshill?

12 A. I suppose my memory of it is that it was, I don't really
13 recognise that there was identifiable -- or there were
14 teams of staff that had an identity sufficient to be
15 able to see these groupings, because you're so often
16 having to juggle rotas and shifts, that people were
17 working in different combinations.

18 I think the phenomenon of staff groups on
19 a particular shift, having a particular way of dealing
20 with things which was in conflict with the next group of
21 staff who were coming to -- that was something that, you
22 know, you could see happening.

23 Q. So the children in that instance would be experiencing
24 inconsistency?

25 A. Yes, and inconsistency -- even worse than that, staff

1 actually criticising each other's actions in such a way
2 as to undermine everyone's authority.

3 Q. And if we go to the sixth paragraph, it's the last
4 paragraph on that page, we're told by the inspectors:

5 'A difficulty experienced by the management group is
6 sustaining staff who are motivated and aware of their
7 role and task, whilst at the same time monitoring and
8 confronting inappropriate staff behaviour.'

9 And it goes on to talk about management staff
10 experiencing great stress and potential burnout.

11 Again, just thinking about your experiences at
12 Bellshill, would you say that that is consistent with
13 your view or experience of the place?

14 A. Yes. In short.

15 Q. I'll just go straight then to the next passage, which is
16 at page 16, please.

17 And I think it's only fair to note that paragraph 2
18 there, 'Commendations':

19 'The management team are commended for their
20 insight, resilience and persistence in tackling the
21 complex issues and problems arising in this
22 establishment.'

23 I appreciate you had left by this time, 'James', but
24 did you see evidence of that in the management team at
25 least?

1 A. Yeah, I felt -- I felt in my time there, with those few
2 people, and they were in the most senior posts, that we
3 had -- we had a shared understanding of what was going
4 on and what needed to change.

5 And when I moved on, I do know that they --
6 I didn't -- I didn't -- I really moved on because
7 I was -- I'd been accepted for a place on the Diploma in
8 Social Work at Strathclyde University and I was focused
9 on that. But I do know that they were assiduous and
10 conscientiously trying to address issues and they were
11 all a bit more sophisticated than the staff group that
12 they were trying to manage.

13 Q. But on the downside, if we go to the next page, page 17,
14 and it's the -- really the fifth and sixth paragraphs,
15 so first of all the paragraph beginning 'Overall':

16 'Overall, the living environment is poor. This
17 therefore offers little dignity or sense of value to
18 residents. In discussion with residents, they refer to
19 the home as a "pit" and a "dump" and acknowledge that
20 they treat it as such.

21 'The home impresses as being trapped in a cycle of
22 environment poverty.'

23 I know you told, us, 'James', that you'd made
24 efforts, some efforts, I think, to improve things and
25 you tell us in your statement that you decorated or

1 started to decorate the place and so on. But does it
2 seem that this difficulty was, at least at that time,
3 pretty well baked in?

4 A. Yes, and, you know, I do recall that even the decorating
5 we did was done by bypassing the actual official
6 channels to do that, because it was just so difficult to
7 get a response. I mean, part of the reason the windows
8 were boarded up was that the buildings department or
9 whatever it was just didn't respond in any kind of
10 timescale, because they kind of, I don't know, there was
11 a kind of attitude: well, they've broken the window,
12 they can live with it.

13 So, yeah, I think that -- that's a fair comment,
14 'a cycle of environmental poverty', yes.

15 Q. The next page, page 18, it's on the same issue really,
16 I think, or related to it. Last paragraph on the page:

17 'Residents openly display contempt for their
18 surroundings by misuse and abuse. Inspectors note that
19 some staff collude with inappropriate behaviour by
20 ignoring it, rather than confronting it constructively.
21 Residents generally respond to this by further pushing
22 limits and boundaries.'

23 Is that right?

24 A. Yes, I mean, I think it's a version of what I've said
25 before about staff not seeing that it's their

1 responsibility to address things. And I mean -- I mean,
2 when I was there, sort of one of the things that I tried
3 to address was things like for example if there was
4 graffiti, that it was cleaned that day, or if a piece of
5 furniture was broken, it was removed that day, so you
6 didn't have broken things lying about. But that
7 required such huge energy because you weren't actually
8 supported by the support services that were supposed to
9 do those sorts of things.

10 And I can imagine that, you know, 'cause -- and
11 that's what I came -- that's the default that existed in
12 that home.

13 Q. The last page of this report, 'James', is page 21, and
14 I should say again that in fairness, this is taking some
15 snapshots from a longer report -- and my Lady, we will
16 look in more depth at the report at a later stage -- but
17 I just want to note the final few paragraphs.

18 So this is page 21 and on that page, first of all,
19 paragraph 3 -- yes, from paragraph 3:

20 'The quality of physical environment does not
21 provide young people with a sense of value or dignity,
22 reducing any feeling of responsibility or ownership.
23 The establishment is poorly resourced and maintained and
24 in urgent need of major overhaul and refurbishment if
25 required standards are to be met.'

1 And you have told us a bit about that now just,

2 **PVX** -- 'James':

3 'Evidence that a high proportion of residents' basic
4 needs and rights are not being met, raises a question
5 over the general quality of care in the establishment.
6 Lack of consistency in the staff team, poor physical
7 conditions and the negative culture of the current
8 resident group, combine to create a living environment
9 in which staff and residents appear trapped. This
10 situation is acknowledged to be one which can be
11 overcome only by radical action agreed at regional and
12 district levels.

13 'The quality of life for residents in this
14 establishment is heavily dependent on the quality of
15 individual relationships with identified staff. Some of
16 these relationships contribute positively to the young
17 person's experience of the home. In general, however,
18 the inspectors consider that Bellshill does not promote
19 and safeguard all individuals' welfare, does not foster
20 individual development, and does not prevent
21 individuals' exposure to harm through their experience
22 of living there. It is considered therefore, not to be
23 a safe and stable environment for vulnerable children
24 and young people.'

25 So it's a pretty damning assessment and in your

1 view, is that an assessment which was fair?

2 A. Yes.

3 Q. The inspectors are clearly of the view that this is not
4 a safe place for children to be?

5 A. Yes.

6 Q. And does that accord with how it felt at the time when
7 you were there?

8 A. Yes, because I suppose, you know, by this time that this
9 was happening, I was, you know, afforded the opportunity
10 to reflect, because I was involved in full-time study
11 and training. And, you know, because I was no longer in
12 a situation where I was fully occupied with trying to
13 work there and to improve things, that I can see,
14 I could see by that -- through that process that there
15 was something about it that was fundamentally not right,
16 if you added it all up.

17 And I mean this verdict, if I didn't -- I wasn't
18 made aware of this, but this verdict, I wouldn't have
19 argued with it at the time, even though it would be, you
20 know, very demoralising to think about all the effort
21 that I and some of the other people had put in to try to
22 shift things. But ultimately, I think everything that's
23 identified there is fair comment.

24 MR SHELDON: And of course we know that Bellshill actually
25 continued in operation after this for some years.

1 And, my Lady, we will look at some of the responses
2 to the inspection report.

3 LADY SMITH: Yes, of course. Can you remind me how long it
4 continued in operation beyond this? This is 1992.

5 MR SHELDON: From memory I think it closed in '98, my Lady.

6 LADY SMITH: Yes.

7 MR SHELDON: So, having looked at that, 'James', and I want
8 to go on to look at some other parts of your statement.

9 Bear with me for a second.

10 (Pause)

11 Apologies, 'James', I've lost the passage I was
12 going to take you to.

13 Yes, I'm sorry, it's page 8, at paragraph 44. You
14 say there:

15 'The following years and my experiences at Bellshill
16 were completely formative for me and for everything
17 I've done since then. There was still a huge taboo
18 about sexual abuse and the idea of staff ever being
19 accused of this was problematic. We weren't protecting
20 children well. It was a hostile world that the children
21 were being thrown into.'

22 There's perhaps a number of different elements to
23 that, 'James'. Can you talk us through that and give us
24 an insight into what your meaning is in that passage?

25 A. So, okay, yes. Yeah, those experiences, because, you

1 know, I'd plunged myself into trying to make it a good
2 place, erm, and, you know, it became clear in the years
3 following that that was really naive and didn't, you
4 know, it didn't match with the reality of what was
5 actually going on and what the challenges were.

6 I -- and what I saw was, I saw a hostile world, as
7 in these institutions being the sorts of places you
8 would never want your child ever to have experienced.
9 And the ultimate test I think for the public care system
10 is that you wouldn't want children to experience care
11 that you wouldn't want for your own children. That you
12 would -- that these children's rights were not being
13 upheld. Their fundamental rights were not being upheld
14 and they were being harmed and they were being exposed
15 to harm and they were being blamed for it.

16 And there was a staff group that was not, erm, fit
17 for the job. They were organised in a way that was
18 impossible to actually make work properly, having 23
19 teenagers or older children together in one house, with
20 complex multiple needs and with a staff group with
21 absolutely no competence in dealing with meeting those
22 needs, with scant support, with a poor environment, and
23 with predatory individuals existing within that group.
24 And a chaotic, a chaotic day-to-day experience for all
25 involved.

1 And, you know, I came across -- I was -- I came --
2 a disclosure was made to me, which is referred to in my
3 statement, and it was shocking, but -- shocking but not
4 surprising, in that I was aware of, for example, the
5 Kincora scandal which had happened in Northern Ireland
6 in the early '80s and various other high-profile cases
7 in homes in the UK that were before this.

8 But there was also a bit of a backlash because there
9 was, the scandal in Orkney was brewing at this time,
10 which was about allegedly social workers being
11 overzealous in identifying sexual abuse. So it was
12 a contested area, but I saw the reality was that
13 vulnerable children were hugely vulnerable to being
14 exploited by those with authority and whose
15 responsibility was actually to care for them and protect
16 them.

17 And so that was, you know, it shook my understanding
18 of -- I started with: I'm working in residential care,
19 I can help change kids' lives for the better. And then:
20 no, it's really hard, their needs are really complex.
21 And then: no, it's not just that, it's their needs are
22 really complex and they're in a system that actually
23 makes things worse for them.

24 Q. Yes. Sorry, 'James', you refer to a disclosure there
25 and I think you're referring to a disclosure made by

1 a girl that we're calling 'Sarah', about Edward Doherty,
2 is that right?

3 A. Yeah, that's right.

4 Q. And you talk about that. Just for the reference,
5 my Lady, I'll take it out of order I think now.

6 LADY SMITH: Certainly.

7 MR SHELDON: It's at 157, there's a reference to it.

8 LADY SMITH: That's the paragraph number in 'James's'
9 statement?

10 MR SHELDON: In 'James's' statement, and I'm sorry, the
11 relevant passage really starts at paragraph 141.

12 And I'll ask you a bit more detail about that,
13 'James', but I just want to ask you a little bit more
14 about this idea at paragraph 44. There was still a
15 huge, what you describe as a huge taboo about sexual
16 abuse. What was the taboo and why was there that idea
17 that it was problematic?

18 A. Erm, I think public and professional consciousness about
19 it was still quite limited. The extent and prevalence
20 of sexual abuse generally was not well understood.
21 There was emerging understanding of it, but it tended to
22 be very sensational, about paedophile rings and, you
23 know, witchcraft practices and things like that. So it
24 was kind of very exoticised rather than understanding
25 that sexual abuse is, you know, experienced by a very

1 significant number of children in all sorts of contexts,
2 and it's usually people closest -- close to them who are
3 the perpetrators. Those things weren't understood.

4 In my experience at that time, the default was that
5 adults were right, including professional adults.

6 Q. What was the level of knowledge at that time, 'James',
7 about the idea of grooming, about winning a child's
8 affections in some way, winning them round by doing them
9 favours, being kind to them, by whatever method? Was
10 there a level of awareness of that phenomenon?

11 A. I don't think so, not generally. I mean, I think within
12 children's homes there would have been very limited
13 understanding of those things. There wasn't really
14 a professional frame of understanding things. I mean,
15 very few people with any kind of professional training.
16 At that time, I don't think there was any systematic
17 method of training social work staff in general, in
18 terms of child protection and child abuse.

19 There were procedures, which is a different thing,
20 which were in place, about what to do, which would
21 involve doing an investigative process and so on. So
22 people would have known what to do if they were
23 a qualified social worker and -- but even then I think,
24 I don't know the history of it, but I think it was very
25 rudimentary compared to the systems we have now.

1 Q. You mentioned procedures. I mean, how did the
2 procedure, the written procedure, if you like, relate to
3 the reality on the ground at that time?

4 A. I think it's true to say that people saw the child abuse
5 procedures, as they were called, as relating solely to
6 abuse within the family context.

7 Q. Right.

8 A. So it didn't apply to residential care.

9 Q. Okay. It was just on a completely different pitch, as
10 it were?

11 A. Yeah. So I remember when I became -- when I became part
12 of a team, working in the headquarters, when we were
13 rewriting, in the local authority I was working in, when
14 we were rewriting our procedures, our child protection
15 procedures, and I was arguing for having a specific
16 section within that, relating to residential care for
17 children, and there was a very strong view amongst my
18 colleagues who came from the area-based social work sort
19 of side of the house, that that wasn't appropriate, that
20 the child abuse procedures were solely about familial
21 abuse.

22 Q. Right. So there just wasn't really an appreciation that
23 care staff, as they were obviously called, would engage
24 in that sort of behaviour?

25 A. Or if -- somebody put it to me like: well, it's just

1 like if they were assaulted in a street by a stranger,
2 that's not child abuse, it's an assault on the street.
3 So it was a kind of 'othering' of the children in that
4 situation. That somehow they didn't count.

5 Q. If I can come at it from a slightly different angle and
6 this is not intended as any sort of criticism, 'James',
7 because you've just told us that knowledge at this time
8 was limited, and you yourself were relatively
9 inexperienced at that time. But you tell us in the
10 statement that there were certain members of staff that
11 you felt uneasy about, you describe one as being a bit
12 touchy-feely. You felt perhaps that something just
13 wasn't right but didn't feel able to take that any
14 further or know what to do with that?

15 A. Yeah. I think that that's true. I didn't. And
16 I suppose I'd go further than that and sort of say that
17 I think that -- I don't think I would have worked
18 anywhere where I wouldn't have had those sorts of
19 feelings about somebody, because the system was full
20 of -- these homes were staffed by similar profiles of
21 people. There's obviously some kind of very particular
22 dynamics within Bellshill that I've spoken about and
23 I'm sure you've heard about from others. But I don't
24 think there was any kind of, any kind of oasis of
25 tranquillity and sort of best practice. I just don't

1 think these are places that children should be brought
2 up in, and exposing them to the care of a multiple cast
3 of changing characters with no professional training and
4 insufficient oversight. I mean, I wasn't adequate to
5 provide oversight because I wasn't trained. And that
6 was what was on offer for children.

7 Q. Yes. Well, can we move then to look at the particular
8 disclosure that was made to you, because it's perhaps
9 an interesting case in point.

10 And as I've said, that starts much later in your
11 statement. It's page 26, paragraph 138. You tell us at
12 138 that New Year '88/'89 was a difficult time in the
13 home, children had been given pocket money, gone out and
14 bought alcohol and there was a disturbance in the home.

15 You tell us that you thought you should try at least
16 to make the next New Year better and more homely and so
17 on, so you organised a party; that's paragraph 140. And
18 then at 141, well, perhaps you can take the account from
19 there and talk us through it.

20 A. Yeah, so when I say organise a party, I would organise
21 a party as an alternative to them getting alcohol, so
22 they had, you know, soft drinks and so on. But it was
23 meant to be -- and it was -- it seemed to be, and it
24 seemed to work in that there was no alcohol in evidence.
25 Except this one girl, who was actually, generally

1 speaking, incredibly impressive, resourceful,
2 hard-working at school, et cetera.

3 Q. This is the girl we're calling 'Sarah'?

4 A. Yeah, yeah, and uncharacteristically on this occasion,
5 she was the one that had obtained alcohol and got
6 herself very drunk and left the home to go to her family
7 home. And she was in care obviously because
8 relationships weren't great with her family. And, er,
9 it was really difficult to understand why this had
10 happened. It was completely out of character with what,
11 you know, how she was generally, kinda. When we did
12 things, like there were social events, she would always
13 take a turn and do a song and all this sort of stuff.
14 We were expecting that from her. No.

15 So it all went very badly wrong for her, and her
16 family, she -- her mum phoned and says, 'Come and take
17 her away, she's causing hell up here'. And when I went
18 up there, there was a full-scale conflict going on,
19 pushing and shoving and he was trying to grab her. So
20 I got her out of there and she ran away, disappeared,
21 nobody could get her back, and we eventually heard from
22 the police at Coatbridge that they had her in custody,
23 and they wouldn't release her until later on New Year's
24 Day.

25 When she came back to the home she went, she was

1 straight into her room, she wouldn't speak to anybody,
2 and it took a long time before she would. And we knew
3 there was something wrong and she disclosed, as
4 I've said at paragraph 144, that she had been sexually
5 assaulted by Edward Doherty.

6 Q. Is that all she said about it, did she give you any
7 detail about what had happened?

8 A. No, she didn't give me any detail. And I asked her,
9 I said: do you want to speak to your social worker and
10 to, you know, to somebody who's able to take this
11 forward? And she said yes, and we did.

12 I then got her social worker, who got senior staff
13 involved at that point, who then handled the response to
14 her disclosure.

15 And there was a -- from where I could see there was
16 a -- it was hugely damaging to her and to all the
17 relationships in the home really.

18 Q. The disclosure?

19 A. Yeah, the fact of what she'd experienced in the
20 disclosure was, you know, was highlighting it. You
21 know, I don't know what others thought about it but it
22 made me really worried about what else was going on.

23 Q. You thought this might be the tip of the iceberg, as it
24 were?

25 A. Yeah, and on top of that, there was no sense that this

1 is a -- once you had something like this, which was the
2 province of the professional social workers and the
3 hierarchy, you know, very conscious that I was, you
4 know -- we were the people who looked after the
5 children; they were the people who made the decisions
6 about the children.

7 Q. Is that then how the -- you described it as
8 the hierarchy.

9 A. Yeah.

10 Q. Is that, at that time, how things worked or how they
11 were at least perceived to work?

12 A. Yeah, there was a hierarchy. I remember when I was on
13 my college course I wrote an essay about it, about how
14 the hierarchy was expressed within the reviews for
15 children in care, where the people arrived in order of
16 -- in order of importance.

17 And so the first people who would be there would be
18 the children, then the care workers, and then the other
19 children's home staff, then the social worker, then the
20 social work area manager, who was the chair of the
21 meeting, would be the last to arrive. And it was kind
22 of like, these people were in ascending importance and
23 there was a kind of echelon between all of those
24 involved in the care bit of it and those actually
25 involved in social work case decision-making.

1 Q. Right. I just want to take the next chapter, as it
2 were, bit by bit, or step by step.

3 You tell us about the part of the decision-making
4 process about whether to inform the police, and at
5 paragraph 146, you tell us:

6 'The District Officer, Bernadette Docherty, and the
7 Principal Officer for Childcare became involved. They
8 said they would deal with 'Sarah'. Bernadette Docherty
9 later told me that they had decided that it would be
10 more distressing for 'Sarah' to have to go to the police
11 with this, so they dissuaded her from doing so. She
12 said 'Sarah' did not want to go to the police and they
13 did not feel they should force her.'

14 Now, there's various things going on in that
15 passage, 'James'. So first of all, there's the
16 involvement of the district officer and principal
17 officer, and is that the result of the hierarchical
18 system that you've been describing?

19 A. Yes, yes.

20 Q. All right. But the involvement of Bernadette Docherty,
21 at least here, or her -- Docherty's assessment of
22 whether police should be informed, is it that they
23 decided --

24 A. I don't know.

25 Q. -- it would be more distressing, or that 'Sarah' had

1 decided it would be distressing and they backed that up?

2 A. It could be that.

3 Q. Which, I'm sorry?

4 A. It could be that 'Sarah' said, 'I'm not going to the

5 police'.

6 Q. Right.

7 A. It could be.

8 Q. All right.

9 LADY SMITH: Of course, her reaction would depend on what

10 she was told about what would happen if she did?

11 A. I suppose the -- look, I can't -- I wasn't involved in

12 these conversations.

13 LADY SMITH: You wouldn't know.

14 A. But I did -- you know, it would be easy to imagine

15 a scenario where scant effort would be made to dissuade

16 her that it's going to be difficult to go to the police.

17 Look, it's the same issue that victims of sexual

18 violence experience to this day, about weighing up the

19 reality of going into the judicial process.

20 MR SHELDON: But to be clear, 'James', did you advise her

21 that she shouldn't go to the police?

22 A. No.

23 Q. If it had been your decision to make, what would you

24 have advised her?

25 A. I don't know. I don't know about my state of knowledge

1 or competence at that time. What I do know is that
2 a few years later, she and others did go to the police
3 and I was hugely heartened by that, impressed by that.
4 I went to court. I was a witness for the prosecution,
5 along with them. And it felt, you know, it felt so
6 important and it made me reflect very much further on
7 what had happened in that time.

8 I mean, what I could say is that within five years,
9 I could say that I would be absolutely clear about what
10 to do.

11 Q. You do tell us at paragraph 147, this is the next page:

12 'I felt bad about that decision, but I was so far
13 down the food chain in terms of professional social work
14 decision-making, I didn't think I had any other option
15 at the time. I would have been entering
16 a whistleblowing space. I'm sure I would have expressed
17 my views on her decision to Bernadette, but it would
18 have had no weight with her.'

19 What do you mean there about entering
20 a whistleblowing space?

21 A. Well, I suppose I'd have been taking on the great and
22 the good, sort of thing, you know, where, you know,
23 there was unanimity, it would seem to me. There was
24 social worker, senior social worker, district officer
25 and there was this set of decisions being made and, you

1 know, I wouldn't have felt particularly empowered.

2 LADY SMITH: And of course, as you've said, you'd already
3 told people who were senior to you.

4 A. Yes.

5 MR SHELDON: But I think very candidly you tell us that,
6 I mean, you did feel bad about the decision and, with
7 hindsight, you would have done it rather differently?

8 A. Yes.

9 Q. I just want to ask you a little bit about 'Sarah's'
10 presentation. I think it certainly appears from your
11 statement that she was in a very distressed state about
12 it all?

13 A. Yes.

14 Q. Paragraph 150:

15 'Her behaviour and presentation changed.'

16 Can you tell us about that, please?

17 A. So she was like -- she was doing incredibly well.
18 I personally was very proud of the progress she'd made,
19 and it was entirely down to her own resourcefulness and,
20 you know, efforts and hard work. But she had sort of --
21 she had started to go regularly to school, applied
22 herself at school, where she got Standard Grades and
23 Highers, as I remember. And which was just very
24 positive and doing lots of things in her life. And was
25 outgoing, quite sort of challenging and, but, you know,

1 funny and smart. And had conflict with staff, but
2 because we'd set up this unit for older children in such
3 a way that they had a bit of independence, that she,
4 along with some others, was coping with that quite well.
5 And that kinda just all collapsed. Her confidence went.
6 She was, you know, her behaviour changed. It's classic
7 signs of abuse. Your behaviour changes, behave
8 uncharacteristically, sort of retreating to her room
9 lots, going out early in the morning to school, as
10 I remember. You know, really early, just sort of to get
11 out of the place I think. And just sort of a real loss
12 of -- you know, she's been betrayed.

13 Q. 'James', I think it's clear that this upset you and
14 I think still upsets you to a degree. You know,
15 of course, that there's an allegation that you had
16 yourself an inappropriate relationship with 'Sarah', and
17 we know your position on that, that that wasn't the
18 case.

19 But would it be fair to say, and I'm not trying to
20 trap you with this question at all, but would it be fair
21 to say that you developed a fondness for 'Sarah'?

22 A. Well, it would be fair to say that about quite a number
23 of the children.

24 Q. Well, as I say, it's not a trick question, 'James'.

25 A. But only in that respect.

1 Q. Yes.

2 A. I mean, so, and it was part of my job. So when I left
3 there, that was the end of my contact with any of those
4 children.

5 Q. Yes. Is it possible that your relationship with
6 'Sarah', and I mean that in the professional sense that
7 you've been describing, might have caused jealousy,
8 resentment among staff, other children?

9 A. Well, she wasn't the only one, but there was -- there
10 was a real pushback from staff about giving older
11 children some autonomy, and she was one of them. But,
12 you know, giving them autonomy and choice and rewarding
13 achievement, you know, it struck me that she was
14 achieving more educationally than most of the staff had
15 ever dreamed of achieving. So -- and their ambitions
16 for children were quite often zero.

17 So the dynamics around that were bound up with a
18 sort of antipathy that the older children, particularly
19 the girls, experienced from staff when they asserted
20 their rights.

21 Q. Yes. Did you experience pushback from other staff in
22 relation to other matters that you wanted to change
23 within the home?

24 A. Yes, yes, and it would always be about me seeming, being
25 deemed to have taken the side of the children. And

1 I suppose my response was always: we should all be on
2 the side of the children, that's what we're here for.

3 Q. Paragraph -- moving on to a slightly different topic --
4 actually sorry, I should ask you this first: Doherty,
5 I think, left the home fairly shortly after that
6 disclosure was made, is that right?

7 A. Yeah.

8 Q. Do you recall when that was?

9 A. I don't think he appeared in the home --

10 Q. Right.

11 A. -- at all.

12 Q. After the disclosure --

13 A. Yeah, I think he'd been off for some time before it
14 actually -- so he probably knew it was coming.

15 Q. Okay. So he just didn't come back essentially so
16 after -- well that would be New Year's Day 1990?

17 A. Yeah.

18 Q. You didn't see him again?

19 A. No. The next time I saw him was in court, a number of
20 years later, he was in the dock.

21 Q. Did you give evidence in the trial?

22 A. Yes, I gave evidence for the prosecution.

23 Q. So moving on then, at paragraph 152 you also say that
24 you considered abusive the practice of children being
25 put out of the home when they reached a certain age,

1 that was a contravention of their rights, in your view.

2 There was a practice, you say at 153, to take
3 a child to a Children's Hearing just short of their
4 16th birthday. The supervision order would be
5 terminated which would remove any legal obligation for
6 them beyond their 16th birthday.

7 So first of all, what was the effect of that and do
8 you know what the reason was for that practice?

9 A. That was the widespread practice was -- you know
10 Bellshill was just -- that was a practice across the
11 board. It's part of, you know, the kind of mythology we
12 have about the children's hearing system that somehow
13 the welfare-based system when in actual fact children
14 could always be jointly reported to the fiscal and
15 children could always be dealt with through the criminal
16 process and were routinely so in the '80s and '90s.

17 So what -- you know, children, who were on
18 supervision under compulsory measures of supervision,
19 supervision under section 44 of the Social Work
20 (Scotland) Act, if you had a supervision order at the
21 age of 16 and you, for example, were in need or were
22 referred for an offence or were referred on welfare
23 grounds, the council would have an obligation to respond
24 to you as a child. If you weren't on supervision and
25 you were beyond 16, the council had no particular

1 responsibility for you.

2 There weren't aftercare duties that had been
3 established at that point. They came in with the 1995
4 Children (Scotland) Act, so for social workers, for
5 police officers, and for, you know, for people in the
6 system generally, it was seen as an acceptable or
7 prudent practice to terminate supervision because
8 children should be now progressing to independence. And
9 it removed, it removed a protection for the children.

10 Q. You say that -- just reading on, paragraph 154:

11 'They would then be treated as an adult. Police
12 would save up offence referrals until the supervision
13 requirement was terminated then send the referrals to
14 the Procurator Fiscal.'

15 A. Yeah.

16 Q. And reading short to the end of that paragraph, you say:

17 'It really was a cliff edge for children.'

18 A. Yes --

19 Q. What do you mean by that?

20 A. -- well, so if you were sort of 15 years and nine
21 months and you're in care under a compulsory supervision
22 order you -- you are the responsibility of the local
23 authority. They're your parent and, you know, they're
24 responsible for ensuring that you're housed. If you get
25 in trouble with the police, the police have to refer to

1 the reporter. They could also report to the fiscal.
2 And if the fiscal decided to take it to court, the
3 effect of having a supervision requirement and whether
4 you're 15 or 16, was that the sheriff would be obliged
5 to remit the case to the hearing for advice. If they
6 weren't on supervision and they were post-16, the
7 sheriff wouldn't be obliged to seek advice from the
8 Children's Hearing. In fact, I don't think they were
9 able to, actually.

10 So some of these issues have only just recently been
11 addressed with changes to the law in relation to 16 and
12 17-year-olds and 18-year-olds and the ability for them
13 to be retained within the hearing system. So it's been
14 an issue for a long time, for decades, but at that time
15 it was just a routine part of the way the children
16 progressed through the system.

17 So up until 16, you would have all these
18 protections, the welfare-based system. If you weren't
19 on supervision and you were post-16, you were treated as
20 an adult and you could end up in court, you could end up
21 homeless with no recourse and so on.

22 Q. And I suppose even in a well-run children's home, even
23 in a well-run system, children would be going from
24 a position of relative safety and comfort into
25 a position when just that was taken away?

1 A. Yes.

2 Q. And, of course, Bellshill wasn't always a place that was
3 a place of safety and comfort?

4 A. When you spoke to people in, for example, advocacy
5 organisations, they spoke about the common practice of
6 children leaving these places at the age of 16 with all
7 their possessions in a black bin bag.

8 Q. And I think actually, just to take this from you now,
9 after you studied social work, you went on to work in
10 aftercare provision for children in that position?

11 A. Yes.

12 Q. Once it was, I think, a legal right at that point for
13 them to have that?

14 A. Yes.

15 Q. You do say, paragraph 156 -- sorry, and I should take
16 from you 155, you would also consider, and just thinking
17 about Bellshill, you would consider the squalor of the
18 conditions to be abusive, the inadequacy of staff, lack
19 of qualifications, and so on, meant that you, staff, you
20 included, couldn't be sure these children were safe and
21 that that in itself was inexcusable.

22 A. Well, that's what I think and what I'm struck by is
23 the -- that I've said this, I never saw that inspection
24 report, but that's practically the same as the verdict
25 in the inspection report that you showed me earlier.

1 Q. It's a striking report. You go on though to say:

2 'I believe children could have been abused within
3 Bellshill without you being aware of it.'

4 And, of course, actually we know that children
5 almost certainly were abused, sexually abused and so on,
6 at that time without people being aware.

7 Can you just help us to understand particularly in
8 the context of Bellshill, how that could have come
9 about, how that could have been the case?

10 A. I think, you know, going back to something you asked me
11 about earlier, and I don't think I answered you about
12 grooming, which was that that wouldn't have been a
13 concept I would have been aware of at that time,
14 although if somebody had explained it to me, it would
15 have made perfect sense, but the nature of abuse is that
16 perpetrators are very skilled at covering their tracks.
17 They use all sorts of inducements and coercions, threats
18 and rewards to take their victims on a path and, you
19 know, that's a reality of abuse.

20 When you put that into a context where there was
21 really, really inadequate understanding across the board
22 of the dynamics of abuse, then it becomes even more true
23 that children could have been getting abused and I and
24 others wouldn't have known.

25 You asked me something else, which I've been

1 thinking about since, if you don't mind I'll just go
2 back to. What did -- you know, when you had unease, you
3 know, unease is very difficult to act on.

4 Q. Yes.

5 A. It's just a feeling.

6 Q. How is that sort of feeling dealt with now? Do you
7 know? Are staff encouraged in any way to monitor their
8 feelings in that regard and, if necessary, act on it?

9 A. Yeah, so, I mean, I remember then only a few short years
10 later being with -- in a context in a job in the local
11 authority, we were discussing that and what were the
12 safeguards where you could sort of -- what were the
13 characteristics in terms of professional communication
14 and oversight and it's really to have in place a really
15 clear set of expectations and guidelines as to people's
16 conduct and what's acceptable and what's not.

17 But also robust processes of supervision and
18 oversight of individual practice, of team functioning
19 and open and transparent communication, where things can
20 be discussed, including challenging things about
21 people's conduct, where if it is -- it doesn't need to
22 be conduct that is, you know, misconduct, but just
23 conduct that is -- falls short should be something that
24 could be spoken about openly so it's that kind of
25 atmosphere of open, professional, challenging support,

1 I think are, sort of, the hallmarks of good care.

2 The extent to which that's possible in
3 an institutional setting like this, tomorrow I don't
4 think anyone would suggest that you go and re-open
5 a 23-bedded unit for children in a similar kind of model
6 to this.

7 Q. Yes. I think in fairness we've heard evidence that
8 almost all children's houses are much smaller now.

9 You've just been telling us about that development
10 in understanding and practice in relation to
11 expectations and so on. When did that view of things
12 start to come into practice?

13 A. So I was working in local authorities after local
14 government re-organisation in 1996 and collectively
15 across the board there was an effort to try and -- to
16 set standards for residential childcare. You know,
17 obviously there was a growing understanding of the need
18 to have better safeguards for children, to improve the
19 quality of care for children. And there was also
20 recognition that a lot of care for children was actually
21 provided by independent establishments and there was
22 a need for local authorities to have ways of setting
23 expectations in the contracts that they had.

24 So, for all those reasons, there was a kind of
25 effort to codify that with codes of conduct and

1 standards, which was -- there was an effort to
2 co-operate across local authorities. It then was
3 superseded by the reform that happened after the
4 formation of the Scottish Executive and the
5 establishment of the Scottish Social Services Council
6 which actually was set up -- codes of conduct and
7 standards of care.

8 Q. All right. Thanks, 'James'.

9 I want to move on to a part of your -- you have
10 talked a bit about child protection and so on --

11 LADY SMITH: Mr Sheldon, can I just briefly check how much
12 longer do you think you'll need? I'm just thinking
13 about the length of time I've been drawing on the
14 stenographers' services today.

15 MR SHELDON: I'm very conscious of time, my Lady, and I
16 apologise. I hope no longer than 15 minutes but I'm in
17 my Lady's hands as to whether we need a short break.

18 LADY SMITH: Well, if it could be -- but let me just check
19 with our stenographers.

20 (Pause)

21 MR SHELDON: So 'James', if I can move on to a part of your
22 statement which is headed: 'Allegations of abuse'.

23 This is paragraph 169 and you very fairly and
24 properly tell us that you were yourself the subject of
25 an allegation of abuse, by a boy from Bellshill

1 Children's Home, and you say that it was completely
2 fabricated, false, no corroboration and you point out
3 a number of difficulties with the detail of the
4 allegation.

5 And at paragraph 170, you say it was incredibly
6 upsetting and it shocked you as you didn't think people
7 made false allegations like that.

8 Did you then or do you now have any understanding of
9 how an allegation like that might come to be made?

10 A. Oh, I've thought a lot about it and even at the time
11 when I read his statement there were certain aspects of
12 his statement, which were quite detailed and described
13 a context that I thought he must have experienced this.
14 That's, you know, I suppose that's the bottom line that
15 whatever has gone on in his life has led to this.

16 I suppose the other aspect of it is, you know, in
17 general terms, you know, I have -- there is -- it's
18 well-documented that people who spend parts of their
19 childhood in the care system experience very poor
20 outcomes in adulthood and how that manifests itself is
21 something that I don't particularly have, you know, any
22 personal insight into and looking at population
23 statistics doesn't tell you what's going on in
24 an individual's life.

25 It has occurred to me that he could have experienced

1 that when he was at Bellshill. I don't, you know, I
2 don't know.

3 Q. As we know, there was certainly sexual abuse taking
4 place because of the convictions that have been handed
5 down.

6 If we can move then to paragraph 206, this is some
7 extracts from an interview with John Blair which we know
8 took place in relation to investigations into possible
9 abuse at Bellshill and John Blair, it seems, alleged
10 that you had firstly physically assaulted 'Sarah' and
11 secondly had an inappropriate relationship with her.

12 Now, I think we know what your position is about
13 that, but just for the record what is your position
14 about allegations of that sort?

15 A. It's completely false. It's nonsense and 'Sarah' would
16 be horrified, I think, too.

17 Q. Yes, at paragraph 211, I think you say that her view was
18 that it was grossly insulting to her and defamatory?

19 A. Yeah.

20 Q. And you've already told us about what you think may have
21 been resentment that some of the staff had towards
22 'Sarah'?

23 A. Yes.

24 Q. Paragraph 216, please, it's 215/216, this is material
25 from the statement of a girl we know as 'Linda' and

1 I'm not going to read the whole of that but essentially
2 the allegation is really that you were aware that
3 'Linda' was being bullied and indeed that you saw people
4 hitting 'Linda' and didn't do anything about it. What's
5 your position about that?

6 A. No, that -- if I saw people -- I acted on that. There
7 was frustration from me that staff did tolerate, indeed
8 take sides in those situations, which I've spoken about
9 earlier.

10 Q. Can I just ask you about that, 'James' to get a little
11 more detail. You say they take sides. What did that
12 look like in practice?

13 A. To blame the victim, it was because they were being such
14 a pain or whatever.

15 Q. She's being bullied, it's her fault?

16 A. Yeah.

17 Q. All right. So were there some staff that might have
18 stood by and watched some incident like that?

19 A. Yes, not only that, you know, said things like 'she
20 brought it on herself' or -- so I think that could have
21 been lonely.

22 Q. And we know from other material that there were certain
23 members of staff that seemed to have taken some of the
24 older girls out to pubs, snooker or pool halls, possibly
25 nightclubs; was that something that you ever did?

1 A. No.

2 Q. What would your view of that behaviour have been at the
3 time and what is it now?

4 A. Shocked. Well, I do remember conversations where
5 I think it was Claire McClusky sort of had worries that
6 the way that a couple of the male staff were behaving,
7 it was as if they were taking these girls out, as if it
8 was -- you know, we were expected to organise activities
9 for -- I expected staff to give them a purposeful
10 routine where they did interesting things and where
11 there would be treats involved like taking kids to the
12 cinema, or whatever, like normal family life, but this
13 didn't seem like -- they were behaving like they were
14 teenagers themselves, so, you know, that sticks in my
15 mind when you raise that issue with me.

16 The idea of going to pubs or anywhere like that with
17 children would just be so far off where I would think
18 was --

19 Q. Even if the children at the time were over 16?

20 A. No, that just -- I mean, I can't see anything -- I can't
21 see any circumstances where I would have thought that
22 that was okay. And I think where it's documented, it
23 talks about it being in Bellshill. I've never been in
24 a pub or a club in Bellshill and am not likely to and
25 it's, you know, I lived in Glasgow at the time, so when

1 I finished, I went back to Glasgow.

2 Q. At that time, the sight of girls who were perhaps
3 obviously in their teens, with, in some cases,
4 significantly older men, is that something that even at
5 that time would have raised eyebrows?

6 A. Of course. Of course.

7 Q. Sorry, I'm jumping around a little just to get through
8 this part, but starting at paragraph 235, page 43,
9 there's various criticisms really, of you, among others,
10 by RBP and perhaps boiling them down, they come to
11 an allegation that you showed insufficient concern for
12 children's safety and this is specifically with
13 a reference to a trip to France.

14 Now, there was a trip to France, I think, yeah? And
15 RBP talks about various incidents. What's your view
16 generally about the line of criticism that RBP is
17 advancing there?

18 A. Well, it starts with total nonsense, fantasy. And the
19 idea that I would take a minibus full of children out of
20 the country without telling anybody. It was like -- it
21 was a massive big deal actually, because there was -- it
22 came from a kind of process with the children, where it
23 turned out that lots of them had never been on a summer
24 holiday, so we decided to go on a summer holiday and go
25 abroad, go somewhere sunny. And we raised lots of money

1 for it and it was kinda visible in the hierarchy. To be
2 able to go abroad as a regional council employee at that
3 time, you had to have the permission of the chief
4 executive of the council and we had that and all the
5 necessary insurance and all the -- we had a ratio of
6 one-to-one staff, so it wasn't a high-risk venture.
7 I read that and I think, you know -- just when I look at
8 the whole story, it's like I was not looking after the
9 children properly and he was the saviour, which is kind
10 of the reverse of what the reality was around him.

11 Q. What was the reality around him?

12 A. Well, I didn't trust him and I think there was unhelpful
13 dynamics with all his relationships and I think you used
14 the word 'grooming', if I'd have known about it at that
15 time, that would have been my worry with him.

16 Q. Yes, you say at paragraph 246 that he was quite physical
17 with some of the boys and touchy-feely?

18 A. Yes.

19 Q. What do you mean by that?

20 A. So, like, you know, sort of horseplay. I mean, I was
21 always against horseplay because instinctively -- and
22 with knowing what I know now, it's part of the grooming
23 process, but, yeah, so there was always -- there was
24 always a bit of unspoken, unsaid, unknown in what was
25 going on with his relationships with the children.

1 Q. Were there other staff that engaged in horseplay?
2 A. Not to the extent that he did. The behaviours that
3 I would be concerned about with other staff were maybe
4 more subtle.
5 Q. Right. What kind of thing do you have in mind there?
6 A. Oh, maybe sort of the intensity that goes with the
7 grooming process.
8 Q. Just one final thing in this chapter and then I'll ask
9 you a last couple of questions.
10 Really, at its highest, I think RBP's criticisms
11 of you culminate in the idea or the allegation that you
12 locked a boy in a minibus during that trip. Did that
13 happen?
14 A. No, and I don't recognise this -- I don't recognise any
15 of it.
16 Q. Right, that the whole account is just not correct?
17 A. Yeah.
18 Q. I suppose one final question about that. You, I think,
19 summarised his allegations as saying: you were the
20 problem and he came to the children's rescue. And you
21 said the truth was really the reverse of that. Did you
22 feel that you had, at some points, to come to the
23 children's rescue from RBP?
24 A. And other staff, yeah, because -- yeah.
25 Q. Right. In what sort of situation?

1 A. I suppose you know -- I always had a feeling that staff
2 were looking to exert power over children in
3 inappropriate ways, so either by being lavish with over
4 -- you know, you know, giving them too much time and
5 attention and, well, wanting to take them out, that sort
6 of thing, or wanting to be really punitive as well, kind
7 of -- and I think about, you know, harsh and erratic
8 parenting, that kind of --

9 Q. So the children were getting the punitive side?

10 A. Yeah.

11 Q. -- from some people and the lavish reward side from
12 others?

13 A. Or from the same person.

14 Q. All right.

15 A. The inconsistency as well.

16 Q. Okay.

17 A. Because despite what I've said before about them not
18 taking responsibility, staff still had huge power in any
19 situation with children. They had the ability to frame
20 what was going on and to make it -- that what was going
21 on was about this child and this child's difficulties.

22 Q. It always came back then to the idea that the child
23 really was the problem?

24 A. Yes.

25 Q. All right.

1 Now, 'James', I'm not going to ask you for the
2 details, but I think we understand that after Bellshill,
3 you studied social work and indeed you then went on to
4 perform a number of different roles in residential
5 childcare and other sectors in inverted commas, I
6 suppose, 'the childcare system', is that right?

7 A. Yes.

8 Q. And indeed you have only recently retired from that sort
9 of work.

10 So I just want to ask you finally and this is
11 looking at page 52, page 282, under the heading:
12 'Helping the Inquiry'.

13 And you talked a bit about echelon theory, that's
14 paragraph 282, paragraph 283 you talk about The Promise
15 Bill and your view or your hope that it will change the
16 Children's Hearing system to improve decision-making for
17 children. Can you just talk us through your
18 understanding of that and how it will improve
19 decision-making for children?

20 A. Well, you know, if I start with the kind of, the problem
21 with -- the solution for long-term care for children
22 being living in group homes. I mean, really children
23 should not be in care long-term. If we have to make the
24 decision that things are so badly wrong at home that
25 they've to be removed from their birth family, children

1 should be found alternative permanent care as soon as is
2 possible and that's what we know children need.

3 When that doesn't happen, they end up in and out
4 of -- when decisions aren't made in a timely fashion,
5 they end up in and out of foster care and ultimately
6 children who can't settle in foster care, having had
7 multiple placements, end up in these residential
8 establishments. That's what residential establishments
9 are full of and we can do something about that by making
10 the right decisions for children earlier.

11 And I accept that we still will have to provide some
12 children with, you know, children's houses and we can do
13 that for those small number in a much better way with
14 a much stronger emphasis on their specific needs and on
15 their therapeutic needs and educational and nurturing
16 needs.

17 Q. And in terms specifically -- because of course it's what
18 we're principally concerned with -- in terms
19 specifically of protecting against abuse, what's your
20 view? What should we take from your evidence about how
21 we can help to prevent that in the future?

22 A. Well, you know, I think we need an absolutely relentless
23 focus on how do we uphold children's rights, so how do
24 we ensure that children who end up in the care system
25 are having a right to life, to family life, and where

1 that isn't achieved for them, what is it we're doing to
2 pursue that.

3 So I think part of my answer would be to say
4 children need -- we really need powerful advocacy for
5 the voice of children in any process of decision-making
6 and that children should be at the centre of
7 decision-making and I don't think they have been in the
8 context that we've been talking about here.

9 I feel that, you know, this is an inquiry about what
10 happened in a system that doesn't exist in that form any
11 more. There still is the potential for abuse in any
12 system of care. I mean, most abuse still happens in the
13 family, let's remember that. So we've got to sort of
14 say: well, what is the challenge? The challenge is to
15 say that abuse is preventable and if we take the serious
16 decision to take a child into the care of the state, the
17 state has to be sure that it's going to protect those
18 children to the highest possible standard and whatever
19 that takes, that's what we should do.

20 So what are the safeguards for children? What is
21 the advocacy in place? What is the level of
22 qualification and skill that is provided in the
23 professional workforce? What's their access to
24 specialist care when they need it? All those questions
25 we need to address.

1 MR SHELTON: Right. 'James', those are all the questions
2 I have for you. And can I just take the opportunity to
3 thank you, and particularly for bearing with us over the
4 timetabling disruption this afternoon, so thank you.

5 LADY SMITH: 'James', let me add my thanks. It's been so
6 valuable to my learning, not just about what happened in
7 the past, but about your thinking regarding where we are
8 now and where we might go in the future. I'm really
9 grateful to you for sharing that and bearing with us
10 with our difficult and relentless questioning at times.

11 You must be very tired and I'm delighted to say,
12 please, now go and relax for the rest of Friday.

13 A. Thank you.

14 (The witness withdrew)

15 LADY SMITH: Now, I have two names to mention, which
16 actually I've already mentioned this week, as people
17 whose identities are protected by restriction orders and
18 one is GCH and the other is RBP. Those
19 are the two I've noted, but I want to check whether
20 I've missed any. No. Is there somebody else?

21 MR SHELTON: No, my Lady. I'm reminded that the name PJP,
22 I think, came out this morning at some point.

23 LADY SMITH: I think I covered her, but in case not it's
24 important to recognise that that's a person who's
25 protected by my General Restriction Order, so no

1 identification outside this room of any of the people
2 I've mentioned this week as people who have been
3 identified in our evidence within this room.

4 I think we've come to the end of our work for this
5 week, or at least our work in here, for this week,
6 Mr Sheldon, and I sit again at 10 o'clock on Tuesday.

7 MR SHELDON: 10.00 on Tuesday. We have Alison Gordon from
8 North Lanarkshire Council and then in the afternoon we
9 start work on Merkland, with an applicant who's
10 a witness in person.

11 LADY SMITH: Thank you very much.

12 I wish you all a good weekend in the meantime.

13 Thank you.

14 (4.55 pm)

15 (The Inquiry adjourned until 10.00 am
16 on Tuesday, 3 March 2026)

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