

1

Tuesday, 3 March 2026

2

(10.00 am)

3

LADY SMITH: Good morning, and welcome back to Phase 10 of  
4 our case study hearings in which we're looking into the  
5 provision of residential care by local authorities and  
6 in their institutions or in places they used to fulfil  
7 their responsibilities.

8

Now, this morning, we turn to I think it's

9

North Lanarkshire Council, is that right?

10

MR SHELDON: That's right, my Lady. We are concluding our  
11 evidence today about Bellshill Children's Home and  
12 hearing from Alison Gordon, who is the representative of  
13 North Lanarkshire Council.

14

My Lady, Ms Gordon has given evidence before in the

15

Foster Care Study, that was Day 336, TRN-10-000000084.

16

LADY SMITH: Thank you.

17

(Pause)

18

Alison Gordon (sworn)

19

LADY SMITH: Thank you for returning to help us with more  
20 evidence in our work here at the Scottish Child Abuse  
21 Inquiry. I'm very grateful to you. And you'll know  
22 that today we're particularly focusing on our work in  
23 relation to Bellshill.

24

When you were last here, I seem to remember you were

25

comfortable with me using your first name; is that still

1 all right?

2 A. Yes, absolutely, my Lady.

3 LADY SMITH: Thank you, Alison.

4 The council's responses for this section of our work  
5 are in that red folder in front of you, same as you  
6 experienced before, and you know we use the screens in  
7 front of you to help you, if you want, to see the parts  
8 that we're referring to, and I hope you also remember  
9 we're not going to slavishly take you through every line  
10 of it because so much work has obviously already been  
11 done in helping us with what's written evidence already  
12 in front of the Inquiry.

13 Unless you've got any questions at the moment,  
14 I'll hand straight over to Mr Sheldon and he'll take it  
15 from there. Is that all right?

16 A. That's absolutely fine, thank you.

17 LADY SMITH: Thank you.

18 Mr Sheldon.

19 Questions from Mr Sheldon

20 MR SHELDON: Thank you, my Lady, and good morning, Alison.

21 Alison, first of all, can I just check in relation  
22 to your CV, you very helpfully submitted a CV for Foster  
23 Care, for the Foster Care Study. Can I just -- and I  
24 won't go through that again; Ms Innes dealt with that at  
25 the time.

1           But can I just check whether anything significant  
2           has changed in relation to your CV since you gave  
3           evidence last?

4    A.   Nothing of significance. We have had some internal  
5           restructuring, which probably I think means my job title  
6           has changed slightly, since I was last here. I'm still  
7           Chief Social Work Officer for the council with  
8           operational responsibility for children, families and  
9           justice services.

10           I have responsibility for some wider services within  
11           education and families and that's reflected in, I think,  
12           a change of job title to Chief Social Work Officer,  
13           Education, Family, Justice and Integrated Practice, but  
14           I don't think probably that makes a significant  
15           difference to my role in relation to the Inquiry.

16    Q.   All right.

17    LADY SMITH: Could I just interject and I don't need a long  
18           explanation: to what does the 'integrated practice' part  
19           of the description of your job title refer?

20    A.   It just reflects the fact that part of my responsibility  
21           is to work across service boundaries within social work,  
22           education and associated services, to ensure we're  
23           operating as holistically as possible for families.

24    LADY SMITH: Thank you.

25           Mr Sheldon.

1 MR SHELDON: Thank you, my Lady.

2 Alison, thank you very much for that.

3 We are here principally to look at the Section 21  
4 response that North Lanarkshire submitted. I think that  
5 was back in 2017, is that right?

6 A. That's correct.

7 Q. And we'll look at the -- what we call the A to D  
8 response, but I think we'll see that there are certain  
9 aspects of it that, through just the passage of time,  
10 may now require updating, but we'll flag those up as we  
11 go.

12 You, I think, at the time were still in a senior  
13 role at North Lanarkshire Council back in 2017, as CFWO.  
14 That was your previous job title before the integrated  
15 practice came into it, is that right?

16 A. That's correct.

17 Q. So to what extent did you have input into the creation  
18 of this A to D in relation to Bellshill Children's Home?

19 A. So I oversaw the staff who worked on collating the  
20 information and the one lead officer who then supported  
21 in the actual writing of the Section 21 response. So  
22 ultimately within the organisation, I think it would be  
23 fair to say, I signed off on it, I approved the  
24 submission.

25 Q. All right. Thank you. That was my next question, and

1           you've answered it for me.

2           So if we can turn to that, the reference is  
3           NLC.001.001.0117 and there's introductory material on  
4           page 1 about North Lanarkshire Council. If we can look  
5           at page 2, please, and specifically, well, it's just at  
6           the top, it's (v), there's a question:

7           'How many establishments did the organisation run,  
8           where were they located ...'

9           And so on.

10          And we're told that as at December 2014, there were,  
11          I think, five children's houses. And then in the next  
12          paragraph:

13          'In 1996, at the time of disaggregation of  
14          Strathclyde, the following establishments were within  
15          the boundary ...'

16          And the first in that list is Bellshill Children's  
17          Home. And then we see Cecil Street, Torrance Avenue,  
18          Pine Court, Leslie Street and Mitchell Street children's  
19          homes. So six homes, and that's now down to five.

20          I think we have heard some evidence about the way  
21          that children's residential care has gone in general  
22          terms in the last 20 or 30 years, but perhaps from  
23          North Lanarkshire's perspective, you can talk us through  
24          the process of what appears on the face of it to be  
25          a slimming-down of the children's home or children's

1 house provision?

2 A. Yes. Probably that has -- it's fair to say that that  
3 has happened in phases, but with the strategic intention  
4 more recently to focus on smaller, more homely  
5 establishments, I think, in line with what was happening  
6 across the country. Bellshill Children's Home, as of  
7 1996, was the largest -- well, the establishment which  
8 supported the highest number of young people, had the  
9 highest number of places. Two of the other  
10 establishments also had what would be considered now  
11 a very high number of young people staying within them,  
12 that would be Cecil Street and Mitchell Street.

13 The -- four out of our five current establishments  
14 are purpose-built and they cater for a maximum of six  
15 young people, as opposed to the 18 to 23 that our larger  
16 establishments would have catered for historically.

17 Q. Yes. Has six really now become almost the sort of  
18 standard number for these sorts of houses?

19 A. Or smaller, I think, now. I think, if we were starting  
20 now, we might look at smaller numbers even than six.  
21 But yes, in North Lanarkshire, that is the most common  
22 size of establishment.

23 And it reflects also a reduction in the demand for  
24 residential care as an option to support children and  
25 young people, with much more of a focus on supporting

1 children, first of all remain with their families, but  
2 alternatively, remain within alternative family care.

3 Q. Right. For example, foster care or --

4 A. Foster care or kinship.

5 Q. -- something of that sort -- kinship, yes.

6 So just thinking about numbers, if we can look  
7 briefly, please, at page 16 of the response, I think we  
8 can see towards the foot of that page, 16(b),  
9 'Establishment', and we're told (i):

10 'Bellshill Children's Home was purpose-built with  
11 plans approved in 1973 and indicative of the  
12 organisation's buildings for such establishments in that  
13 era. The plans identify accommodation intended for  
14 27 residents over two floors.'

15 So just pausing to think about that number, what  
16 would you say about accommodating that number of  
17 children in a single home from the modern perspective?

18 A. That wouldn't be a model of care that in itself we would  
19 support, in terms of what that would mean for children  
20 and young people's experience, even with other changes  
21 that have happened since then.

22 It wouldn't, I think, accommodating children in  
23 those numbers in one space, give them the experience  
24 that they would want -- we would want them to have in  
25 terms of their day-to-day care. Obviously, there is

1 reference in the paragraph that you're referring me to,  
2 to the sort of physical environment and things like four  
3 bathrooms for 27 residents as well. That also wouldn't  
4 be the case now. Rooms would have en suite bathrooms.

5 Q. I think the answer may be rather obvious, but perhaps  
6 you can spell it out for us: what really is the problem  
7 in providing the sort of care that you would want to  
8 provide and children themselves would want, with  
9 an establishment that's that big?

10 A. The numbers themselves create an institutional rather  
11 than a more homely environment for children and young  
12 people, but it's difficult with that number of  
13 individual children and young people, all with their own  
14 particular needs, to support them well within a single  
15 home, would be my view.

16 Q. In fairness, I ought to take you to page 23 of the  
17 A to D. And again this is about just over halfway down  
18 the page, (ii). Sorry, first of all, (i), we're told  
19 that the establishment at design stage had capacity for  
20 27 children. However, information regarding numbers at  
21 any given time suggest the capacity accommodated was 23.

22 Same problem, same institutional feel?

23 A. Yes, yes.

24 Q. At that level? And then we're told in the next  
25 paragraph the maximum capacity was reduced from 23 to 16

1 in 1992. This seems to have been following  
2 an inspection report dated July 1992 in response to  
3 findings from the inspection.

4 So there seems to have been a -- well, we'll look at  
5 the inspection report in due course, but a sort of  
6 one-off, fairly significant reduction in capacity at  
7 that stage. Would that be fair to say?

8 A. Yes, I think that's fair to say. I think the decision  
9 at the time was to -- that the children's home was split  
10 or managed within three groupings of young people,  
11 although it was two floors rather than three floors in  
12 physical accommodation. One of those groups was young  
13 people over 16 who were preparing for independence at  
14 the time. We would currently expect that to be at  
15 a later stage, but there was a decision made that it was  
16 appropriate to move those young people into alternative  
17 accommodation and focus more on other young people at  
18 that time.

19 Q. Yes. This is perhaps jumping the gun a little bit and,  
20 as I say, we will look at the inspection report in a few  
21 minutes, but just thinking about that, what are the  
22 issues that might arise in, as I understand it, fairly  
23 quickly simply moving a chunk of children, a group of  
24 children, to alternative accommodation from the place  
25 that they'd been staying, perhaps for some time, in some

1 cases?

2 A. There potentially would be adverse consequences if the  
3 plans for the individual children and young people  
4 hadn't been worked through, if it was -- I'm not clear  
5 from the information that we hold as an organisation  
6 what the alternative options were for all of these  
7 children and young people. It's presented as a natural  
8 moving on into more independent or supported  
9 accommodation. But because it happened for a group of  
10 young people at one time, there clearly was a risk,  
11 I think, that the planning for them individually could  
12 have been compromised in terms of meeting their  
13 individual needs and moving on.

14 Q. We'll look at this, but I think at least one of the  
15 documents suggests that they were simply moved into the  
16 community. Would that be an ideal way of dealing with  
17 that particular issue?

18 A. In my opinion, no.

19 Q. Back to the A to D then and if we can backtrack a little  
20 to page 6. There's a question at (ii):

21 'Was the funding adequate to properly care for the  
22 children?'

23 And the response is:

24 'Yes, the information available indicates that there  
25 was no material deprivation in the care provided within

1 the residential establishment.'

2 And I just want us to perhaps take note of that and  
3 leave it, as it were, sticking to the wall, because  
4 again we'll look at the 1992 inspection report and that  
5 may shed some light on whether that response is perhaps  
6 entirely accurate in the circumstances, at least at that  
7 time, in 1992.

8 A. I'm happy to respond to that now if you want or later,  
9 whichever.

10 Q. I mean, if you would, and we can look at the detail, as  
11 I say, but just -- I think you've looked at the report  
12 and --

13 A. So, I think our interpretation of that question at the  
14 time the response was written probably looked at  
15 children receiving the very basics of care, in terms of  
16 adequate food and clothing, and that there was evidence  
17 that children also were supported to participate in  
18 activities outwith the home et cetera.

19 I think, if you look at this alongside some of the  
20 consistently adverse comments, I think it's fair to say,  
21 about the wider physical environment of the home, then  
22 clearly there was a level of material deprivation in  
23 terms of the wider environment.

24 I'm also conscious that at one point, one of the  
25 documents that I have seen, I think again in response

1 to, around that period, the inspection or other events,  
2 suggest that staffing at certain points in the day was  
3 not adequate and therefore there was a query about  
4 funding and a dialogue with the headquarters of the  
5 organisation at that time around staffing budgets.

6 Q. Yes. I think there may have been issues with both  
7 numbers of staff and perhaps the quality of the staff,  
8 but, again we'll look at that.

9 If we can go back then to page 15, just to some  
10 material about numbers, we see again about halfway down  
11 that page, paragraph beginning 'Progressively' --  
12 I think it's a little further down. Oh, no, there it  
13 is, yes, I beg your pardon.

14 It's noted that there's been a change in the balance  
15 of care from residential to family-based placements,  
16 just as you were saying earlier on, particularly for  
17 younger children, and you give some numbers there at the  
18 end of that paragraph. In 2006, 44 children were in  
19 foster care and in 2017, there are 90 children, and just  
20 before that, 2016, the number of children in residential  
21 care was 34, with 30 placed in children's homes.

22 Has the trend of a progressive reduction in numbers  
23 continued since 2017, Alison, or are numbers broadly  
24 similar to the ones we see there?

25 A. The trend is similar. We retain the same number of

1 places within our internal provision, 29. We have  
2 a small number of young people placed in -- out of  
3 authority on residential placements, but the balance of  
4 care has remained significantly towards children and  
5 young people being cared for in alternative family  
6 placements.

7 Q. Can I just ask, do you have children from other  
8 authority areas residing in North Lanarkshire?

9 A. Yes, but not within our own establishments. We -- there  
10 is one relatively large third-sector provider or  
11 independent provider within our area, and a number of  
12 smaller providers.

13 We also have some children from other local  
14 authorities placed into independent foster care or  
15 kinship care within our area.

16 Q. Thank you.

17 LADY SMITH: So when you say alternative family placements,  
18 is that an umbrella term for both those types of care,  
19 both foster and kinship?

20 A. Yes, my Lady.

21 LADY SMITH: Yes, I thought it was. Thank you.

22 MR SHELDON: Page 17, please, and this is still related to  
23 numbers, but there's some material here about logbooks.  
24 Second-last paragraph on that page:

25 'The organisation has had opportunity to extract

1           some information from the logbooks of the  
2           establishment.'

3           So for example, meeting books, daily logbooks and so  
4           on.

5           'It's understood that the logbooks are general logs  
6           used as a daily record and handover from shift to  
7           shift.'

8           And is that what you would expect to see from  
9           an establishment like this anyway? You'd expect to have  
10          logbooks?

11         A. Yes, there would -- I mean, the type of logbook will  
12          have changed over time, but there still is a level of  
13          that recording, as well as recording into individual  
14          children and young people's records.

15          For some of that, the style of recording, certainly  
16          the language of recording has changed significantly.  
17          Staff will sometimes write letters to young people as  
18          well about significant events, et cetera, but there is  
19          still a level of use of logbooks.

20         Q. And actual physical logbooks, or is it all recorded  
21          electronically now?

22         A. I am not sure. I would need to check.

23         Q. All right. Thank you.

24          At all events, we're told right at the end of  
25          page 17 and on to 18, admissions and discharge books

1 have identified -- I beg your pardon:

2 'Prior to viewing the logbooks, the organisation did  
3 not have a comprehensive list of the children residing  
4 in the establishments. The admissions and discharge  
5 books have identified this, which enabled the  
6 organisation to locate and analyse some individual case  
7 files for children resident in the establishment.'

8 So were these social work files that we're talking  
9 about there?

10 A. No, they -- sorry, the records that we ultimately  
11 located were individual case records, yes, social work  
12 records.

13 Q. Right.

14 A. We established the names of children and young people  
15 who spent time in Bellshill Children's Home from going  
16 through the logbooks and admission and discharge books  
17 that we located.

18 Q. And we're told, page 18 at the top:

19 'From the logbooks, the organisation identified that  
20 there were an estimated 653 children in the  
21 establishment during its operation, of which 250 files  
22 were reviewed.'

23 So are you reasonably confident that there's no  
24 double-counting in that figure, that this is not the  
25 same children who were perhaps admitted more than once,

1 or can you be that precise about it?

2 A. So, I think it would be fair to say that because we  
3 didn't have a master list and had to extract the  
4 information from logbooks and admission and discharge  
5 books, that we can't be certain that that was  
6 an absolutely comprehensive list of every child who had  
7 ever spent time in Bellshill Children's Home. But the  
8 653 number, to the best of my recollection, was  
9 individual children. So 653 distinct children and young  
10 people, as -- I know, from reading some of the  
11 applicants' evidence, that some young people moved in  
12 and out of the establishment two or three times, but we  
13 would have been counting them as one person within that  
14 number.

15 Q. I see. All right. Thank you.

16 And should we also understand from the way this is  
17 put together that the logbooks that you viewed covered  
18 the entire period of operation for Bellshill?

19 A. Yes.

20 LADY SMITH: So that's about a 21-year period in total?

21 A. Yes.

22 MR SHELDON: You say, in the second paragraph on page 18,  
23 ten members of staff who continue to be employees of the  
24 organisation were identified and seven (sic) spoken to  
25 you about their recollection of the time they worked in

1 the establishment.

2 But that, I think, seems to have been, I suppose,  
3 a relatively small cross-section of staff who would have  
4 worked at Bellshill during the whole period of  
5 operation?

6 A. That's true. Similarly to the method for identifying  
7 children and young people, we didn't have  
8 a comprehensive list of staff who had worked within the  
9 organisation, so the names were extracted. I think the  
10 150-something staff members that we identified from  
11 their entries within the logbooks and references to them  
12 in documents.

13 We also established that ten people who, at that  
14 time, not now, but at that time, were still employed by  
15 the council had at some point in their career worked in  
16 Bellshill Children's Home, and the lead manager, who was  
17 supporting the collation of information for us, spoke to  
18 seven of those staff to get a general sense of their  
19 recollection about the way the home operated.

20 Q. Sure. And I was just going to go to the numbers of  
21 staff. The reference is page 42. Just right at the end  
22 of that page, there's the question:

23 'How many persons were employed in some capacity at  
24 the establishment?'

25 And there's some material about the opening of

1 Bellshill in 1977 and declared surplus in 1998, so it is  
2 about 21 years of operation and we're told:

3 'Due to the introduction of several new information  
4 systems both within North Lanarkshire Council and social  
5 work services, no staffing information is available for  
6 this time period. Both finance and payroll have  
7 confirmed there's no payroll or budget information  
8 available for this time period.'

9 Now, is that budget information about staff or just  
10 all budget information?

11 A. All budget information.

12 Q. Alright. And if we go over the page, page 43, we're  
13 told some organisation documents have been located that  
14 note staffing complements at certain times, and you've  
15 told us about looking at logs and log entries and so on.  
16 And at the end of the paragraph:

17 'Although not a complete list, 177 staff members  
18 have been identified who worked in the establishment.'

19 And just pausing there, on the face of it, that  
20 sounds like a pretty large number. Is that a fair way  
21 of looking at it, or, well, how should we view that  
22 number of staff over the 21-year period of operation?

23 A. I think it is a relatively high number, and apologies,  
24 it's slightly higher than I referenced in my previous  
25 answer --

1 Q. No, it's all right.

2 A. -- but it was over a significant time period. It would  
3 include staff who worked across three shifts. We know  
4 from some of the other documentation that there were --  
5 that we uncovered, that there were issues with the  
6 number of temporary staff within the establishment and  
7 therefore it's perhaps not surprising, although not  
8 ideal, that when we were looking over a 20-year period,  
9 we're talking about that sort of number.

10 LADY SMITH: If you just say that number of staff,  
11 177 people employed over 20-odd years, it doesn't really  
12 give you a feel of how many staff would be there at any  
13 particular time, does it?

14 A. No, my Lady, no.

15 MR SHELDON: And do we have an idea of that, what the sort  
16 of staff-to-child ratio would have been at that time or  
17 during that period?

18 A. I'm not sure at the time it was expressed as  
19 a staff-to-child ratio, but we know that there were --  
20 we know the management structure at the time and we know  
21 the staff numbers who would have been in a unit -- each  
22 of the three units, I think, on dayshift, as well as we  
23 have some information about the staff numbers who would  
24 have been on nightshift, which would have been a smaller  
25 number.

1           It's more difficult to look -- to know what sort of  
2           pattern of shift managers worked, I think, looking at  
3           things retrospectively. So we know the management  
4           structure, but not how many managers would be on site  
5           necessarily at any one time. We know, I think, the  
6           figure was around four staff in each of the units during  
7           dayshift, less at night.

8   LADY SMITH: And did the logbooks show whether the night  
9           staff were sleeping night staff or waking night staff?

10   A. Most of the references we have are to waking night  
11           staff, my Lady, but we do know that in the very early  
12           days of the operation of the establishment that there  
13           was staff accommodation where some staff and managers  
14           slept overnight.

15   LADY SMITH: Thank you.

16   MR SHELDON: Thank you.

17           If we can look at page 113, please, this is still on  
18           the subject of staff and records. It's second half of  
19           that page from (b) 'Practice'. This is in relation to  
20           internal investigations:

21           'Records relating to internal investigations are  
22           retained in employees' personnel files. The majority of  
23           the employees of the establishment were not employees of  
24           North Lanarkshire but of Strathclyde Region. The  
25           personnel files for these employees were never the

1 records of the organisation.'

2 The records of staff transferred to the organisation  
3 would have, at the point of disaggregation, would have  
4 transferred with them, I think.

5 'However, these would only be retained records in  
6 accordance with the retention schedule for personnel  
7 records. Disciplinary action taken would only remain in  
8 the file for the warning period and would then be  
9 destroyed. In view of this, there is very little  
10 information retained in relation to any past internal  
11 investigations.'

12 And you then go on to say -- North Lanarkshire goes  
13 on to say:

14 'The organisation has however located various  
15 documents which refer to internal investigations and  
16 disciplinary action.'

17 So just on that, can we look, and this is very  
18 briefly, please, at NLC-000000688.

19 If we just look at the front page there, it's headed  
20 'Bellshill Children's Home'. And at the foot, there's  
21 a list of names, at least three of which I think we  
22 recognise as the names of staff at Bellshill in the late  
23 1980s, early 1990s. And just by way of illustration, if  
24 we look, for example, at page 21, this appears to be  
25 an incident report -- sorry.

1 LADY SMITH: Is that a 1992 date for the incident?

2 MR SHELDON: 1994, I think, my Lady.

3 LADY SMITH: 1994.

4 MR SHELDON: And at page 22, there's some information there  
5 about a particular employee, RFG [REDACTED], and it's  
6 clearly a chronology relating to a disciplinary matter.  
7 And I don't want to go into the detail of that right  
8 now, but just to get an idea of you -- from you of where  
9 this kind of material came from. How did you locate --  
10 and there's actually a whole file, really, of  
11 investigations and so on.

12 A. Well we did assert on our own archives and within the  
13 Mitchell Library, which held Strathclyde Regional  
14 records, as part of our work, to ensure that we were,  
15 I suppose, locating as much documentation that had been  
16 retained that might be relevant to our response to the  
17 Inquiry.

18 The logbooks were held in the Mitchell Library and  
19 we had to attend to access these and extract information  
20 from these. We also located a folder, just a cardboard  
21 folder of information that held some additional  
22 documentation in relation to the Bellshill Children's  
23 Home and as --

24 Q. Was that also in the Mitchell Library?

25 A. I think it was in the Mitchell Library as well,

1 alongside the other records. It may have been in our  
2 own archive, apologies, I'm not 100 per cent certain of  
3 that.

4 Potentially, by today's rules, although we now would  
5 keep information that was relevant to children and young  
6 people, we perhaps shouldn't still have had that  
7 documentation, but we did. So we clearly reviewed it  
8 and the document that's there was one of the documents  
9 that was contained in that folder.

10 Q. All right. So this is information that perhaps ought to  
11 have been subject to the destruction policy, but wasn't  
12 destroyed?

13 A. Wasn't.

14 Q. All right.

15 Page 45, please, just towards the foot of that page,  
16 and we're going then over to page 46. So at the foot of  
17 page 45, we see there's a meeting between Heather Hall  
18 and Graham McPhee to feed back on the content of the  
19 interviews. This is a report on interviews with  
20 specified staff at Bellshill, 1994.

21 And then into page 46 -- now, I'm so sorry, I'm in  
22 the wrong document.

23 If we can go back, please, to NLC.001.001.0117. And  
24 it's page 45 in that document. And on page 46, third  
25 paragraph down:

1           'It is understood that Strathclyde Regional Council  
2           had an arm's-length inspection unit which had  
3           an oversight and inspection responsibility for external  
4           and organisational establishments.'

5           And it references, this paragraph references  
6           specifically an initial inspection report dated July  
7           1992.

8           Alison, you were, I think, in practice as at 1992.  
9           Do you recall the introduction of these arm's-length  
10          inspection units at or around about that time?

11        A. No, as a frontline practitioner, if -- I don't have  
12          an active recollection of what that meant for me and --  
13          at that time. I'm obviously aware of the documentation  
14          that explains the creation of this unit, I think the  
15          year before, in Strathclyde.

16        Q. Do you have any insight into how these bodies, how these  
17          units were viewed and how their work was viewed at that  
18          time?

19        A. Not really, I think it's fair to say. I think the time  
20          period between the creation of this unit in Strathclyde  
21          as an arm's-length inspection unit and the inspection  
22          which subsequently took place at Bellshill Children's  
23          Home was quite short. I think it was one of its first  
24          inspections that the unit carried out. So I'm not --  
25          I can -- as -- you can derive from some of the

1 communication thereafter what the views might be of the  
2 inspection unit, but I can't give a contemporaneous  
3 view, I'm afraid.

4 Q. All right. No, thank you. I just wanted to check that.

5 LADY SMITH: Alison, on the face of it, it sounds like  
6 an interesting development on the part of that regional  
7 council. Do you know if any of the other regional  
8 councils took a similar step to provide some sort of  
9 inspection system that was their own?

10 A. I understand that they did, my Lady, but I don't know  
11 the detail, because I think the creation stemmed from  
12 legislation or a change in policy in 1991 that clearly  
13 located the responsibility with local authorities, NHS  
14 boards, et cetera, for that sort of unit.

15 LADY SMITH: That might be the answer, yes, thank you.

16 MR SHELDON: If I can interject, my Lady, that's right.

17 I think it was the NHS and Community Care Act 1990 and  
18 regulations thereafter --

19 LADY SMITH: Yes, of course.

20 MR SHELDON: -- but I can check that reference for my Lady.

21 LADY SMITH: Thank you. That would fit in terms of timing,  
22 wouldn't it.

23 MR SHELDON: And at page 53, please, it's just a note there.

24 There's a list of the various officers in charge at  
25 Bellshill. And so we've got Kate Hayley, followed by

1 Ed Stanton in 1985, Matt Forde, Claire Flannery, Heather  
2 Hall, Kevin Murphy and John Puncheon. As I say, just to  
3 note that, and perhaps particularly Ed Stanton, who,  
4 of course, was later convicted of sexual offences  
5 against children at Bellshill and elsewhere.

6 So if we can pass then to Part B and page 59. This  
7 is the acknowledgement of abuse at Bellshill and over on  
8 to page 60, it's said, paragraph (ii):

9 'It's clear that three young people were sexually  
10 abused within the establishment. It's likely that other  
11 children and young people were sexually abused, although  
12 we hold no definitive information on this.'

13 Now, when that was drafted, this is 2017, did that  
14 refer to the three children who appeared on the  
15 indictment against Edward Docherty?

16 A. That's correct.

17 Q. Convicted in 19 -- well, we think 1997 probably, or  
18 1998.

19 But I think you're aware that there have been  
20 convictions since then of other individuals who worked  
21 at Bellshill?

22 A. I am aware. I'm aware most recently that Edward Stanton  
23 was convicted of a number of offences at Bellshill  
24 Children's Home and other establishments in Strathclyde  
25 Region, and that RBP was also convicted of

1 offences relating to his time at Bellshill Children's  
2 Home.

3 I understand that another individual, John Blair,  
4 was charged but not convicted.

5 Q. So, not North Lanarkshire's fault, but essentially this  
6 is now out of date, it's been superseded by events.

7 A. Yes.

8 Q. Page 61, please. This is about incidents of sexual  
9 abuse at the establishment. We're told that following  
10 a disclosure of sexual abuse by one of the victims in  
11 March 1990, there was an investigation, that included  
12 individual interviews, and the investigation concluded  
13 that the three girls had been abused.

14 It's noted at that point the member of staff was no  
15 longer working in the establishment and we're told that  
16 it's documented that he appears to have walked out on  
17 31 December 1989, possibly realising his behaviour was  
18 about to be discovered and essentially never returned;  
19 is that right?

20 A. That's correct.

21 Q. And his contract was terminated in February 1990.

22 Next paragraph:

23 'It's reported that at the time of this disclosure,  
24 the three victims did not want police involvement  
25 regarding the allegations. This is reportedly based on

1 poor previous experience dealing with the police.'

2 Taking that short, it appears the matter was  
3 considered by management and, given that the three  
4 victims were 16 years old at the time, and taking  
5 account of their views, police were not contacted. It's  
6 noted by the district manager that the girls should  
7 continue to be encouraged to report the abuse to the  
8 police. Information from one of the victims provided  
9 at a later stage suggests that some staff may not have  
10 encouraged reporting and instead reinforced the fear  
11 that she may not be believed.

12 And we've heard some evidence about that as well,  
13 Alison.

14 I'll just perhaps ask for your reflections on that  
15 chapter, looking back on this from a more modern  
16 perspective. We're told that the victims were 16, so  
17 I suppose there are issues of what they wanted, or what  
18 they may have thought they wanted at the time. But in  
19 terms of modern practice, how would this situation, this  
20 sort of situation, be viewed?

21 A. I think that in terms of modern practice, the  
22 expectation would clearly be that the offence -- well,  
23 the offences were reported to the police. Ultimately,  
24 if the young people at the time did not consent to  
25 engage with the police or be interviewed by the police,

1 then they would need -- you know, that would not  
2 necessarily have proceeded. But I think there would  
3 have been a much more joined-up approach. And I think  
4 it's very difficult looking back, because there's a lot  
5 of communication on this, as I'm sure the Inquiry has  
6 heard, around who said what and who -- clearly, there  
7 was an endorsement of that decision by management  
8 outwith the home, but there's also a suggestion that  
9 young people were discouraged.

10 It's difficult to work out the exact chain of  
11 that -- those events, but ultimately the alleged  
12 offences, as they were at that time, should have been  
13 reported to the police and it should have been then  
14 taken from there.

15 Q. Yes. Tell me, how is that dealt with in practice with  
16 a young person, someone who says: 'This happened, but  
17 I really don't want to tell the police about it and  
18 I don't want you to tell the police about it'. How is  
19 that situation handled in terms of communication with  
20 the young person?

21 A. So, you would expect someone to spend time with the  
22 young person, both trying to understand what their  
23 concerns are and trying to offer information that would  
24 support them if they were in that situation, reconsider  
25 that. You would also expect that the young person was

1           advised of the organisation's obligation to others and  
2           that, even if it did not proceed -- to them and to  
3           others in fact, and that even if they chose not to  
4           engage themselves with the police, that we would have  
5           a duty to report that.

6   LADY SMITH:  When you say you would have a duty to report  
7           it, what if the young person was adamant that they did  
8           not want to be identified as the complainer?

9   A.  I think we would probably go back and have further  
10          discussion with that young person.  We may -- if -- in  
11          this situation, where there was information that  
12          suggested a significant risk to others potentially as  
13          well, then I think we would be saying to them that we  
14          felt that we would need to share information with the  
15          police, but obviously, they then have the choice beyond  
16          that and whether or not to engage with an investigation  
17          or not.

18   LADY SMITH:  Well, that takes me back to my question, which  
19          I'm not suggesting you are trying to avoid the nub of  
20          it, but is the way forward then that the young person  
21          has to appreciate you will feel duty bound to tell the  
22          police that there are allegations that this particular  
23          member of staff has harmed children or young people and  
24          therefore, on the face of it, remains a risk.  And then  
25          it's handed over to the police and it's for them to

1           decide how they investigate and how they go about trying  
2           to encourage young people to come forward, but you don't  
3           disclose the identity of the young person if they do not  
4           want you to do that. Is that the way forward?

5   A.   Yeah. I -- apologies for struggling with this, because  
6           I think there are some circumstances where we may feel  
7           that we needed to do that. We would try and give  
8           a young person as much time as possible and to spend as  
9           much time with them, explaining it, but there would  
10          obviously be an assessment made around the quality of  
11          the information that we had, so, you know, how -- and  
12          the impact as well on the young person of going against  
13          their wishes, against, alongside, the potential risk of  
14          not carrying out an investigation at that time.

15   LADY SMITH: And would you be absolutely frank and open with  
16          the young person about what you would be doing if, for  
17          example, you felt you had to tell the police who it was  
18          who had made this complaint?

19   A.   Absolutely.

20   LADY SMITH: Thank you.

21                 Mr Sheldon.

22   MR SHELDON: Thank you, my Lady.

23                 Moving on to page 65, there's a section about the  
24          organisation's assessment of the extent of any systemic  
25          failings. And it's noted that there's evidence that

1 investigations did take place in relation to  
2 allegations, that a clear audit trail exists.  
3 Information available on Operation Sunflower suggests  
4 a well-co-ordinated and comprehensive attempt to  
5 identify any abuse. And we'll come back to Operation  
6 Sunflower, Alison, but it's then noted:

7 'However, in reviewing the documentation, the  
8 organisation identifies deficiencies in the following  
9 areas.'

10 Recruitment of the member of staff who went on to  
11 abuse the three girls, and a question over the timing of  
12 the police check carried out on him. We might see some  
13 information about that, but it's not clear, I think,  
14 whether a police check was made before or after his  
15 appointment and, in any event, what that revealed and  
16 what the organisation's view of that might have been.  
17 There was a conviction for dishonesty, and it's perhaps  
18 not clear whether the organisation viewed that as a risk  
19 factor in itself, or knew about it and simply thought it  
20 wasn't a risk factor. But as I say, we can come back to  
21 that.

22 There's a section on investigation of the  
23 allegations. It's unclear whether the organisation's  
24 child abuse procedures were used to inform the  
25 investigation and if not, what procedures were used and

1 if so, the procedures state the police must be contacted  
2 when it's suspected that a child has been sexually  
3 abused.

4 So do we take it from that that actually the  
5 procedures in existence at the time required that the  
6 police be contacted?

7 A. Yes.

8 Q. So that's not done. And there's then a section about  
9 the inspection report, which again we'll come back to  
10 that.

11 And it's also noted there'd been a number of  
12 investigations into complaints about staff and their  
13 conduct, leading to disciplinary action.

14 And if we could look at that, please, it's page 125.  
15 And we're told at (v) how many staff have been found to  
16 have abused children, and again, the figure of three is  
17 given, a note relating to an allegation of physical  
18 abuse in 1980 and a staff member reprimanded.

19 There had been information in the documentation  
20 viewed to suggest that there has been at least between  
21 six and ten members of staff for whom disciplinary  
22 action has been taken. It's recognised that this is not  
23 a comprehensive list and only those noted in the records  
24 observed.

25 And I'm sorry, this is jumping around a little, but

1 going back to page 64/65, towards the foot of 64,  
2 there's more information there about disciplinary  
3 action. 'Houseparent', right at the end:

4 'Houseparent dismissed June 1992 on conduct grounds,  
5 later reinstated and moved unit.'

6 And I think we understand that's RFG, is  
7 that right?

8 A. That's correct.

9 Q. 'Houseparent contract ended 2 February 1990 on conduct  
10 grounds.'

11 That's Edward Docherty?

12 A. That's correct.

13 Q. Officer in charge demoted 19 -- it says summer 1993,  
14 'reason not known', and the initial 'ES' are given  
15 there. Who does that stand for?

16 A. So that stands for Edward Stanton and I think since that  
17 submission was written, we have had access through the  
18 Inquiry to a document from I think the then district  
19 manager, that references the reasons for the demotion as  
20 being about capability and conduct. But not abuse  
21 per se.

22 Q. All right. So I think we understood that Stanton was  
23 demoted and ceased to work at Bellshill in 1988 or  
24 thereabouts?

25 A. Yes, and I think that's an error, sorry, in the -- in

1           that submission.

2   Q.   I mean, we know that at some point he must have been  
3       dismissed altogether or at least left North Lanarkshire  
4       Council's employment, but it's perhaps not clear exactly  
5       when?

6   A.   I don't know his history -- I know that he worked at two  
7       other establishments within Strathclyde Region, but  
8       I'm not sure at what point he left or was dismissed.

9   Q.   And there's a reference to another houseparent being  
10      dismissed, details unknown.

11           And then further:

12           'A report by an officer in charge, 11 August 1993,  
13      noted disciplinary action pursued against the incumbent  
14      officer in charge, senior houseparent, two  
15      houseparents.'

16           And I think again that must be a reference to  
17      Ed Stanton, the officer in charge -- well, is it  
18      a reference to Ed Stanton there?

19   A.   I think it -- I think it is. I think there are errors,  
20      when I look at that, in these dates.

21   Q.   Right. Perhaps you could check that for us and give us  
22      a note of what is truly intended by that passage,  
23      because on the face of it, it certainly seems to be  
24      quite a sizeable number of disciplinary issues arising  
25      over a relatively short period?

1 A. Apologies, it's -- I'm seeing the association now. So,  
2 this is the then officer in charge writing  
3 retrospectively in a document where he references the  
4 previous action in 1988. Sorry, I was reading it  
5 wrongly, at this point in time, so the dates are not  
6 wrong. It was my reading of it, just with the document  
7 in front of me there.

8 Q. I see. Thank you.

9 And just to note at the top of the page, page 65:

10 'Houseparent dismissed 1995 on conduct grounds.'

11 And is 'JB' John Blair?

12 A. Yes.

13 Q. All right. Thank you.

14 If we can look finally in our examination of the  
15 A to D at the Part D response and particularly at  
16 page 129. And we see about halfway down that page,  
17 there was an investigation called Operation Sunflower,  
18 conducted jointly by the organisation and  
19 Strathclyde Police.

20 That was conducted in response to a member of staff  
21 from the organisation, and who had worked in the  
22 establishment, being accused of historical sexual abuse.  
23 And this was abuse that was thought to have occurred in  
24 England, is that right?

25 A. Yes, there was a large-scale inquiry happening I think

1 into abuse in the North Wales and Merseyside areas over  
2 that period.

3 Q. Yes. There was a police operation there called  
4 Van Gogh, I think, is that right? And Operation  
5 Sunflower was a response or a re-examination of the  
6 conduct of this individual, Ed Stanton, is that right?

7 A. That's correct. He was obviously subsequently convicted  
8 in relation to offences in that area, in Merseyside,  
9 I think.

10 Q. Yes.

11 A. At the time I think Operation Sunflower was launched, he  
12 may have been charged but not yet convicted, but clearly  
13 that investigation triggered a following through of  
14 individuals of interest, that it was known that he had  
15 worked at three establishments in Strathclyde Regional  
16 Council area, and there was quite a significant inquiry  
17 took place in Strathclyde Region to investigate the  
18 potential that offences had been committed there as  
19 well.

20 Q. But at that point, no charges were brought against  
21 Stanton?

22 A. North Lanarkshire as a council doesn't retain full  
23 information on that investigation. We have some  
24 documentation of meetings that took place, including an  
25 initiation meeting. We can tell the number of staff

1 that were involved in the inquiry. We've got some  
2 information on other staff members and children and  
3 young people who were interviewed. We don't have  
4 a clear report that tells us about the conclusion of the  
5 inquiry, but it appears from other evidence that,  
6 whether or not there were suspicions or some evidence at  
7 that point, there wasn't enough to lay charges in  
8 relation to him.

9 Q. And in the event, the only member of staff who stood  
10 trial around that time was Ed Docherty?

11 A. That's correct.

12 Q. But am I right in thinking that, at that time, there  
13 were investigations into John Blair and RBP ?

14 A. I'm less sure that there were police investigations.  
15 There were certainly a number of concerns raised around  
16 that time by staff within the home. There were a number  
17 of allegations and counter-allegations made against  
18 staff at the time. I'm less clear about the extent of  
19 police inquiries that were undertaken in relation to  
20 John Blair and RBP .

21 Q. All right. But we have seen that John Blair at least  
22 was dismissed on conduct grounds in 1995, so around  
23 about that time as well?

24 A. Yes. We don't have detail within organisational records  
25 of what that conduct was. We have some contextual

1 information, but we don't know absolutely what the  
2 reason for dismissal was from our own records.

3 Q. All right. And in fairness I should take you to  
4 page 133, it's about halfway down, the heading, 'Alleged  
5 abuse in the establishment', and we're told:

6 'It appears from the review of individual case  
7 records and documents that there were clear issues  
8 around the late 1980s and early 90s in relation to  
9 inappropriate boundaries between certain members of  
10 staff and young people. This includes suggestions that  
11 at least one staff member took young people to his home  
12 and some staff members took young people out and/or met  
13 them in a social context.'

14 'Alcohol available' and so on.

15 And it's said none of the allegations were ever  
16 substantiated and the staff members concerned,  
17 RBP, RFG and John Blair being among  
18 them. I suppose we can say that, at that time,  
19 presumably there was enough in relation to John Blair to  
20 dismiss him?

21 A. Yes, although it's not clear to me from the internal  
22 investigation documentation which we managed to locate,  
23 which wasn't complete, what the relationship was between  
24 those inquiries and discussions that took place around  
25 1993 and John Blair's dismissal in 1995.

1 Q. So the link, if any, isn't entirely clear, perhaps?

2 A. No, it's not. They're obviously separate from those  
3 concerns which were trig -- the internal investigation  
4 at the time seems to have been triggered by concerns  
5 being stated by some ex-residents and some staff that  
6 there may have been a cover-up in relation to Edward  
7 Docherty, but the investigation led to allegations and  
8 counter-allegations against a wider group of staff. We  
9 don't have the conclusion for that.

10 We know John Blair ultimately married  
11 an ex-resident, but I don't know, from the information  
12 we hold, whether that had anything to do with his  
13 dismissal.

14 Q. I'll come back to that point in a moment, but just to  
15 complete this, at the foot of, or towards the foot of  
16 133, second-last paragraph, there is also a reference to  
17 a young person where it appears that staff were  
18 concerned about her and they suspect there was  
19 an inappropriate relationship between a member of staff  
20 and her. This followed the young person being away  
21 overnight and appearing to have stayed at a hotel. The  
22 young person denies this, presenting an alternative  
23 explanation. From reading the file notes, it appears  
24 that the staff suspect a particular member of staff. No  
25 name detailed in the notes.

1           So, if correct, very clearly a highly inappropriate  
2           and indeed abusive relationship with this young person,  
3           and if there's time, I think we can look at some of the  
4           records of that, my Lady --

5   LADY SMITH:   Yes, thank you.

6   MR SHELDON:   -- later on.

7           So -- and you very fairly conceded that the A to D  
8           has been superseded really by subsequent events and we  
9           know of course that Eddie Docherty was convicted 1997,  
10          possibly 1998.

11          I don't want to go there at the moment, my Lady,  
12          I don't think there's any need to, but the reference for  
13          the indictment is JUS-000000322.

14          RBP [REDACTED] is convicted 2019 and the reference for  
15          that is JUS-000000288, 289 and 287.

16          And Edward Stanton is convicted 2024 -- I beg your  
17          pardon, 2025. The indictment is 2024. And the  
18          reference for that is JUS-000000300. JUS-000000330 is  
19          the court minute, and JUS-000000331 is the extract  
20          conviction. And there's also the sentencing statement  
21          at NLC-000000613, my Lady.

22   LADY SMITH:   Thank you.

23   MR SHELDON:   But I want to go back a little to look at John  
24           Blair again. The reference for -- that I want to go to  
25           now is JUS-000000341.

1 I think we can see that this is an indictment in  
2 relation to, firstly, RBP, 14 February -- the  
3 preliminary hearing, February 2019, and this is the  
4 indictment on which RBP stood trial and was ultimately  
5 convicted of a number of offences.

6 But if we look, please, to page 3, we can see that  
7 there are also a number of charges there against John  
8 Blair relating to two different young people.

9 LADY SMITH: And that's again at Bellshill.

10 MR SHELTON: And that's again at Bellshill, that's right.

11 And these are charges in relation to, essentially,  
12 taking matters short, sexual abuse of various sorts,  
13 some of it very serious. And if we look, please, at the  
14 minutes, we'll see what happened here.

15 It's JUS-000000342. This is 1 October 2019 and in  
16 relation to both accused, we're told what the jury's  
17 verdict was on the various charges. And there's various  
18 verdicts in relation to RBP, including guilty to  
19 a number of the charges, and then towards the foot of  
20 the page, the jury unanimously find charge 11 against  
21 the accused not proven and the same with 13 and 15. But  
22 we're told the jury by majority find the accused John  
23 Blair guilty of charge 12. So the jury wants to convict  
24 on that charge.

25 And if we go over the page, we see that the jury was

1 directed to retire for the verdict to be recorded. At  
2 this stage, outwith the presence of the jury, the court  
3 addressed parties in regards to the verdict in relation  
4 to John Blair and the court informed parties that as it  
5 was necessary for the Moorov doctrine to be invoked in  
6 this -- that's evidential matters that you don't need to  
7 concern yourself with, Alison, but because of the Moorov  
8 doctrine, the jury would be directed that John Blair  
9 would be acquitted of charge 12. So Blair is  
10 purportedly convicted and then acquitted, I think, on  
11 a direction by the trial judge.

12 LADY SMITH: And that was in circumstances where they  
13 weren't minded to convict of what would have been the  
14 corroborating Moorov charges.

15 MR SHELDON: Yes. Yes. Yes.

16 But if we then go to a statement, PSS-000030418.  
17 And this is a police statement given by one of the young  
18 people concerned in the charges we have just looked at.

19 LADY SMITH: Are we talking about the Blair charges?

20 MR SHELDON: Yes, my Lady.

21 I don't think we need to look at all of that,  
22 Alison, but we're told that:

23 'In about 1989 when I was 15-and-a-half, I was at  
24 Bellshill. Everything was fine.'

25 Reading short:

1           'For about a week, nothing happened. It was about  
2 a week later, John Blair, with the nickname, "Doubler",  
3 started paying me more attention, being extra nice to  
4 me. He would give me backhanders, money to get  
5 cigarettes, also helping me sneak drink in. I couldn't  
6 believe how good he was with me. He was treating me  
7 like an adult and I felt like an adult.'

8           And she goes on:

9           'That's when he started coming into my room in the  
10 early hours of the morning. He would come in and wake  
11 me up and chat with me, give me compliments and so on.  
12 He would stroke my leg and eventually this  
13 progressed...'

14          And taking that short:

15          '... to full sexual intercourse with penetration and  
16 no condom was used.'

17          She says:

18          'All the times that we had full sexual intercourse  
19 during this period it was consensual. I was happy to  
20 have sex with him because he made me feel like an adult  
21 and I thought that's what they did.'

22          And there's quite a bit more detail about that.

23          But does it seem, Alison, that, if that statement is  
24 correct, then there's a clear allegation of grooming  
25 behaviour followed by essentially sexual abuse?

1 A. Absolutely.

2 LADY SMITH: And it's a gross breach of trust.

3 MR SHELDON: In fairness, I should also go to PSS-000031741.

4 And this is a handwritten or hand-prepared statement by  
5 the same person. I'm just looking for the date. This  
6 appears to be I think a slightly -- bear with me for  
7 a moment.

8 This is a statement, I think, from 2012. It's quite  
9 hard to make out the date, my Lady.

10 LADY SMITH: Thank you.

11 MR SHELDON: But she says there, about halfway down, she met  
12 with two police officers:

13 '... from Motherwell Police Office who had come to  
14 see me about an allegation I made last year about being  
15 sexually assaulted whilst in Bellshill Children's Home,  
16 involving two guys, John Blair and RBP. I don't  
17 want to make any complaint or statements to the police  
18 or anyone about this. I wish to remove my complaint at  
19 this time. If I wish to make any complaint or report in  
20 the future, I know who to contact.'

21 So does that appear to be a very brief retraction of  
22 allegations against these two individuals?

23 A. I'm not sure my reading of it is necessarily that the  
24 person's saying what they said wasn't true. They're not  
25 wanting it pursued, is my reading of this, and obviously

1           there's considerably less detail there than there was in  
2           the original statement.

3   Q.   Yes, it is, as it were, a retraction of the statement  
4           perhaps but not of the --

5   A.   Yes.

6   Q.   -- truth necessarily of the allegation.

7           And I just want to note one other statement,  
8           PSS-000030413.

9           Now, this is a statement of another young person and  
10          she tells us about four paragraphs down:

11          'I went to Bellshill Children's Home about 1989.'

12          And she tells us something about life there,  
13          residents taking drugs and drinking, shouting and  
14          bullying people. She says:

15          'John [Blair] was a good key worker. I got on well  
16          with him. He didn't like what was going on in the  
17          home.'

18          And taking that short, she says, about five  
19          paragraphs -- six from the bottom:

20          'I was at Bellshill for about a year and I hated it.  
21          I was never close to anyone apart from John Blair. If  
22          I had any problems, I could talk to John and he would  
23          try to make them better.

24          'I left Bellshill Children's Home when I was 13.'

25          And she says:

1           'When I was 18 ...'

2           She was in an abusive relationship:

3           'I met up with John one day and he tried to help me  
4           get into a homeless unit in Wishaw. Once I was living  
5           in the homeless unit, John and I started having  
6           a relationship.'

7           And taking that short she says:

8           'I was 18 and John was 42.'

9           So a much older man having a relationship with this  
10          young woman.

11          And there are other statements, we perhaps don't  
12          have time to go to them all, unfortunately, but  
13          certainly suggestions that there was a relationship with  
14          this young woman while she was still a resident in  
15          Bellshill, although that's not entirely clear.

16          So putting all that together, Alison, does it, on  
17          the face of it, appear that John Blair may well also  
18          have been engaged in the sexual abuse of children at  
19          Bellshill during the same period as Docherty, Stanton,  
20          RBP ?

21        A. Yeah, yes, I think, although the detail, in particular  
22          in the initial statement you shared, is -- certainly  
23          suggests that that was the case. And so I would have  
24          thought, on balance, it is likely that that was the  
25          case, and bearing in mind what you've also shared about



1 from the other information we had about her, yes.

2 MR SHELDON: Yes. We'll certainly look at that again,  
3 my Lady.

4 LADY SMITH: Yes.

5 MR SHELDON: But she -- I don't think we need to look at it  
6 again, but in the handwritten statement, she refers to  
7 an allegation made the year before.

8 LADY SMITH: Yes.

9 MR SHELDON: Which she then says:  
10 'I don't want to pursue.'  
11 Or however one construes it, but then presumably,  
12 because we've seen the terms of the indictment in  
13 relation to RBP and Blair, there's, as it were,  
14 a fresh and more detailed allegation in the type-written  
15 statement.

16 LADY SMITH: And it looks as though she did go ahead with  
17 that.

18 MR SHELDON: Yes.

19 LADY SMITH: Was she a witness at the trial?

20 MR SHELDON: Yes, I think -- yes.

21 LADY SMITH: Thank you. That makes sense.

22 MR SHELDON: So the position is still perhaps a little  
23 unclear, my Lady, but I just wanted to make that point  
24 clear insofar as it can be. And we'll do some more work  
25 to try and track whether we have got the earlier

1 allegation as well as this later one.

2 LADY SMITH: Okay. Thank you very much. Thank you.

3 MR SHELDON: Alison, apologies, and thank you for bearing  
4 with me on that.

5 If we can go to some other documents now, please,  
6 and first of all at NLC-000000649.

7 And this is a set of notes, I think -- we think from  
8 the file of a particular young person. And I don't want  
9 to look at the whole thing, but taking matters short, if  
10 we turn to page 9, there is some type-written material  
11 there and we can see, about three lines down, there's  
12 reference to a series of episodes within the children's  
13 home of aggressive behaviour, this is by the young  
14 person: alcohol abuse, [REDACTED], with subsequent  
15 refusal to receive medical treatment.

16 And I think we can see from that that there is  
17 a history here of really quite disturbed, perhaps even  
18 distressed behaviour, would you agree with that?

19 A. Absolutely.

20 Q. But again, taking matters short, it seems that charges  
21 were brought against this young person and, just at the  
22 end of the first paragraph, we see that on [REDACTED] 1986  
23 she's sentenced to a young offenders' institution. The  
24 writer said he or she was unable to offer a positive  
25 verbal report to the sheriff on her recent progress and

1 she remains there at the time of writing; it's not --  
2 the date of this I think isn't entirely clear.

3 So this is a young person who has been essentially  
4 consigned to a young offenders' institution and she ends  
5 up in Cornton Vale?

6 LADY SMITH: Yes, there's a misspelling of the name on the  
7 next line.

8 MR SHELDON: Yes.

9 LADY SMITH: And she is refusing to go back to Bellshill.

10 MR SHELDON: Yes. Yes, we see that, second paragraph. The  
11 writer visited the young person at Cornton Vale, but she  
12 stated she will not return to Bellshill Children's Home.

13 But I want really to look in particular at the next  
14 page, page 10, and there's a letter there from  
15 a John Cran, who's a project leader at the short-stay  
16 refuge in -- I think it's Rochsoles Drive in Airdrie, to  
17 someone at the -- it's perhaps not clear, the divisional  
18 development organiser, regional offices, Almada Street,  
19 Hamilton. Would that have been the local offices for  
20 what was then Strathclyde Region?

21 A. It would, I think, have been the divisional offices,  
22 yeah, or the regional offices for Strathclyde Region.

23 Q. All right. And he's saying:

24 'Following an initial meeting in Civic Centre, a  
25 care officer and a volunteer from the refuge and myself

1 have spent a number of hours on at least six occasions.  
2 Joan, the care officer, and Jean, the volunteer, have  
3 spent their time, including the [I think it's  
4 "residential week"], in discussion with the teenagers.'

5 And from the heading, does it appear that this would  
6 be teenagers at Bellshill Children's Home?

7 A. Mm-hmm.

8 Q. 'I have concentrated my attention in discussion with the  
9 officer in charge and with the care staff, both  
10 collectively and individually. The following comments  
11 are a distillation of all the observations.'

12 I should have taken the date from you, which is  
13 13 November 1985.

14 We're told:

15 'Firstly, there's a lack of involvement of the  
16 teenagers in the running of their home. Even in times  
17 of staff shortage, no encouragement was given to the  
18 teenagers to become involved in the care of the younger  
19 children.

20 'There is a lack of principles and policies on  
21 a whole range of issues, for example, violence, care of  
22 teenagers, alcohol and drugs.

23 'There's a lack of planning for independence and no  
24 view of the teenagers as independent, responsible human  
25 beings.

1           'But, [I think it should be "far"] more serious than  
2           these is that there is an amount of evidence of  
3           collusion between the staff and the police against the  
4           teenagers. No doubt this collusion is unconscious and  
5           has developed over a long number of years. However, it  
6           is nonetheless dangerous and in my view is causing  
7           serious harm to some of the region's more vulnerable  
8           clients. The collusion takes two forms.'

9           First in relation to the curfew:

10           'As I understand how this operates, the police have  
11           said they will arrest any teenager who is outside after  
12           11.30 pm. However, the police only know who to lift  
13           when informed by the staff of teenagers reported as  
14           missing. On more than one occasion, the interest of the  
15           police has been drawn to teenagers not by their  
16           behaviour, but as a result of them being posted as  
17           missing. Their subsequent behaviour has led to charges.  
18           The officer in charge's answer, that he is safeguarding  
19           himself and his staff, is not good enough. Being in  
20           care has in this way been to their disadvantage.'

21           And then (ii):

22           'Charges following incidents within the home. On at  
23           least two occasions, charges have been preferred by  
24           staff on teenagers following incidents within the home.  
25           On the second, the police were involved on a planned

1 basis without the prior knowledge or involvement of the  
2 officer in charge. The incident was not properly  
3 investigated before charges were made.

4 'All these incidents have led to teenagers being  
5 charged and brought to court, but no investigation of  
6 the incidents from the staff side has taken place.'

7 He goes on:

8 'In my opinion, the girls require good, sustained  
9 legal advice, but if that advice is given by  
10 an independent solicitor and he picks up on the total  
11 situation at the home, then the region is open certainly  
12 to embarrassment, if not worse, and it would be possible  
13 that legal action could be taken under section 70 of the  
14 Social Work (Scotland) Act.'

15 And he concludes:

16 'The teenagers in Bellshill Children's Home  
17 experience their residence as being a confinement. They  
18 do not experience the home as an interesting or  
19 enjoyable place to be.'

20 So apart from the, as it were, the initial points  
21 that Mr Cran makes, is there essentially an allegation  
22 here that staff are combining with the police to turn  
23 Bellshill Children's Home into a sort of, I don't know  
24 how one would describe it, a sort of place of  
25 incarceration, almost like a young offenders'

1 institution or something of that sort?

2 A. I'm not certain. Taken as a whole, it reads to me as  
3 a place of incarceration, but it certainly leads --  
4 reads to me as a situation where children were being  
5 criminalised for trauma-related behaviours that were in  
6 part a response to their management within the  
7 establishment, and that there had been some sort of  
8 agreement between the police and either the home or  
9 social work services more generally, about an approach  
10 to dealing with incidents, which wasn't looking at  
11 children and young people's rights in the middle of all  
12 of that, or seeing incidents in their own right, but was  
13 applying a specific approach, which was seen about  
14 containing behaviours, managing conduct, rather than  
15 actually trying to understand and support the young  
16 people involved.

17 LADY SMITH: Alison, I hear what you say, that you may take  
18 issue with the statement that the home was not  
19 an interesting or enjoyable place to be and it was  
20 a place of confinement, but isn't the point that the  
21 author of this is recording that that is how they felt  
22 about it and that ought to be a major concern, if that's  
23 how young people in care are feeling about their care?

24 A. No, absolutely, my Lady. I'm not diminishing the level  
25 of concern around it. It was -- the issue of

1 confinement, probably, in the sense of a complete lack  
2 of freedom or empowerment of those individual young  
3 people in terms of their own lives, absolutely. The  
4 incarceration wasn't necessarily literal, but it clearly  
5 felt like that for young people in relation to how they  
6 experienced the care that they received.

7 LADY SMITH: And maybe exacerbated by the failures in the  
8 list that's above in this document, of all the things  
9 that the home could have been doing and weren't doing?  
10 A. Absolutely.

11 LADY SMITH: Yes.

12 What about the reference to -- obviously, the girls  
13 required good, sustained legal advice; that has to be  
14 taken as a given.

15 But if that advice is given by an independent  
16 solicitor and that solicitor picks up on the total  
17 situation at the home, then the region's at risk of  
18 being embarrassed or being subjected to section 70  
19 action for failing in their duties. That's section 70  
20 of the Social Work (Scotland) Act.

21 What's the author saying there?

22 A. So, they're essentially equating the lack of care within  
23 the establishment to the -- a lack of care that might  
24 be -- which, if it took place within a child's parental  
25 home, would be subject to investigation and potentially

1           statutory action by social work services.

2   LADY SMITH:  And if a lawyer gets wind of this, then it  
3           might be taken further?

4   A.  Yes.  I'm not sure that, in effect, if that -- if there  
5           had been more formal complaints made or to a solicitor  
6           at that time, that's necessarily the legislation that  
7           would have been used.  But certainly I think the  
8           parallel is relevant in relation to the young people's  
9           experience.

10   LADY SMITH:  And there's no doubt that the author of this  
11           document is very worried, very concerned.

12   A.  Absolutely.  And just I suppose it may be helpful to  
13           note for the record that we didn't have access to this  
14           document at the time this submission was made and  
15           I agree with you, my Lady, it's a very concerning  
16           document.  And whilst some of the issues raised,  
17           including the over-criminalisation of young people who  
18           are looked after in residential care, has carried on  
19           into the more recent past and required action to try and  
20           rectify it, the overall picture presented is very  
21           concerning.

22   LADY SMITH:  Thank you.

23           Mr Sheldon.

24   MR SHELDON:  Thank you, my Lady.

25           And perhaps just to round that off, can I ask you,

1 Alison: if -- certainly, if you received a letter like  
2 this now, but I mean, you were, I think, in practice as  
3 a social worker from about 1989/1990, if you can cast  
4 your mind back to that time as well and help us with,  
5 you know, what perhaps ought to have been the response  
6 to this?

7 A. So, organisationally, I would have anticipated that  
8 something like this would have triggered at least  
9 an internal investigation into the circumstances. You  
10 know, in the here and now, that would be something that  
11 would probably be broader than that, but I would have  
12 thought that I would anticipate, in terms of the wider  
13 situation it describes, some degree of internal  
14 investigation in relation to the practice for individual  
15 children and young people in relation to the sort of  
16 criminalisation. Again, that is something that is  
17 completely the opposite of what we would be looking to  
18 do in the here and now.

19 Q. So this is -- this letter is 1985. The young person  
20 concerned is sent to Cornton Vale, '86. We've heard  
21 some evidence about the period, broadly, 1986 to '87  
22 perhaps to about 1992 or 1991, and we can go back to  
23 that. But we then get to the inspection report that  
24 we've been mentioning before, in July 1992, and if we  
25 can go, please, to NLC-000000611.

1           This is a file dealing with that inspection and, if  
2 I can call it, the fallout from it.

3           But if we can just go, please, to page 13, where we  
4 see the start of the report. So this is 'Inspection  
5 Report, Bellshill Children's Home' and, at the foot of  
6 the page, 'Date inspection commenced, 25 May 1992',  
7 maximum residents to be accommodated at that time, 23.

8           If we go, please, to then the next page, there's  
9 some introductory material and then a section about the  
10 quality of management. It's said that communication  
11 systems are well covered with daily logs and so on:

12           'Administration and record-keeping systems are  
13 presently undergoing a major overhaul.'

14           But at the end of the page:

15           'There is no written evidence of any complaints  
16 procedures being available, nor any written information  
17 for residents or carers on the range of sanctions  
18 applied in this establishment.'

19           Then page 15, right at the top:

20           'The management and deployment of staff in this  
21 establishment is a major cause of concern.'

22           And this is material about that. It is said that:

23           'The new management group is attempting to improve  
24 management. This group provides a strong management  
25 presence and impresses as a cohesive and positive team.

1           However, they face major management difficulties.'

2           We are told, the next paragraph:

3           'The houseparent staff are of mixed ability and  
4           competence and the impression given by managers and  
5           colleagues is that some houseparents are happy to  
6           perform minimal duties and tasks within their shifts.  
7           During inspection, it was noted that some houseparent  
8           staff ignore or collude with behaviour and situations  
9           which require skill, confidence and personal authority  
10          to manage.'

11          Taking the next paragraph short, there is a high  
12          sickness rate. The next paragraph, the staff team is  
13          well-balanced. But towards the end of the paragraph:

14          'Night staff indicate that monitoring of the  
15          building is difficult and staffing inadequate during  
16          periods of unrest and unruly behaviour. This is also  
17          evidenced by material in the night logs.

18          'Recruitment of staff is mainly through the  
19          temporary register or job centre. These staff tend to  
20          be untrained and unqualified and some lack the skills to  
21          work with this challenging client group.'

22          Just pausing there, Alison, can I ask for your  
23          comments about that paragraph in particular. I'll ask  
24          for comments about the report as a whole later on, but  
25          in terms of recruitment, this is through the temporary

1 register or job centre, so presumably these are  
2 individuals coming in, if I can put it this way, 'off  
3 the street', and looking for a job in residential  
4 childcare?

5 A. I think that's fair comment. I think we know, from some  
6 of the job descriptions we were able to look at at the  
7 time, that there was, I think -- a certificate in  
8 residential childcare or a qualification was considered  
9 desirable, but it wasn't essential for the role. And  
10 clearly the use of the temporary register and job centre  
11 as the main source of -- or main vehicle for  
12 recruitment, I think, increases the possibility that the  
13 staff that are recruited in that way will lack relevant  
14 experience and training.

15 Q. And towards the end -- at the end of that page we are  
16 told:

17 'Staff also express concern about the need for  
18 additional training, particularly with regard to  
19 counselling and child abuse work.'

20 At that time, Alison, and you may not be able to  
21 answer this, but at that time, what would 'child abuse  
22 work' have been referring to?

23 A. I think primarily for staff in that setting, it would be  
24 training that supported them to understand, identify and  
25 provide an appropriate response to any type of child

1 abuse, recognising that if an investigation was to take  
2 place, it would involve professionally qualified staff  
3 from outwith the children's house and -- but there is  
4 obviously an indication in other evidence provided by  
5 SNR that awareness in  
6 relation to child sexual abuse in particular was very  
7 low or lacking. And more generally, and whilst it  
8 appears that during his period SNR, there were  
9 some attempts to rectify that, it's clear that the  
10 inspection found that there were still significant  
11 concerns about the level of understanding of the staff  
12 in 1992.

13 Q. Page 16, just at the foot of that page, this is on  
14 quality of environment:

15 'The general impression of this establishment is  
16 that it's poorly resourced and maintained and in need of  
17 major physical overhaul and internal refurbishment.  
18 There's evidence of substantial damage and vandalism  
19 alongside neglect and lack of consistent maintenance.'

20 And there is then a list of problems, such as broken  
21 windows and so on. And over the page:

22 'Inspectors are seriously concerned about the fact  
23 that fire extinguishers are not in place and little heed  
24 is given to weekly fire equipment checks. There is no  
25 log of fire checks or drills, nor an available fire

1 master's report.

2 'Security of the establishment is minimal, the front  
3 door being open during the day and early evening.

4 Inspectors gained unknown access to the building and  
5 spent a considerable period of time inside without being  
6 noticed or challenged. There have been numerous thefts  
7 from the building which have gone undetected.'

8 Pausing there, once again, Alison, at least from  
9 a modern perspective, what would you say about all that?

10 A. Well, it's clearly quite shocking from a modern  
11 perspective, I think. I'm aware from some of the  
12 subsequent communication about the inspection of some of  
13 the context to that, in terms of things like how repairs  
14 were managed or organised. But, irrespective of all of  
15 that, it presents an unacceptable picture of the quality  
16 of -- just aside from the care, the quality of physical  
17 accommodation that was being provided to young people,  
18 as well as the security or safety of the building.

19 Q. About halfway down, we're told:

20 'Overall, the living environment is poor. This  
21 therefore offers little dignity or sense of value to  
22 residents. In discussion with residents, they refer to  
23 their home as a "pit" and a "dump".

24 'The home impresses as being trapped in a cycle of  
25 environmental poverty. Residents and staff have grown

1 accustomed to the poor physical condition and lack of  
2 response to essential repairs, and therefore find it  
3 difficult to maintain a positive interest in their  
4 surroundings.'

5 So it's a rather bleak picture of what at least the  
6 environment in the home was like?

7 A. Absolutely. Other records indicate that some individual  
8 young people -- or some efforts were made to involve  
9 young people in things like furnishing or decorating  
10 rooms. But clearly the inspectors, independently  
11 looking at the overall position at that time, are saying  
12 it as they see it, and I don't think I can take issue  
13 with it.

14 Q. At page 18, again taking this short, but second-last  
15 paragraph on that page:

16 'Young people at Bellshill do not hold back on their  
17 feelings about living in the home and a significant  
18 group express feelings of anger and frustration about  
19 their surroundings. The physical state of the building  
20 offers little chance of residents feeling valued, cared  
21 for, secure or safe. Little privacy is offered, as some  
22 bedroom doors cannot be locked, and a large number of  
23 bathrooms and toilets lack basic facilities and have no  
24 locks.

25 'Residents openly display contempt for their

1           surroundings by misuse and abuse. Inspectors note that  
2           some staff collude with inappropriate behaviour by  
3           ignoring it, rather than confronting it constructively.  
4           Residents generally respond to this by further pushing  
5           limits and boundaries.'

6           And then over the page, there's young people  
7           expressing concerns about high degrees of theft, and at  
8           the end of that paragraph:

9           'They acknowledge that the thefts, drug taking and  
10          disruptive behaviour have a negative impact on the  
11          resident group, particularly the younger residents.'

12          Pausing again, Alison, we heard some evidence that  
13          this kind of environment, where there is poor physical  
14          quality of environment and a rather chaotic atmosphere,  
15          by the sound certainly of this and other evidence that  
16          we've heard, would be an environment in which predators,  
17          sexual predators could thrive. Is that something that  
18          you would recognise?

19    A.    Yes, both in terms of the physical and operational  
20          environment that's described there. I think the other  
21          issue that has been raised is also around the -- you  
22          know, interactions between young people themselves were  
23          not supported by environment or the staffing model at  
24          the time, to be as positive as they should be.

25    Q.    Cutting to the end then, there's quite a bit more

1 material like this, but if we can look at page 20 and  
2 under the heading 'Overview', the report goes on to say:

3 'Inspectors appreciate co-operation received from  
4 managers and commend the openness and honesty  
5 encountered. Nevertheless, inspection of this  
6 establishment has raised serious concerns.

7 'While it's acknowledged that the present management  
8 team are aware of and have insight into the critical  
9 issues and areas requiring attention, it may be that  
10 positive change in the future will be difficult to  
11 achieve.'

12 And over the page:

13 'The staff group demonstrate a wide range of  
14 abilities, skill and commitment, which militates against  
15 the achievement and maintenance of overall good practice  
16 and presents a confusing living environment for  
17 residents.

18 'The multi-purpose nature of the establishment  
19 compounds the problem of providing a high-quality  
20 service.'

21 Reading short:

22 'The quality of the physical environment does not  
23 provide young people with a sense of value or dignity,  
24 reducing any feeling of responsibility or ownership.  
25 The establishment is poorly resourced and maintained and

1 is in urgent need of major overhaul and refurbishment if  
2 required standards are to be met.

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 in  
9 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 'Quality of life for residents in this establishment  
14 is heavily dependent on the quality of individual  
15 relationships with identified staff. Some of these  
16 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 individuals'  
21 exposure to harm through their experience of living  
22 there. It is considered therefore not to be a safe and  
23 stable environment for vulnerable children and young  
24 people.'

25 And it's dated 22 July 1992.

1           So first, Alison, just a reaction to that. It's  
2           pretty damning, isn't it?

3   A. Absolutely. I think -- well, it's obviously for the  
4           Inquiry to have an opinion on this, but I think it's,  
5           you know, some of the issues raised are reflected in  
6           applicants' statements and which give more colour to  
7           people's direct experience of the situation within the  
8           establishment at the time. But, yeah, anyone seeing  
9           this would -- or, you know, as an organisation receiving  
10          this, is an organisation receiving a very, very critical  
11          report of the support and care they're offering to some  
12          of the young people who already face the biggest  
13          challenges in life.

14   Q. And going back to the point about possible sexual abuse,  
15          sexual predators operating, would it be the case that  
16          where there is this kind of environmental poverty, as  
17          well as disruptive behaviour and generally bad things  
18          happening, drug taking, alcohol, all the rest of it that  
19          we see in this report and have heard from elsewhere,  
20          that that lends itself to young people being groomed, to  
21          being treated well by someone who might, on the face of  
22          it, appear to be a protector?

23   A. Yes, and I've no doubt that some people, as reflected in  
24          the report, may have experienced -- individually have  
25          experienced positive relationships with some staff,

1 but -- during this period of time. But the general  
2 picture presented creates opportunities for those who've  
3 got more malicious intent to operate, you know, and  
4 without exposure, potentially, young people's  
5 understanding of their rights, their expectations, sound  
6 pretty low, albeit they spoke to the inspectors and were  
7 quite vocal about them.

8 But individually, you're not creating a situation  
9 for young people where they feel respected and valued  
10 and probably have the trust in their environment and the  
11 people caring for them that mean that they would all be  
12 comfortable, as you would want them to be, talking to  
13 someone if something wasn't right for them.

14 Q. Can I just ask you, straightforwardly then, if you'd  
15 received a report like this, really at any point in your  
16 career, what would you have thought and done?

17 A. So, I think in the here and now, there would be  
18 requirements come with this report that were enforcement  
19 action, presumably, in the modern day. That's not the  
20 way the recommendations are presented, but you would  
21 expect -- you would have expected there to be  
22 significant attention to looking at whether the  
23 weaknesses that are identified could be rectified, and  
24 putting actions in place to do that if you received  
25 a report like this.

1           The only positive probably within the report is  
2           a recognition that there is a management team which,  
3           although they haven't the benefit of being stable or in  
4           their own positions, are trying to address issues. It  
5           doesn't read to me as if, to that point in time, they  
6           had the external support that was required to do so.

7    Q. If we can look at, first of all, page 1 in this  
8           document, please, in the file, and this is headed:

9           'Comments on accuracy of the proposed inspection  
10          report at Bellshill Children's Home.'

11          And this is a set of comments by  
12          Bernadette Docherty, who was the district officer for  
13          childcare at that time.

14          And there are various comments about the report and  
15          if we can just look at the last page of this set of  
16          comments, it's page 4 in the file. And she says in  
17          relation to page 8, paragraph 3:

18          'We cannot accept that there is evidence of  
19          a downward spiral in which staff and residents appear  
20          trapped. This suggests that things are getting worse  
21          and that there is an inexorable deterioration within the  
22          home. The notion of being locked into an ever-worsening  
23          situation is not helpful. Positive changes continue to  
24          take place.'

25          In relation to page 8, paragraph 4:

1           'This is too sweeping a conclusion to reach on the  
2           basis of limited experience. No children's home can  
3           deliver those experiences for all residents all of the  
4           time. It's believed that it's unjustifiable to conclude  
5           in this manner. For many young people, the children's  
6           home is a preferred option to physical and sexual abuse  
7           at home. It can offer them quality relationships with  
8           caring adults within an environment which is better than  
9           they have previously experienced.'

10           And Ms Docherty concludes:

11           'No recommendations have been appended to the  
12           overview section and it is difficult to see any  
13           recommendation which could sit comfortably with the last  
14           paragraph, except immediate closure.'

15           And certainly when one, perhaps as a lay person,  
16           encountering this report for the first time, that would  
17           seem to be right, wouldn't it?

18   A. I think yes, although that needs to be married alongside  
19           planning for the individual -- solutions for the  
20           individual children if you are closing an establishment.  
21           You asked me earlier about reducing beds and the impact  
22           of that. But certainly the report is exceptionally  
23           critical in relation to its comments on the -- both the  
24           operations and the environment of the home.

25   Q. The response to this report, as we saw from the A to D,

1 was to reduce numbers fairly quickly and certainly some  
2 repairs were done to the physical fabric. But I don't  
3 think, unless you've found more material, I don't think  
4 there were any further inspections of the home after  
5 this report, at least by the arm's-length unit; is that  
6 right?

7 A. I'm not clear that there was a follow-up in the way that  
8 normally an establishment these days, getting a report  
9 which was halfway as critical as this, would have  
10 follow-up from an inspection agency. It's not clear --  
11 there's clearly a chain of correspondence, a significant  
12 chain of correspondence internally within the  
13 organisation which follows this report, and there was  
14 external -- well, not external reporting, but reporting  
15 to the appropriate committee of the regional council at  
16 the time in relation to this report, and I think the FAI  
17 which was around the same time. But there is no  
18 evidence that I can see of formal inspection follow-up  
19 although senior managers did visit the home.

20 Q. If we look please at page 95, this is a draft report for  
21 the childcare subcommittee about Bellshill and the  
22 report, and we see that under the heading:

23 'Bryce Anderson, District Manager, to provide point  
24 by point current position statement in relation to each  
25 of the recommendations.'

1           It says:

2           'In relation to the conclusion that the home was not  
3           a safe place for children to live, this required  
4           a decision by the Director of Social Work. The Director  
5           of Social Work had to consider whether the home was  
6           unsafe or, as contended by the service managers, the  
7           home was a safe place.

8           'The Director of Social Work met with the deputy  
9           director, visited the home, spoke to staff and residents  
10          and thereafter met with the head of the inspection unit  
11          to ask him to vouch safe the evidence on which the  
12          statement was based.'

13          And he notes that the head of the inspection unit  
14          did not suggest that the home should be closed, and if  
15          we scroll, there is a number of responses there, and at  
16          page 97, after the numbered paragraph 11:

17          'Each of the 11 points was examined and a report  
18          provided on each of them to the Director of Social Work.  
19          The Director of Social Work took the view that the  
20          conclusion that the home was not a safe place had not  
21          been substantiated by the evidence.'

22          So I suppose if one was to look at that, perhaps  
23          simplistically, it certainly looks as if the conclusions  
24          of the arm's-length inspection unit are being overruled  
25          by the Director of Social Work?

1 A. Yes, in terms of that final overarching statement, there  
2 clearly was acceptance of some of the recommendations or  
3 the specific concerns reported, but absolutely, this was  
4 something that was subject to correspondence at that  
5 level and the decision was ultimately taken, as far as  
6 I understand it, by the Director of Social Work.

7 I mean, safe or unsafe is a bit of black and white  
8 way of putting this, but if -- I think that probably  
9 that, had a decision been made that it was not safe,  
10 then the discussion of closure might have been more  
11 active, or the potential discussion of closure might  
12 have been more active than it was.

13 LADY SMITH: Can we just go back to the beginning of the  
14 list that was above there? Number 1, for example. And  
15 we saw earlier that one of the criticisms by the  
16 arm's-length inspection unit was that there was no lock,  
17 or the door wasn't locked during the day, and indeed  
18 that they were able to get in, wander around, without  
19 anybody challenging them. And I see that the response  
20 to that is that it was said: well, this isn't a real  
21 risk. The main office is almost always staffed, so not  
22 always, but almost always staffed, and it is adjacent to  
23 the door.

24 So that doesn't actually answer what the concern was  
25 by these people. And I see it then goes on to say

1 a controlled entry system is being pursued, not that  
2 urgent attention has been given to this.

3 If that's the tenor of the response that was thought  
4 to be sufficient to enable there to be dismissal of the  
5 external inspection, it doesn't really look very good,  
6 does it?

7 A. No, it seems that there's an emphasis on semantics and  
8 detail, rather than the overall conclusion. And  
9 security and safety clearly were both an issue, as  
10 opposed to it being an either/or. Because the  
11 conclusion about safety was not purely, as I read it,  
12 reached that the door system was one, the entry issue  
13 was one, but the comment on safety was much broader than  
14 the issue about the door.

15 LADY SMITH: Then it went hand in hand with the attitude to  
16 fire precautions and fire drills?

17 A. Yes, absolutely.

18 LADY SMITH: Which weren't as they should be at all.

19 A. And safety in terms of the operational arrangements with  
20 staff, et cetera. So, yeah, looking at this now, it  
21 feels a very defensive organisational response.

22 It is clear that in the background, a plan was  
23 developed, a home development plan, that there was  
24 an action plan to address individual concerns. But  
25 I don't see within -- I suppose what stands out in this

1 report is that the voices and experience of children and  
2 young people have become lost in the organisational  
3 argument about specific points --

4 LADY SMITH: Yes.

5 A. -- of language.

6 LADY SMITH: Yes. Thank you, Alison.

7 Mr Sheldon.

8 MR SHELDON: My Lady.

9 Yes, following on from my Lady's point, Alison, if  
10 we look at point 7, just a little further down that  
11 page:

12 'Staff who display interest in their work are  
13 distinct from --'

14 I beg your pardon, I meant point 8:

15 'Staff are incapable of managing and controlling  
16 unacceptable behaviour.'

17 And there is a reference to point 7:

18 'Additionally, however, this point appears  
19 incompatible with the conclusion in the inspection  
20 report that some staff were well able to deal with  
21 problems in the home.'

22 So --

23 LADY SMITH: Some staff, but not all staff.

24 MR SHELDON: Yes.

25 And again, and I don't want to labour the point but

1 at point 10, it said there is -- I'm not sure if it  
2 should be 'staff bullying', I think it should just be  
3 'bullying':

4 'There is bullying with no staff intervention.'

5 It is said:

6 'It is not accepted that there was overt bullying,  
7 although some incidents have occurred from time to time.  
8 These have been dealt with, sometimes more effectively  
9 than others, and such situations do regrettably arise  
10 from time to time in residential childcare  
11 establishments.'

12 So does it rather look as if there's a sort of  
13 collective shrug of the shoulders there: this sort of  
14 thing happens?

15 A. Again, I would -- what I feel in the way that that's  
16 written is there is an element of truth in saying: you  
17 bring a group of young people together, living together,  
18 there can be incidents of bullying.

19 What it doesn't recognise is the impact of that or  
20 the report effectively suggesting that it was more than  
21 occasional incidents, there was a culture, and that the  
22 lack of consistent staff approach to these issues opened  
23 the way for, I guess, a little bit of survival of the  
24 fittest, in terms of young people within the  
25 establishment.

1           There's clearly other statements that the Inquiry  
2           has had access to, that says, that acknowledges that at  
3           times, including around this period, staff were not  
4           consistently proactive enough, and therefore young  
5           people did not have that emotional or physical security  
6           that would have felt a sense of trust and care.

7    Q. I want to look at one more aspect of this, Alison. It's  
8           at page 10 of the same file. And this, I think we see,  
9           is a letter from Bryce Anderson, district manager at  
10           Motherwell and Clydesdale district, to the principal  
11           inspector of the inspection unit in Glasgow:

12           'I write in response to the letter of 23 June  
13           received from the head of inspection unit enclosing the  
14           proposed inspection report for Bellshill Children's  
15           Home.

16           'Comments on points of accuracy have been prepared  
17           by Bernadette Docherty.'

18           And we looked at that briefly earlier on. And  
19           Mr Anderson says:

20           'In addition to these points, I would wish at this  
21           stage to make some general observations in regard to the  
22           report. I'm aware that the unit operates with certain  
23           standards which are not simply relative to current norms  
24           within the sphere of care services. This latter  
25           nonetheless is an important dimension, because it does

1 reflect current conditions and levels of practice in the  
2 field and inevitably influences management's view of its  
3 own task in a particular home. It will be interesting  
4 in this regard to see the findings of the visit by  
5 Social Work Services Group to this and to other homes.'

6 Pausing there, Alison, are you aware of any visits  
7 by the Social Work Services Group to certainly this  
8 home?

9 A. I am aware, not of what form the contact took, but that  
10 there was some follow-up from the Social Work Services  
11 Group within Scottish Government, which seems to have  
12 been triggered by both -- I don't know if it was  
13 triggered by the report or the FAI or both, as well as  
14 the political interest that was invoked around that  
15 time, that arose from both of these things. But there  
16 certainly is a correspondence, essentially from the  
17 Social Work Services Group, which seems to almost close  
18 off the issue to Strathclyde Regional Council. There's  
19 a letter that -- I can't remember the detail of exactly  
20 who it was from and who to, but it seems to ultimately  
21 suggest that Social Work Services Group were satisfied  
22 with the action being taken.

23 Q. All right. I don't think we've found that, Alison. It  
24 may be my fault. But if you do have a reference for  
25 that or can put your hands on the document, it would be

1 very helpful to have the complete picture.

2 But carrying on in Mr Anderson's letter, he goes on  
3 to say:

4 'In addition to this comparative position of the  
5 home, there is the relativity of conditions within the  
6 home itself. That is, we assess the current state of  
7 provision in relation to how it has improved or  
8 deteriorated and in the light of recent client  
9 behaviours or management initiatives. Viewed in this  
10 way, the provision within Bellshill Children's Home is  
11 an improvement on how it has been frequently in the past  
12 and reflects a not insubstantial investment of senior  
13 and middle management time.'

14 And reading on:

15 'While I appreciate the reasons for the report's  
16 conclusions that the home is not a safe and stable  
17 environment, the perspective of local management does  
18 not afford such a simple view. Local management's view,  
19 assuming that it is not based on complacency, derives  
20 from the continual balancing of what is desired by way  
21 of values and standards, and what is achievable and  
22 practicable in the particular circumstances at the time.  
23 Within this balancing act, there are various thresholds  
24 of tolerance which determine the viability of the  
25 provision at any time and, in consequence, the

1 attitudes, morale and behaviour of young people alike.

2 Whatever else it is, the situation is dynamic.

3 'In stating this, I am not attempting to relativise  
4 the report's conclusions, but rather to indicate  
5 a dimension of understanding, which I believe is  
6 particularly critical when examining residential  
7 childcare provision.'

8 But he is trying to relativise it, isn't he?

9 A. It reads that way.

10 Q. Do you have any other comments about the way that this  
11 is all put by Mr Anderson?

12 A. I think when you read it with, clearly with this  
13 distance, again, it detaches the argument around the,  
14 you know, and the specifics of elements of the report's  
15 findings, from any sense of tone or desire to get things  
16 right for this group of children and young people.

17 You know, even in the current day, I think our  
18 managers, as an organisation, we would want to provide  
19 inspectors some context to a circumstance that they may  
20 be inspecting within. But I think the tone of this  
21 is -- doesn't -- it has become detached, I think, from,  
22 I suppose, the organisation's commitment to actually  
23 getting it right for this group of children and young  
24 people. It feels to me that that's got lost within this  
25 communication. And it clearly isn't sufficient to say

1           that it's better than it was.

2   Q.   Mr Anderson goes on, on a -- well, he himself says:

3           'A separate but related question concerns the

4           circulation of such a report to residents and carers.

5           I fully endorse the practice of circulating reports of

6           inspections to those listed as standard recipients.

7           I'm unsure however if the department is clear about the

8           full range of consequences of circulating a report of

9           this kind. Parents who may oppose their children or

10          young children being in residential care may seek to use

11          the conclusions of such a report to serve their own ends

12          and to the detriment of their young people. Legal

13          action could very well be provoked by such a report and

14          prove inimical to the interests of a large number of

15          children and young people.

16          'More critically, young people themselves within

17          residential care are vulnerable and invariably suffer

18          low self-esteem ...'

19          And so on:

20          'To receive the report in its present form is likely

21          to add to their low self-esteem, to increase alienation

22          from the home and from the caring staff, and arguably

23          act against their own best interests.

24          'The position of the staff group is also relevant in

25          this regard.'

1 Reading that short:

2 'Certain staff will feel damaged and depressed by  
3 the conclusions of the report. Others may use the  
4 report to justify their own inactivity and lack of  
5 motivation and indeed as a means to mobilise dissent  
6 against management within the home. It is difficult to  
7 imagine the officer in charge using the document as  
8 a tool to generate change.'

9 So again, Mr Anderson does seem there to be saying:  
10 this is a really bad report, but let's not tell anyone.

11 A. I think he's accepted that people will know about it,  
12 but is clearly emphasising potential, from his  
13 perspective, unintended consequences of that or  
14 consequences that could cause difficulty for the  
15 organisation in relation to that.

16 There is a live issue and I'm sure our managers  
17 today would still say if, at times, there is a critical  
18 report from an inspectorate, it can be difficult for  
19 both staff and young people within that establishment.  
20 But that in itself is something that we need to find  
21 a way of managing with the inspectors, rather than  
22 burying.

23 Q. But the whole thing rather does add to the sense of  
24 management saying -- senior management saying: move on,  
25 there's nothing to see here?

1 A. I think -- you know, the process in any inspection of  
2 checking for factual accuracy and being, as  
3 an organisation, you know, now that we have more  
4 consistent external inspection, being able to put some  
5 context or some moderation or some additional evidence  
6 into the frame, is not in itself unhelpful. It's part  
7 of the way that we operate in our relationship with  
8 inspection bodies. But I think this and the other  
9 communication around the organisational response to this  
10 report, to me, does just give an overall sense that  
11 young people's experience and voices had become lost  
12 within it and that, whilst it's clear that there were  
13 remedial actions taken to -- improvement actions taken,  
14 I think framing it in that way, where the joint  
15 aspiration, to make sure that we're getting it right for  
16 those children and young people, would have been far  
17 more effective and valuable than the approach that was  
18 taken at the time.

19 But it's hard, you know, not being someone who was  
20 operating within that context at the time, to know that  
21 what -- why the organisation responded the way it did.

22 Q. In relation to the specific point about whether the  
23 report should be circulated more widely, I think, in  
24 fairness, there does seem to have been some uncertainty  
25 at that time whether there was an obligation to

1 circulate to providers and young people?

2 LADY SMITH: And staff.

3 MR SHELDON: And staff.

4 LADY SMITH: There is a distinct concern about the impact,  
5 the negative impact this may have on staff. Whereas  
6 a similar concern about children is hard to find in the  
7 language here.

8 MR SHELDON: Yes.

9 A. Yes. That would be my reading of it, and, you know, the  
10 potential impact on morale and retention of staff is  
11 highlighted and may well have been true, but that's  
12 something that requires to be managed.

13 I think in relation to your point about -- the other  
14 end of that correspondence does suggest that this  
15 methodology for inspection was new and wasn't that well  
16 established, and there was, I think, some discussion on  
17 the information being published and available, as  
18 opposed to proactively circulated to key stakeholders,  
19 was, I think, the discussion that followed this  
20 correspondence.

21 Q. Bear with me just for a moment.

22 (Pause)

23 Yes, I'll leave that for the moment and if we can  
24 turn, please, to another document. It's NLC-000000619.

25 This is a file in relation to the death of a young

1 person, William McGovern, while he was resident at  
2 Bellshill.

3 If we just look at the first page of that, we can  
4 see that there's a narrative about a meeting to discuss  
5 outstanding issues re William McGovern. The meeting is  
6 on 2 November. We look at the complaint, which  
7 indicates that this young person's father had complained  
8 about the quality of care afforded to William at  
9 Bellshill on 29 September 1992, the date -- the day that  
10 he died. And there is some detail about that.

11 If we can look at page 6, please, and numbered  
12 paragraph 4, we see that the father was alleging that he  
13 believed that William had been bullied. He said he had  
14 been advised this by someone who did not work in  
15 Bellshill Children's Home and he postulated that William  
16 was being bullied into criminal behaviour, and that his  
17 unhappiness about being in care was a contributory  
18 factor to William's suicide.

19 And if we look at page 7, the next page,  
20 paragraph 2:

21 'Mr [REDACTED] had given a rather obtuse indication at  
22 one point during the interview that he suspected that  
23 William might have been the victim of sexual abuse by  
24 a social worker. He was most reluctant to disclose what  
25 this meant, but said that it was based on his own

1 feelings after William's death and on comments made by  
2 a "senior manager". And he was advised that any such  
3 concern should be conveyed to the department as  
4 a priority, given the potential risk which other young  
5 people may face if such suspicions were justified.'

6 And page 11, please, and:

7 'At the conclusion of the interview, Mr [REDACTED] was  
8 once again urged to consider relaying his suspicions  
9 regarding any possible sexual abuse by a social worker  
10 to the department's attention.'

11 But if we look at page 10, under 'General  
12 observations', we're told:

13 'Mr [REDACTED] is clearly an articulate, intelligent  
14 man who can well argue his case and seems to have raised  
15 a number of issues regarding communication ...'

16 And so on:

17 'He did appear, however, to have a contradictory  
18 stance, in that his implications --'

19 LADY SMITH: Which paragraph are we at?

20 MR SHELDON: I'm sorry, my Lady, this is under 'General  
21 observations'.

22 LADY SMITH: Yes, thank you.

23 MR SHELDON: And it's about -- it is four lines into that  
24 paragraph. He, Mr [REDACTED]:

25 '... appeared to have a contradictory stance, in

1           that his implications were that William was being badly  
2           looked after, bullied and frightened into becoming  
3           involved in delinquent behaviour and, because of this,  
4           desperately wanted to be at home. Despite this,  
5           however, Mr ██████████ notes that William left his own  
6           home on Sunday, 27 September 1992 and returned to the  
7           children's home by taxi when Mr ██████████ is quite clear  
8           that he had expected William to be staying permanently.  
9           He also indicated that he fully intended to keep William  
10          at home after he returned from school on 29 September  
11          and that William knew this. Was life in the children's  
12          home so dreadful for William, then, it would appear he  
13          had an ample opportunity to remove himself from the  
14          pressure and worry which Mr ██████████ alleges contributed  
15          to William's death by returning home or indeed staying  
16          at home on the 27th.'

17                 And just to add to that, if we can look at page 26,  
18                 just to give some more background, there is reference in  
19                 the second paragraph to a child abuse case conference in  
20                 May 1990, that William had been placed on the register  
21                 under the category of physical abuse. And reading on:

22                 'At that time and at subsequent childcare reviews,  
23                 an assessment was made that ██████████ William  
24                 ██████████ had a clear affection for ██████████ father but  
25                 that Mr ██████████ had an unacceptable attitude with

1 regards to the dispensing of physical chastisement.

2 Mr [REDACTED] felt justified in punishing [REDACTED] as he  
3 saw appropriate.'

4 So it appears from all that, Alison, that there is  
5 a number of things perhaps going on. There's physical  
6 abuse at home. There's alleged to be bullying within  
7 the establishment and the possibility of sexual abuse by  
8 a social worker. And it's in that very broad context,  
9 and there's obviously a lot more of it in the file, in  
10 that very broad context that we consider William taking  
11 his own life.

12 So I just want to look now at the sheriff's  
13 determination, because there was a Fatal Accident  
14 Inquiry.

15 So if we can go to page 61, please. And it's  
16 perhaps worth noting, my Lady, that this is a very short  
17 determination. It's only, I think, six pages long.

18 LADY SMITH: Yes.

19 MR SHELDON: This is the -- the heading indicates it's the  
20 determination of Sheriff Lunny, 14 May 1993. There is  
21 an introduction about consideration of the cause, and it  
22 determines that William Blair McGovern, born 1980,  
23 residing at Bellshill Children's Home, and his normal  
24 place of residence was elsewhere in Shotts, was found  
25 dead in the public toilet [REDACTED] and he

1 notes death was due to hanging. He says:

2 'Over the six days of the hearing, much evidence was  
3 heard regarding the deceased's background. I am  
4 satisfied that on that, the following findings of fact  
5 can be made.'

6 Paragraph 1 is basic findings, and 2, about his  
7 family background. Notes that in 1987 he came to be in  
8 the custody of his father. Paragraph 3, he spent time  
9 in the care of Strathclyde Region, various social work  
10 department establishments.

11 Reading short to paragraph 7:

12 'During this time and thereafter, there was no  
13 reason to believe that William was inclined to take his  
14 own life. William spent time in Carluke Children's  
15 Home. 27 July 1991 he approached the Social Work  
16 Department ...'

17 He approached, William approached the social work  
18 department, and was eventually placed in Bellshill  
19 Children's Home. Returned to the care of his father  
20 7 August but later that day reported to social work  
21 department that he had been assaulted.

22 He returned to reside in Bellshill and from then  
23 until 29 September 1992, he remained at Bellshill  
24 Children's Home. And there's reference to an incident  
25 involving a fire extinguisher, incidents of horseplay,

1 attempts to involve William and his father in meeting,  
2 home access.

3 Paragraph 14, William repeatedly absenting himself  
4 from the children's home and visiting his father at home  
5 in Shotts.

6 Paragraph 16, Monday to Tuesday, 28th/29th, William  
7 left the children's home and was detained by the police.  
8 He was returned to the home but again left and was  
9 returned again after about 20 minutes.

10 In the morning, he's taken to school in Wishaw.  
11 Paragraph 18, at the school he is seen by a number of  
12 staff and pupils who weren't concerned about his  
13 disposition at that time. At 5.00 pm, found hanging in  
14 the toilet by a member of the public.

15 Police inquiries revealed no suspicious  
16 circumstances surrounding the death and failed to reveal  
17 where the deceased had been for the period from about  
18 1.00 pm to 5.00 pm.

19 There's an interesting finding at paragraph 21:

20 'A postmortem examination indicated that there was  
21 no question of William being involved in any homosexual  
22 activity.'

23 Just pausing there, Alison, what can we or should we  
24 take from that, if anything?

25 A. Yeah, I'm not sure in relation to the context. Clearly,

1 I don't know if the comment's made in response to the  
2 concerns expressed by William's father, but it's strange  
3 to see that there, without any indication of what sort  
4 of activity may have been alleged, because absence of  
5 medical evidence in itself clearly doesn't mean absence  
6 of abuse, and the way it's framed also isn't framed in  
7 terms of abuse.

8 So it's difficult to know what to make of it without  
9 the contextual evidence that the sheriff heard in  
10 relation to it, but clearly there was some question  
11 around that may have been either around William's  
12 identity and sexual activity, and/or sexual abuse that  
13 was raised during the course of the inquiry. But it's  
14 really hard for me to make any comment on that, other  
15 than it seems very unusual.

16 LADY SMITH: Alison, it could be the nearest we can get is  
17 what we see in the following paragraph of the sheriff  
18 referring to making these findings in fact because  
19 William's father had asked him to come to certain  
20 conclusions, from which one could infer that his father  
21 had a belief that some sort of homosexual activity,  
22 wanted or unwanted, lay behind the suicide, but we just  
23 don't know.

24 A. No, absolutely not.

25 LADY SMITH: It's hard. And I don't think there's any other

1 document that tells us anything else, is there?

2 MR SHELDON: No, my Lady.

3 And I think one also has to bear in mind that this  
4 is a boy who's, at that time, at the time of his death,  
5 12 years old.

6 LADY SMITH: Yes.

7 A. Yes.

8 MR SHELDON: And so the use of the words 'homosexual  
9 activity' seems at least strange.

10 A. Absolutely. It is strange, because it implies something  
11 that is different to -- or may not only be about the  
12 allegations of abuse and perhaps a view somebody had  
13 about him, but -- and we know that young people who --  
14 of his age, despite it being a very young age, can  
15 struggle with issues of identity, et cetera, but it's  
16 really difficult without the context, beyond the next  
17 paragraph that you pointed out to me, my Lady, to make  
18 any judgment on that.

19 I think the only other thing that, in reading the  
20 evidence before the Inquiry, that gave any sense to me  
21 of William beyond these issues -- these documents that  
22 you're raising, I think is the statement from  
23 an applicant who was read in last week, I think, 'Rob',  
24 who was clearly a friend -- as far as young people can  
25 be within a short period of time together, a friend, and

1           who gave some insight into -- from his perspective on  
2           William. But I don't think there's anything else that  
3           we hold that gives any context to that information.

4 MR SHELDON: I think that's right, Alison, but just to  
5           complete that particular point, I suppose if, if, there  
6           was any 'homosexual activity', then it's also possible  
7           that that might have been the result of grooming or  
8           indeed coercion?

9 A. Absolutely, we just don't know.

10 MR SHELDON: My Lady, I'm conscious that's 1 o'clock.  
11           There's perhaps 15 or 20 minutes to go in Alison's  
12           evidence.

13 LADY SMITH: Very well. Well we'll stop for the lunch break  
14           now. Alison, my apologies if you thought I was going to  
15           be able to release you at the lunch break, but you've  
16           just heard Mr Sheldon say that maybe another 20  
17           minutes --

18 A. That's absolutely fine.

19 LADY SMITH: -- would finish your evidence. Is that all  
20           right?

21 A. Absolutely.

22 LADY SMITH: Well thank you for being helpful with that.

23           So I'll stop now for the lunch break and sit again  
24           at 2 o'clock.

25 (1.03 pm)

1 (The luncheon adjournment)

2 (2.03 pm)

3 LADY SMITH: Alison, welcome back.

4 A. Thank you.

5 LADY SMITH: Are you ready for us to carry on with your  
6 evidence?

7 A. Yes, thanks, my Lady.

8 LADY SMITH: Thank you so much.

9 Mr Sheldon.

10 MR SHELDON: Thank you, my Lady.

11 Alison, before the lunch break, we were looking at  
12 a document which contained, among other things, the  
13 sheriff's determination in the Fatal Accident Inquiry  
14 into the death of William McGovern. And we'd looked at  
15 some parts of that. We were on page, I think, 64, going  
16 into page 65 of the document.

17 This is NLC-000000619. And at the foot of page 64,  
18 the sheriff indicates that William's father had made  
19 a number of submissions at the inquiry and the sheriff  
20 says:

21 '[I] begin by saying the early history of William's  
22 periods in social work, in my view, [have] little  
23 bearing on the inquiry, except insofar as it perhaps  
24 explains the situation at Shotts in his later years.  
25 [His father] appeared to lay stress on the observations

1 in the social work department files relating to  
2 self-harm and William's threat to kill himself.'

3 The sheriff says:

4 'I am quite satisfied, on all the evidence that  
5 I heard, that these matters were no longer live issues  
6 at the time William moved to the Shotts area. Had  
7 emphasis still been placed on these rather vague  
8 suggestions in the background, it might well have been  
9 considered that he was being unnecessarily penalised and  
10 stigmatised for matters which had occurred some time  
11 before and which were not clearly of serious  
12 significance at that time.'

13 And reading short:

14 'Early in the inquiry, [William's father] made  
15 suggestions to witnesses that William knew how to use  
16 the system. The evidence clearly showed that William  
17 was torn between his desire to be with his father and  
18 his desire to be with the less strict disciplinary  
19 regime which appeared to exist within the social work  
20 department. I should say at this juncture that the  
21 evidence clearly showed that [his father] was a strict  
22 disciplinarian.'

23 Indeed, my Lady, he seems to have been positively  
24 a physical abuser.

25 LADY SMITH: Yes, that would fit.

1 MR SHELDON: 'The evidence also showed that during his time  
2 in care, in the Bellshill home, William was involved in  
3 a number of incidents, but there is no evidence to  
4 suggest that any of these played any part in his  
5 subsequent death.

6 'During his period in the home, William was  
7 befriended by a Carlisle-based social worker. Certain  
8 allegations were made in respect of that association.  
9 It is clear to me that there was no foundation whatever  
10 in the evidence for any adverse inference to be drawn in  
11 respect of that association. At most, the evidence  
12 suggested that some child speculated about a claim which  
13 it is believed [and I can't make that out, something]  
14 about the receipt of money. I was satisfied in the  
15 evidence from that particular social worker that nothing  
16 untoward had taken place and, in fact, that particular  
17 individual had shown a caring concern for William.

18 'It was clear that in the week prior to his death,  
19 William's conduct deteriorated. No clear or conclusive  
20 evidence was adduced as to the cause of this.

21 'Criticism was also levelled at the children's home  
22 procedures where boys could leave, be brought back and  
23 leave again. However, the strictures imposed on social  
24 work departments with regard to their disciplining and  
25 detention of persons in care, it is difficult to see

1           what else they could do to prevent boys from leaving  
2           an establishment which was not a closed unit.'

3           The sheriff then talks about the morning of  
4           29 September and absconding again. He says:

5           'I [am] asked to conclude that William was suffering  
6           from sleep privation by the morning of Tuesday 29  
7           September. One might speculate that that was the  
8           situation from his persistent departing from the  
9           children's home during the previous week. However, the  
10          evidence was to the effect that social workers felt that  
11          attending school was, in all the circumstances, the best  
12          course, and the school staff certainly did not notice  
13          any indications of sleep privation.

14          'While it's clear that this tragic death followed  
15          upon a period when William was absconding from the  
16          children's home, no satisfactory explanation was  
17          established as to why he was doing this. These matters  
18          were under constant review by the children's home staff  
19          and while it's clear that [William's father] was unhappy  
20          with many aspects of what was happening at the Bellshill  
21          home prior to 29 September, it is again speculation to  
22          say that the subject of his concerns had any direct  
23          relevance to the circumstances of William's death.

24          'There was no evidence that William intended to take  
25          his own life, other than the circumstances in which he

1 was found dead.

2 'With no evidence as to where he was during the  
3 hours before his death, it is possible, but again  
4 involves speculation, that something occurred then to  
5 cause him to do what he did.

6 'In all of these circumstances, I'm unable, on the  
7 evidence, to make any finding with regard to  
8 Section 6(1)(c), (d) or (e).'

9 And that's, of course, about precautions and so on  
10 that might have avoided the death.

11 So, Alison, the determination, it's a short  
12 determination, seems pretty inconclusive?

13 A. Yes.

14 Q. But what we can perhaps draw from the surrounding  
15 circumstances was that this boy was being abused,  
16 physically abused by his father, and there's some  
17 evidence that he was being bullied within the home, and  
18 the suggestion at least that there may have been sexual  
19 abuse, although that is, I think, clearly speculative.

20 What's interesting, Alison, is the fact that there  
21 is no reference anywhere to the inspection report that  
22 we looked at this morning, which must have been very  
23 fresh in everyone's minds at the time of the death and  
24 would have been, at least in theory, available for the  
25 Fatal Accident Inquiry?

1 A. Yes, and my understanding of the timing was that the  
2 report was published in July 1992, and I think the fatal  
3 accident inquiry was perhaps in the May next year.

4 Q. That's right, yes, I think it's -- we looked at the date  
5 earlier on, but, yes, I think it's May 1993.

6 LADY SMITH: Is it at the top of that document? I can't  
7 remember.

8 MR SHELDON: I think it is, my Lady. It's page 61.

9 LADY SMITH: If we just go to the beginning of this current  
10 document.

11 MR SHELDON: Yes. Page 61 in the file. Yes, it's 14 May  
12 1993.

13 LADY SMITH: Yes.

14 MR SHELDON: And I suppose one might think that evidence,  
15 and we don't have to look at the inspection report  
16 again, but evidence about concern on the appropriateness  
17 of placing very young children in situations which would  
18 expose them to older influences, and may have the  
19 potential to be negative and damaging, and indeed the  
20 overall conclusion that Bellshill wasn't at that time  
21 a safe or a stable environment for young people, and  
22 might that not have formed some additional and helpful  
23 background for the sheriff, throwing light on what may  
24 have been going on in William's mind in September 1992?

25 A. It may have. I don't know what information the sheriff

1 had access to, in -- you know, in respect of the report  
2 or the communication thereafter.

3 Q. Well, that's very fair, but certainly there's no --  
4 apparently no reference to it -- to the inspection  
5 report in the determination?

6 A. No.

7 Q. And does that seem, on the face of it, a little  
8 surprising to you?

9 A. I'm not familiar enough with how sheriffs would  
10 construct their determinations to say that, but I would  
11 be surprised if the information hadn't been considered  
12 within the inquiry itself, but I genuinely don't know  
13 the answer to that.

14 Certainly, organisationally, and during 1993, some  
15 of the correspondence appears and some of the ask in  
16 terms of political assurance appears to wrap up the  
17 circumstances of the FAI and the inspection report, so  
18 some of the briefings deal with both. But it's  
19 difficult for me to tell what information the sheriff  
20 was presented with in the course of the FAI.

21 LADY SMITH: I should perhaps confirm this with you, Alison:  
22 bearing in mind that the evidence to be presented at  
23 a Fatal Accident Inquiry is principally evidence  
24 gathered together by the Crown Procurator Fiscal  
25 Service, who would, one would expect, liaise with

1 Bellshill Children's Home, Strathclyde Regional Council  
2 in a matter such as this, the Fiscal might not know to  
3 look for it, if the Fiscal's not told about it, but  
4 I suppose, Mr Sheldon, we could make further enquiries  
5 of the Crown about that, just to see if there is any  
6 documentary evidence in their hands regarding what  
7 passed, if anything, about the report.

8 MR SHELDON: Yes, my Lady. And I think I understood Alison  
9 to be saying a moment ago that certainly the council and  
10 the social work department of the council was really  
11 considering the results of the inspection and the fatal  
12 accident at that time, the death of William, all of  
13 apiece, as if it was all, as it were, wrapped up  
14 together.

15 A. Clearly, there was an initial response, an action plan  
16 to the inspection report in 1992, I think probably  
17 around the time of William's death, but in subsequent --  
18 and there was also an improvement. A home development  
19 plan, I think, developed in around November of that  
20 year, that clearly in subsequent correspondence and  
21 certainly reporting to -- in response to elected member  
22 inquiries, there appears to be information presented  
23 about both the organisation's response to the inspection  
24 report, but also the Fatal Accident Inquiry.

25 Q. Yes, if we can go back, please, to NLC-000000611, which

1 is the file really dealing largely with the inspection  
2 report, and if we go in that to page 78, first of all,  
3 please.

4 This is a briefing for the chairman of the Childcare  
5 Committee. That would be an elected representative?

6 A. That would be an elected -- that would be a local  
7 elected member. There was also correspondence at the  
8 time from an MP, a local MP.

9 Q. Yes. And this -- the briefing, we're told, covers two  
10 sets of issues relating to Bellshill Children's Home.  
11 The first set of issues arises from the report, and  
12 notes that a number of the findings were critical of the  
13 home. The second set of issues arises from allegations  
14 made during the Fatal Accident Inquiry.

15 So, in fairness to whoever is writing this summary  
16 report or this briefing, there is a separation of the  
17 issues, but there is clearly a pretty close relation,  
18 certainly in terms of time, and arguably in terms of  
19 circumstance, to the death?

20 A. Yeah. I mean, they covered -- the circumstances  
21 I think, as I understand it, William spent a relatively  
22 short period of time in Bellshill Children's Home.  
23 I don't think he was there at the time the inspection  
24 took place, but he was admitted that summer and died at  
25 the end of September. So there's a relatively short

1           timeframe between the two, and clearly, while there is  
2           some evidence that the issues raised in the inspection,  
3           irrespective of the tone of the correspondence backwards  
4           and forwards that we discussed earlier, were receiving  
5           attention, I think it's reasonable to conclude that not  
6           all of the issues raised in the inspection had been  
7           fully addressed by the time of William's death.

8    Q.   Yes.  If we look over the page, to page 79, there's  
9           a heading a little further down:

10                 'Allegations arising in the course of the Fatal  
11           Accident Inquiry.'

12                 And the briefing paper indicates:

13                 'During the course of the FAI, a number of  
14           allegations were made about practices in the home or  
15           events which had occurred which implied poor or  
16           irresponsible management on the part of the staff.  
17           These matters were raised by [William's father] in his  
18           own testimony and in cross-examination of witnesses led  
19           by the Procurator Fiscal in the summation of his own  
20           case.'

21                 And reading to the next paragraph, the briefing  
22           paper indicates:

23                 'It's clear from Sheriff Lunny's determination that  
24           the allegations made by [William's father] were judged  
25           to be neither relevant as possible causes of William's

1 death, nor significant in nature.'

2 And of course, we don't know for sure whether the  
3 report was in front of the sheriff at the time, but  
4 would you agree that the significance of those factors  
5 might well have -- the sheriff's view of the  
6 significance of those factors might well have been  
7 affected by the terms of the report?

8 A. Potentially, yes, and again, it's difficult to put  
9 myself in their position, but whether or not they would  
10 have been considered immediately relevant or they would  
11 have led to recommendations about precautions, it  
12 probably is surprising in retrospect to see no mention  
13 of them as of contextual relevance, even if a clear  
14 causal link could not be formed within the findings.  
15 But again, because it's not clear whether or not the  
16 sheriff had access to the report, it's hard to judge.  
17 It's slightly surprising that there's no reference to  
18 it.

19 Q. Yes. At the very least, it would be relevant as  
20 background?

21 A. Mm-hmm.

22 Q. All right, Alison. I've detained you too long already.

23 There's one last document I want you to have a look  
24 at with us. It's NLC-000000655.

25 There's quite a bit in this and I'm going to take it

1 short. And we can see that this is a set of social work  
2 department records for a young person, born in 1975, at  
3 that time aged 13. And if we go first of all to page 4,  
4 there's a note about halfway down the page:

5 'During later contact with the writer, [the young  
6 person] advised she had again been feeling unhappy, had  
7 walked alone to Glasgow, had "found" a ticket to  
8 Arbroath, had found work in a hotel, thus gaining  
9 accommodation and a day's wages. Advised the writer  
10 that she had been chased by motorbike riders and had  
11 sprained her ankle running away. Further concerning  
12 aspects, that she had purchased new pants and had on her  
13 person sachets of coffee and sugar normally located in  
14 hotel bedrooms.'

15 And she gave an account of how she'd had the money  
16 for the pants, and says that the sachets had not been  
17 gained from a bedroom:

18 'During a later discussion, advised that she had  
19 a 17-year-old boyfriend in Arbroath but stated that he  
20 had been in Manchester during [her] visit to Arbroath.  
21 [She] denies being sexually active.'

22 And as I say, there's quite a lot of material about  
23 this.

24 But at page 6, there's a handwritten entry from  
25 May 1990 and I think, if you can make that out, Alison,

1           it looks as though she may have been being investigated  
2           for an STD.

3           And then, with apologies for taking this short,  
4           because there is interesting material there, if we go to  
5           page 10, there's a meeting, 27 April 1990, a meeting  
6           with Bernadette Docherty re the possibility of  
7           a Bellshill Children's Home staff member having abused  
8           this young person along with other young girls within  
9           the home. It's difficult to make that out:

10           'Other social workers involved'?

11   A.   Mm-hmm.

12   Q.   'Also at the meeting. Bernadette requesting that we  
13           pick up the point with the girls as soon as possible.

14           All information --'

15   LADY SMITH: Confidential?

16   MR SHELDON: 'Confidential within the bounds of this  
17           meeting', I think, my Lady, yes.

18           So just very briefly, Alison, is this the social  
19           work record entry that's referred to in the A to D about  
20           the particular concerns? We looked at it this morning.

21   A.   Around the young person being taken to a hotel by  
22           a staff member?

23   Q.   Yes.

24   A.   I'm not absolutely clear on that in terms of timing and  
25           connection. This particular document I don't think

1 I have seen. I appreciate it may be in the evidence  
2 bundle, but I haven't seen before, so I am not sure how  
3 it fits in terms of timing. But clearly, there were  
4 those specific concerns at the time. I'm also looking  
5 at the date in comparison to, you know, that was  
6 a period after which Edward Docherty had left the  
7 organisation. So the concerns being referenced,  
8 clearly, any concerns were around other unnamed staff  
9 members.

10 Q. Yes. And if we look towards the foot of that page, and  
11 then the final note really is:

12 '[She's] very reluctant to discuss any form of  
13 sexual activity, although [I think that's] undoubtedly  
14 sexually active.'

15 And there's then an arrow and the word 'Arbroath',  
16 so we're back to the reference -- well, what looks like  
17 a reference back to the trip to Arbroath, to the hotel?

18 A. Yes. So it appears that potentially this is linked with  
19 the concern that -- and it's where we have drawn the  
20 information that referenced an incident of this type  
21 within our original submission. I don't recall  
22 personally seeing that as a backing document to that at  
23 the time, but clearly, as you referenced earlier, we  
24 framed our, I suppose, analysis of the overall situation  
25 at the time in relation to sexual abuse and the fact

1           that there could be more.

2           There certainly appears, when you look at it, all of  
3           it, from a distance, also a situation where, both in the  
4           way that young people discuss these matters amongst  
5           themselves and in some of the evidence before the  
6           Inquiry, a conflict -- not unusually in young people of  
7           that age -- of young people who felt that they may be in  
8           a relationship with staff, and young people who saw  
9           themselves as being subject to abuse.

10    Q.    Yes.

11           Just in terms of timing, the apparent trip to  
12           Arbroath seems to have been in around July 1989 --

13    A.    Mm-hmm. Oh right, okay.

14    Q.    -- August 1989. And this later entry is April 1990.

15           And just for completeness, my Lady, a young person  
16           with the same first name and date of birth appears on  
17           the indictment in relation to **RBP**.

18    LADY SMITH: Oh right, thank you.

19    MR SHELDON: One of the offences for which he was convicted.

20    LADY SMITH: Thank you.

21    MR SHELDON: Well, Alison, thank you. Those are all the  
22           questions I have. You've borne with me very patiently,  
23           so once again, my thanks.

24    A.    Okay, thank you.

25    LADY SMITH: And let me add my thanks, Alison. I'm really

1 grateful to you for, as Mr Sheldon's rightly said, being  
2 so patient as we've been exploring a number of questions  
3 with you and prodding you in a way that I'm sure hasn't  
4 been easy.

5 I'm really grateful to you and do feel free to go  
6 now. Thank you.

7 A. Thank you, my Lady.

8 (The witness withdrew)

9 LADY SMITH: And just before we turn to the next witness,  
10 I want to mention the names of people whose identities  
11 are not to be mentioned outside this room as being  
12 people who are referred to in our evidence.

13 I've mentioned them all before as those who are covered  
14 by restriction orders and there was [REDACTED],  
15 [REDACTED], RBP [REDACTED], RFG [REDACTED] and Mr [REDACTED],  
16 so please bear that in mind.

17 Now, Ms Forbes.

18 MS FORBES: My Lady, we now move to Merkland.

19 LADY SMITH: Thank you.

20 MS FORBES: And we have a witness who is an applicant and is  
21 anonymous and is known as 'Hugh'.

22 LADY SMITH: Thank you.

23 'Hugh' (affirmed)

24 LADY SMITH: 'Hugh', thank you for coming along this  
25 afternoon. You're hearing me -- I know the way the

1 sound system works, it can be hard to identify. My  
2 thanks to you and to your dog for accompanying you, and  
3 I think that your dog's known as Puppy, is that right?

4 A. Mm-hmm. Puppy, yeah.

5 LADY SMITH: Well, welcome also to Puppy. And can I say at  
6 the outset, if either you or Puppy need a break, you  
7 must just let me know. That's not a problem. Any time.

8 A. Any time?

9 LADY SMITH: I think it's already been pointed out to you  
10 that your written statement is there in front of you and  
11 that's already evidence in front of the Inquiry. Thank  
12 you so much for providing that, it's been really helpful  
13 for me to be able to see that in advance.

14 We're not going to go through it line by line or  
15 word for word, don't worry, we'll just look at some  
16 specific parts of it with you, if that's okay.

17 Otherwise, if you have any questions at any time,  
18 'Hugh', please do say. That's not a problem. It's  
19 important to me that we do what we can to help you give  
20 your evidence as comfortably as you can, so speak up.

21 If we're talking too fast, you tell us.

22 A. No, that's fine, that's fine.

23 LADY SMITH: If we're not making sense, that's our fault,  
24 not yours. All right?

25 If you're ready, I'll hand over to Ms Forbes and

1 she'll take it from there, okay?

2 A. Okay.

3 LADY SMITH: Ms Forbes.

4 Questions from Ms Forbes

5 MS FORBES: Thank you, my Lady.

6 Good afternoon, 'Hugh', you okay?

7 A. I'm fine, aye.

8 Q. So, 'Hugh', as Lady Smith said, your statement's in your  
9 folder in front of you, in the red folder, and it's also  
10 going to appear on the screen in front of you, but you  
11 don't have to use either of those things if it doesn't  
12 help, okay.

13 Just first of all, there's a part of your statement  
14 right at the end where you sign. It's on page 17, so if  
15 I could get you just to turn to the very last page of  
16 your statement, it's showing on the screen now, and that  
17 is paragraph 72. There's a paragraph there that makes  
18 a declaration so I'm just going to read that out,  
19 'Hugh', and it says:

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

24 And then you've signed that. On the screen, it's  
25 blacked out, your signature, but you've signed that and

1           it's dated 7 June 2018. And is that still the position,  
2           that you're happy for your statement to be part of the  
3           evidence to the Inquiry?

4   A. Yes.

5   Q. Okay.

6           Now, 'Hugh', you could just go back to the beginning  
7           of your statement or put it to one side, it's up to you.

8           We give your statement a reference number and it's  
9           not anything that you have to worry about, but just to  
10          get it into the transcript, I'm going to read it out,  
11          okay? It's WIT.001.001.9475.

12          So, now we have that out of the way, 'Hugh', we can  
13          get to looking at what you tell us in your statement.

14          Now, 'Hugh', I think that you might be quite softly  
15          spoken, so as we go through, we can see how you're  
16          coming across on the microphone and it might be we need  
17          to move it a little bit closer.

18   A. Okay.

19   Q. But I think you tell us, 'Hugh', that you were born in  
20          1959, is that right?

21   A. Aye, 1959. [REDACTED]. I think.

22   Q. Yes.

23   A. I don't know exactly, because I was given that by  
24          somebody in the care system way back.

25   Q. I think that's information you were told. Did -- later

1 on, did you ever see your birth certificate at a later  
2 time when you were older?

3 A. Well, if you apply for a job in Scotland, you have to  
4 have your birth certificate and about two years ago  
5 I applied for it and that was the first time.

6 Q. That you saw your date of birth?

7 A. Yeah.

8 Q. Okay. So, and on that, I think you tell us later in  
9 your statement that 1959 was the correct year, is that  
10 right? That you were born in 1959?

11 A. Well, the reason I'm a bit apprehensive here is because  
12 I was once told I was born on [REDACTED] 1959. I was  
13 once told I was born on [REDACTED] 1959, by various care  
14 people. So I'm not -- that's why I don't know exactly  
15 if it is or if it isn't.

16 LADY SMITH: 'Hugh', don't worry about that. I can just go  
17 with whatever is on that birth certificate, okay?

18 A. Okay.

19 LADY SMITH: It's just to give us a guide.

20 A. Okay Miss, yeah.

21 LADY SMITH: I know you're older than 21, okay.

22 MS FORBES: 'Hugh', you then go on in your statement to talk  
23 about really the fact that you have no memory of your  
24 life before going into care, is that fair to say?

25 A. Well, I was just a wee baby or something at that time,

1           you know. Was I? Was I?

2   Q. Well, I think you tell us later, 'Hugh', that you don't  
3       have any records, you've never seen any records, is that  
4       right?

5   A. None.

6   Q. And unfortunately we've not been able to get any of your  
7       records either, so I think all we can rely on, going  
8       through your evidence, is your recollection. But  
9       I think you're telling us essentially your only memories  
10      are of being in care. You don't remember being with  
11      your family.

12  A. No.

13  Q. Is that right? And you tell us -- I think you know,  
14      'Hugh', that we're here today to particularly look at  
15      a place called Merkland Children's Home. But you do  
16      tell us about some other places that you know that you  
17      were at and I think you tell us about that between  
18      paragraphs 3 and 4. There was a children's home in  
19      Greenock, a youth detention centre near Biggar and then  
20      another home in Annan as well?

21  A. Well, what was that Biggar one? What is it?

22  Q. I think you tell us about a youth detention centre  
23      called Darvil?

24  A. Darvil, that was it. I couldn't remember the name.  
25      Darvil, that's it, aye. Do you know about that place,

1 do you?

2 Q. Pardon?

3 A. Do you know about that place?

4 Q. Well, I think we have some evidence about that within  
5 the Inquiry.

6 A. Okay.

7 Q. But today I think you know, 'Hugh', that we're here to  
8 focus on Merkland.

9 A. Okay.

10 Q. Secondary Institutions - to be published later

11

12

13 A.

14 Q.

15 A.

16 Q. It's okay. And I think by the time you got to Merkland,  
17 you tell us that you were aged about 7, is that what you  
18 remember?

19 A. If you say so.

20 Q. Well, 'Hugh', I'm just going by what you've told us in  
21 your statement.

22 A. Yeah, I know, but I mean, it's all guesswork on my part,  
23 you know. I'm sorry, you know.

24 Q. That's okay. That's fine. We can go with that.

25 LADY SMITH: I do understand that, 'Hugh'. What Ms Forbes

1 is referring to is what's in your written statement  
2 that's in front of you. We were just looking at  
3 paragraph 7 there.

4 A. Aye, okay Miss.

5 LADY SMITH: I do understand that that's the best idea you  
6 have of how old you were at that time.

7 A. I did try to say it at the time, but I just said it.

8 LADY SMITH: That's fine.

9 A. I couldn't remember exactly when it occurred.

10 LADY SMITH: That's fine. Thank you, that's helpful.

11 MS FORBES: And, 'Hugh', you tell us about Merkland from  
12 paragraph 7 of your statement onwards and you explain  
13 that you think you were there on two separate occasions,  
14 and your best estimate is that the first time you were  
15 there between about 7 years old and 12 years old, and  
16 then the second time you were there from about 13 years  
17 old until you were 16?

18 A. No, 15.

19 Q. 15. Okay.

20 So, just looking at what you tell us about the first  
21 time you were there then, 'Hugh', at paragraph 7, you  
22 say that first time, the home was [REDACTED] by a Mr [REDACTED],  
23 or a Mr [REDACTED] as you called him?

24 A. Mr and Mrs [REDACTED]

25 Q. So there was a Mr and Mrs.

1           And you tell us a bit about the set-up, the layout  
2           of the children's home at paragraph 7, but essentially  
3           there were dormitories within the children's home and  
4           I think you say it was mixed. There was boys and some  
5           girls there as well?

6   A. Yeah. But not in the same dormitory, you know.

7   Q. No. I think you explain that there were about 30 boys  
8           in total, about eight boys to a dorm, but there was  
9           different dorms for different ages, and I think you say  
10          that the girls and the boys were separate for sleeping.

11          'Hugh', you go on to tell us that you had to go to  
12          Sunday School there, that it wasn't a choice, that that  
13          was something you had to do; is that right?

14   A. Compulsory.

15   Q. Okay. And --

16   A. If you didn't do it, they battered you, so what else can  
17          I say? There's no other way I can say it. You had to  
18          go. If you didn't, you got belted. That's the way it  
19          was.

20   Q. And you also say you had to wear a kilt. Was that just  
21          when you went to Sunday School or was that on other days  
22          as well?

23   A. All day Sunday.

24   Q. All day Sunday, okay.

25   A. Which I was all right about, apart from the tartan.

1 I didn't know what tartan it was and I couldn't pick  
2 a tartan for myself 'cause my name didn't mean anything  
3 to me.

4 Q. But that was something that the children's home supplied  
5 and you had to wear on a Sunday?

6 A. Mm-hmm.

7 Q. 'Hugh', you tell us that whilst you were in Merkland,  
8 you and others had to do chores and you explain the type  
9 of chores that you had to do, be folding clothes is one  
10 of the chores, is that right?

11 A. Well, it was everything. There was everything, from  
12 cleaning boots to washing plates to weeding gardens to  
13 raking, cutting hedges, cleaning his car, I mean, and if  
14 you didn't do it, you got battered. Everything,  
15 everything, any time, battered. And it was just MXV-RGE  
16 MXV-RGE When Mr RGD arrived, it all stopped. It all  
17 changed for the better. There was no more physical.  
18 But, yeah, sorry.

19 Q. Thank you, 'Hugh', for explaining that.

20 When you say you had to clean his car, was that  
21 Mr RGE's car?

22 A. Yeah, or whatever car he wanted us to clean, you know.

23 Q. You just tell us, 'Hugh', at paragraph 10 that you  
24 remember on your first day that you were given  
25 a cigarette, is that right?

1 A. Yeah.

2 Q. So --

3 A. I haven't stopped since.

4 Q. So you would only have been maybe 7 at that stage, yeah?

5 Who was it that gave you a cigarette?

6 A. It was the man himself.

7 Q. Mr RGE ?

8 A. Mm-hmm.

9 Q. So it wasn't one of the other boys or anything, it was

10 actually Mr RGE ?

11 A. Well, we did borrow fags off each other once we got in

12 the habit, but, aye, that's what he did, you know.

13 Q. And was that the first time that you'd smoked?

14 A. Aye.

15 Q. And as you've just said, 'Hugh', you've not stopped

16 since, so that was the start of you smoking?

17 A. When I say I haven't stopped, I don't smoke every day as

18 it happens because I know the health implications, but,

19 aye, so I had one just half an hour ago, you know.

20 Q. And you tell us, 'Hugh', that on that first day,

21 Mrs MXV gave you a bath and some clean clothes to

22 wear and you were introduced to Mr RGE as being

23 the person who was SNR of the home.

24 'Hugh', you go on to give us an account of the

25 routines and you say that you had to get up in the

1 mornings for a wash, get dressed. You then had to do  
2 your jobs, and these were domestic chores like dusting  
3 and hoovering. And then you'd get your breakfast and  
4 you'd have more jobs, washing the dishes or cleaning and  
5 polishing shoes, and that was before you went to school?

6 A. Mm-hmm.

7 Q. And you and other boys had to do that in the morning?

8 A. Had to do it. You don't know the pressure that was put  
9 on us if we didn't do these tasks, you know, yeah, yeah.

10 Q. And if you didn't do them, would there be a physical  
11 punishment for that?

12 A. Oh, definitely. But in order to avoid the physical  
13 aspect, you did it. You just did it, you know,  
14 you -- yeah.

15 Q. And you tell us, 'Hugh', that your aim was to get to  
16 sleep at the top of the house, and is that because the  
17 older you were, the higher up the house you got to  
18 sleep?

19 A. Sorry, I didn't understand.

20 Q. It's my fault, 'Hugh', it's the way I've said it.  
21 I think you explain at paragraph 12, you say:  
22 'My aim was to get to sleep at the top of the house  
23 when I got a bit older.'

24 A. Oh aye.

25 LADY SMITH: Why? Why did you want to do that, 'Hugh'?

1 A. Well, 'cause all the big boys were there.

2 LADY SMITH: So you wanted to be a big boy?

3 A. No, I didn't want to be -- I wanted the protection that  
4 come with the big boys, 'cause they looked after each  
5 other. Nobody looked after the younger people, you  
6 know.

7 LADY SMITH: Yes. Okay.

8 A. And I seen it, all through my growing up I seen it.

9 LADY SMITH: Thank you.

10 MS FORBES: 'Hugh', you explain that bedtime at the home was  
11 8.00 pm, although it might have been earlier when you  
12 were younger, and you say the lights went out at 8.00 pm  
13 and there was to be no noise and a staff member would  
14 listen outside the door and if there was any noise,  
15 you'd get battered.

16 A. That's right, you know, that happened in every place  
17 I was at as a child.

18 Q. So that was something you were used to?

19 A. Well, you never get used to things like that, but.

20 Q. No, but it happened before?

21 A. Yeah, yeah, yeah.

22 Q. 'Hugh', you go on again to tell us a bit more about life  
23 at Merkland and essentially you say the food wasn't  
24 great, and you talk about having to eat tripe and  
25 carrots and turnips for tea?

1 A. She used to bang the plate over your head if you didn't  
2 eat it.

3 Q. Was that Mrs **MXV** ?

4 A. Yeah, right down. It happened to me twice. It never  
5 happened a third time 'cause I started eating  
6 everything, even though I didn't like them. Like,  
7 tripe. I mean, who eats tripe? Bleurgh.

8 Q. I think you say in relation to Mrs **MXV**, you tell  
9 us, 'Hugh', that she was a tyrant. Is that how you saw  
10 her?

11 A. She just bullied, you know.

12 Q. You tell us about bathing, 'Hugh', and you say that  
13 there was a bath that you'd have every second night,  
14 there'd be two boys having a bath at the same time.  
15 Were there separate baths or was there just the one  
16 bath?

17 A. It was just one bath, one shower.

18 Q. And so did that mean that you had to bath with other  
19 boys?

20 A. Mm-hmm.

21 Q. And you say there'd be a staff member sitting between  
22 the two boys to make sure you washed properly. So would  
23 they be sitting next to the bath?

24 A. Yes, aye.

25 Q. And I think --

1 A. And telling us how to clean ourselves, you know, where  
2 and how and why and things like that, you know.

3 Q. And you point out, 'Hugh', that that could be male or  
4 female members of staff that did that?

5 A. Sorry?

6 Q. I think you point out that it could be male or female --

7 A. Aye, male or female.

8 Q. -- members of staff. And you also say you did what you  
9 were told to do to stay out of trouble?

10 A. Yeah -- well, no, just to stop getting beaten up. Not  
11 to stay out of trouble. To stop getting -- yeah.

12 Q. So to avoid any physical violence you just did what you  
13 were told?

14 A. That's what we had to do. There was no other way out of  
15 it. But as I say, when Mr RGD arrived, things just  
16 changed completely for the better, aye.

17 Q. I think you tell us about him a bit later, 'Hugh', so  
18 we'll come to him in a little while.

19 But just staying on your -- what you remember about  
20 the routine. You talk about going to school from  
21 paragraph 16 of your statement and you say  
22 primary school first and then on to Moffat Academy and  
23 you'd walk there through the woods. It was about  
24 a mile. Is that right? And you say that there was  
25 really nothing to do after school, because there was no

1 toys at the home?

2 A. Just block jobs. Just the usual block jobs we had to do  
3 every night after school, you know.

4 Q. So you are saying 'blow jobs'; is that what you're  
5 saying?

6 A. Block jobs. Do you know what a block job is?

7 Q. Block job? Oh. What's that, 'Hugh'?

8 A. Well, that was again, cleaning, hedging, grass cutting,  
9 weeding, barrowing, yeah, aye.

10 Q. So these chores again after school?

11 A. Yeah.

12 LADY SMITH: Why did you call them 'block jobs'?

13 A. Well, they probably weren't called that when I was  
14 a boy, but in the army they had block jobs.

15 LADY SMITH: I see what you mean.

16 A. What is the word for that?

17 LADY SMITH: Sorry?

18 A. What is the word for that?

19 LADY SMITH: I think you're allowed to call it anything that  
20 works for you. I was just trying to understand what you  
21 were referring to. The standard jobs that had to be  
22 done repeatedly.

23 A. Aye. I became a master at hoovering.

24 LADY SMITH: Well done.

25 MS FORBES: 'Hugh', you tell us though in relation to school

1           that you left secondary school --

2   A.  Can I interrupt you?  Nine schools I was at.  Nine.  And

3           not one of them noticed I couldn't read or write.  So as

4           far as your education goes, forget it, 'cause I never

5           got one, right.

6   Q.  And you tell us later on, 'Hugh', but you mention it

7           here in your statement, that you joined the army later

8           on --

9   A.  No, again, I couldn't read or write when I tried, so

10          I couldn't get in the army at the start.  I had to find

11          another way in.

12  Q.  You had to learn how to read or write, I think you say

13          after, is that right?

14  A.  Well, I joined the Territorial Army and you didn't need

15          to be able to read and write to join that.  But when

16          I was there, I was asked by the battalion if I wanted to

17          join the battalion and the assumption that I would

18          take -- they were called 'numpty classes', right, it's

19          just a name, but it was for people who couldn't read and

20          write and they get taught in the army.  Well, the army

21          taught me how to read and write.

22  LADY SMITH:  Yes.  'Numpty' is a rude word referring to

23          somebody who people think isn't very bright.

24  A.  Yeah, yeah.  Well, it goes without saying, being a --

25          there was only about 20 of us that couldn't read or

1           write and the rest of the battalion could.

2   LADY SMITH:   Okay.

3   A.   So it was a bit, really, the numpty class.  And it's all

4           right, it was okay, because it encouraged you to learn

5           quicker and so you could read.  And I can read

6           everything in front of me now.

7   LADY SMITH:   Good.

8   A.   But I couldn't when I was in care.  And I needed to do

9           it then.

10   LADY SMITH:   Yes.

11   MS FORBES:   So what you're saying really, 'Hugh', is that in

12           all those schools that you were at, you left without

13           being able to do key things like reading or writing, and

14           that's something then you took until you were trying to

15           join the army for you to be able to learn how to do?

16   A.   Yeah.

17   Q.   You also tell us, 'Hugh', that at the school, you'd get

18           the belt, and you say that would be for nothing.  The

19           teachers would try to make you read in front of the

20           class and you couldn't do it --

21   A.   Aye, I got in the -- I was the only Merkland boy in my

22           class and I got it all from everybody, right.

23           Everything.  It was -- yeah.

24   Q.   'Hugh', you go on, this is now to paragraph 19 in your

25           statement, and you tell us the first time you were at

1           Merkland, there was a woodland beside the home and at  
2           the weekend you'd play there, training to be soldiers,  
3           and you say that was a big part of your free time, your  
4           leisure time. So that's what you remember?

5    A.   Aye. I was getting accustomed, wasn't I. I didn't know  
6           at the time, but they were all destined for the army,  
7           the Merkland boys, you know, 'cause there was no other  
8           future for us.

9    Q.   And when it comes to holidays or trips at Merkland,  
10           'Hugh', you say that they didn't happen --

11   A.   Aye, well, I've got to interrupt you again. The kids in  
12           my class, half of them would go away on holiday and the  
13           other half who couldn't afford it stayed, and this went  
14           on through the whole of my time at school. And they  
15           used to do it in Merkland, they'd go away on holiday and  
16           leave us and not take us with them, you know.

17   Q.   Would that be the school that would go away and you'd  
18           get left? So the school, the high school?

19   A.   I'm sure the school put trips on for the kids at school,  
20           but we never got none of it.

21   Q.   I think you put it, 'the Merkland boys', as you referred  
22           to yourselves, were not able to go anywhere?

23   A.   No. We couldn't even buy our Scout badges. You know  
24           the badges you get? We couldn't get them because we  
25           couldn't pay for 'em. I done all of 'em, I done 'em

1 all, but I wasn't allowed to wear the badge 'cause  
2 I couldn't buy them.

3 Q. So even though you did what was needed to do to get the  
4 badge, because the money wasn't handed over, you didn't  
5 get it?

6 A. Just wouldnae do it.

7 Q. 'Hugh', you talk about birthdays and Christmas and you  
8 say that at Christmastime, you had to perform, to please  
9 ██████████ and the staff, and then you go on to  
10 explain that you had to cuddle them or touch them?

11 A. Yeah, yeah.

12 Q. And other staff too. And you say that --

13 A. Well, if you didn't do it, you didn't get your presents,  
14 eh? You had to do whatever they told you to do or you  
15 wouldn't get anything. Honestly. You just did it.  
16 Just to avoid the confrontation. I'm speaking now as  
17 an adult, but looking back as I was, a boy, you know.  
18 They were brutal people, you know. I'm just sorry I was  
19 there.

20 Q. You tell us, 'Hugh', that some of these things that they  
21 would ask you to do were for sexual reasons and some  
22 were just for comfort. You talk about one staff member  
23 giving massages, is that right?

24 A. Yeah.

25 Q. And you say that wasn't for sexual reasons?

1 A. No, that was, that's been -- that was one of my life  
2 learning things. I do it now with myself. I use  
3 essential oil for various -- lavender, tea tree,  
4 (inaudible), you know, and I use them for the purposes  
5 that they're designed for. And this man that was giving  
6 us -- teaching us lavender and all that when I was  
7 a boy, it wasn't sexual; no. It could have been looked  
8 upon as that, but ... Yeah. Aye.

9 Q. But you say though, 'Hugh', that you'd get a present if  
10 you pleased them?

11 A. Mm-hmm.

12 Q. Is that if you pleased the staff? So a Christmas  
13 present?

14 A. Mm-hmm.

15 Q. And you say that if there was a meal it was a regimental  
16 pastime, there was no joy involved. And if you did get  
17 a present it would be smashed up by the older boys?

18 A. See, you've heard it all before. Yeah.

19 Q. But you point out, 'Hugh', that Christmas isn't  
20 something you celebrate since your time at Merkland.  
21 And in relation to birthdays, there was no celebration,  
22 there was no cake, no present, and you say:  
23 'We were just numbers in the system to them and  
24 forgotten about.'

25 A. Well, looking back through the mind I have now, yes.

1 I mean, I can see now that we were just cannon fodder  
2 for 'em, you know, we were just numbers, you know.  
3 I mean, but didn't Dumfries and Galloway know about  
4 this? 'Cause every time we ran away, the police would  
5 catch us and take us straight back and we'd get  
6 battered. But shouldn't that have been a sign for  
7 somebody? It never was. So. But we would never stop  
8 running away. We were always running away. Every time  
9 we got a chance to run away we took it, 'cause we hated  
10 it, being there. It was just braw, knowing when we get  
11 caught we're going to get belted, but that's fine.

12 Q. And, 'Hugh', I think you say when you ran away, you  
13 would break into empty houses to stay in?

14 A. Yeah.

15 Q. And you learned how to watch houses to be sure they were  
16 empty?

17 A. I've got to emphasise, we weren't robbing the houses, it  
18 was just shelter, you know.

19 Q. And I think you say you'd have to shoplift food when you  
20 did that as well?

21 A. Mm-hmm.

22 Q. To get by. And you tell us that you learned that when  
23 you were at Merkland. Was it learning how to break in  
24 to houses and how to shoplift?

25 So that's something that --

1 A. But we all did it. We all had to do it, looking back,  
2 you know. At the time, I quite enjoyed it, being with  
3 the bigger boys, you know. But looking back, I can see  
4 we had to do it. If you wanted things like food  
5 sometimes, you know.

6 Q. So this was you trying to get away from the brutal  
7 regime that was --

8 A. Mm-hmm.

9 Q. -- going on in Merkland.

10 'Hugh', you tell us there were no inspections that  
11 you were aware of, this is at paragraph 23, and you say  
12 that you only saw a social worker if you did something  
13 wrong, effectively, but you didn't trust social workers  
14 anyway?

15 A. No, you couldn't, you couldn't, because they'd batter  
16 you as well, you know, and take you straight back as  
17 well. You know, one I met, one social worker, Ann  
18 Robertson, her name was. She was lovely, you know.

19 Q. Yes. Is she somebody you met later on?

20 A. Aye, in Lockerbie. It was her that got me out of  
21 Lockerbie, when I told her about the abuse that was  
22 going on there. And I told her and she moved me back to  
23 Merkland. But at the time I moved back, Mr and Mrs **MXV-RGE**  
24 were gone and Mr and Mrs **RGD-SPO** were there, it was  
25 brilliant.

1 Q. I think we're going to come to them in a -- when we talk  
2 about the second time you were at Merkland, 'Hugh'.  
3 I think, though, you also tell us that you'd  
4 sometimes see the doctor, but the doctor would be  
5 somebody that would also hit you. I think you say you  
6 were skelped by a doctor?

7 A. They'd skelp you back. If you made a complaint about  
8 somebody in Merkland to the doctor, the doctor would  
9 tell them and you'd get battered. So what did we do?  
10 We stopped telling people. We didn't know what else to  
11 do, you know.

12 Q. And, 'Hugh', you say that you had an issue with wetting  
13 the bed until you were about 14?

14 A. Mm-hmm.

15 Q. And you say at Merkland there was a routine and if you  
16 woke -- when you woke up, if the bed was wet, you'd be  
17 humiliated and sent to the showers in the morning. And  
18 you'd be shouted at by the staff and other boys?

19 A. [REDACTED] used to wash you. If you'd wet the bed, you would  
20 stink of urine, and she'd wash it all off you, you know.

21 Q. So would this be in the bath, or?

22 A. Mm.

23 Q. So she would be involved in washing you. How old would  
24 you be at that time?

25 A. 11, 12, 13. 14 I stopped.

1 Q. So a bit older and she'd still be doing that?

2 A. Mm-hmm. Well, no. I wisnae in Merkland when I was 14,  
3 aye.

4 Q. Okay. I think you tell us, 'Hugh', that the other boys  
5 and staff would shout at you: 'you pissed the bed'. So  
6 that's the kind of thing that you'd hear. But I think  
7 you say that things changed when you reached puberty,  
8 things became less aggressive, is that right? The way  
9 you put it? Yes. Is that because you were a bit older  
10 and bigger?

11 A. Well, that's right. Do you know what I started doing  
12 when I was 13? If anybody come near me, I would hit  
13 them. Male, female, adults. I would just hit them.  
14 And I'd just need to do it once or twice and they all  
15 kept away from me, you know.

16 Well, I learned that lesson and I've carried that  
17 through all my life. In the army, you get a bully, you  
18 just hit them once and they won't bother you again. And  
19 that's what I achieved for myself at the age of 13, you  
20 know.

21 Q. So that's something that you learned as you got a bit  
22 older, and that was the way to behave to avoid being  
23 a target?

24 A. Mm-hmm.

25 Q. 'Hugh', we're about to come to a part of your statement



1 your statement we were coming to, where you tell us  
2 about particular instances of abuse in respect of  
3 certain people.

4 So if it's okay with you, I'm just going to talk to  
5 you about that.

6 At paragraph 27, 'Hugh', you talk about  
7 Mrs **MXV** firstly, and you say that she was forever  
8 playing with you and other boys, fondling you. And you  
9 describe that she'd give out underpants to boys and  
10 she'd check constantly that they fitted properly. So  
11 she would be touching you, doing that?

12 A. Mm-hmm, all the time, yeah. Well, one of the bigger  
13 boys said she's checking to see that your testicles have  
14 formed all right. That was the reason we were given at  
15 the time. But I didn't have any testicles at the time.

16 Q. How often did she do that?

17 A. Every time you -- bath time, you know.

18 Q. You say that she was someone who used to dress you up,  
19 so you and other boys, in girls' clothes and make you  
20 wear them all day?

21 A. Why did she do that? Why did she do that? And girls'  
22 underwear. I mean, what?

23 LADY SMITH: Was that used as a punishment, 'Hugh'?

24 A. Well, as a wee boy, I mean, how can I tell, you know?

25 I was just a wee boy at the time, you know. I mean,

1 I don't know why she did these things.

2 LADY SMITH: I just wondered if it was when she told you  
3 you'd done something wrong and so you had to wear girls'  
4 clothes, because you'd done something wrong.

5 A. Well, I might have.

6 LADY SMITH: Could it have been that?

7 A. Yeah, if you're asking me what I did wrong, I can't  
8 remember what I did wrong.

9 LADY SMITH: I'm not asking you. It's something called  
10 'petticoat punishment for little boys'.

11 A. I've looked it up and researched it and that's what it's  
12 called, yeah.

13 LADY SMITH: Thank you.

14 MS FORBES: 'Hugh', you tell us she'd take photographs of  
15 you dressed up in the girls' clothes, is that right?

16 A. That's right.

17 Q. And you say that sometimes though, it was a competition  
18 for the gala day in the summer, so that she would dress  
19 you up in clothes for the gala day.

20 A. And send me out in public, you know.

21 Q. Was it just you that she would send out, 'Hugh', or  
22 other boys as well?

23 A. It's only me I can remember, yeah.

24 Q. Okay. But you say that was just sometimes. Other times  
25 there wasn't a gala day that she was dressing you up

1 for, she'd just make you wear the girls' clothes?

2 A. In Merkland itself, aye, walk about with them on all day  
3 and stuff, you know. I think it was just me, I don't  
4 know. I don't know.

5 Q. Did you see other boys wearing girls' clothes or not?

6 A. I remember a guy, [REDACTED], [REDACTED] somebody, he -- he had to  
7 go through it.

8 Q. So he had to do it as well?

9 A. But -- yeah, I mean, it wasn't a physical punishment,  
10 you know. You just had the humiliation of walking about  
11 with girls' clothes on when you shouldn't have been.  
12 But it wasn't a physical punishment. I mean, I done it  
13 because it was either that or you got battered, so I did  
14 it. That's the way it was, you know. What can I say,  
15 you know? I just did it.

16 Q. And how old were you when you were having to do that,  
17 'Hugh'?

18 A. It was -- say again?

19 Q. How old would you have been when you were having to do  
20 that?

21 A. It was the first time.

22 Q. Okay.

23 A. Because I know the second time I went, I was putting up  
24 with nothing anymore. I just knew. And I didn't.  
25 Nobody -- apart from education, I never got physical

1 damage or abuse or any of that -- sexual abuse, nothing  
2 happened to me after the age of 13 because I retaliated  
3 against them. And I learned that from one of the bigger  
4 boys. He said: 'Just hit 'em, FCW, hit 'em, and  
5 they'll no do it', and I did it, and it didn't happen  
6 again. I didnae want to hit them. And some of the boys  
7 stabbed some of these people, you know. I never done  
8 that, but I thought about it. But I never.

9 Q. So some of the bigger boys would fight back?

10 A. Oh aye.

11 Q. And you saw that?

12 A. Tell me just to stab 'em, you know.

13 LADY SMITH: Did I hear you right there, 'Hugh', that you  
14 said some of the older boys stabbed some people?

15 A. Yeah, one of them stabbed --

16 LADY SMITH: Okay. Tell me about that.

17 A. It was one of the abusers, it was a man called RJO.  
18 And he lived just -- a house not far from Merkland and  
19 he used to come in all the time and he was very  
20 physically abusive. And I knew one of the big boys was  
21 getting more abuse than I was and I knew he stabbed 'im.  
22 I think he used a pencil.

23 LADY SMITH: Okay.

24 A. I think.

25 LADY SMITH: A sharp one.

1 A. But I was -- I was a young boy. I didn't know who --  
2 what was going on really, you know. I was naive.

3 LADY SMITH: So all you know, it was a pencil that he used.

4 A. It was a pencil he stabbed him with, aye. Right in the  
5 belly as well, I heard.

6 LADY SMITH: Mm-hmm. Thank you.

7 MS FORBES: 'Hugh', the person you have mentioned as RJO,  
8 was he a staff member then?

9 A. No.

10 Q. No?

11 A. He was a friend of RGE's.

12 Q. He was a friend of RGE's?

13 A. Mm-hmm.

14 Q. And he used to come into the home?

15 A. Mm-hmm.

16 Q. And you say that he would assault boys?

17 A. And his son. His son used to come in as well and he was  
18 more fitter, I'm telling you, some of the damage --  
19 people all bruised to bits, and it never stopped.  
20 I thought if you seen somebody all bruised to bits it  
21 would stop, but it never stopped.

22 LADY SMITH: 'Hugh', just to get that name, did you say  
23 MXW or RJO?

24 A. RJO.

25 LADY SMITH: RJO, thank you.

1 A. I don't know his -- that was his second name. I don't  
2 know --

3 LADY SMITH: Ah, right. Okay. Thank you.

4 A. I even went to his funeral.

5 LADY SMITH: You went?

6 A. They made us go to his funeral.

7 MS FORBES: So he died whilst you were still in Merkland?

8 A. Yeah.

9 Q. You were made to go.

10 'Hugh', you go on to tell us -- now I'm not sure,  
11 this is at paragraph 28, if you're talking about a boy  
12 who was in care or a staff member, but you say that you  
13 remember one guy and you use the name 'MXW'. Was he  
14 a staff member or a boy?

15 A. He was a staff member.

16 Q. Okay.

17 A. And the boy you're talking about was called [REDACTED]  
18 [REDACTED], one of the [REDACTED] brothers. And he would get  
19 abused -- punched, punched, punched to bits.

20 Q. Yes.

21 A. And I felt so sorry for the guy, you know. I still do  
22 when I think about it.

23 Q. I think you tell us, 'Hugh', that this guy MXW  
24 'battered two of us black and blue'. So do you mean not  
25 you; two of the other boys?

1 A. The reason not me, because I just succumbed to what he  
2 wanted me to do. I did what he wanted me to do to  
3 prevent getting battered. And I don't know how many  
4 times I can say this, but that's the way it was, you  
5 know.

6 Q. 'Hugh', you say that when **MXW** was attacking another  
7 boy, and that's the boy you've mentioned, you say that  
8 you dived in to help because that boy was getting  
9 a hiding for not doing what he was told?

10 A. Mm-hmm. **[REDACTED]**, his name was.

11 Q. 'Hugh', the way you've described it, and you've repeated  
12 it there, you say you'd just get beatings for the least  
13 little thing, for not toeing the line for example. So  
14 that would be from the staff?

15 A. Are you talking about Sunday School here?

16 Q. I'm not sure if it's Sunday School that you're talking  
17 about at paragraph 29, but you say 'you would get  
18 beatings for the least wee thing'.

19 A. Yeah.

20 Q. Is that Sunday School?

21 A. Not paying attention was the main thing, yeah. Not  
22 picking up on what we were supposed to be learning.

23 Q. At Sunday School?

24 A. Yeah.

25 Q. But you also mention, 'Hugh', that the older boys would

1           also be physically violent and would beat you up if you  
2           didn't do your jobs?

3   A.   Yeah.

4   Q.   So they were enforcing the rules then in Merkland?

5   A.   Aye, they forced a lot on us as wee boys, you know.  And  
6           when I became a big boy, I was expected to do the same  
7           to the wee boys, but I couldn't do that.  I couldn't do  
8           anything.  You know.

9   Q.   And when you say, you know, the older boys or the bigger  
10          boys were expected to do that to the younger boys, do  
11          you know why it was that they were doing that?  Who was  
12          making them do that?

13  A.   What a brilliant question.  What a brilliant -- why?  
14          Why?  Exactly.  Why should we be treated like that  
15          there?  Why?  I mean, all we wanted was love and care  
16          and attention.  None of that, ever.  We were just left  
17          to deal with it.  I mean, imagine dealing with your own  
18          teeth at 6-year-old.  Come on, it's no fair, but.

19  Q.   'Hugh', you tell us that even if you went out for  
20          a walk, which happened quite a lot, if you didn't keep  
21          up, you'd get skelped, you say, by the carers?

22  A.   Yeah.

23  Q.   And you --

24  A.   I'm only laughing because you already know all this, you  
25          know, in -- oh, this is just my statement, isn't it?

1 Q. Yeah, this is us going through your statement, 'Hugh',  
2 just so you can tell us a bit more about it or give your  
3 evidence.

4 LADY SMITH: 'Hugh', it's not just your statement. This is  
5 about you and your individual experience at Merkland.

6 A. Okay.

7 LADY SMITH: It matters to me to know how you individually  
8 experienced this place and what you remember of it. So  
9 don't, please, think that I'm treating it as just  
10 another statement. It's not like that.

11 A. No, no, aye.

12 LADY SMITH: Okay?

13 MS FORBES: 'Hugh', I think you tell us that you learned  
14 that if you walked in front of people who got skelped,  
15 then it wouldn't happen to you, so you could sort of  
16 hide in front of them?

17 A. I learnt that in the army as well. If you kept in front  
18 of the people that couldn't do things, 'cause the ones  
19 that couldn't do it got battered. So I kept in front.

20 Q. Yes.

21 A. Well, I learnt that in care, you know.

22 Q. And that wassomething that carried through to being in  
23 the army?

24 A. To this day, still, you know.

25 Q. 'Hugh', you go on to tell us about someone who worked in

1 the home [REDACTED] and you say that he was  
2 somebody who made you parade naked for hours for no  
3 reason. Can you -- do you want to tell us anything more  
4 about that?

5 A. What can I tell you?

6 Q. Where did it happen, was it inside or outside?

7 A. Inside.

8 Q. Inside.

9 A. Usually before bath time.

10 Q. So in the evening?

11 A. And we'd be all ready for a bath, waiting for hours,  
12 waiting to go for a bath and just standing about,  
13 waiting and waiting and waiting. And then he'd wash us.  
14 Well, the wee boys. I don't know what he did to the big  
15 boys, but he'd wash us.

16 Q. So you've described him as being the man [REDACTED].  
17 Do you remember his name at all?

18 A. No.

19 Q. No.

20 A. But what I do know is I met another Merkland boy  
21 years -- and he said the same thing about him. But he  
22 didnae need to tell me 'cause I knew. I seen him doing  
23 it to other boys, you know, so.

24 Q. When you tell us, 'Hugh', that he would 'wash us in the  
25 bath' and wouldn't let you wash yourselves, would he be

1 touching your private parts when he was doing that?

2 A. He'd make an emphasis, a point, make sure your foreskin

3 was clean and -- what are we talking about here.

4 Q. Yes.

5 A. Yeah.

6 Q. So he would do things like that. Okay.

7 And you tell us, 'Hugh', that what Merkland staff

8 considered to be discipline would be considered abuse by

9 most other people, and you talk about a punishment which

10 was being locked in a cupboard for hours?

11 A. Yeah.

12 Q. With other boys?

13 A. Naked sometimes, no clothes on sometimes. Two or three

14 of us in there sometimes. I can still see the room in

15 Merkland where it happened.

16 Q. And do you know what type of things would happen for you

17 to be locked in the cupboard? Would this be

18 a punishment for if you'd done something wrong or not?

19 A. Well, it was only done because you didn't do what you

20 were told.

21 Q. Okay. Right.

22 A. You know. I'm painting a bleak picture here of Merkland

23 and I'm sorry, but that's the way it was.

24 Q. That's okay. There's no need to apologise, 'Hugh'.

25 We're here to listen to what you've got to say, okay.

1 I think you tell us that that would happen quite  
2 a lot, being locked in the cupboard with no clothes on.  
3 Would the light be on in the cupboard when you were  
4 locked in there?  
5 A. There wasn't a light in the cupboard.  
6 Q. There was no light?  
7 A. No.  
8 Q. So you'd be in the dark as well.  
9 You make the point, 'Hugh', that when Mr RGE  
10 gave out a punishment, it would be over and done  
11 quickly, he'd use a strap?  
12 A. He'd use it -- yeah.  
13 Q. And you were told to: get down, bend over, pants off.  
14 So you had to remove your pants. And he'd get the strap  
15 out and use it on your bare backside?  
16 A. In front of everybody. You know, I remember that. In  
17 front of everybody.  
18 Q. So would that be in front of boys and staff?  
19 A. Yeah.  
20 Q. And do you remember where he would do that? Would it be  
21 in a particular room in the home?  
22 A. Oh, it was in the dormitory it normally happened.  
23 Q. But you say that there was other staff that dragged out  
24 the punishment over hours and you wouldn't know what was  
25 coming and when?

1 A. You just hoped it wouldn't come. You always hoped you  
2 wouldn't be picked on. Hoped they'd pick on somebody  
3 else all the time, you know. Yeah.

4 Q. And when you say you wouldn't know what was coming,  
5 would that be a physical punishment you would get?

6 A. Aye, it was, RGE would just (indicating). It was  
7 usually here, sometimes on the side but mostly here  
8 (indicating), just: boom, do it.

9 Q. You're indicating, 'Hugh', you're showing me a punch on  
10 the arm or you're saying on the side as well?

11 A. Yeah, on the side here. That was just RGE we're  
12 talking about.

13 Q. What kind of force would he use?

14 A. Well, a wee boy, what do you think, you know? Did it  
15 bring tears to my eyes? Yes, it did. Would it leave  
16 a bruise? Yes, it did. But what can you do, you know.  
17 So you learned. You learned quite quickly to do what  
18 you're told or that's what happens. Mm-hmm.

19 Q. 'Hugh', you tell us a little bit more about  
20 Mrs MXV and her touching you, and you say that  
21 this happened to all the boys and you say that that was  
22 better than being beaten up. Is that how you felt at  
23 the time?

24 A. Well -- sorry, say again?

25 Q. I think you tell us that Mrs MXV would fondle you

1           constantly and you say that that happened to all the  
2           boys?

3   A.   Oh, aye, aye, every one of us, yeah. Well -- well, when  
4           you come out the bath, you go into a bit where you got  
5           clothes, and you'd go in there naked and then she would  
6           give you things; a T-shirt, underwear, socks. And it  
7           all happened then, you know.

8   Q.   So that's where she would fondle you. And you say it  
9           was other boys it would happen to as well?

10   A.   I can see them now.

11   Q.   Would you see her doing that to them?

12           'Hugh' --

13   A.   I was lucky because I was still a wee boy. I wasn't  
14           a big boy until I come back the second time, but I was  
15           just a wee boy. I have no interest to anybody, as you'd  
16           imagine, in that sense, you know. Having no testicles  
17           and not developed. So I wisnae really -- she done it,  
18           but I'm sure she did it for a different reason to the  
19           bigger boys, I think. I don't know. I'm just looking  
20           back in my adult mind I have now, you know, yeah.

21   Q.   'Hugh', you go on to tell us that you'd have to provide  
22           oral sex so you wouldn't get beaten up, and that was it  
23           done. Secondary Institutions - to be published later

24           Secondary Institutions - to be published later

25   A.   Mm-hmm.

1 Q. And you say you can't distinguish between them and  
2 whether it was the staff, other boys or women?

3 A. Well, the only way I've distinguished it is that they  
4 all had pubic hair, they're all large penis, they're all  
5 stinking, right, and that's what I have to carry with my  
6 life. And it wasn't just men, it was women as well.

7 Q. Okay.

8 A. The smell was horrendous. And I'm sorry, I wish it  
9 wasn't. And I wish I'd been introduced to a woman that  
10 was clean. But I know I wasn't, right. And I'm having  
11 to deal with this all my life and I can't get over it.

12 I mean, I don't deal with men because I'm not into  
13 men, thank goodness, yeah. But women, I am. But  
14 I can't get close, because -- because, you know.

15 Q. Because of these experiences?

16 A. Mm-hmm.

17 Q. You also say, 'Hugh', that you'd have to touch the older  
18 boys where they wanted you to, and it was either that or  
19 you'd get a kicking?

20 A. Mm-hmm.

21 Q. And this is again the first time you were there?

22 A. Aye, just the first time. Second time, I wouldn't put  
23 up with it.

24 Q. You tell us about a memory you have, 'Hugh', of a staff  
25 member having a big kitchen knife in the dorm room and

1 screaming?

2 A. Oh, aye, I remember his name actually.

3 Q. Who was that?

4 A. His name was PXT, [REDACTED].

5 Q. So that's somebody you remember?

6 A. Yeah. And if we were talking in the dormitory he would

7 come in with this big knife, threaten us all. And that

8 would happen at numerous occasions.

9 Q. And I think you say, 'Hugh', you think that you were

10 just making noise after lights out, and that's what he

11 did?

12 A. Mm. That's what he did.

13 Q. Yes.

14 A. Other members of staff treat -- did it differently.

15 Q. Mm-hmm, yeah.

16 A. Mm-hmm.

17 Q. But that's something that sticks in your mind about him?

18 A. Aye, one of the things, yeah.

19 Q. 'Hugh', you tell us at paragraph 33 that you tried

20 reporting the abuse many times when you were young to

21 social workers who would come and work at Merkland.

22 Would they be standing in to make up the numbers? But

23 you say nothing ever seemed to come out of those

24 conversations?

25 A. No.

1 Q. Nothing changed?

2 A. Nothing changed, no.

3 Q. It was the same routine after they left. Nothing was  
4 done about it. No. That you know of. Nothing was  
5 done. Didn't change for you anyway?

6 A. No. No.

7 Q. 'Hugh', in between this first time you were at Merkland  
8 and the second time, you tell us about being in foster  
9 care and --

10 A. Mm-hmm, in Lockerbie.

11 Q. -- you tell us about that from paragraphs 34 to 43 --

12 A. So I would have been 12 or something, right? Well they  
13 put me in a bed, single bed, with one of the other  
14 foster boys. But he was a really big boy, and I had to  
15 share a bed with him every night and you can imagine  
16 what I was made to do, every night, until I run away.  
17 And they put me back in Merkland.

18 And I told the social workers about this, but ...

19 Q. Now, 'Hugh', some of what you tell us about being in  
20 foster care was read in, and I think you're aware of  
21 that; it was read in during the Foster Care study and  
22 this was on 11 August 2022. So I'm just going to give  
23 the reference for the transcript so that that can be  
24 matched up with your evidence today. It's  
25 TRN-10-000000051 and that was Day 313. So that's so

1           that we know where that is in the other transcript.

2           But again, 'Hugh', today we're focusing on Merkland,  
3           but that's not because we don't care what happened to  
4           you in foster care. We have there what you tell us  
5           about what you went through in foster care, and we know  
6           you were there, you say, for about nine months and as  
7           you've mentioned, you ran away a lot, and this was  
8           because there was physical abuse there and there was  
9           also sexual abuse as well; is that right?

10          A. Aye. Aye. That was him, the father of the -- Mr EYO ,  
11           I think his name was.

12          Q. The foster father. Yes. And I think though you tell us  
13           that there was sexual abuse, you saw it and you also,  
14           I think, experienced it as well. Is that right? Yeah.

15           'Hugh', at paragraph 43 you say that things were so  
16           bad in foster care, and I think you've described it  
17           earlier as being the worst experience that you had, that  
18           you got to a point where you felt suicidal, and you talk  
19           again about the sexual abuse?

20          A. That's the only time I've ever felt suicidal in my life,  
21           was then. I was only 12 as well, you know. I wanted to  
22           get away, run away all the time, and the social worker  
23           just kept taking you back, same place every time. Until  
24           I met Ann Robertson and she took me back to Merkland.

25          Q. So when you ran away, they'd take you back to the foster

1 parents?

2 A. Mm-hmm.

3 Q. And I think you say, 'Hugh', that you ran away so often  
4 that it resulted in you going back to Merkland?

5 A. Mm-hmm.

6 Q. 'Hugh', you then go on to tell us about the second time  
7 you were in Merkland and this is from paragraph 44 and  
8 you think you were about 13, and you stayed there for  
9 another two or three years. So maybe were you 15 or so,  
10 did you say?

11 A. How long did I stay there the second time?

12 Q. This is just coming from your statement, 'Hugh'.  
13 I think you tell us --

14 A. Oh, do you not know this?

15 Q. Unfortunately we don't have any records, 'Hugh', so we  
16 don't --

17 A. No, I was hoping to ask you that.

18 Q. Yes, we can't tell you, I'm afraid. But I think you  
19 tell us your best estimate is that you were there, about  
20 13 years old when you went back for the second time, and  
21 you were there for about another two or three years or  
22 so?

23 A. Ah, but you're trivialising it again. I was there the  
24 second time. It's what happened to me at the end of the  
25 second time that I need questions for, you know.

1           Answers to.

2    Q.   Well, we're going through that part of your statement,

3           'Hugh', just now.  So I think you tell us about the

4           second time and you say by that time there was a new guy

5           who'd come in and he was called Peter Harley.  So he was

6           in Merkland?

7    A.   No, Mr and Mrs RGD-SPO

8    Q.   Okay.  I think you mention there was a Mr and Mrs RGD-SPO

9           Was Peter Harley and Mr and Mrs RGD-SPO there --

10   A.   Yeah, but --

11   Q.   -- at the same time or not?

12   A.   He was at the end of it, but he was just like a trainee

13           or something.  He was still -- Mr RGD was SNR

14           Peter Harley learnt the system.

15   Q.   Okay.

16   A.   But by then I had left.

17   Q.   So Mr and Mrs RGD-SPO were who were SNR when you

18           went back the second time, and I think you say things

19           were different then, the second time, and they were

20           nice?

21   A.   Well, I wouldn't use that word there, but they weren't

22           physical.

23   Q.   I think you tell us though there was a time, as you say,

24           that Harley was there, and you tell us that Harley would

25           prance you about naked, is that right?  So was that

1 similar to what you described before or was it  
2 different?

3 A. I mean, can't you understand? They all did this. All  
4 the people that looked after boys, when they were boys,  
5 made you do this.

6 Q. But you were a bit older then obviously, as you told us,  
7 you'd be about 13, at least, and you -- as you've said  
8 'Hugh', by this second time, you weren't putting up with  
9 any abuse anymore?

10 A. Yeah, it stopped.

11 Q. I think you described earlier the type of things you  
12 would do, but you do tell us that the older boys would  
13 still beat you up?

14 A. Yeah, yeah, 'cause I was still only 13, yeah. I  
15 couldnae wait till I was older.

16 Q. Did that change when you got a bit older?

17 A. Oh yeah. I learnt to protect myself, stand up for  
18 myself when I was, after 13. Prior to then I couldn't  
19 protect myself. I didn't know what else to do other  
20 than to submit to them.

21 Q. But this second time things were different,  
22 eventually --

23 A. Yeah.

24 Q. -- for you.

25 A. 'Cause one of them told me he stabbed one of them with

1 a pencil and I thought well -- and I seen the response  
2 he got. He never got any more abuse after that. So I  
3 thought: well, if it works for him, it will work for me,  
4 I thought, and it did. But I never stabbed. I just --  
5 I punched one of them one day, an adult man. I don't  
6 know who he was, but I hit 'im and it stopped.  
7 Brilliant.

8 Q. So things changed after that?

9 A. Well, not changed -- but I never got any physical.

10 Q. 'Hugh', you talk again about getting a bit older while  
11 you were there and during that time you were moving up  
12 in the house, you say, towards the attic bedrooms and  
13 this is where you tell us the older boys slept. And  
14 I think you said you got a bit more protection when you  
15 got older because the older boys looked out for one  
16 another, so was that the position?

17 A. Aye, aye, that's very -- I mean, we'd batter each other  
18 to bits, but at the same time they were protective.

19 Q. You tell us, I think, at this point, 'Hugh', about going  
20 to the Scouts and we talked about that earlier, about  
21 the fact that you couldn't get the badges because they  
22 wouldn't pay for them even though you did what you  
23 needed to do to get them.

24 But you also say that there was still physical  
25 abuse, this is at paragraph 48, everybody slapped you

1 and you talk about standing up to them --

2 A. Are you just talking about Moffat Academy here, are you?

3 Sorry, that was a wee dig, 'cause they did it there as

4 well.

5 Q. Well 'Hugh', at paragraph 48, you're talking about

6 physical abuse. Is that physical abuse at Moffat

7 Academy then or is it in the home?

8 A. Both places. Both places.

9 Q. Both places. Okay.

10 A. The teacher, what's his name, [REDACTED].

11 Q. Okay. Mm-hmm, yes.

12 A. That was the one I was told by the police to keep away

13 from 'cause I met him one day and I slagged him off for

14 being a rubbish teacher.

15 Q. Right. This is when you were an adult, you saw him.

16 Yeah. And was this the man who you say had a belt that

17 he would use at the school?

18 A. Mm-hmm.

19 Q. And carry it over his shoulder?

20 A. Aye, under his -- in here (indicating) ken, under his

21 jacket.

22 Q. So he'd have it ready?

23 A. Mm-hmm.

24 Q. 'Hugh', you describe yourself by this point as becoming

25 an aggressive and an angry young man and you say that

1           that was perfect training for the army?

2   A.  No, 'cause when I joined the army, you weren't allowed  
3       to be angry, you know.  You just weren't, so I stopped  
4       all that and I just focused on doing my duty, you know.

5   Q.  'Hugh', you talk about the police returning you to  
6       Merkland after you ran away and you say that when that  
7       happened, you knew you'd get a doing and that the staff  
8       would grab you out the police car and pull you out.  So  
9       would they hit you in front of the police?

10  A.  Aye, of course they would.  The police were helping me  
11      to get back, and dragging me out the car as well, and  
12      I wouldn't give them any credit.

13  Q.  So they didn't do anything to stop it?

14  A.  They didn't stop it.

15  Q.  And you mention the fact that there would be these  
16      social workers who came in to the home to cover for  
17      other staff and when they came in, things were -- the  
18      way you put it is 'less bad than normal', but after they  
19      went away, it was back to the same again?

20  A.  Mm-hmm.

21  Q.  And this is, I think, where, at paragraph 49, 'Hugh',  
22      you mention the social worker, Ann Robertson, and you  
23      spoke to her, you said and you say that she was someone  
24      who was really nice.

25  A.  Yeah, well, I felt she was helping me, you know.  Took

1 me back to Merkland. Took me out of Lockerbie. I had  
2 to get out of there. I had nowhere else to go. I  
3 couldn't go anywhere. I wasn't allowed to go anywhere.  
4 I had to stay there and put up with it, but I couldnae.  
5 I didn't know what else to do. What would you do at 12,  
6 you know? I had to get out of there and I was prepared  
7 to do anything to get out of that Lockerbie --

8 Q. Right.

9 A. -- at the time, you know.

10 Q. So she was involved in taking you from the foster home  
11 back to Merkland and arranging that?

12 A. So why did they put me in there? Why was the decision  
13 made to put me in that care home, in that foster home?  
14 Why? Can I ask?

15 Q. Well, unfortunately, 'Hugh', we don't have your records  
16 so we don't know, so I'm sorry about that.

17 LADY SMITH: 'Hugh', I should probably assure you, we do our  
18 very best to recover any records there are. We require  
19 them to be delivered to us if there are any records, but  
20 when we say we haven't got them, that hasn't happened.  
21 And it could be that they've been destroyed, lost,  
22 whatever.

23 A. Yeah, okay, that's --

24 LADY SMITH: And I fully understand how frustrating it is  
25 for somebody in your position. It doesn't really help

1 us either, because we have to do the best that we can  
2 with asking somebody about their memories when they're  
3 at your stage of life and we're asking them about things  
4 that happened when they were children.

5 A. Yeah, ma'am, right.

6 LADY SMITH: I do realise that's not easy.

7 A. No.

8 LADY SMITH: Ms Forbes.

9 MS FORBES: Well, 'Hugh', we get to a part of your statement  
10 now when you talk about leaving Merkland. And I think,  
11 in your statement, at the time of your statement, you  
12 thought you were maybe 16, but I think you think you  
13 were maybe a bit younger, maybe 15, but you say you were  
14 put in a halfway place called the Hope Place without any  
15 preparation for that and you were just on the day taken  
16 from Merkland --

17 A. Put with druggies, I was, I remember, full of drug  
18 addicts and stuff, you know.

19 Q. Yes. And I think you say, this is at paragraph 1(sic),  
20 'Hugh', that there was no staff, it was just  
21 a maintenance person who gave you a room and a key and  
22 you were left to just get on with it?

23 A. I'm not laughing, but, you know, aye, that's what they  
24 did. That's where I ended up before I realised I had to  
25 do something, you know?

1 Q. And 'Hugh', you go on to tell us about some things that  
2 you did then, about the apprenticeship you had, about  
3 joining the TA and about the fact that you were asked to  
4 join the battalion and then you had to take some army  
5 night classes to learn to read and write which you did.

6 A. Mm-hmm.

7 Q. And you say you had to learn quickly and you joined the  
8 army then at about 17 or 18?

9 A. I wanted to learn. I've always wanted to learn to read  
10 when I was a wee boy, but nobody would teach me, you  
11 know. So I taught myself and I read things like -- we  
12 used to have comics in the army, wee Commando books.  
13 Does anybody remember them, wee Commando books? No.  
14 And they were passed around the battalion everywhere,  
15 and that's where I learnt to read and other material,  
16 but I would read anything just to learn to read.  
17 That's the way I was thinking.

18 Q. So once you got that chance, 'Hugh', it sounds like you  
19 took it --

20 A. Oh, I took it.

21 Q. -- and that was something that was able to help you to  
22 get into the army.

23 And you tell us about your time in the army in the  
24 paragraphs that we've got there at 52 and 53 and it's  
25 clear that you were in different places across the world

1 and you tell us you were in the regular army for about  
2 seven years, but the TA for a couple of years, so  
3 altogether it was about nine years that counted towards  
4 your service.

5 A. Yeah. Yeah.

6 Q. 'Hugh', you then tell us that you came out of the army  
7 and you were in Colchester when that happened, is that  
8 right? But you ended up being homeless and you tell us  
9 that you fell into drugs?

10 A. Aye, I wouldnae go as far as saying that, 'cause  
11 I always feared of being a drug addict and I did dabble  
12 and I shouldn't of, but all this stopped.

13 Q. Okay. Yes.

14 A. Yeah. Yeah.

15 Q. That was something that you were able to get away from?

16 A. 100 per cent.

17 Q. And I think you tell us about going to London and then  
18 coming back up to Scotland and working up at the Kyle of  
19 Lochalsh.

20 A. Mm-hmm.

21 Q. And I think you go on to tell us about some other jobs  
22 you did and the social worker that helped you in 1996.  
23 I think this is at paragraph 56 of your statement,  
24 'Hugh', a Margaret Bruce and --

25 A. Margaret Bruce, yeah, a social worker, aye.

1 Q. So she was somebody that helped you?

2 A. Oh, yeah, yeah, yeah.

3 Q. And you go on, I think, 'Hugh', to tell us about  
4 ultimately doing a college course in environmental  
5 conservation and that started your interest, I think, in  
6 trees and you started seeing trees in a different way  
7 and you got some qualifications and you worked for the  
8 Woodland Trust and the Wildlife Trust at one point.

9 But I think from what you tell us 'Hugh' about your  
10 life generally in the different jobs that you had after,  
11 that things weren't easy and there were times when you  
12 were homeless or having to sleep in your car and really  
13 just trying to get by, is that fair?

14 But one of the things, I think, 'Hugh', that I think  
15 you're passionate about is about planting trees and I  
16 think that's --

17 A. No, that wasn't so much planting trees. It was creating  
18 habitat. You get a field that's been a field for  
19 a thousand years but we just put it back the way it was  
20 down in Dumfries and that's what we're doing and I pick  
21 the seeds for the nurseries. Lots of seeds.

22 Q. And I think you say, 'Hugh', hopefully I've got this  
23 right, that sometimes that means removing some plants or  
24 species that shouldn't be there, that aren't indigenous  
25 to the area --

1 A. Yeah.

2 Q. -- and then putting the right things in?

3 A. Yeah, we'd remove all them, things like rhododendron,  
4 pure poison in the countryside.

5 LADY SMITH: Yes, you mean the purple ones that grow like  
6 weeds?

7 A. Yeah.

8 LADY SMITH: Very fast.

9 A. And they're very invasive and it's been known that,  
10 because of the rhododendron, oak trees dying off, so  
11 here. So we're going to have no oak trees in a hundred  
12 years' time, all the oaks will be gone because of  
13 rhododendron. So I believe, you know. But I'm not  
14 an academic, so -- just what people tell me, you know.

15 MS FORBES: Is that something that you know quite a bit,  
16 about, 'Hugh'?

17 A. Oh yeah, aye.

18 Q. Is it something you're quite passionate about?

19 A. I know more about forever chemicals, than anything. Do  
20 you know what this is, forever chemicals? No, okay.  
21 But I know what that is. And every time I do a guided  
22 walk with --we end up talking about forever chemicals,  
23 'cause we're surrounded by it, we just don't know that  
24 we are. And you don't know what I'm talking about, do  
25 you?

1 Q. No, I know about forever chemicals. I'm not an expert  
2 or anything, but I've heard about it, 'Hugh'. So that's  
3 something that you've learned about over the years as  
4 well?

5 A. Aye, aye, just by observation.

6 Q. And, 'Hugh', you go on in your statement to talk about  
7 the impact being in care had on you and obviously you  
8 were in different places as well as Merkland, but over  
9 the whole period, I think you tell us at paragraph 61,  
10 and we've talked about this, that the education you had  
11 wasn't great. There was no encouragement to achieve  
12 anything?

13 A. Can we change the word 'great' to non-existent --

14 Q. Yes, mm-hmm.

15 A. -- because that's what it was for us in care. Nobody  
16 give us an education and right now in my life that's  
17 what I'm missing, more than anything in my life, is  
18 education --

19 Q. Yeah.

20 A. -- still. And I've been educating myself for decades  
21 and I still haven't -- don't know enough, you know.

22 Q. But that's something you've got a passion for, learning?

23 A. Oh yeah, aye, restoring the habitat. I mean, I think  
24 it's a perfect occupation. No money in it, by the way.  
25 They've never paid us for it. I've been at it 27 years

1 and because I'm a picker and a planter, you get very  
2 little money. But it wasn't the money I was doing it  
3 for. I was doing it for your grandchildren, you know,  
4 do you understand?

5 Q. Mm-hmm.

6 A. Aye, okay. And we all do it for that reason now, you  
7 know. There's a group of us, old buggers, that we're  
8 only doing it for your kids and future kids and  
9 I've done a lot.

10 Q. That's good.

11 And you mentioned this before, 'Hugh', but you talk  
12 about things like lavender to -- using it as a scent to  
13 soothe yourself and I think that's something as well --  
14 is that something as well that you're interested in?  
15 This is at paragraph 64 you say:

16 'I use lavender as a scent to soothe myself with.  
17 [You] can get rid of headaches. [It's] good for all  
18 sorts of things.'

19 And you believe in it.

20 A. And other things. Lavender you're talking about?

21 Q. Lavender, yes?

22 A. Oh brilliant for arthritis. You know, I've been  
23 planting trees for years, right, my hands should be  
24 completely gone, but they're not, because I use lavender  
25 and I put it on every joint in my body and I've been

1           doing it for 27 years. I beat [REDACTED] up the stairs --

2   LADY SMITH: Is that lavender oil that you use, 'Hugh'?

3   A. Yeah.

4   LADY SMITH: Which has come from the lavender plants?

5   A. Yeah.

6   LADY SMITH: Which are so good for knees?

7   A. Oh, it's brilliant for knees. And I think -- I mean,

8           I was told about this by an old woman. I was in the

9           hospital, I collapsed my lung and she told me to put

10          lavender on it. Just on the surface, and it heals.

11          It's amazing stuff.

12   LADY SMITH: Yes.

13   A. And I live -- I put it on this morning. Every day,

14          I use lavender on my joints because it -- it doesn't

15          prevent arthritis, but what it does, it makes your

16          joints, sort of, usable. You know this, I can see

17          you've used --

18   LADY SMITH: I'm very fond of lavender, 'Hugh'.

19   A. Yeah, touch . And that was one of the -- lavender, when

20          I was a tiny wee boy, I was getting massaged in Merkland

21          and that was one of the lavenders I used and I remember

22          it, other ones, tea tree is another one I use, well more

23          for her (indicating) than myself.

24   MS FORBES: 'Hugh', you tell us about lessons to be learned,

25          and this is at paragraph 70 of your statement, what you

1 say there is you say:

2 'I'm glad that the Inquiry has heard my story and  
3 I've waited a long time for the opportunity to tell my  
4 story. I've not thought much further forward. Children  
5 who have been in care are still leaving school without  
6 being able to read or write. You can't prevent it  
7 happening to other children in the future.'

8 A. That's right. I mean, what a tool not to have in life,  
9 isn't it. One major tool in life we need to have is to  
10 read and write, yeah? We never got it. I wish I had,  
11 you know.

12 Q. So I think from what you're saying, 'Hugh', that's one  
13 of the biggest impacts on your life, is the lack of  
14 education?

15 A. Yeah. I deal a lot with people that's wanting woodlands  
16 planted and I have to speak. Sometimes I'm not adequate  
17 to speak, you know.

18 Q. Yes, okay. Well, 'Hugh', thank you very much for  
19 bearing with me and answering all my questions today.  
20 And I just want to ask you if there's anything that you  
21 wanted to say that we haven't covered or you hadn't had  
22 a chance to say.

23 A. No, you're fine. That's just brill -- I'm glad to be  
24 here. I've glad to say what I've got to say and let's  
25 prevent this from going on 'cause it ruins lives,

1 believe me. The sexual abuse, the educational abuse,  
2 the physical -- it's all ruining of lives and I'm an  
3 example.

4 I mean, I'm trying to better my life, but -- uh huh.  
5 MS FORBES: Well, thank you for telling us everything today,  
6 'Hugh'.

7 LADY SMITH: 'Hugh', let me add my thanks. I'm really  
8 grateful to you for coming along today and I'm sorry we  
9 had to delay the start of your evidence a little, but  
10 we're going to finish at the time I think we promised  
11 you that we would finish, by about 4 o'clock.

12 It's been so good to meet you and hear from you in  
13 person and to have that in addition to your written  
14 statement that, as I said, I've already been able to  
15 study, but thank you so much --

16 A. Thank you, Lady Smith, thank you very much.

17 LADY SMITH: -- and now please feel free to go and I hope  
18 you and Puppy have a good time for the rest of the day,  
19 thank you.

20 A. Thank you. Thank you, Lady Smith, thank you very much.

21 (The witness withdrew)

22 LADY SMITH: Well, before we finish for the day, a few names  
23 there of people who are not to be identified as referred  
24 to in our evidence outside this room. And one was  
25 somebody called PXT . The witness also made brief

1 reference to his own second name, but this witness, as  
2 we've explained, has a pseudonym, 'Hugh', and his name  
3 is not to be used. Somebody called **MXW**,  
4 a Mr **RGE** and Mrs **MXV**, also referred to as  
5 **RGE** or **MXV**, and I think that was everybody. I'm just  
6 looking for confirmation. A Mr **EYO**. **RJO** -- well,  
7 yes, I wondered if that was **MXW**. The witness isn't  
8 quite clear because I wasn't aware of a **RJO**. For  
9 caution's sake, add that name to my list, and if anybody  
10 has any queries about it, we can look into it.

11 MS FORBES: My Lady, I think **FCW** was mentioned as well.

12 LADY SMITH: **[REDACTED]**, I did have that as well. Thank  
13 you, yes. Thank you so much.

14 MS FORBES: Sorry, my Lady, I think **FCW** was mentioned as  
15 a child in care as well.

16 LADY SMITH: Oh, right. Yes, I did have **[REDACTED]**  
17 marked. **FCW**. Right, thank you. Well picked up.

18 And that will take us to our plans for tomorrow.

19 MS FORBES: Yes, my Lady. Tomorrow we hope to have  
20 a witness in person at 10.00 am.

21 LADY SMITH: Thank you.

22 MS FORBES: And then we will have some read-ins.

23 LADY SMITH: Thank you. Well, I'll rise now until  
24 10 o'clock tomorrow morning.

25 (4.00 pm)

1 (The Inquiry adjourned until 10.00 am  
2 on Wednesday, 4 March 2026)  
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