

Wednesday, 4 March 2026

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2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to our case
4 study hearings in relation to provision by local
5 authorities of residential care for children, either in
6 places that they ran or they used to fulfil their
7 responsibilities.

8 Now, people may remember we moved on to the
9 provision of residential care at a place called Merkland
10 yesterday and I think our next witness is going to take
11 us further into that evidence, is that right,
12 Mr Sheldon?

13 MR SHELDON: That's correct, my Lady, yes. Our next witness
14 is another applicant. He's a witness in person and he's
15 anonymous and his chosen pseudonym is 'Dura'.

16 LADY SMITH: 'Dura', thank you. And that's 'Dura' with a D?

17 MR SHELDON: That's right, my Lady, yes.

18 'Dura' (affirmed)

19 LADY SMITH: 'Dura', take your time, it's okay. It's funny,
20 isn't it, you can't quite work out where the sound's
21 coming from --

22 A. Aye.

23 LADY SMITH: -- as it comes through the system.

24 You appreciate I'm sure who I am. I'm Lady Smith
25 and I chair this Inquiry here in Edinburgh and I want to

1 thank you very much for coming along this morning to
2 help us with your evidence. And I know you've already
3 given us help with the written evidence that I've got
4 and that's in the statement that you've got in front of
5 you there.

6 A. Uh-huh.

7 LADY SMITH: It's been really good to be able to see that in
8 advance and that's already evidence in the Inquiry.

9 But it would be good if we're able to explore some
10 aspects of it specifically with you today and that's
11 what we're hoping to do.

12 A. Absolutely.

13 LADY SMITH: Now, importantly, please understand I know what
14 you're doing isn't at all easy, you've come to a public
15 inquiry, you're in a public place, and we're about to
16 ask you things that happened in your life a long time
17 ago when you were a child and we're going to have to ask
18 you about things that weren't good.

19 I know that's upsetting and I know that it provokes
20 memories that are really hard to cope with. Please
21 don't worry if you need a break, if you find yourself
22 upset or if you just want us to pause or we need to
23 repeat things. It's not your fault. We'll do the best
24 we can to help you give your evidence as comfortably as
25 you possibly can and you must tell us if there's

1 anything we can do to help, all right?

2 A. No worries.

3 LADY SMITH: I normally take evidence at this stage of the
4 day from now until about 11.30 am and then we have
5 a break. We'll probably be finished your evidence by
6 then but if not, we'll have a break then in any event,
7 but if you want a break before, just say.

8 A. Absolutely.

9 LADY SMITH: Okay?

10 A. No worries.

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

13 Questions from Mr Sheldon

14 MR SHELDON: Good morning, 'Dura'.

15 A. Morning.

16 Q. As Lady Smith has said, you should have your statement
17 in front of you on the desk and it may, I think, appear
18 on the screen as well. Whatever's easier for you.

19 'Dura', there's a couple of formalities for us to
20 worry about, not you. But just for the record, the
21 reference for your statement is WIT.001.001.5768. And
22 if you look at the last page of your statement, that's
23 page -- well, it's really 28 into page 29. I think you
24 say at the foot of page 28, it's paragraph 114, do you
25 see that?

1 A. Yep.

2 Q. And you say there:

3 'I have no objection to my witness statement being
4 published as part of the evidence to the Inquiry.
5 I believe the facts stated in this witness statement are
6 true.'

7 And if we look over the page, I think that's been
8 signed by you and dated 16 February 2018. Now, is that
9 all still correct?

10 A. It is, uh-huh.

11 Q. All right. And if we go back to the start of your
12 statement, I don't need your precise date of birth,
13 'Dura', but I think you were born in 1968; is that
14 right?

15 A. I was indeed.

16 Q. All right, and you tell us a bit about your early life.
17 You grew up with your parents and three brothers. You
18 tell us that, in paragraph 2, about halfway down, that
19 your mother and father split up and when you were about
20 6, you went into care.

21 Can you just tell us a bit about that, 'Dura'? Did
22 your mum and dad split up permanently or did they split
23 up and then come back together, how did that work?

24 A. Er, the easiest way to describe it is my father was
25 quite a weak man that took on too much responsibility.

1 My mother was from a poor housing estate in one of the
2 larger towns and they just werenae compatible. And
3 I didn't know at the time, but he was very violent and
4 jealous towards my mother. So -- sorry, what was the
5 question again?

6 Q. Really just asking you about your early life and how the
7 relationship between your mum and dad was and how that
8 affected you and your brothers.

9 A. See, well, with me, I know I've wrote other things here,
10 but, er, I was between 4 and 6 and I loved it, because
11 I was fae a small village, a large portion of the
12 village was family. We all looked after each other.
13 You walked into neighbours' houses and suchlike. So I
14 wasn't really aware until later on a lot of what was
15 going on. I thought we were just poor and that was why
16 we were kinda, how do I put it, why my family was the
17 way it was, wi' the bickering and whatever. I never
18 realised how bad an alcoholic my mother was and I don't
19 think my father was as much of an alcoholic, but he was
20 more an alcoholic because he was chasing my mum round
21 the pubs.

22 And like I say, my father was a weak man. My mother
23 had a child, er, and so there was my oldest brother who
24 wasn't my full brother, then there was my brother, next
25 brother that was my full brother, and then my mother

1 left my father and she had a son with -- I didn't know
2 at the time -- with her first husband. And then I think
3 I was there to make up for that, but at that age I was,
4 like I say, going into neighbours' houses, exploring the
5 village, small, quaint, picturesque village, loving
6 life, and it wasn't until social work dragged us away
7 that I realised the extent of the problems.

8 Q. Yes, you tell us later in your statement, you don't need
9 to go to it just now, but the reference is page 17, you
10 tell us there that alcohol was a big part of your
11 childhood and, 'Dura', do you remember that always being
12 the case or is that something you just became aware of
13 later on?

14 A. That was something I was aware was happening but I
15 wasn't aware of the extent, as in -- like, I can
16 remember, I think the pubs in the 1970s shut at
17 10 o'clock or something and I can remember my father
18 having a few friends home, and I was doing a shimmy and
19 passed the hat round and got money, so it wasn't
20 a problem to me, I was -- I didnae see it as a problem.
21 I just thought it was the way of life. I never knew any
22 other life, so why would I see it as a problem.

23 Q. You were having fun?

24 A. Aye.

25 Q. At all events, you tell us that you think you were about

1 6 when you first went into care and the records that
2 we've got, I think, bear that out, that it would have
3 been about 1975 that you went into care first; does that
4 sound about right, 'Dura'?

5 A. We went into two children's homes for -- I think it was
6 only like a fortnight apiece or maybe slightly longer.


7 Q. Right, okay.

8 A. But the first real care was Milton House.

9 Q. Yes. And that was a place in Stranraer, I think, is
10 that right?

11 A. Yeah.

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I loved school, a Sea

1 King helicopter used to land in my playground every now
2 and again, and then, then I remember the teacher and
3 this is what really motivated me into education.
4 A teacher had a wee strop one day about a list that came
5 out about most important jobs in society, and she was
6 a wee bit raging that teachers weren't one and teachers
7 weren't mentioned at all, and he said: if it wasn't for
8 us, people wouldn't achieve their goals and dreams. And
9 that made me think of my goals and dreams. And because
10 where it was, you've seen a lot of lorries going all
11 over Europe and I thought: what a great job, get to
12 visit the world, so --

13 LADY SMITH: When you're talking about where it was, 'Dura',
14 it was at Stranraer?

15 A. Yes.

16 LADY SMITH: So you're near the ferry terminals there.

17 A. Yes, and you seen all the TIR on the plates on the back
18 of the lorries, and I found out what that meant, so --
19 and I just thought of Europe and going over Europe so --

20 LADY SMITH: And that's how you were able to see, as you
21 said, the Sea King helicopters coming in?

22 A. I didn't know what the Sea King helicopters were really
23 about actually. Like I said, that West Freugh Air Force
24 Base was close by, so maybe it was just a wee thing they
25 done for the kids --

1 LADY SMITH: Uh, right.

2 A. -- just a wee nice -- I don't know, but a Sea King
3 helicopter landed at least once a year in the school
4 playground, so.

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12 Q. So, 'Dura', you're at Milton House for about three
13 years, is that right?

14 A. Something like that.

15 Q. Certainly the records that we've got suggest it would
16 have been about [REDACTED] 1979 when you came out of
17 Milton House, would that sound about right?

18 A. I remember it was a really hot day, so -- a real --
19 a really, really hot morning and

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4 Q. You don't know the reason, but all you know is that you
5 had to move out. And I think you then had quite a short
6 spell with foster carers, that was just for a few weeks
7 or months, is that right?

8 A. Yep.

9 Q. And that didn't really work out and it's at that point
10 that you ended up in Merkland?

11 A. Yep.

12 Q. So is this kind of [REDACTED] in 1979?

13 A. Uh-huh. Before we move on in that, could I just say
14 that the place they moved us out to was foster care,
15 foster parents.

16 Q. Yes.

17 A. We never met them beforehand. They never came to visit
18 us at Merkland -- at Milton House. We never went to
19 their house. We had no idea where they stayed. We just
20 got took oot, getting told we were put in -- getting
21 foster parents, and at that age I just heard the word
22 'parent', and I had parents. And also they were heavy,
23 heavy Christians. I've got nothing against anybody
24 having faith, but the -- a couple of prior bits that we
25 were in before. The only thing that I can remember

1 about them was Sunday School and you used to get
2 sweeties if you learnt about the books and all I can
3 remember fae Christianity is Joseph getting murdered by
4 his brothers for his coat. Cain killing Abel or Abel
5 killing Cain, Moses, the plagues. Everything was evil
6 and nasty, that's all I really remember about
7 Christianity fae that age, so when they told me they
8 were going to Christians, I wisnae really too happy.

9 Q. And you tell us in paragraph 9, top of page 3, that you
10 thought they were trying to give you a new mum and dad,
11 a new mother and father?

12 A. Yes.

13 Q. And you didn't like that idea?

14 A. No.

15 Q. So at that point you end up in Merkland, as I say we
16 think it's probably towards the [REDACTED] of 1979 and [REDACTED]
17 [REDACTED] you tell us, paragraph 10,
18 Merkland was pure hell?

19 A. Uh-huh.

20 Q. And I'll ask you in that -- in more detail about that.

21 A. Yep.

22 Q. What were your -- first of all, had you ever heard of
23 Merkland before?

24 A. No.

25 Q. And did you know where it was?

1 A. No. My first knowledge of Merkland was when these
2 Christians, and I don't mean that disrespectful, took us
3 back to the social work department -- because it was not
4 just me, it was my two brothers as well and I've no idea
5 what they were getting up to -- said they couldn't
6 handle this, and then this social worker says: 'Right,
7 you're going to Merkland, a bad boys' home'. And all my
8 life, I've always thought of myself as a good, decent
9 guy and I couldnae understand why I was getting -- being
10 put in a bad boys' home and I was assured this man would
11 sort out any, any -- what's the right word? Any flaws
12 in my character.

13 Q. So right from the start, you thought that going to
14 Merkland was a kind of a punishment?

15 A. Oh, it was a punishment.

16 Q. And that its reputation was as being a place for bad
17 boys?

18 A. Aye.

19 Q. And I think you tell us later actually that when you
20 first arrived at Merkland it was only boys, but girls --
21 some girls arrived later on?

22 A. Aye, yeah.

23 Q. Okay. What were your first impressions of Merkland when
24 you arrived?

25 A. I knew he was a monster.

1 Q. Well, we'll come on to that, but I'm just wondering
2 about when you first, as it were, rolled up to Merkland,
3 what were your first impressions of the place and the
4 house and so on?

5 A. It was -- I suppose for any kid that age it would have
6 been quite daunting, 'cause my first memory is his face.
7 I had -- I don't know, maybe other things were going on
8 in my mind that I didnae take into consideration, but
9 I remember seeing kids taking stuff up to an attic flat,
10 all the kind of goodies, all the biscuits and all that,
11 and all the basic foods getting took down to the pantry.
12 So, why didn't they let us there?

13 Q. Yes, it's in paragraph 11. And you were wondering what
14 was going on there. And you tell us at paragraph 12
15 that you were introduced to Peter Harley when you were
16 on the stairs --

17 A. No, see, sorry, I made a mistake there.

18 Q. Okay.

19 A. As soon as the car arrived, he was waiting for the car
20 to arrive.

21 Q. Right.

22 A. And when we got out the car, I've been thinking about
23 this and the only way I can describe it is his eyes were
24 like that film 'The Shining', 'Here's Johnny', ken when
25 he's sticking his head through the window and the

1 kinda -- it wisnae a smirk. I just sensed something was
2 so wrong. And the reason I kinda -- the reason is
3 previous Children's Panels, you'd get the social workers
4 bending doon, talking to you, saying: 'Everything's
5 going to be all right, this is that', blah, blah, blah.
6 But as soon as you stood up and looked at each other,
7 you know, in that quarter of a second when the real --
8 you could see they were kinda worried about things and
9 suchlike, and so I started to learn to read faces and
10 what -- his face just was -- and how a social worker
11 never picked up on that I don't know.

12 Q. You got a very bad feeling from him?

13 A. Absolutely.

14 Q. All right. Right from the start?

15 A. By 10 seconds.

16 Q. Okay. And you tell us, paragraphs 12 and 13, that he
17 gave you -- he seemed to give you a sort of quiz. He
18 was asking you questions?

19 A. Uh-huh.

20 Q. As if he was trying to figure you out?

21 A. Absolutely.

22 Q. What do you mean by that, 'Dura'?

23 A. Well, we were -- he said that he was -- the first task
24 was to take us up for a shower and ...

25 (Pause)

1 He stopped on the stairs to ask us a wee quiz -- two
2 seconds. And the quiz was really an awareness quiz, as
3 in what you'd see round about you, and I remember I said
4 something about the traffic lights and I seen the look
5 on his face as if kinda startled 'cause somebody's --
6 one of my other brothers said: 'Lights are like green,
7 orange, red.' And I goes: 'No it's not, it's green,
8 orange, flashing orange, and then red,' or whatever it
9 was. And I could see his face kinda, oh, kinda: this
10 boy's aware. And so it was purely, in my opinion, to
11 see how aware we were of our surroundings.

12 Q. Okay.

13 And he said that his -- he told you his first task
14 was to put you in the shower and you tell us at
15 paragraph 14:

16 'He put us in the shower and he was poking about but
17 I didn't think anything of it.'

18 What do you mean by 'poking about' in that context,
19 'Dura'?

20 A. He was -- he was, I suppose in a sense, I think he was
21 trying to make himself invaluable, as in: 'Right,
22 I'll gi' you the medicated shampoo. I'll make sure that
23 you wash all your right areas'.

24 Q. All right. And did he actually lay hands on you or any
25 of the boys at that stage or was he just looking?

1 A. To be perfectly honest, I can't remember.

2 Q. Okay. You said -- you say at paragraph 15 you went to
3 school and kept yourself to yourself, and really that
4 keeping yourself to yourself and being aware, you say
5 you think that saved you a little bit. Can you explain
6 to us what you mean by that, 'Dura'?

7 A. I think the short answer is 'no'. Sorry, sorry.

8 Q. Okay.

9 A. You see, when I went to school, school was my escape,
10 because I loved education. I loved learning. I loved
11 this, that, but I didn't realise -- I used to sit at
12 play times by myself, just pondering things.

13 (Pause)

14 Sorry, in paragraph 15, I think I'm actually talking
15 about Merkland. Hold on.

16 LADY SMITH: Yes. You're talking about the grounds at
17 Merkland.

18 A. Uh-huh.

19 LADY SMITH: Yes.

20 A. Rather than -- but school, I loved school. I was in all
21 the top classes. I was in the school play.

22 LADY SMITH: Okay. If you want to talk about school now,
23 'Dura', just go to paragraph 23 and 24. We can come
24 back to the other things to do with Merkland if it helps
25 you to do school now. Have you got paragraph 23 and 24?

1 A. Yeah.

2 MR SHELDON: Page 6.

3 LADY SMITH: Page 6. There you are.

4 MR SHELDON: You have told us that you really enjoyed
5 education and loved school, school was brilliant, but
6 I think you talk in paragraph 23 about a time where
7 things were rather spoiled for you, is that right?

8 A. In paragraph 23?

9 Q. Yes.

10 A. Yeah. This was after he molested me.

11 Q. Right.

12 A. And, er, school ...

13 (Pause)

14 School was my escape to reality and I didnae realise
15 I was that popular because, this is on public record,
16 I can't mention the person, but I got invited by
17 a lassie to her birthday party and she's quite
18 an affluent family and they had an indoor swimming pool.
19 I don't know if I mentioned that in here. And it made
20 me realise that I was actually quite popular at school.
21 So -- but I loved school. I loved learning, because
22 everything about school was about facts. You didnae
23 have to try and figure things oot that, how do I put
24 this -- school made sense. When other things in life
25 werenaе making sense, school made sense. I loved

1 learning and like I said, **Secondary Institutions - to be published later**
2 that sense of hope, sense of achievement, sense of
3 wanting to be something. But then when I moved into
4 first year, I got another English teacher and it was him
5 that was pally wi' The Beast.

6 Q. You're talking about Peter Harley there?

7 A. Aye, The Beast. So I thought: what's the fuck -- sorry
8 for swearing, but fuck it, what's the fucking point, do
9 you know what I mean? Why bother? Ken, I'm not going
10 to get merited with anything I say. It will be: 'Oh,
11 **JDW** helped you with that', or -- ken, that's what
12 my immature brain at the time was thinking.

13 Q. The school thought you were getting help from **JDW** ?

14 A. Yep. Aye.

15 Q. And that really spoilt it for you?

16 A. Yeah, oh, I gave up.

17 Q. All right. Okay.

18 And this was after Harley had molested you,
19 Peter Harley had molested you.

20 I'll come back to ask you a bit about that in
21 a moment or two, 'Dura'.

22 But can I just ask you a few really factual
23 questions I suppose about the set-up at Merkland?

24 A. Uh-huh.

25 Q. How big a place was Merkland?

1 A. Sorry?

2 Q. How big a place was Merkland?

3 A. It was the end building in a wee cul-de-sac of what
4 I'd describe as affluent Victorian houses.

5 Q. Right?

6 A. You know, big bay windows, and --

7 Q. Big villa kind of houses?

8 A. Aye, big building, wi' about an acre-and-a-half of
9 grounds, maybe two acres of grounds.

10 Q. Right. How many children were there?

11 A. Anything fae 16 and under, 16 people and under.

12 Q. 16 people and under. I understand. And at the time you
13 went, you've told us that they were all boys?

14 A. Mm-hmm.

15 Q. But then later some girls were in the house as well?

16 A. Aye.

17 Q. Two or three, I think you say?

18 A. Yep.

19 Q. Is that right? How many staff were there?

20 A. Er, there was Harley, JDW, a female, and what's not
21 in this statement is another man that I got sacked --

22 Q. I think you do mention that in your statement, 'Dura'.

23 A. Oh, do I?

24 Q. We might come to that.

25 A. Right.

1 Q. This was Tom?

2 A. Aye.

3 Q. Yeah, we'll come to that.

4 A. Right.

5 Q. Anyway, you were telling us about the staff in the
6 house. Sorry, I took you out of that.

7 A. Sorry?

8 Q. You were telling us about the staff in the house, so
9 there were --

10 A. Aye, so minimal staff. And then they got a gardener for
11 a wee while.

12 Q. All right.

13 A. But staff-wise, there was Harley, JDW, and then
14 a female staff member and -- sorry, and then a pantry
15 lady who did the laundry.

16 Q. Okay, so really only four staff in the house --

17 A. Aye.

18 Q. -- and a gardener at one point you think?

19 A. Yep.

20 Q. And later another man came to be part of the staff?

21 A. Yeah.

22 Q. No night staff you tell us, is that right?

23 A. No.

24 Q. It was just PH-JDW who were on night duty, as it
25 were?

1 A. Aye.

2 Q. And Harley, Peter Harley had a flat in the attic, is
3 that right?

4 A. Yep.

5 Q. All right. So he was on the premises all the time
6 really?

7 A. Oh, uh-huh.

8 Q. You tell us a bit about the routine at Merkland on
9 page 5 and we've already looked at a bit of -- at your
10 experience at school. That's page 6.

11 Just going back for a moment to paragraph 22 on
12 page 6, you tell us the food was all right in general
13 and you go on to say:

14 'It did seem that Harley was deliberately trying to
15 confuse us by being a nice guy with a couple of horrible
16 things thrown in. A deceptive underbelly. We were all
17 clean, well presented and well fed.'

18 So can I just ask, did Harley then come across as
19 being a nice guy? You've told us that you had a bad
20 feeling about him but --

21 A. No, he done nice guy things.

22 Q. Right.

23 A. Like take van loads, like, swimming, which I never went,
24 ken, if he was ever going out on an excursion, I refused
25 to go. Like, I'd actually hide in the rhododendron

1 bushes.

2 Q. To avoid going swimming? And why did you want to avoid
3 going swimming?

4 A. As I said, fae the moment ...

5 (Pause) The moment I met him, I knew there was
6 something wrong with him.

7 Q. Right. So you were afraid? Is that --

8 A. Absolutely.

9 Q. -- what you're telling us? All right.

10 Paragraph 25, bath time and showers. You think you
11 had a shower once a week and you say Harley would always
12 be floating about at bath time?

13 A. Aye.

14 Q. What was he doing?

15 A. Making idle conversation, just floating about.

16 I really -- I think I have got quite a good itinerary of
17 words, but apart fae floating about, just being near,
18 I -- it .

19 Q. So was he there when you were naked when you were having
20 a shower?

21 A. Aye.

22 Q. All right. And just hanging about in the shower room?

23 A. Yep.

24 Q. All right?

25 A. And -- aye, shower, bathroom.

1 Q. Was it just him that did that or did other staff do
2 that?

3 A. Just him.

4 Q. You tell us, paragraph 26:

5 'There was nothing openly perverted going on until
6 nighttime. You used to go into the bathroom naked and
7 come round with a towel around you with Harley floating
8 about.'

9 And you go on to say at the end of that paragraph:
10 'He knew who the easy victims were and he would stick
11 with them like [and you say like your brother]'

12 A. Mm-hmm.

13 Q. Who were the easy victims, or who do you think he saw as
14 the easy victims?

15 A. The ones needing, er, the most emotional support.
16 People, kids that were needing cuddles and reassurances
17 and whatever, er, like my brother, [REDACTED]. Now,
18 I'm saying this in hindsight, because I went to college
19 and did social care and suchlike, whatever, 'cause he
20 wasn't my father's son, I'm sure when [REDACTED] was 4/5/6
21 at my mother and father's house, my father probably
22 thought he didn't realise what he was saying, but he was
23 probably commenting to my mother saying, 'He's no mine
24 anyway', or something like that. So my brother
25 [REDACTED] -- [REDACTED] was his favourite and it was [REDACTED]

1 that told somebody that.

2 So, because when I was -- when I was at Gatehouse
3 I was -- I loved wandering about, had freedom, didnae
4 feel any fear in the town -- sorry, village. But
5 ██████, I cannae speak for ██████, but I'm sure he
6 wouldn't have got shown the same sort of attention me
7 and my other full brother would have got compared to the
8 two half-brothers that weren't his.

9 Q. All right. You think Harley picked up on that?

10 A. Oh, aye, aye.

11 Q. That your brother needed --

12 A. Aye.

13 Q. -- or wanted more?

14 A. Aye, because I think, I think with the -- call it a quiz
15 or call it an interrogation on the stairs, I think, how
16 do I put this? Because I was aware didnae -- meant that
17 I wasn't stuck in me ain head, where like people that
18 werenaе -- kids that arenaе so aware were too busy
19 trying to figure things out in their own heads to be
20 aware of their surroundings, sorta thing. I don't know
21 if I'm saying that the right way, but anyway, aye, so,
22 because I'd no fears -- see, 'cause I feel like
23 I'm kinda contradicting myself here a wee bit, but like
24 I say, a lot of things that I knew was in hindsight
25 rather than at the time.

1 Q. Things you've realised since being at Merkland?

2 A. Aye, aye.

3 Q. And you go on to say, 'Dura', in the next paragraph,
4 that there's a trip that's to Kilwinning?

5 A. Mm-hmm.

6 Q. And you're camping and there's an incident with some
7 bales in a hay shed and Harley caught up to your brother
8 and you say:

9 'I think he sodomised my brother in that hay shed.'

10 First of all, is that right, is that what you think?

11 A. I'd go as far as to say I know that now.

12 Q. All right. How do you know that, 'Dura'?

13 A. Because there was four or five of us in the thing -- in
14 the hay shed throwing the bales about and when he came
15 in, he was screaming at us all and he telt us all to get
16 out and he telt ██████ to stay. Now, if he was to build
17 the bale -- the hay bales back up, he'd have got us all
18 to do it, and just with ██████ saying later on in life
19 that he was his favourite, that was a perfect
20 opportunity, because I stood outside the ...

21 (Pause)

22 'Cause I knew something was happening.

23 Q. You had a bad feeling about that, too. Did your brother
24 ever talk about it --

25 A. No.

1 Q. -- out loud?

2 A. No. I asked him many a time to open up, get talk
3 therapy, but no.

4 Q. He felt he couldn't do that?

5 A. No. [REDACTED] did tell one of his friends during crack,
6 they were taking crack, that he was Harley's favourite
7 and that friend told me after his death, [REDACTED] told him
8 that, 'cause [REDACTED]'s dead now.

9 Q. Right. Did Harley have other favourites?

10 A. I think I know of one, but obviously I cannae mention
11 his name.

12 Q. Sure.

13 A. Aye.

14 Q. But these were boys that used to get special treatment
15 in some way?

16 A. Aye. Well, I remember one Christmas my brother got
17 a tape recorder, which at the time was a big deal in the
18 1970s or early 1980s -- 1970s, and I just got a model
19 plane, so kinda -- the value kinda showed you the kinda
20 value of your importance to him.

21 Q. Right.

22 A. I'm actually needing a pee.

23 Q. All right. Do you need to have a short break?

24 A. No, just a pee.

25 LADY SMITH: We can have a break. Did you say you need

1 a pee?

2 A. I just need a pee.

3 LADY SMITH: Let's have a break. We'll just have to break.
4 We'll stop and start again. Don't feel under -- any
5 need to rush.

6 (10.46 am)

7 (A short break)

8 (10.50 am)

9 LADY SMITH: Are you ready for us to carry on, 'Dura'?

10 A. Yeah.

11 LADY SMITH: Thank you.

12 A. Thank you.

13 LADY SMITH: Mr Sheldon.

14 MR SHELDON: Thank you, my Lady.

15 'Dura', before we had our short break there, we were
16 talking about Peter Harley's favourites at the home?

17 A. Yep.

18 Q. And what you've described as what were perhaps the easy
19 victims, the ones more likely to be abused.

20 A. Uh-huh.

21 Q. At paragraph 30, on page 7, you tell us that your
22 parents never came to visit at Merkland?

23 A. Uh-huh.

24 Q. It wasn't impossible for them to do that, but they
25 didn't. Do you think that may have contributed to your

1 vulnerability, or perhaps particularly your brother's
2 vulnerability?

3 A. You see, I think I might have got that wrong there.
4 Aye, aye, that's right, I misread that.

5 See, in all the other homes and that, it was in one
6 side of Dumfries and Galloway where my family came
7 from --

8 Q. Yes, further west?

9 A. Uh-huh, and when we got moved east, you know, you're
10 talking, what, 1970s, so --

11 Q. The roads and so on weren't so good then?

12 A. No, hardly any -- my father never had a driving licence.
13 He used to rely on getting people to give him lifts,
14 when we were at **Secondary Institutions** and suchlike, so, aye. So
15 we were kinda took out of our kinda social area as kids
16 that we knew to a totally different area. Ken, it might
17 as well have been the Highlands for --

18 Q. Yes. So, so far as you and your family were concerned,
19 it was a much more remote place to send --

20 A. Oh, we were isolated.

21 Q. Yes. And as I was asking you a moment ago, do you think
22 that made you more vulnerable to being abused by Harley?
23 Do you think he took advantage of that?

24 A. Course he did. That's how he got his hands on me.

25 Q. Well, we'll come back to that, and you just go on at

1 page 8 to talk about abuse at Merkland.

2 You tell us at paragraph 35 that you were:

3 '... in dormitories of about ten beds and if [you]
4 were misbehaving, Peter Harley would come in raging and
5 shout: "PT gear on".'

6 Tell us about that, 'Dura'.

7 A. (Pause).

8 Q. Did he take you out for runs in the middle of the night?

9 A. I'm just gathering myself.

10 Q. All right, sorry.

11 A. Aye. And I've said misbehaving, but not necessarily

12 always misbehaving. Yes, he would get -- come in:

13 'Right, get your shorts on'. And then we'd all have to

14 get our shorts on. And it was usually a moonless night,

15 so you never had the moon to -- and he'd take us up

16 country roads that were, er, what's the right word,

17 stone-dashed? They werenae tarred, they were -- they

18 were chips, stone chips --

19 Q. Gravel roads?

20 A. Gravel roads, so when you were running, you knew to

21 listen to the gravel so you didnae -- 'cause I did that,

22 actually, hear a boy falling in a ditch, but I didnae

23 look back, and because I was one of the youngest ...

24 (Pause)

25 Q. Did you sometimes struggle to keep up, 'Dura'?

1 A. Oh, I was usually last.

2 Q. And I suppose being last in a group of boys on a very
3 dark night must have been pretty frightening, wasn't it?

4 A. Aye, and then obviously noises at night, maybe a cow in
5 a field, an owl, whatever. I don't want to swear,
6 but --

7 Q. It's all right.

8 A. You shit yourself. Not literally, but ken, you're
9 feeling -- you're too scared.

10 Q. Did this happen often?

11 A. Mm-hmm.

12 Q. Did he ever explain to you why you were doing that and
13 why you were doing it in the middle of the night?

14 A. Nah.

15 Q. Did it ever seem to be the background or the basis for
16 other forms of abuse?

17 A. Aye.

18 Q. Or was this a kind of standalone form of punishment or
19 whatever it was?

20 A. No, no, it was just one of his forms of abuse. It
21 was -- without knowing the man, if you would like to
22 call him a man, he could -- he used to be sitting in
23 front of his telly and just think, 'Well, fuck it,
24 I'm taking these boys oot on a run'. Just to throw us
25 off kinda, ken. There was sometimes nae rhyme or

1 reason. So, you were always on edge.

2 Q. And you talk about in the next paragraph, about what
3 sounds like a sort of game, perhaps, for him, involving
4 hurdles. How did that work?

5 A. See, noo, you asked about the staff, but I would class
6 the head boy as one of the members of staff. Put it
7 this way, when the police went round getting into
8 statements, that head boy said it was the best time of
9 his life. And I actually think he was sleeping with JDW
10 JDW, but that's just surmising.

11 Q. All right. So there was a head boy in the house?

12 A. Aye.

13 Q. Was he the oldest?

14 A. Aye.

15 Q. Or was he just one of Harley's favourites?

16 A. Oldest, biggest.

17 Q. Right. And the head boy would be given the belt; do you
18 mean he was belted or he was physically given --

19 A. No. He was given the belt.

20 Q. The belt was handed to him and he had it? All right.
21 And he would run around and if the head boy caught
22 you, he would skelp you. And was Harley watching this?

23 A. Aye, he was there, yeah. He was standing in the corner.

24 Q. All right. Did he seem to be enjoying that?

25 A. It's what he did for his pleasure.

1 Q. What made you think he was enjoying it?

2 A. 'Cause he's laughing and smiling.

3 Q. Okay. You then go on to talk about an incident when

4 Harley had broken his leg and he'd moved his bed down

5 from the attic.

6 A. Mm-hmm.

7 Q. You tell us you thought your mum and dad were coming to

8 visit and got excited about that. And do we understand

9 that you went to wait for them in Harley's office?

10 A. Uh-huh.

11 Q. Can you tell us about what happened then, 'Dura'?

12 A. Now, this is going to be the hardest part for me.

13 Q. Well, take your time.

14 A. Give me two seconds.

15 LADY SMITH: No problem. You just take your time.

16 (Pause)

17 A. Because of the isolation and he was -- had to have his

18 office -- sorry, his bed in the office, I don't know

19 why, I don't know if I got called to the office or

20 I just happened to walk into the office for whatever

21 reason, and he said my mother and father were coming to

22 visit and I went -- you have to -- the bed was next to

23 the door and the bay window was on the other side of the

24 bed, and he said -- I went to go and tell my brother and

25 he goes, 'Oh, they'll be here any second'. So ...

1 (Pause)

2 So I would sit on the bay window, count to 100,
3 numerous times, waiting on my parents, thinking they
4 were coming, and with hindsight knowing he was watching
5 me like a fucking hawk to watch my devastation grow and
6 grow.

7 And then, when I realised they werenae coming, as
8 I went to walk out, he -- I thought he was going to
9 verbally reassure me, which he did, but I wisnae aware
10 what else he was doing until the point of ejaculation.

11 Q. All right. You tell us that he got you into bed to have
12 a cuddle?

13 A. Uh-huh. He was --

14 Q. -- And you were disappointed because your parents
15 weren't --

16 A. Aye.

17 Q. -- seemed to not be coming?

18 A. Aye.

19 Q. Did he offer then to give you a cuddle?

20 A. Well, I was -- to be totally honest with you, I was
21 totally zoned out of everything, I was too busy
22 listening to what he was saying --

23 Q. All right. Okay.

24 A. -- to take anything in, the physical, it was all
25 happening in here, in the mental.

1 Q. All right. But you mentioned that something happened
2 that led to ejaculation?

3 A. Uh-huh.

4 Q. Now, I know it's difficult, but can you tell us really
5 what happened?

6 A. Absolutely. Aye.

7 Q. How did this happen and what happened?

8 A. Well, I -- as he was saying all the right things
9 regarding why my mother and father never turned up,
10 I can't remember what they were, irrelevant, then that's
11 when I realised I was having a tingling sensation and
12 then after that, I've always been a very curious guy,
13 and I was wondering what this opaque stuff was that was
14 coming out ma -- ma -- ma penis. And then here he's
15 grabbed my hand and tried to get me to masturbate him
16 and I shat myself and I ran out the room.

17 Q. All right. So should we understand that first of all he
18 masturbated you?

19 A. Yes.

20 Q. And then tried to get you to masturbate him?

21 A. Yes.

22 Q. You tell us that you shat yourself and you ran out of
23 the room, I mean did you literally shit yourself?

24 A. No, no.

25 Q. All right. You were just very, very scared?

1 A. Aye, aye.

2 Q. All right. And you say at the end of that paragraph:

3 'I'll never forget that look when he saw the fear in

4 my eyes --'

5 A. Mm-hmm.

6 Q. '-- He had a smile on his face but his eyes were

7 screaming in panic.'

8 Can you tell us about that, 'Dura'?

9 A. Yeah. His eyes were like panic, like he had crossed

10 a line but tried to fob it off in an expression that

11 was -- I'm going to struggle to explain this -- as if it

12 was nothing to concern about, it's not a big thing, but

13 I could see the panic.

14 Q. All right.

15 A. Like I say, after being -- watching social work for so

16 many years, I could start reading people's faces. That

17 might -- you might think that's -- I couldnae, but trust

18 me, I could. And we'd been in Merkland, I studied that

19 man for me ain safety and that face was a face of -- if

20 I was putting that face on, I'd be thinking: 'Oh, shit,

21 have I took this too far, right. Let's just try and

22 bluff it out'.

23 Q. So you've run away and I think we can take it that you

24 made it pretty clear that you weren't having this. Did

25 it ever happen again, 'Dura', with you?

1 Did that ever happen again with you?

2 A. He hoped it would.

3 Q. All right. But did it?

4 A. He tried in the bathroom.

5 Q. All right.

6 A. But no.

7 Q. Just the once or several times?

8 A. Well, before that -- see, you were talking about the

9 isolation, that was a good point, because with

10 isolation, I was feeling so lonely and I would see him

11 in the dorm sometimes rubbing his chin, like the way my

12 beard is the now, and tickling 'em, and then he must

13 have been aware of how lonely I was getting and he done

14 it with me, but I think sometimes his mouth might have

15 ended up somewhere where it shouldn't.

16 Q. You tell us in paragraph 39 about an incident where --

17 well, I think you see that he's looking at you?

18 A. Yep.

19 Q. And were you worried that he was going to try this again

20 at that point?

21 A. Oh, aye. I -- I know how to read a predator's eyes.

22 Q. All right. And you basically tell him: 'Don't touch

23 me', or words to that effect and he then, I think you

24 say, assaulted you?

25 A. Uh-huh.

1 Q. What did he do, 'Dura'?

2 A. For a split millisecond I thought I had him beat,
3 because when I says: 'Touch me, and I'll tell JDW
4 JDW ', I thought, there's nae coming back from that for
5 him. But that's when he -- and you have to remember,
6 this is like primary school sinks and toilets, and he
7 picked me up fae the sink and threw me into the cubicle,
8 both hands were -- oh.

9 (Pause)

10 Both hands were trapped behind the cistern and he
11 just knocked the fuck out of me for -- telling me he'd
12 kill everybody, and I don't remember leaving that
13 bathroom.

14 Q. Were you -- well, did you have injuries?

15 A. Aye, aye.

16 Q. What injuries did you have?

17 A. Heavy swelling.

18 Q. Right.

19 A. I was off school for two weeks.

20 Q. Right.

21 A. Then I got my -- off school for two weeks and then later
22 on in life when I started to challenge all this, it was
23 in my school report -- my social work reports: PLJ was
24 off school for -- oh, shit, 'Dura' was off school for
25 two weeks, due to infrequent nose bleeds. No. No

1 infrequent nose bleeds. To let the swelling calm down.

2 Q. You were off school because he'd assaulted you?

3 A. Uh-huh.

4 Q. That time in the bathroom cubicle?

5 A. Aye.

6 Q. We can actually look at that, 'Dura', if that would be

7 all right?

8 A. Aye.

9 Q. We can look at the record?

10 A. Aye, aye.

11 Q. It's DGC-00000000571. And if we just look at the first

12 page of that, 'Dura', do we see that that's headed

13 'Dumfries and Galloway Regional Council', the date's

14 24 November 1980?

15 A. Uh-huh.

16 Q. And this is a form to be filled in by Mr P Harley,

17 Merkland Children's Home, Moffat, and we know that this

18 is your record, 'Dura'.

19 A. This is the first time I'm seeing this.

20 Q. Oh, is it? Well, you may have seen what comes next,

21 because I'm just going to go over the page to page 2.

22 That was just to set the scene, as it were.

23 A. Uh-huh, uh-huh.

24 Q. And at the top of that, do you see 'Background Report,

25 Children's Hearings'?

1 A. Yeah.

2 Q. And there's a paragraph headed 'Physical state'. And
3 there's some material about, really about your brothers,
4 and then there's a paragraph about you and we're told
5 when you, 'Dura', were first admitted to Merkland:
6 'He had a problem in that his nose would bleed for
7 the slightest excuse. This was happening two, sometimes
8 even three times a day.'
9 Then it goes on:
10 'This is a boy who needs his sleep. There was
11 an occasion where he was kept off school for a few days
12 due to overtiredness.'
13 Now, is that the passage that you had in mind,
14 'Dura', or is that a different --
15 A. No, it's different. It was actually from the social
16 work. In this, 'his nose bleeds for the slightest' --
17 LADY SMITH: Can we just go back up that page a little so
18 that 'Dura' can see it. There we are.
19 So we're back to the beginning of that paragraph,
20 when you were first admitted.
21 A. Uh-huh.
22 LADY SMITH: You had a nose-bleeding problem. And there's
23 a reference to you being kept off school for a few days
24 once.
25 A. The only time I was kept off school was after the

1 kicking.

2 MR SHELDON: Right.

3 A. And just reading that for the first time:

4 'He was seen by a doctor who said there [was] --
5 appeared to be no reason for this'.

6 Of course there was nae reason because it didnae
7 happen. Simple.

8 Q. Okay. Just to complete that, 'Dura', if we can look at
9 page 4, just at the very foot of that page we can see
10 that that's -- that form was filled in and signed by
11 Peter Harley, officer in charge, in November 1980?

12 A. Excuse me, can I just get a wee -- a bit mair time to
13 have a wee look at this, 'cause I've no seen this
14 before?

15 LADY SMITH: Yes.

16 (Pause)

17 A. So, that's interesting. 'Cause this is opening up
18 something that I don't know if I told you about. The
19 last Children's Panel that I went to, in all the
20 Children's Panels, and I'd been to plenty of Children's
21 Panels, it was always a social worker that took us. The
22 final Children's Panel, it was Peter Harley himself that
23 took us and he tried to pass it off as we wouldnae be,
24 say -- I don't know what he tried, what he was thinking,
25 but anyway, when we were in that Children's Panel,

1 I said something and I was going to bring up what he'd
2 done to me and I looked across at him and he was just
3 pure staring at me. And I made up a silly joke about
4 pocket money or something, that took the kinda -- the
5 kinda thing out of it, the atmosphere. But he went to
6 that last Children's Panel purely to stop me fae
7 talking.

8 And when we got out, my brother, [REDACTED], got out
9 early. Noo, I don't know what that was about, what his
10 -- the reasoning behind that was, but, er ...

11 (Pause)

12 So this conclusion was wrote by Peter Harley?

13 Q. Yes.

14 LADY SMITH: This is what Peter Harley had put into a form
15 that he had to fill in to submit to the Children's Panel
16 and that was November 1980, by which time you would have
17 been in Merkland maybe about [REDACTED].

18 A. Oh, right. Sorry, this isn't -- sorry, this isn't the
19 year that I'm thinking about. Aye, 'cause he hadn't got
20 his hands on me by then, so he had nae fear of me going
21 home -- his only problem would have been [REDACTED], but
22 later on in life I had to say to [REDACTED]: '[REDACTED], what
23 happened wisnae love, it was abuse. You want to
24 remember that'.

25 MR SHELDON: Well, that's absolutely right, 'Dura'. But

1 just going back to the point about the
2 Children's Panels.

3 A. Uh-huh.

4 Q. You are clear that when Peter Harley started turning up
5 at Children's Panels --

6 A. He only went to the last one.

7 Q. All right, and this was after what had happened to you?

8 A. Yeah, yeah.

9 Q. All right. And I think -- and you tell us actually,
10 it's paragraph 49, page 12 of your statement, that you
11 had -- you say you never got the nerve to say something.
12 I think you wanted to say something to the panel, is
13 that right?

14 A. Aye, that's what I was just saying, aye.

15 Q. But because Harley was there you lost your nerve?

16 A. Aye, plus he picked up my mother and father and took not
17 just us to the panel but my mother and father, and I can
18 remember my mother saying: 'Oh, you've got' -- it was
19 a Ford Granada, a green Ford Granada, and she was
20 saying: 'Oh, what a lovely car, Harley'. Talking all
21 nicey-nicey to him and I'm sitting in the back thinking:
22 'Yous havenae got a fucking clue, yous havenae got
23 a clue, ken'.

24 Q. Yes. If we can go back then in your statement to
25 paragraph 43, it's page 10, where you talk about some

1 other matters in relation to Peter Harley. At
2 paragraph 43:

3 'At nights you would see him on the couch in our
4 living room ...'

5 This is the boys' living room, is that right?

6 '... with a blanket over him with other boys under
7 the blanket.'

8 A. Uh-huh.

9 Q. 'He was obviously masturbating the boys.'

10 A. Yep.

11 Q. Perhaps you can just tell us why it was obvious that
12 that's what was happening?

13 A. Because he would -- he had his routine. He would lie on
14 the couch, he'd put a cushion between his knees, put
15 a blanket over himself, shout one of the boys, and we're
16 all adults here, you know when somebody's getting
17 masturbated. You tell me why that sort of motion would
18 be happening under a blanket if it wisnae masturbation,
19 'cause I'd love to hear it.

20 Q. All right. The blanket's going up and down?

21 A. Yep.

22 Q. And you tell us that that type of incident happened very
23 frequently.

24 A. Yeah.

25 Q. So did the other boys realise what was happening?

1 A. Mm-hmm.

2 Q. And I suppose if it was happening to them then they must
3 have known, obviously?

4 A. Mm-hmm.

5 Q. And you name some of the boys that were involved in
6 that.

7 A. Sorry, I think one of the things as well is a lot of the
8 kids that were more severe abused were, er, not sexually
9 aware, so they werenae aware of just how wrong or --
10 I don't know, I'm making this up here.

11 Q. No, it's all right. You say how you see it.

12 Paragraph 45, you say that there was a policeman who
13 you thought you might be able to tell, but in the end
14 didn't feel able to. Why was that?

15 A. Because he was his friend. I seen him a couple of time
16 on the street and he would ask how Mr Harley was and
17 whatnot, and he went up fae -- to the children's home,
18 not for anything but to have a cup and tea and a blether
19 with Harley one day, that I was aware of. So I knew
20 that like any sadistic paedophile, he made sure he got
21 in with the right people to get his cover in.

22 Q. So you felt telling this policeman might well get back
23 to you?

24 A. Oh, of course it would.

25 Q. Paragraph 47, away from the subject of sexual abuse, you

1 talk about a particular trick of Harley's at dinnertime.
2 What was that about, 'Dura'?

3 A. See, this was after he abused me. He seen that I was
4 struggling --

5 Q. Sorry, to interrupt you, 'Dura', you say it was after he
6 abused you, was it also after you'd threatened to tell?

7 A. Aye.

8 Q. All right.

9 A. Aye.

10 Q. Thank you. Sorry, please continue.

11 A. It was like he was looking for any reason for to
12 dismantle me mentally.

13 Anyway, it was very gristly stew and I've got a gag
14 reflex and I couldnae swallow it and it was plastic
15 plates, so he got all the boys to bounce the (pause)
16 bounce the plates off the walls and I would be down
17 there for an hour-and-a-half cleaning it.

18 Q. So you had to clean this fatty stew off the walls and
19 off the floor?

20 A. Mm-hmm, aye.

21 Q. Did that happen more than once?

22 A. No, just the once.

23 Q. All right. Okay.

24 A. I'd seen it happening before to another kid.

25 Q. Right. Do you know whether that other kid had also been

1 abused? Don't know?

2 A. No, no, sorry, what I'm thinking is he abused everybody
3 in there in one shape or another, whether it's physical,
4 mental, emotional, whatever; except the head boy, who
5 thought it was the best time of his life.

6 Q. Uh-huh. From what you're telling us, 'Dura', there's
7 a lot of abuse going on by Harley and not just sexual
8 abuse, but other forms of abuse?

9 A. Mm-hmm.

10 Q. There's this behaviour with the plates, then there's the
11 midnight runs, there's the game, if you can call it
12 a game, with the hurdles?

13 A. Uh-huh, aye.

14 Q. There weren't many other staff, but what staff there
15 were, would they or do you think they should have been
16 aware of what was going on?

17 A. Aye, absolutely, but he was sleeping with the -- there
18 was one female member of staff, we all thought that he
19 was sleeping with her, because she stayed in between
20 Moffat and Beattock, that would take about 15 minutes at
21 the maist there and back, and it would take him about
22 an hour-and-a-half. So I don't know if paedophiles
23 enjoy sex with women, but they seemed to be away for
24 mair time than it took, a lot more time than it took to
25 drop somebody off.

1 Q. Did the sexual abuse ever happen in front of other
2 members of staff? You talked about the TV room
3 behaviour?

4 A. Aye. No, I would say -- you're saying that, but there
5 wisnae any other members of staff. There was only JDW
6 JDW she'd be [REDACTED], and this woman went hame
7 at nights, she was only there through the day, so he had
8 the domain to himself, so.

9 Q. All right. You tell us at paragraph 65 then, and
10 I think really following on from that, this is page 15
11 of your statement, you say that:

12 Merkland was the 'perfect setting for a paedophile.'
13 Why do you say that?

14 A. Just everything I've said previous. It was his domain.
15 There wisnae any other staff. At nights, it was just
16 him, 'cause he had the attic flat. It was just him [REDACTED]
17 [REDACTED]. The other female member of staff was
18 away. So -- aye, aye, it was his fiefdom, it was his
19 palace, it was his kingdom.

20 Q. Yeah. And you tell us in the next -- well, it's
21 paragraph 67:

22 'The isolation at Merkland was terrible, that was
23 your world, there was nothing else.'
24 Is that how it felt?

25 A. Two seconds, please.

1 Aye, because, as I -- I'll repeat mysel', it was
2 only him and JDW and this -- apart from when Tom
3 came.

4 Actually I think Tom might have been the gardener.

5 Q. All right.

6 A. I don't think I've actually mentioned the guy that I got
7 the sack because -- or was it? I'm sorry, it's so long.

8 LADY SMITH: Don't worry.

9 MR SHELDON: That's all right. You tell us you got close to
10 Tom and I think we know that he was a staff member.

11 You've mentioned that before.

12 A. Mm-hmm.

13 Q. And Tom then later got the sack, you felt because Harley
14 thought he wasn't a member of the 'clique', as you
15 describe it?

16 A. It was me that got him the sack. What it was is, after
17 school there was going to be a fight, Primary 7, in
18 a field, in a park. I went and Harley asked: 'Where
19 have you been?' And I said: 'Oh, I spoke to Tom, he
20 said it was all right'. I hadnae spoke to Tom but I
21 didnae expect him to ken -- it wisnae stealing the Crown
22 Jewels or nothing, so I didn't think there'd be any
23 comeback on it, but the next thing I was in the office
24 with Tom, Harley, JDW and me. And Harley said:
25 'Did he tell you -- that you could gan to that park?'

1 And Tom said: 'It's all right, **PLJ**, I understand'.

2 Q. Why did you feel you had to lie about that, 'Dura'?

3 A. Because the torture I'd get after it. Simple. Naebody

4 -- let's not kid ourselves here, naebody was under any

5 illusions who this man was and what this man was capable

6 of. He showed his true face too many times. I'm not

7 talking -- like, I watched him. I don't know if you

8 will remember these, but the batteries -- the torches

9 that used to have the kinda big square batteries, I seen

10 him bouncing them off folks' heids, I've seen him give

11 folk kickings. He was lord, king and master.

12 Q. All right. You've told us about seeing him giving other

13 boys kickings. It's maybe an obvious question, but what

14 happened during the kickings, what form did those take?

15 A. Getting big torches dotted off their heads, punches,

16 held doon to get their hair cut in an unnatural way.

17 Aye, they're the main ones. Just, I suppose, a guy

18 getting leathered.

19 Q. Yes, you told us about him assaulting you in the toilet?

20 A. Uh-huh.

21 Q. Did you see that sort of thing happening to other boys?

22 A. Now you mention it, I didnae realise to that extent, but

23 aye, to that extent, aye. Maybe no because of a sexual

24 reason, but because of a disobedience reasons, they got

25 their batterings. I got ma battering because of

1 a sexual reason, as in I wouldnae let him touch me
2 again. So these were mair because of mischief rather
3 than -- or like one was JDW always wanted to be
4 a hairdresser, so we got asked: 'Right, JDW wants
5 to cut your hair, are yous all right with that, boys?'
6 And we were: 'Aye, aye'. No one ever said no. Nah.
7 But two or three boys said no and they got held doon,
8 battered and got their hair cut in an awful state by
9 JDW.

10 Q. How long were you at Merkland?

11 A. I'd like to be glib there and say 'too long', but
12 two-and-a-half year maybe?

13 Q. Right. Right. And the time comes for you to leave and
14 I think you went back to stay with your mum and dad --

15 A. Yeah.

16 Q. -- after that?

17 A. Mm-hmm.

18 Q. How was that when you were being back with your mum and
19 dad?

20 A. I was a different person.

21 Q. In what way?

22 A. Well, I wisnae that much older, but I -- and this is
23 what makes me think that. My Uncle would be with my
24 father sometimes and tell us dad jokes and we would
25 laugh and whatnot, and then when we got out he was there

1 and he'd tell the same kinda similar jokes and I just
2 looked at him as if to say: 'Shut up. What's funny
3 about that, ken?'. Just total, different attitude.
4 Kinda life was mair serious noo. Life wisnae --
5 Q. Life wasn't joking about, and had you discovered that at
6 Merkland?
7 A. Mm-hmm.
8 Q. Did you consider -- did you think about telling your
9 parents what had happened to you at Merkland?
10 A. My brother, [REDACTED], said that he told my father and my
11 father didn't believe him.
12 Q. Right. Did you speak to anyone about the abuse, at
13 least initially, when you'd just left?
14 A. No, because, nae polite words, my head was that far up
15 my arse, I didnae ken if I was coming or going, and when
16 I got moved to the school that I got moved to, I got put
17 in all the top classes. Within a month,
18 month-and-a-half, I was put in all the dunce classes
19 because I'd gave up.
20 Q. Being at Merkland --
21 A. Destroyed me. It ripped what a human being is.
22 Emotional, intellectual, spiritual, he took everything.
23 Took the lot.
24 MR SHELDON: My Lady, I wonder if that might be
25 an appropriate time to take a short break and we'll come

1 with the law, is that right?

2 A. Let me just get to it. Where am I looking at?

3 Q. This is page 19 and really from paragraph 79.

4 A. Okay, paragraph 79. Uh-huh. I had anger management

5 issues. What it was is I'd come off the fishing boats

6 and -- or before I was even on the boats, I used to

7 fight if I thought people were being disrespectful, and

8 that all kinda came about when I was in school and I was

9 on dinner tickets and somebody took the mickey out of me

10 for being poor and I turned roond and I skelped him, and

11 then at that moment I realised I could hit back. So fae

12 the moment I realised I could hit back, anybody that was

13 being abusive to me, I would hit them, and, aye.

14 So that's where the violence came fae, fae realising

15 that I can fight back now.

16 Q. Sure. So this is -- you realised this while you're

17 still at school; is this when you're living with your

18 mum and dad?

19 A. Yeah --

20 Q. After Merkland?

21 A. After Merkland, mother and father's, on dinner tickets

22 at school.

23 Q. Okay. So what age were you when you left school?

24 A. 15.

25 Q. 15. And what was your next step, is that when you went

1 on the fishing boats?

2 A. No, I actually got a job on a bypass, because I was that
3 age, date of birth that I got my National Insurance
4 number when I was 15, so I could be employed because
5 I had my National Insurance number, so I worked in the
6 woods -- sorry, I worked on the by -- well, I worked --
7 I want to say I was 12, there was a local lady,
8 Mrs Maresh(?) who used to give the local villagers fae
9 this quaint village that I came fae, jobs during the
10 summer on some of her farms, she owned farms and
11 whatnot. And then fae there I went into the woods,
12 cutting trees, hauling trees out of woods -- oot of the
13 forests. Then I went on the fishing boats.

14 Q. What age were you when you went on the boats?

15 A. 20.

16 Q. Right. Okay. So this would have been sort of the mid
17 80s, mid-1980s or thereabouts?

18 A. Er, my brain isn't working, I'm sorry.

19 Q. Doesn't matter. I'm just trying to get the timing of
20 all this. But that's fine. So you go and work on the
21 fishing boats when you're about 20?

22 A. Aye, 1988 or 1989 or something like that.

23 Q. Well, that sounds right. By 1988, if you were 20, that
24 would be about right?

25 A. Aye, aye.

1 Q. And it was at that point that I think you tell us that
2 you got into drugs?

3 A. Yep.

4 Q. And not only taking them but selling them as well, is
5 that right?

6 A. Yep.

7 Q. And you tell us that you got a jail sentence for that
8 and then I take it that after that sentence, it was when
9 you were on probation, is that right?

10 A. No. Could you scroll back down a wee bit, please,
11 'cause that gives you information but there's a bit -- a
12 lot of wrong information.

13 Right, let's get into how I got into dealing drugs.
14 What it was is I was a drinker and I used to, when
15 I came off the boats, two or three pints and then fight.
16 If I fought, we fought. And then I was supposed to meet
17 my pal in the pub. He didnae turn up and this other pal
18 invited me to a rave. So I went to the rave, I took
19 an ecstasy and it's called the love drug for a reason
20 and it's got a good reason for being called that, and
21 then -- noo, 'drug dealer' sounds like, well, big drug
22 dealer, but it wisnae, it was to friends.

23 What it was is, people were going to the nearest big
24 town and getting robbed, but I knew somebody fae that
25 town who was a member on my mother's side of the family,

1 so I went and got the drugs. Not to sell completely,
2 but to give to friends for the rave, right, we used to
3 go to the raves. There was a rave scene, in early 1990s
4 was the raves, and that's how I got into ecstasy and
5 that because it was the love drug and, aye.

6 Aye, I went there and that.

7 Q. At all events --

8 A. And then I went up, then we went, me and my pal fae the
9 fishing boats went up to Ayrshire and we got them
10 cheaper and I said to the boys: 'Right, I'll just gi'
11 you 'em for what I get them'. And they goes: 'No, no,
12 no, we'll gi' you full price, we'll gi' you full price'.
13 And then because of that, that ended up getting in drug
14 dealing.

15 But this later on with the six-year jail sentence
16 was a load of nonsense and I won my appeal, but I did do
17 two years in Shotts for it.

18 What it was was that was in Stranraer Sheriff Court
19 that happened and the -- the police were caught lying in
20 the dock and something happened in the court that
21 shouldnae have, with my ex-girlfriend. She --
22 basically, my solicitor at the time was with this
23 policeman that was lying, was building up a crescendo to
24 catch him oot in a lie and she jumped him and gan: 'He's
25 effing lying'. And that just broke it. And then my

1 brother was talking to a guy in the pub later and he
2 says: 'If she didnae stand up, he'd have got away with
3 that'. But anyway, it turns out the sheriff misdirected
4 the jury by saying: 'If there's any doubt in your mind
5 you have to find the defendant guilty', instead of: 'If
6 there's any doubt in your mind, you have to find the
7 defendant not proven'.

8 So as soon as a senior KC got a hold of that, I was
9 out within two weeks.

10 LADY SMITH: 'Dura', did you appear in the High Court in
11 relation to the drugs matters?

12 A. Just for sentencing.

13 LADY SMITH: Yes. So that was in the High Court, was that
14 in Glasgow? Or was it in Edinburgh?

15 A. Edinburgh. Edinburgh.

16 LADY SMITH: So you had a High Court drug sentence.

17 A. For a Sheriff Court crime.

18 LADY SMITH: But there was a separate Sheriff Court matter.

19 A. No.

20 LADY SMITH: It could have been -- well, let me just
21 explain, I think I know what's happened here.

22 A. I got remitted.

23 LADY SMITH: Yes. You were initially prosecuted in the
24 Sheriff Court --

25 A. Yeah.

1 LADY SMITH: -- but the sheriff decided to refer you to the
2 High Court for sentencing.

3 A. Uh-huh.

4 LADY SMITH: And the sheriff does that when the sheriff's
5 concerned that there's a possibility that the right
6 sentence --

7 A. Exactly.

8 LADY SMITH: -- is higher than he had or she had the power
9 to impose.

10 A. Yeah, uh-huh, yep.

11 LADY SMITH: And that happened. You got a six-year sentence
12 and then that was -- you say you appealed it and that
13 was reduced.

14 A. No, no, it was quashed because --

15 LADY SMITH: Sorry?

16 A. It got -- it got -- I walked that day.

17 LADY SMITH: All right.

18 A. But what happened was, I can remember --

19 LADY SMITH: Okay, I'm not trying to interrupt you, 'Dura',
20 I don't need to know all the details but I think I can
21 work out what happened.

22 A. No worries, aye.

23 LADY SMITH: So you were in Shotts for a couple of years or
24 so.

25 A. Yeah.

1 LADY SMITH: Thank you.
2 Mr Sheldon.
3 MR SHELDON: Thank you, my Lady.
4 And it was in Shotts where you first got in touch
5 with a psychologist?
6 A. Criminal social worker.
7 Q. All right. And you started having sessions with him and
8 that's, you say, when you started dealing with Merkland?
9 A. Uh-huh.
10 Q. So you were able to talk to the psychologist about what
11 had happened to you in Merkland?
12 A. Yep.
13 Q. You tell us at paragraph 82 that you've had help in
14 spats?
15 A. Yes.
16 Q. So do we understand that you had more counselling after
17 your time at Shotts?
18 A. Yes -- uh-huh, aye, lots of times, because when a man
19 destroys you emotionally, your self worth and all the
20 other -- your ego, your -- what did the social worker
21 call it, your ID, your ego and your super ego or
22 whatever, or when a person destroys you completely, it
23 takes years to build that. It's took me 25 years of
24 talk therapy to get through that. You don't get through
25 that in two year.

1 Q. Yeah. But the help helped, did it?

2 A. Oh, absolutely.

3 Q. Okay. And at some point you tell a social worker, this
4 is later, about what had happened in Merkland. Was that
5 after you'd been in Shotts?

6 A. Yes.

7 Q. All right. And what then happened? What did the social
8 worker do about it, if anything?

9 A. She sent me backpacking 'round Europe.

10 Q. Oh, right. Okay. But was your complaint relayed to the
11 police, or did you take it to the police?

12 A. It was actually my big brother who took it initially to
13 the police and then the next day me and my brother went
14 to the police.

15 Q. Right. And would this have been in the 1990s by this
16 stage?

17 A. Yep.

18 Q. All right. And there was a case in which Harley was
19 prosecuted and I think you were due to give evidence
20 against him, but in the end you didn't, is that right?

21 A. Yes.

22 Q. All right. There was a plea bargain?

23 A. Aye.

24 Q. And he pled guilty to certain charges?

25 A. Aye. I was actually raging because I wanted my day in

1 court, but the Procurator Fiscal at the time, Jennifer
2 McGill, said -- came and seen me and says: 'Look, PLJ',
3 and I was aware of what happened to my brother. And she
4 gans: 'There's people that havenae dealt with this the
5 way you've dealt with it and they're going to have to
6 take the stand, so we've made him a plea deal, but
7 unfortunately to make that deal, we have took you off
8 the list'. And she gans: 'PLJ', I'm no taking anything
9 away fae what happened to you. What happened to you was
10 horrendous, it's totally disgusting, but for the sake of
11 these other yins, other people no having to take the
12 stand' -- because I actually got, had to tell her about
13 him rubbing his beard on me and putting his mouth round
14 my sexual organs previous, that's why I had her there.
15 But she came and she says: 'Look, PLJ', we've already --
16 basically, we've already made a deal with him'. And
17 I was thinking of my brother [REDACTED] no having to take
18 the stand and I thought: right, that's it.

19 Q. And we know that Harley got a long prison sentence at
20 that time?

21 A. Uh-huh. At 1992 he was still going into court.
22 I Googled it.

23 Q. Yes, there was a more recent case as well. But in the
24 1990s' case, I think it was 15 years he got.

25 A. Uh-huh.

1 Q. And at a later point, 'Dura', you become involved in
2 a scheme run by Dumfries and Galloway Council that gave
3 compensation to survivors, is that right?

4 A. Yes. I fought for -- it was nothing to do with
5 compensation. It was to do with an apology. I fought
6 for 15 years by mysel' and everybody was telling me:
7 'You cannae take on a council, PLJ, you cannae take on
8 a council'. So I gans: 'Look, I only need the opinion
9 of a person with compassion'. And luckily I went
10 intae -- it was a social work meeting where the social
11 worker is -- the council of social work, kinda horseshoe
12 thing, and I waited in between agendas and then I stood
13 up and I asked them: 'What you going to do about this?
14 I ken people that have tried to commit suicide.
15 I've thought about suicide. What you going to do about
16 this?'. And this guy says: 'Oh, but we werenaie in
17 office at the time'. I gan: 'See, you, I'm not speaking
18 to you as a person, I'm speaking to you as
19 a representative of that seat you're sitting on, this is
20 a social care meeting'. And the director jumped up,
21 slammed the table and gans: 'You're quite right'. And
22 I walked -- I've stand and walked out, sat outside and
23 burst into tears. And then that started everything off.

24 But it was the apology, it wisnae compensation.

25 Q. All right. So initially you were just looking for an

1 apology?

2 A. Absolutely.

3 Q. And would this have been in the 2000s by this point?

4 A. Yes.

5 Q. All right. And I think we know that Dumfries and
6 Galloway actually took that forward?

7 A. Yep.

8 Q. And they did issue an apology?

9 A. Uh-huh.

10 Q. But I think they also paid a number of people about, was
11 it about £20,000?

12 A. Yes. I actually, I actually had meetings with like the
13 director of social worker, the Head of Legal Services,
14 the head of this, the head of that, the Head of Crime
15 and we were talking, me and the director were talking
16 and he gans: 'PLJ' -- and you have to remember, this is
17 when the banking crisis happened, they weren't even
18 cutting the grass in the parks and all that. And he
19 gans: 'PLJ' -- he gans: 'I cannae gan into taking
20 everybody's stories and trying to evaluate everything so
21 I'm going to do just a whole thing'. And he told me at
22 the time his budget was £72 million and he gans: 'What
23 do you think?'. I gans, I said 50, and he -- because of
24 ah kent they were skint, and he -- we agreed on 20.

25 Q. Right.

1 A. In fact, me and the Director of Social Work had -- he
2 became a friend.

3 Q. Right, okay. You felt he treated you properly?

4 A. Oh, he gave me -- he actually wanted to employ me.

5 Q. Right.

6 A. At my last meeting I says: my previous -- is that
7 a gateway forward or a hindrance? And he gans: 'We do
8 our ain checks'. And then I got a letter fae the social
9 work trying to employ me in 2015, I think that was.

10 Q. Okay. But you and a number of others got this sum of
11 money?

12 A. Yes.

13 Q. What did you think of that, were you pleased about that?
14 Were the other survivors pleased about that?

15 A. It was nothing to do with the money.

16 Q. It was just the acknowledgement that bad things had
17 happened and an apology for that?

18 A. Mm-hmm. Like, as I said to [REDACTED], when I had my first
19 meeting with councillors outside that horseshoe social
20 work meeting, social care meeting -- oh, there's tears
21 coming -- they said to me: 'PLJ [REDACTED], what do you want to
22 say? What do you want to tell us?', and I never said
23 a word. I just burst into tears for about 20 minutes
24 and then walked out and then afterwards I thought:
25 I think that spoke 100,000 words, because naebody had

1 ever listened to us before, naebody was interested.

2 Aye.

3 Q. You've talked a bit about the impact that all this has
4 had on you, your experiences at that time and we can see
5 it for ourselves.

6 A. Uh-huh.

7 Q. The effect that it's had, I think.

8 You've had some counselling. You've told us that
9 that's helped a bit, but you tell us at page 26, really,
10 paragraph 107, you say:

11 'It's taken my childhood and my latter life. I had
12 no guidance, just neglect.'

13 And over the page, you tell us that, at 108:

14 'I'm delighted I have put so much work in the
15 counselling area of things, but Harley totally destroyed
16 my confidence and self-belief.'

17 Is that how you felt about it?

18 A. Mm-hmm. Well, he did. I had absolutely no belief in
19 myself. And because with that millisecond in that
20 bathroom where I thought I had a paedophile beat and
21 I hadnae, it made me question my intelligence. That's
22 what really fucked me up, was I didnae trust my
23 intelligence, because I thought I'd done something that
24 would get me oot of a situation and it put me into hell.

25 Q. It just made things worse?

1 A. Oh, hell.

2 Q. You tell us at paragraph 110:

3 'I really think paedophiles should get life

4 sentences because they do take a life.'

5 A. Mm-hmm.

6 Q. Is that what you --

7 A. Aye, aye.

8 Q. Is that your view?

9 A. Well, look at me noo. This happened to an 11-year-old.

10 I'm still living with it here. I live with it every

11 day. There's a fancy word that solicitors use for pain

12 and suffering. Pain and suffering doesnae just happen

13 on the day. It continues throughout your life. It

14 doesnae -- well, thankfully I put in work where it

15 doesnae effect every day of my life noo, but as you can

16 see, at certain moments it does.

17 Q. Yes.

18 A. But, aye, it takes a life, and, quite honest with you,

19 I thought it was 'cause a lot of judges were

20 paedophiles, they'd probably give them a light sentence,

21 'cause it has been known. Looking to the Epstein files

22 as well.

23 Q. You do say in paragraph 110 that a social worker had

24 said to you -- and you say the social worker had been

25 really brilliant and inspired you to keep the fight?

1 A. Mm-hmm.

2 Q. But you say he said to you: 'You have to understand we
3 didn't know about paedophilia in the 1970s'. And you
4 found that shocking. Can you tell us why you found that
5 shocking?

6 A. Aye, well, 'cause the next line, back in the Roman times
7 and that. You know, a Roman general or a Roman high-up
8 done something wrong, he could -- rather than getting
9 punished, he could have sex with somebody, a boy. And
10 then you had the times you had the Greeks with Aristotle
11 and all these philosophers, they had all the young boys
12 that they were sleeping with, ken. Anybody that says
13 that paedophilia wisnae known about in the 1970s, I feel
14 I have to call them a liar. And this was somebody that
15 I had the utmost respect for. And it wasn't a man, it
16 was a female, and I just couldnae believe she came oot
17 with it, because it's throughout history.

18 Q. Just bearing that in mind, 'Dura', how do you think
19 Peter Harley got away with it, apparently for quite
20 a long time?

21 A. Because he never had a criminal record and he came
22 across as a nice guy, and he made sure he got -- like,
23 like he knew he was -- he was doing exactly what he was
24 intending to do to me before I left that home by
25 destroying my mind, by the school -- 'cause there was

1 a time -- I'm sure it's in there -- where the teachers
2 took me into a stationery room and says: 'PLJ, what's
3 happening? You've got a chance. Your brothers
4 havenae'. And I find that a wee bit funny. [REDACTED] and
5 [REDACTED] -- oh, sorry: 'Your brothers havenae, but you've
6 got a chance, what's the matter?'

7 But where do you start? Where do you start?

8 Q. Well, I think paragraph 111 of your statement perhaps
9 gives us some clue about that and you tell us:

10 'The most ignorant thing I ever heard is how ex-kids
11 like me are seen.'

12 A. Mm-hmm.

13 Q. Can you say a few words about that?

14 A. It was, I actually worked 14 year at an international
15 peace sanctuary and I actually got lottery funding to
16 take kids fae poor backgrounds out there and I gave them
17 a wee, what do you call it, a wee -- when you gan
18 looking for things -- treasure hunt and all different
19 things and that --

20 Q. Can I just stop you for a second?

21 A. Uh-huh.

22 Q. When was this roughly, 'Dura'?

23 A. What, the --

24 Q. This incident you're talking about?

25 A. Er, well, that's easy, because I can gan by the age of

1 my boy. He would have been about 8 and he's 22 now.

2 14 year ago.

3 Q. All right. Okay. Sorry, I interrupted you. Please go

4 on?

5 A. No, no, not at all.

6 So they had treasure hunts. They got to do this wee

7 thing, do this ...

8 (Pause)

9 Q. Take your time --

10 A. Aye, I'm fine. No, what it is is I just want --

11 I've been trying all my life to install good memories in

12 young kids that may need to rely on them in later life,

13 to find the strength. Like when I had my boy -- and

14 I didn't intend to have kids, she didnae take the pill

15 without telling me, so I watched a lot of Supernanny and

16 I took him to a few places just to let him know: if

17 you're ever in trouble, there's always places you can

18 go.

19 Q. Thank you.

20 You were telling us about how ex-kids like you are

21 seen, or seen by some people perhaps?

22 A. Aye. I heard on a programme about English police,

23 they've got a name for us, and I cannae remember the

24 name, but it's basically scum, do you know what I mean,

25 ken.

1 Q. You talked about a social worker who called children
2 from children's homes, calling them 'problem kids'?

3 A. No, it was a lady fae -- sorry, it was a lady fae the
4 International Peace Sanctuary.

5 Q. All right.

6 A. And that's when I kinda got a wee bit upset.

7 Q. All right, tell us about that?

8 A. Well, she says: aye -- she was talking and saying: 'Aye,
9 and these problem kids'. And I got absolutely raging,
10 because the way I see it, a kid's like a computer, they
11 start off with nothing and it's what you feed into them
12 makes them what they are. And a kid doesn't start off
13 a problem, a kid starts off as a kid, and if he becomes
14 a problem, it's 'cause you've fed the wrong fucking
15 stuff into it. Sorry.

16 Q. It's all right.

17 A. So, never put the problem before the kid. Always put
18 the kid before the problem.

19 Q. Thank you.

20 I've got nothing else I want to ask you, 'Dura'. Is
21 there anything else that you would like to say that
22 I haven't given you the chance to say yet?

23 A. Er, no. Just thank you for your time. It wasn't as bad
24 as I thought it was going to be.

25 Q. Good.

1 A. These tears, after 25 years of therapy, you ken when
2 they come and go, so it wasn't a problem to me.
3 And thank yous for doing the jobs that yous do.
4 Simple.

5 LADY SMITH: Well, 'Dura', let me add my thanks. As I said
6 at the beginning, I'm really grateful to you for having
7 come here and endured the journey to get here and the
8 anxiety beforehand and the experience of providing your
9 evidence. But it's been so helpful to hear from you
10 yourself.

11 A. Thank you.

12 LADY SMITH: I'm now able to let you go and I wish you
13 a restful time for the remainder of the day.

14 A. I just hope on the train home I don't fall asleep and
15 end up in London!

16 LADY SMITH: No, don't do that.

17 A. Thank you very much.

18 (The witness withdrew)

19 LADY SMITH: Now, just while you get organised, Mr Sheldon,
20 before I forget, we've got a couple of names there of
21 individuals who were mentioned in evidence by name and
22 they're not to be identified as referred to in our
23 evidence outside this room. One was [REDACTED] and the
24 other was JDW [REDACTED], and PLJ [REDACTED]. Yes, there's also a
25 PLJ [REDACTED]. Thank you.

1 'George' (read in)

2 MS FORBES: My Lady, the first statement is from

3 an applicant who's anonymous and is known as 'George'.

4 The reference for 'George's' statement is

5 WIT-1-000000412.

6 LADY SMITH: Thank you.

7 MS FORBES: 'George' tells us he was born in 1970 and he

8 says he was born in Castle Douglas. He tells us that he

9 lived initially with his parents. His father was a farm

10 worker and he had very little contact with him.

11 He says he had five siblings and I think he was the

12 second eldest out of the six.

13 The only memories 'George' has of care, life before

14 care, sorry, were from a person who knew his mother and

15 father and he was informed that his dad had suffered

16 from meningitis, that there was some bad-tempered,

17 alcohol-fuelled incidents of abuse towards his mother

18 from his father and that his father had attempted to

19 kill his mother, and that his mother couldn't cope with

20 his father's abusive behaviour in caring for -- it says

21 five children, although I think 'George' says he has

22 five siblings, so I'm not sure if there's five or six,

23 my Lady.

24 LADY SMITH: It could be six.

25 MS FORBES: But he says that his information is that they

1 were taken into care when he was aged about 6. But he
2 has no memory of social services involvement at that
3 time.

4 'George' then tells us about going to a children's
5 home in Annan, from paragraph 6 to 24. And I think it
6 may be that there are only five altogether, my Lady,
7 because he does say that five of them went, initially
8 went into the children's home, but his sister later went
9 home to stay with his mum.

10 LADY SMITH: Thank you.

11 Secondary Institutions - to be published later



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16 He then tells us from paragraph 25 that at about the
17 age of 12, he was told he was too old to be at that
18 children's home and that he and one of his brothers
19 would be going to Merkland Children's Home, and he says
20 that one of his brothers went back to reside with his
21 mother, he thinks, and that another brother was placed
22 into the Crichton Institution because he was unwell.

23 He says he didn't think much about the move and just
24 thought it was going to be much the same as the previous
25 children's home.

1 'George' then talks about Merkland from paragraph 26
2 onwards.

3 My Lady, I think we know from records that we've
4 received from the council that the dates from which
5 'George' seemed to be in Merkland are between at least
6 between [REDACTED] 1974 and [REDACTED] 1976, but it may have been
7 earlier and later than that, but we know he was there at
8 least between those dates and he would have been aged
9 then about between 13 and 15.

10 LADY SMITH: Thank you.

11 MS FORBES: 'George' goes on to say at paragraph 26:

12 'Merkland was a huge Victorian detached house.'

13 He says it was bigger than the last home he was in,
14 he says:

15 ' ... with large gardens. They were colossal. The
16 house was situated in a side street at Buccleuch
17 Place. It had large, open gates with a huge lawn,
18 vegetable garden and a large tree. The front door was
19 massive and had a stained glass window and there were
20 tiles on the floor. As you entered, there was an office
21 on the right-hand side and a sitting room on left-hand
22 side. There was a basement downstairs with a toilet, a
23 dining room, a laundry area and a kitchen with an annex.
24 Upstairs, there was a toilet to the right, a bathroom,
25 a massive big room with a fire escape and a huge

1 bedroom. The staff resided in two or three other rooms
2 on the second floor. The home contained approximately
3 20 children, mostly boys and maybe two girls.

4 'When I initially arrived, a man called RGE
5 RGE was SNR . RGE was a very fair man.
6 I would address him as Mr RGE . When I was aged
7 about 13, RGE was replaced by an individual called
8 RGD .

9 RGD was a very big guy. He
10 was thick set with black, wavy hair. RGD was always
11 dressed in a kilt with long socks and black brogues. He
12 was a very imposing figure. RGD was about 50 years
13 old and he always referred to himself by his full title.
14 RGD was a bully and very intimidating. I distinctly
15 remember him arriving and he was always addressed by his
16 full title.

17 'There were about six members of staff and the only
18 other member of staff who sticks out was a young man
19 with a trendy haircut, who played rugby for Dalziel
20 former pupils at rugby.

21 'The routine for the home was explained, not by the
22 staff but by the boys.'

23 I slept in a dormitory with four boys on one side
24 and four on the other side.'

25 And he says his brother was in another dorm. He

1 goes on to say at paragraph 31:

2 'I had a cabinet at the side of my bed for my
3 clothes which had to be folded and stacked and our names
4 were printed in the neck of the clothes. RGE

5 RGE was in the army and the home was run
6 like a military establishment.

7 RGE stayed on the top floor. RGE used to get
8 us up at around 6 in the morning. We had to make the
9 perfect bed and then have a quick wash in the sink and
10 get dressed. We were then made to stand at the end of
11 our beds to be inspected. Everything was done in
12 a military, regimented way. Everything was done to
13 time.

14 'We would then have to go out into the garden and
15 dig the soil or cutting plants. We didn't have to do
16 this at the weekend. We were in the garden for an hour
17 or an hour-and-a-half. At some point, I would have to
18 get the rolls from a shop in Moffat. I was given about
19 seven or eight minutes to do this.

20 At about 7.30 we would all parade back into the
21 house where we would bath and get into our school
22 uniforms and have breakfast and at 8.50 we would go to
23 school.

24 'We would get back from school at about 3.55. We
25 would change clothes and then we would be allowed to

1 play out until tea time. After tea, we would have
2 chores to do. At about 8.30, we would be allowed in the
3 playroom for a short time, watching the television or
4 playing outside. We may have had about half an hour for
5 homework and then off to bed. You were on the go at all
6 times.

7 'I don't remember much about the food, but what I do
8 remember is that you were offered nothing else to eat if
9 you didn't eat it, so I ate it. I recall having
10 porridge, toast, rolls with marmalade and milk for
11 breakfast.

12 'We were filed into the bathroom every morning where
13 there were two baths. The bathing was supervised and
14 very quick, but there was always plenty of soap and
15 water.

16 'We had clothes to play in and to do the gardening
17 in and we were supplied with a school uniform. The
18 uniform was a grey jumper, grey trousers, a white shirt
19 and a tie.

20 'I was allowed to play out in the gardens and on
21 a Saturday I was given pocket money and allowed to go
22 into Moffat for an hour. We would line up and **RGE**
23 would give you the money and mark you off in the book.
24 We had a playroom where we could play games and watch
25 the television.

1 'I recall occasionally being taken in an army cadet
2 bus to the swimming pool in Dumfries.

3 'In the school holidays, we were taken to the
4 barracks in Berwick-upon-Tweed for a two-week holiday,
5 although the routine there didn't differ from Merkland.

6 'I attended at Moffat Academy Primary School and
7 latterly senior school and have very good memories of
8 school. I was a very good footballer.'

9 He goes on to tell us in the following paragraphs
10 about some of the teachers and his time at school. At
11 paragraph 45, he says:

12 'At school, all of the "Merkland boys", as they were
13 called, were distinguishable by their very short
14 haircut. Whenever I went to the barbers, I would try
15 and get my haircut into a different style but the barber
16 would ignore me and cut it the same as all the other
17 boys. There was a stigma at being a Merkland boy and we
18 felt very different from the rest of the pupils.
19 I never got bullied. If there was trouble, I would get
20 stuck in as I had no fear. I did see other boys being
21 picked out, just because they were Merkland boys.'

22 He tells us at paragraph 46:

23 'I do not recall seeing a doctor for any injuries
24 that I sustained from the abuse that I suffered.'

25 He goes on:

1 'We used to be marched to an Episcopalian church in
2 Moffat. The service was conducted by a Reverend Pont
3 who we were told was a survivor from the sinking of the
4 Titanic. The service was conducted for between 30 and
5 40 minutes all in Latin.

6 'We all had to dig the garden or cut plants in the
7 morning before breakfast and school. I saw one young
8 lad purposefully put the fork through his foot just to
9 get him out of doing the gardening.

10 'After tea of an evening, we all had chores to do.
11 These chores were always supervised and they were
12 allocated by rota, which changed after two or three
13 weeks. The chores would be someone clearing dishes and
14 someone washing them and placing them into an immerser
15 thing. You would have to sweep and clean the floors.
16 Someone would have to sort the laundry ready for
17 washing. Another boy would have to clean and polish all
18 the shoes. There were very little jobs done by the
19 staff. It was all done by the children. I tended to be
20 left alone to clear the dining room on a regular basis.

21 'At Christmas, there would be no decorations or
22 special meal or party. I do, however, remember
23 receiving a token gift. I have no memory of celebrating
24 my birthday at any of the places. My birthday, as far
25 as I knew, didn't exist.

1 'Mrs Marriott, my social worker, would visit me at
2 the home, but I cannot recall how regularly these visits
3 took place. Some of the kids really liked seeing their
4 social workers and they believed they were there to help
5 them. I hated seeing mine. She talked to me awfully
6 and she didn't believe what I was saying to her.

7 'My siblings and I were kept very separate at
8 Merkland, and we couldn't even go to the pictures
9 together. It was as if they were strangers.

10 'My mum and dad would visit at different times, but
11 this was very infrequent. When my dad visited he would
12 again take us to the pub. I eventually made it clear
13 that I didn't want to see him.

14 'There was no formal explanation given of the
15 discipline within Merkland. In fact, there was no
16 formal meeting when I arrived there. The belt or tawse
17 was administered for being late or not carrying out our
18 chores to the required standard. We would also lose
19 privileges like our pocket money for not preparing
20 a perfect bed or being prevented from going out on
21 a Saturday. The regime was all very military.

22 'Some of the children would wet the bed, but no one
23 would be punished for doing so.'

24 'George' then talks about abuse at Merkland from
25 paragraph 56:

1 'The belt or tawse was administered by RGE for
2 things like being late with the rolls, being outside the
3 confines of the home's grounds or for your shoes not
4 being of the standard required.

5 'If you needed to be disciplined you would have to
6 go into his office at the front of Merkland and he would
7 strike you between six to 12 times across your held-out
8 hands. I would stand a little further back to avoid the
9 tawse striking my wrist. RGE was very disciplined,
10 strict and decent in how he administered the punishment.
11 I saw marks on other children's wrists and arms where
12 they must have been standing too close.

13 RGE would always administer the punishment. If
14 he was away and you had been reported for doing
15 something wrong, he would come in the next day and call
16 you out to go with him to the office. If you had been
17 reported twice or more, the punishment would reflect the
18 number of times you had been reported.

19 RGD replaced Mr RGE when he left and
20 he and his wife, , lived on the second floor.

21 Mr RGD, however, was very different to Mr RGE.

22 RGD would be a very imposing figure and he always wore
23 the full Highland regalia. He looked like the man on
24 the porridge oats advert.

25 LADY SMITH: That must be the brand of porridge oats that

1 shows a Scotsman in a kilt and a vest and I think he's
2 leaning backwards about to participate in shotputting.

3 MS FORBES: I think it's Scott's Porage Oats.

4 LADY SMITH: It's been the same advertisement they've used
5 for decades, I think.

6 MS FORBES: 'George' goes on at paragraph 60:

7 'RGD would take you into the office and lay into
8 you with a rage about him. RGD would go a different
9 colour in his rage. He looked like he was about to have
10 a heart attack. RGD repeatedly gave me the belt. It
11 must have been obvious to the staff that physical abuse
12 was going on. You were only ever in the office to get
13 the belt or get your pocket money. I thought he was
14 psychologically deranged.

15 'Mr RGD really detested me. I don't know what he
16 did to the other children, but he used to regularly kick
17 the shit out of me.

18 'RGD used to enter the dining room when I was
19 alone on clearing up duty. I would hear RGD closing
20 the door behind him and he would cough. He would then
21 command me to sit on a chair with my back facing him and
22 he said that he would be back. I would then hear him
23 throwing sugar on the floor and then I would hear the
24 crunch, crunch, crunch of his brogues moving across the
25 sugar. As he got to me, he would grab me by the hair

1 and proceed to punch me and kick me around the body, and
2 as he was doing so, he was cursing me by calling me
3 "scum" and a "wee bastard". I would have to sweep up
4 the sugar afterwards. RGD would then just say that he
5 was going to get rid of me and he would tell me to get
6 out. The same scenario would be repeated at least three
7 times a week for the remaining three years of my stay.
8 I never told anyone as I knew that I wouldn't have been
9 believed. People must have known because I came out in
10 floods of tears and people would have heard, because
11 they would have been close by. At any rate, my hair
12 would have been ruffled and sometimes I would have blood
13 coming from my nose or I would have a thick ear.

14 'RGD broke my nose and it's never been right
15 since. I never received treatment for it.

16 'RGD used to hit me with his hands or kick me with
17 his brogues whenever he found me on my own. After a few
18 months, I used to try and evade his attentions. I would
19 regularly answer him back, but his assaults would
20 inflict bruises all over my body.

21 'On one occasion, after a few months of abuse,
22 I thought I would go to school early. I left the dining
23 room and went to the back door through the boot room.
24 Outside of the back door there was a recess which was
25 down from the window and it was lower than the ground.

1 There was a handrail which I climbed up upon with my
2 hands on the wall and my feet on the rail and I would
3 climb up it until I was able to jump down. It was
4 really high and I couldn't be seen by anyone and I would
5 go off to school. I did it to avoid RGD whenever
6 I could get away with it.

7 RGD, halfway into his stay at Merkland, started
8 to touch me in a sexual way on my private parts with his
9 hands. He did this in the dining room when we were
10 alone. When the sexual abuse started, I went wild and
11 tried to punch him. This was the first time that I had
12 retaliated. The sexual abuse would be as regular as up
13 to three times a week and it would start in the same
14 way.

15 'I would be in the dining room and I would hear the
16 door open and the sugar being thrown down on the floor.
17 I would hear the "crunch, crunch, crunch" of RGD's
18 brogues on the sugar and he would then proceed to hit me
19 on the back of the head and then to sexually and
20 physically abuse me.

21 'After I had refused to go to Wellington School,
22 RGD became so enraged that he appeared to be crying
23 and he set about me in the same manner, punching and
24 kicking me around the head and body. When he slapped me
25 around the head, I would go down and try and crawl away.

1 All the while he was kicking me. Within two months
2 RGD got me out of Merkland.

3 'I eventually told Mrs Marriott after about a month
4 that Mr RGD was battering me. I told her on at least
5 three occasions. I also told Mrs Marriott that RGD
6 was sexually abusing me. I felt that I was a problem
7 that she didn't want to know. Mrs Marriott dismissed my
8 complaints as being stupid and she generally showed no
9 interest and I think she detested me. Furthermore,
10 I became aware that Mrs Marriott had told RGD about my
11 allegations as he became more intimidating and he
12 threatened me with worse violence if I said anything.
13 I never discussed the abuse with my fellow pupils and
14 I couldn't tell my teachers as I felt I wouldn't be
15 believed. I felt that Mrs Marriott and RGD were in
16 cahoots with each other.

17 'As a direct result of me complaining to
18 Mrs Marriott, both her and RGD engineered a move for
19 me to Wellington Approved School in Edinburgh. This was
20 in 1975.

21 'Mrs Marriott drove me to the Wellington Approved
22 School and there was no conversation during the journey.
23 On arriving at the school I was shown around and
24 I totally refused to remain there. I was totally
25 fearless because of all the hidings I was getting.

1 Mrs Marriott was extremely upset and was left with
2 little choice but to return me to Merkland.

3 'Eventually, RGD got his wish and got rid of me
4 from Merkland. It was arranged between RGD and
5 Mrs Marriott for me to move out of Merkland to live in
6 a hostel in Magdala Crescent, Edinburgh. I was 15 years
7 old. I was taken in a car and just bundled out and
8 dumped into a hostel in Magdala Crescent. I thought
9 about running, but just accepted that it must be better
10 than Merkland.'

11 'George' then tells us about his time in the hostel
12 between paragraphs 73 and 79 of his statement and he
13 tells us at paragraph 77 that whilst he was there for
14 a year, he spent his days walking the streets, visiting
15 museums and watching cases in the High Court.

16 He tells us at paragraph 79 that at some point he
17 returned to Merkland to stay for a weekend prior to
18 being enrolled onto a government work scheme at an
19 agricultural college, and he says he was 16 years old
20 and he briefly resided with an old lady in a bed and
21 breakfast for about two weeks in Moffat, which was fine.

22 At paragraph 80, 'George' tells us that he was told
23 he was going to stay with a family in Beattock who were
24 going to look after him. And he then tells us about
25 staying with that couple between paragraphs 81 and 86

1 and essentially he says they were fantastic. They were
2 lovely folk and treated him like a son, and he says he
3 owes them his life. He struggled to cope with the
4 kindness that they expressed to him and that the foster
5 father, or the father of the couple, sorry, secured him
6 a job working on a pipeline as a banksman, helped him to
7 obtain a bank account. He was taken to get clothes and
8 told to pick anything that he wanted and they taught him
9 life skills that he didn't have. Taught him how to look
10 after himself, gave him proper morals, and they were the
11 parents that he never had. And he lived with them for
12 three years before leaving to take up a job at
13 a hospital in Dumfries.

14 'George' says at paragraph 86 his relationship with
15 that couple continued after he left them and that he
16 told the male of the couple before he died that he owed
17 him everything, and he says they gave him the love that
18 he'd never had before.

19 'George' tells us about his life after being in care
20 from paragraph 87. He says he got a flat in Dumfries,
21 worked in a hospital there for about five years. He
22 then tells us about some other jobs he got, before
23 getting a job as a sales manager. He received regular
24 promotions. He was a sales rep for ten years and then
25 he wanted -- needed a lifestyle change and says he

1 worked as a scaffolder.

2 He tells us he's been married to his wife at the
3 time of this statement for about eight years, but
4 they've been together for 20. And he tells us he's
5 never told his wife about the abuse he suffered in care
6 and doesn't want her to know.

7 In relation to impact, 'George' talks about that
8 from paragraph 89 and he says:

9 'I don't sleep very well and I get nightmares about
10 being abused by RGD and have to sleep alone. About
11 six weeks ago my wife found me sleepwalking. The
12 sleepwalking started when I went to Merkland and
13 I haven't sleepwalked since my time there.

14 'I can't cope with being happy and I have a massive
15 feeling of guilt when I start feeling happy. I believe
16 that I don't deserve to have a house, a car, or to go on
17 holidays. I feel that I am a scumbag. When I played
18 the football coupon, I would be desperate not to win it,
19 because I felt undeserving. I really struggle to cope
20 with being happy.

21 'I have dreams about always being left out, feelings
22 of recurring disappointment. I dream about turning up
23 to things and I have missed them.

24 'I struggle to make my own decisions in my personal
25 life such as picking things from a menu or buying

1 clothes. My wife does this for me and she gets
2 frustrated because I can't make decisions. I have
3 successfully made decisions for others in my career, but
4 I can't for myself. I believe this is because my life
5 was so regimented in care.

6 'I do not do emotion. I detest cruelty to humans
7 and animals and I go into a bit of a rage if things seem
8 unjust.

9 'Prior to residing [and he names -- with the couple
10 that he stayed with, and he says], the only time
11 I've really been praised was in PE and art at high
12 school. I was an outstanding football player, but
13 I never had an opportunity to develop my skills further.

14 'I recently subconsciously reeled off a phrase in
15 Latin. This was as a result of me regularly attending
16 church at Merkland and having to recite Latin.

17 'I missed out on a proper education. My maths was
18 remarkable and I wasn't given the opportunity to develop
19 those skills. I have no school qualifications and would
20 have loved to have gone to university.'

21 At paragraph 98 'George' says:

22 'I feel that my life has been a waste and I wasn't
23 given the opportunity to have a proper family. My
24 relationship with my siblings never existed and I have
25 had no real experience of a home life.

1 'I have never had children of my own and my wife
2 said that I would have been a great father. I just
3 couldn't, as I was too scared to have children of my
4 own.

5 'Anyone who says that they have moved on from being
6 abused in care is lying. It is with me all the time.'

7 He tells us he's never sought treatment and he's not
8 likely to. He says at paragraph 101:

9 'The first people that I have disclosed my abuse to
10 is the Scottish Child Abuse Inquiry. I have wanted to
11 speak to someone, but before I actually get there
12 I change my mind.'

13 And 'George' says then, in 'Lessons to be learned'
14 from paragraph 102:

15 'You cannot care for children in the way I was
16 treated. No one ever listened to you. There was no
17 praise and it was a very negative experience. They only
18 appeared to be interested in the things you did wrong.

19 'If I was in charge I would check the children's
20 welfare at all times and I would believe what the
21 children were telling me. Children need explanations as
22 to what is going on in their lives. Nothing was ever
23 explained to me.

24 'There should be someone independent in place to
25 support the children and staff need suitable vetting.

1 'Sibling relationships need to be nurtured in care
2 and siblings shouldn't be separated. If we had been
3 kept together, my sibling relationships would be better
4 now.

5 'I would like to see the Inquiry move things forward
6 and to remove the stigma from children in homes. I pray
7 that these things aren't going on now.

8 'I am very happy that the Inquiry is in place.'

9 Then he tells us at paragraph 108:

10 'I have rarely seen my sister and I have never seen
11 my older brother since leaving care. I see my younger
12 brother every six months. My mother lives in Derby and
13 I see her occasionally.

14 'I have tried unsuccessfully over the years to find
15 **RGD** to confront him over my abuse. I have never told
16 anyone about my abuse and when I saw the Scottish Child
17 Abuse Inquiry on the television, I knew that I had to
18 tell somebody about it.'

19 And then 'George' has made the usual declaration and
20 he's signed his statement and it's dated 8 September
21 2020.

22 LADY SMITH: So that means, given his date of birth of 1960,
23 it's only after 60 years that he's been prepared to talk
24 to anybody and the people he has spoken to are us. He's
25 not the first person by any means who has told us that

1 we are the first people that they have disclosed their
2 abuse to. Quite remarkable.

3 Right. Where next?

4 MS FORBES: My Lady, Mr Sheldon now has a statement to read
5 in.

6 LADY SMITH: Thank you.

7 'Toby' (read in)

8 MR SHELDON: My Lady, this is the statement of 'Toby'.

9 LADY SMITH: Thank you.

10 MR SHELDON: The reference for 'Toby's' statement is
11 WIT.001.001.1398.

12 'Toby's' dates at Merkland are a little unclear, but
13 seem likely to have been -- seem likely to have started
14 in around [REDACTED] 1975 when he was discharged from
15 St Joseph's, Tranent, where he was placed previously.

16 That, of course, was prior to Peter Harley's time,
17 but 'Toby' was still there when Harley arrived in 1977.

18 LADY SMITH: Right.

19 MR SHELDON: 'Toby' was born in 1961 and is now
20 semi-retired. He gives us some details about his family
21 in paragraphs 1 to 4 and he notes at paragraph 5 that
22 the institutions he attended were Darvel in Ayrshire,
23 St Ninian's, Gartmore, St Joseph's, Tranent and
24 Merkland.

25 He notes that his father became ill in 1967 and

1 things became very difficult for his mother and from
2 paragraph 7, he says:

3 'I started to get into a wee bit of trouble with
4 petty thieving, but all I was doing was trying to put
5 food on the table. I'd break into the bakery and steal
6 bread and cakes or steal from the butchers simply to
7 help feed the family. The electricity even got cut off.
8 My mother had to cook on the fire in the house.

9 'I got caught stealing and got sent to the panel in
10 1969. I was 8 years old. The panel in Dumfries decided
11 that things were too hard for my mum and that she would
12 be best helped if they sent me away, which they did.
13 They said I was to be sent away for between three to
14 six months until they decided how best to deal with me.
15 I think they thought I was trying to be the father of
16 the family and put food on the table by doing these
17 mistakes. They sent me to Darvel Remand Home in
18 Ayrshire in 1969. My siblings remained at home at that
19 time, though later they were also taken into care.'

20 And he then talks about his time at Darvel, **Secondary Institu**

21 **Secondary Institutions - to be published later**
22

23 But if we skip now to page 4. And we see that he's
24 then placed at St Ninian's, Gartmore. And he notes at
25 paragraph 23 that the panel decided he should be sent to

1 St Ninian's:

2 'I wasn't told why I was being sent there.'

3 He was still only 8 at that time, so must have been
4 at Darvel for really quite a short time.

5 And, my Lady, 'Toby's' evidence in relation to
6 St Ninian's and later St Joseph's were read in on
7 Day 410 by Ms MacLeod, that was TRN-12-000000042.

8 LADY SMITH: Thank you.

9 MR SHELDON: And if we go then to page 19 of the statement
10 where he starts to talk about his time at Merkland. As
11 I say, likely in about [REDACTED] 1975. He says -- his
12 statement puts it at 1974, but as I say, it seems more
13 likely to have been 1975, my Lady. And he goes on in
14 paragraph 131:

15 'I was told by the panel that they were moving me
16 there because it was nearer my home and I'd get to see
17 my mum. While there, I went to Moffat Academy and did
18 third and fourth year there. I was quite intelligent
19 and I enjoyed learning.

20 'For the first 18 months there it was a Mr RGD [REDACTED]
21 that was SNR [REDACTED] and things were fine. However, for
22 the last six months I was there, the man in charge was
23 Peter Harley and he used to physically abuse me.'

24 In relation to routine, 'Toby' says:

25 'Merkland was mainly a collection of families, i.e.

1 brothers and sisters from the same families [and he
2 names some of them]' and says Merkland was:

3 'SNR a guy called Mr RGD who wore a kilt every
4 day. He had his wife and son living there with him. It
5 was run by Dumfries Council.

6 'There were four dorms with five people in each, the
7 boys and girls sleeping in separate dorms.

8 'After school you would have chores followed by tea,
9 but after that you could go to the local youth clubs
10 until about 9.30 pm. You didn't get to go home.

11 'There were outside staff who would come in. There
12 was an older woman, maybe called Liz. There was a cook
13 and an older guy who came in on a motorbike who might
14 have been called Jim. I think these were care workers.

15 'You certainly had a lot of leeway to do your own
16 thing and you went to the local school. When Mr RGD
17 SNR the home it was comfortable and almost felt like
18 living in a proper family home. However, Peter Harley
19 changed the whole structure of the place when he arrived
20 . He changed the whole structure of the
21 place and would take the kids swimming and would do
22 things like take kids camping to Wales where he came
23 from. It was as if he was trying to impress us, though
24 he mainly left us older ones alone.

25 'When Mr RGD was SNR we would get the cane,

1 but it would be for things like skipping school or
2 things you would expect to be punished for.

3 'Peter Harley picked on me because I was one of the
4 older boys. He would take me into his office and give
5 me serious beatings for trivial things. Those of us in
6 the home had an inclination that Peter Harley was
7 abusing some of the other kids, and while I later found
8 out he got a prison sentence for abusing children, he
9 only physically abused me. He never sexually abused me.

10 'On one occasion, something had happened in the
11 school that I had been involved in. Harley called me
12 into his office, grabbed me and threw me to the ground.
13 I banged my head on the wall and he then started kicking
14 into me. I felt him kick me in the mouth. Blood
15 started pouring from my mouth and it was only then that
16 he stopped. He told me to go upstairs and get washed
17 and not to come down until I was told to. I lost
18 a tooth and was taken to the dentist the next day.
19 I told the dentist I had fallen because I was scared if
20 I told the truth and it got back to Harley, I would get
21 more beatings.

22 'I got numerous beatings from Harley, but would say
23 that there were at least four or five beatings I would
24 describe as serious.

25 'I eventually left Merkland in 1977 when I at last

1 went home.'

2 My Lady, 'Toby's' impact statement was read in
3 during Phase 8, as I've mentioned, and I won't repeat
4 all of that. But I think it's worth perhaps looking at
5 a few of the paragraphs again.

6 At paragraph 144, he says:

7 'I look back and wonder how I survived. I suppose
8 it made me who I am. It probably made me a stronger
9 person.

10 'It was the same feeling in all of these places,
11 though St Ninian's was the worst. Looking back, I was
12 probably depressed a lot, though I probably didn't
13 realise it at the time because I was so young.

14 'I think the only lasting physical injury I suffered
15 was the loss of my tooth after the kicking I got from
16 Peter Harley, but over the years I had serious bruising
17 from the numerous beatings. Otherwise I was always in
18 good health.'

19 Para 147:

20 'What happened to me has definitely had an impact on
21 my life. My life isn't all doom and gloom, which I put
22 down to my strong will and the ability I had and have to
23 put it to the back of my mind and just get on with my
24 life, my work and my family. It's still there and it
25 hurts when things are brought up, but I've got on with

1 my life.'

2 If we then go to page 27, my Lady. And reading from
3 paragraph 176:

4 'About 2009/2010 I attended at Dumfries Police
5 Station where I spoke to a female police officer and
6 gave a statement in relation to an inquiry into the
7 goings on in Merkland. While there, I told her I had
8 endured horrendous abuse from the Brothers at
9 St Ninian's and St Joseph's. I called them beasts.

10 'However, she was only interested in Merkland and
11 wouldn't let me go into any detail, even though I told
12 her about the sexual abuse I had endured. I was
13 probably interviewed for a few hours.

14 'As far as I'm aware, the abuse I spoke of to the
15 female police officer was never followed up.

16 'I sent a statement to the police in Stirling and to
17 Crown Office. This was when I decided that I was going
18 to tell people about what had happened to me. I was
19 only sent one reply, which was from the police, who said
20 they couldn't do anything about it because it had
21 happened back in the 1970s.'

22 And as I say, my Lady, the rest of that material has
23 already been read in, so I'll just note that 'Toby' has
24 made the usual declaration and signed his statement in
25 2017.

1 LADY SMITH: Thank you very much.

2 MR SHELDON: There are, of course, more read-ins, my Lady.

3 I'm not sure if my Lady wishes to --

4 LADY SMITH: Shall we leave those until 2 o'clock and take
5 the lunch break now, perhaps?

6 But before I rise, a few names of people whose
7 identities are protected by my General Restriction
8 Order. There's actually I think only a couple that
9 I've noted, but I'll no doubt be told if I've missed
10 anybody. A man referred to as Mr RGD and also RGD
11 RGD, it's the same person. A man
12 referred to as RGE and his full name, RGE
13 RGE, may have been used as well. They're not to
14 be identified as referred to in our evidence outside
15 this room.

16 Did I miss anybody? No, good. Well, time for the
17 lunch break and I'll sit again at 2 o'clock. Thank you.

18 (12.52 pm)

19 (The luncheon adjournment)

20 (2.00 pm)

21 LADY SMITH: Now, Ms Forbes, the next one.

22 MS FORBES: Good afternoon, my Lady.

23 The next statement is from an applicant who's
24 anonymous and is known as 'Shona'.

25 LADY SMITH: Thank you.

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'Shona' (read in)

MS FORBES: The reference for her statement is
WIT-1-000001033.

LADY SMITH: Thank you.

MS FORBES: My Lady, 'Shona' tells us that she was born in
1963. She talks about her life before going into care
between paragraphs 2 and 12 and, in summary, she tells
us she was born in Dumfries, she lived with her parents
and then there was a younger -- sorry, two younger
sisters and a younger brother that came along, and then
when her younger brother was born, they moved because
they needed a bigger house.

She tells us her dad worked at the National Tyre
Service and her mum was a stay-at-home mum and life was
fine at home. She had quite a good childhood. She says
they were looked after and had meals on the table.

She went then on to Maxwelltown High School. She
did well in the classes and liked the teachers, but if
she didn't like the teachers, she wouldn't behave in
class or do the work.

She then tells us about getting into trouble at
school and she says, at paragraph 6, she ended up
getting suspended. She tells us at home, at
paragraph 7, she would do stupid things like fill the
washing machine with a whole box of soap powder, but

1 nothing too serious, and she wouldn't behave so her mum,
2 she says, chased her up the road one day while holding
3 a knife and, another time, her mum chucked a bucket of
4 water over her.

5 She tells us at paragraph 8 that her mother went to
6 the doctors and said something needed to be done with
7 her because of her behaviour, and then she tells us
8 about an incident at school at paragraph 10, when
9 a teacher wouldn't let her go to the toilet and she
10 ended up peeing herself in class when she was 14 at that
11 time. A teacher thought she'd done it deliberately and
12 she was called 'Pissy' and then a reference to
13 a nickname of her surname at school after that, which
14 she says was embarrassing.

15 And then her guidance teacher got involved, went to
16 see her mum and the social work got involved after that.

17 And then her mum, she says at paragraph 11, said to
18 the social worker that she couldn't do anything about
19 her behaviour and the social worker told her she was
20 going to Merkland Children's Home because she wouldn't
21 behave at school.

22 She says at paragraph 12 she didn't want to go to
23 the home but the decision had been made, and she was
24 given her tea and taken to the home that day.

25 Then 'Shona' tells us about Merkland Children's Home

1 from paragraph 13. And she says she was 14 years old
2 when she was taken to Merkland and she tells us a social
3 worker drove her and there was a suitcase of clothes
4 from home to take with her.

5 My Lady, we haven't been able to recover any of her
6 records to confirm dates.

7 LADY SMITH: Okay. All right, thank you.

8 MS FORBES: She goes on then, my Lady, from paragraph 14:

9 'I don't really remember my first day. I remember
10 going in the big doors to the home, up some steps and
11 into an office to the side, where I met Peter Harley and
12 JDW, who were in charge of the home.

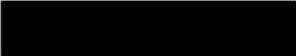
13 'I remember being shown around and shown where
14 I would sleep, which was a room next to the office. The
15 room I was in had four beds in it and I was sharing with
16 three other lassies. I remember sitting on my bed for
17 a while crying, because I felt abandoned by my parents
18 and lost.

19 'There were quite a few boys and girls in the home
20 but I can't say how many. They were all between about
21 13 and 15 years old. I don't remember a lot of names
22 but I remember another girl [and she names her].
23 I don't know what the other kids were in for, because we
24 didn't really talk about it. I remember there was a boy
25 who had been there for quite a long time, because

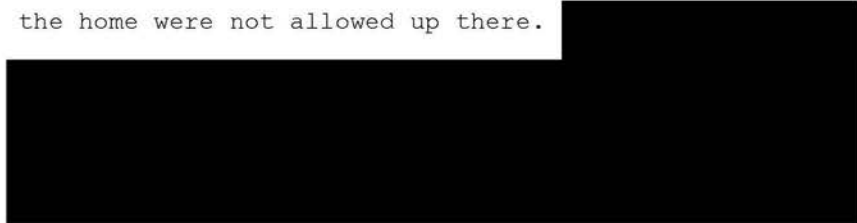
1 I think his parents didn't want him.

2 'It was quite a big place with a lot of grounds.
3 There were stables at the back but I can't remember if
4 there were any horses.

5 'When you went in the front door of the building,
6 there were steps going up to Mr Harley's office, which
7 was at one side. There was a dormitory beside the
8 office. On that same floor there was also a room with
9 pool tables and a television. There were then some more
10 steps going up to where the boys were.

11 'There were three or four floors in the building and
12 there was a little flat right at the top. The kids in
13 the home were not allowed up there. 

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17 She goes on at paragraph 20:

18 'Then down the stairs was the dining room and
19 kitchen area.

20 'Peter Harley and  JDW were in charge of the
21 home. They were quite old to me at the time.'

22



23 She goes on to say about Peter Harley:

24 'He told the children in the home to call him
25 "Pop".'

1 And then she tells us [REDACTED]
2 [REDACTED], and she continues to say:
3 'She was involved with the care of the kids, but was
4 out of the home a lot. I don't remember the name of any
5 other staff. I think I've tried to shut it all out.'
6 Then on to paragraph 23, she talks about the
7 routine. 'Shona' says:
8 'We got up in the morning and got showered. I think
9 we all showered separately and had some privacy, but
10 I can't really remember. We got ready for school and
11 had breakfast, then Peter Harley drove us to school in
12 a minibus.
13 'After school, we came home and stayed in the home
14 for the rest of the evening. We would do our homework,
15 then get our tea. We then got some free time when we
16 could sit in a room [she says, I think] that had
17 a television, snooker table and games in it. I liked to
18 read but I don't remember if we had books or not. We
19 could also go outside in the grounds and to the stables
20 at the back. I don't remember if there were any horses
21 there. We weren't allowed out of the grounds during the
22 week days.
23 'Peter Harley would come and tell us when it was
24 bedtime and we then went and got ready for bed. It was
25 at a certain time, but I can't remember when it was.

1 I think maybe about 9.00 pm.

2 'At weekends, we still had to get up and out of bed
3 early and have breakfast. We could go to the television
4 and snooker room whenever we wanted. I also remember
5 going to the local café to get a milkshake or a Vimto on
6 a Saturday.

7 'We were never taken out on any trips or anything.
8 I was there for three months and we didn't go anywhere
9 or do anything.

10 'I never went to the doctor while I was there.

11 'I never had a birthday or Christmas while I was
12 there.

13 'We got fed things like macaroni and cheese or
14 sausages. I thought the food was quite good and I liked
15 everything I was given. I can't remember there being
16 any issue with food with the other kids either.'

17 She tells us then about clothing and uniform at
18 paragraphs 31 and 32 and she tells us about school from
19 paragraph 33 and says:

20 'All the kids from the home went to Moffat Academy
21 and we were taken there in a minibus in the mornings.

22 'I liked school because it meant we were getting
23 away from Peter Harley. It was a good school and I got
24 on okay there. The classes were smaller than at my
25 school before and the teachers were really nice.

1 'We had to do our homework in the evenings when we
2 got back home, but I don't remember if we got any help
3 with it.

4 'We had to do chores, like making our beds, changing
5 bedsheets and washing dishes.

6 'There was a boy who used to dirty the bed. I think
7 his name might have been [and she names him] but I can't
8 remember. Peter Harley used to go in and make me clean
9 the boy's bed. That happened regularly and I used to
10 feel sick doing it. I don't know why he picked me to do
11 it.

12 'My mum and dad weren't allowed to visit me for the
13 first three weeks or something because they wanted me to
14 get settled in. That wasn't nice. They came to see me
15 after the first three weeks but not very often. They
16 brought my sisters and brother with them one time.

17 'The social worker used to come once a fortnight or
18 so to see me. She would be in Peter Harley's office and
19 I would be sent for, to go and see her there. I would
20 then talk to her in the office in front of Peter Harley.
21 I never spoke to her on my own. I can't remember what
22 we talked about. She never listened to me anyway.

23 'All the kids' visits used to be in his office in
24 front of him or JDW .

25 'I don't remember anybody else visiting or speaking

1 to me from outside.'

2 'Shona' then talks about abuse at Merkland from
3 paragraph 42:

4 'If Peter Harley thought any of the kids did
5 something bad, he would shout them into his room, get
6 them to bend over and hit them on the backside with
7 a cane or walking stick.

8 'The first time my mum and dad came to visit, I met
9 them in the kitchen and I was making them tea. We then
10 started walking up to the room with the television and
11 snooker table. I was carrying a tray with the tea and I
12 tripped on a step, dropped the tray and smashed two
13 cups. It was an accident.

14 'I had the rest of my visit with my parents in the
15 television room. I don't think Peter Harley was there,
16 but there were other kids there. After my parents left,
17 Mr Harley called me into his office, told me to bend
18 over and he hit me with his walking stick over my
19 clothing. I didn't think it was abuse at the time,
20 because I used to get a clip round a lug from my mum at
21 home. Looking back, I think Mr Harley was turned on by
22 it.

23 'This was the way Peter Harley punished all the
24 kids. It happened quite a lot and everybody got it.
25 I didn't see it happen to any other children because it

1 would happen in his room in his flat after he called
2 them in. We all knew what was going to happen when they
3 were called in because it happened to most kids quite
4 a lot. We would tell each other about it afterwards.

5 'JDW [REDACTED] was never there when he hit me, so I don't
6 know if she knew he was doing this. She seemed quite
7 nice.

8 'I ran away and tried to get back to my mum and
9 dad's house. Peter Harley came to find me in the
10 minibus. He found me and took me back to the home to
11 his room. He got me to bend over and hit me on the
12 backside with the walking stick or cane as a punishment
13 for running away. It was sore, so I didn't run away
14 again.

15 'A lot of the kids tried to run away and I don't
16 blame them. They would get hit in the same way when
17 they were found and brought back.

18 'Peter Harley would shout me up to his room in the
19 flat at the top of the building. Nobody else was there
20 when he called me up. He would then be pleasuring
21 himself in front of me and would touch me as well. This
22 started a week after I went into the home and carried on
23 until I left. It happened to me quite a lot. He would
24 tell me not to say anything to anyone and that it was my
25 fault.

1 'I thought it was only me it was happening to.
2 I found out later, as an adult, that it was happening to
3 other kids too, including the boys.

4 'I think I was quite lucky because he didn't have
5 full sex with me, whereas he did with other kids.

6 'I have wondered a lot about whether JDW
7 JDW knew about him abusing the kids. I think she must
8 have, as she was running the place with him, but I don't
9 know.

10 'I didn't tell anybody about the abuse at the time.
11 I couldn't tell my social worker because Peter Harley
12 was always there when she met me.

13 'I told my mum about the sexual abuse shortly after
14 I left the home and she said I was lying and making it
15 up because he wouldn't do that, because he looked after
16 a children's home. I just kept quiet about it after
17 that.

18 'After three months, I was told by my social worker
19 that I was going back home to my parents. I think that
20 was decided because I had been behaving myself in the
21 home, which I had been, because I hated it in there and
22 wanted out.

23 'I was only there for three months but it was the
24 worst time of my life.'

25 'Shona' then talks about life after being in care

1 from paragraph 57:

2 'I hated my mother for putting me in the home
3 because she was one who pushed me to be put in there.
4 I never got on with her for ages after I got out of the
5 home. I blamed her for everything and argued with her
6 all the time. My mother apologised to me years later,
7 after I had been to the police in 2012.

8 'I saw my social worker for a while after I got
9 home. She was just seeing that I was still behaving.
10 It was really stupid because it wasn't like I had been
11 going round robbing people before I was put in care.

12 'I went back to Maxwelltown High School. I behaved
13 at school after leaving the home because I didn't want
14 to go back into a home. I got on well at school.

15 'I lived with my mum until I met my partner when
16 I was 16 years old. I moved in with him, got married
17 and we had three kids together.

18 'I started work in a supermarket on the checkouts,
19 then moved to another supermarket, until I was
20 headhunted back to my first employer. I did well at
21 work and ended up working in the cash office. I had to
22 stop working because I have a degenerative disc disease
23 and my doctor told me I couldn't work.

24 'I told [my husband] about the abuse in Merkland
25 Children's Home because I was scared of going places on

1 my own and always wanted someone to be with me. He
2 understood, and was always with me until he died in 2009
3 after we had been married for 25 years.

4 'I moved to Lockerbie in 2012. I got married again
5 but it didn't last, so I stayed with my mum for
6 a while.'

7 She then tells us she got a flat in Dumfries, and
8 that she has a small social circle with a couple of
9 friends, her kids and her grandkids.

10 'Shona' talks about impact from paragraph 64:

11 'I never got on with my mother for years after
12 coming out of Merkland Children's Home because I had
13 such a horrible time in there and blamed my mother for
14 putting me in there.

15 'I didn't get on with my sisters for a while after
16 I got out of care because I was annoyed that I had been
17 put in care and they hadn't, but that didn't last long
18 and I ended up having a really good relationship with
19 them.

20 'I had nightmares for a while after coming out of
21 the home, but that stopped after I met my husband
22 because I felt safe with him.

23 'After leaving the home, I became too scared to go
24 out by myself and would always need somebody with me.
25 I am still like that and won't go anywhere alone because

1 I don't trust people. I don't have a lot of friends for
2 that reason.

3 'When I was pregnant with my first child, I made
4 a decision to never put them in care and to be a good
5 parent. I think I have been a good parent to my three
6 kids. I took them out places and did homework with them
7 and never hit them. I did worry about them a lot and
8 would panic over little things like if they were home
9 late. I don't know if that is because of what
10 I experienced.

11 'I felt quite suicidal last month and thought about
12 committing suicide for a while. I realise now how
13 selfish that was of me and wouldn't do it again.

14 'People say that you learn to live with the
15 experience of abuse, but you don't. It is there in your
16 head all the time. I try not to let it interfere with
17 my life too much, but my mind goes there whenever I hear
18 anybody talk about child abuse or see it mentioned on
19 the telly. It annoys me when people who haven't
20 experienced it talk about it.

21 'I spoke to a grief counsellor after my husband died
22 because I was going to his grave every day.

23 'My doctor got involved when I felt suicidal and was
24 thinking about doing it. That was about a month ago.
25 I spoke to my sister about it, who told me to call my

1 doctor, which I did. My doctor was really good with me
2 and got Distress Brief Intervention involved straight
3 away, who helped me for a week.

4 'I still speak to a mental health nurse once a week.

5 'I spoke to the police at Annan Police Station in
6 2011 or 2012 about my abuse in Merkland Children's Home.
7 The female officer I saw was really nice. Peter Harley
8 had already been convicted of abuse by that time and had
9 got 15 years in jail.

10 'The policewoman I spoke to was really nice and told
11 me that other kids had come forward too. She told me
12 that the little boy who used to dirty the bed in
13 Merkland was still in Dumfries. She knew exactly who
14 I was talking about.

15 'I wanted to get my records just so I could know for
16 sure what dates I was in care. I have never bothered
17 trying to get them, but I might.

18 'I hope that kids aren't put into care for stupid
19 little things like I was. There are other ways to deal
20 with kids if they are just misbehaving at school.

21 'When kids do talk about abuse, they should be
22 believed and it should be investigated.'

23 And then 'Shona' has made the usual declaration and
24 she's signed the statement and it's dated 7 July 2022.

25 LADY SMITH: Thank you very much.

1 MS FORBES: My Lady, I think Mr Sheldon now has a statement.

2 LADY SMITH: Thank you.

3 'Tommy' (read in)

4 MR SHELDON: Yes, my Lady, this is the statement of 'Tommy'.

5 'Tommy's' statement reference is WIT.001.001.5645.

6 'Tommy' appears to have had two stays at Merkland
7 and certainly speaks to that in his statement. These
8 were, according to the records, from [REDACTED] 1977 to
9 [REDACTED] 1978 and then from [REDACTED] 1979 to [REDACTED] 1980.
10 The records certainly also bear out that he was at
11 Ladyfield in 1971 and Closeburn Assessment Centre in
12 1979 and 'Tommy' was, like 'Toby', one of the
13 complainers in the 1996 case against Peter Harley.

14 LADY SMITH: Thank you.

15 MR SHELDON: 'Tommy' was born in 1964.

16 He tells us about the various institutions that he
17 was -- at which he was placed, in paragraph 2, and from
18 paragraph 3 he outlines his early family life, and at
19 paragraph 4 notes something which appears significant in
20 his life and in his statement, that he says:

21 'All the way through my life, my mother has been
22 influenced by my sister.'

23 And taking that short to paragraph 6, he says that:

24 'My early life before care was spent trying to stay
25 out of trouble with my mother, as my sister was

1 manipulating my parents and telling them that I was
2 misbehaving all the time. My sister would steal things
3 and then blame me. My mother always believed my sister.

4 'My mother thought that I had mental health
5 problems. She contacted the social services and I was
6 seen by psychologists. They all told my mother that
7 there was nothing the matter with me. I was eventually
8 put into Ladyfield Children's Psychiatric Unit at the
9 Crichton Hospital, Dumfries, at the request of my mother
10 for further examination.'

11 He says he was placed there for about two weeks when
12 he was about 6 and says there were no instances of abuse
13 and can't provide much information.

14 He says that he was also at Harmeny House in Balerno
15 in 1973/74 but says he has no real recollection of being
16 there and he assumes that he was treated well.

17 Paragraph 11, he then talks about leaving
18 Harmeny House and says:

19 'I remained at home until I started secondary
20 school. I was most of the way through my first year
21 when Peter Harley called at the school and took me out
22 of my geography class. He discussed my home situation
23 with me and he told me that I would be better off at
24 Merkland School, where I would not have the problems
25 with my sister. He asked me if I would like to go to

1 Merkland Children's Home in Moffat. Harley was the head
2 houseparent at Merkland. He took me to Merkland to look
3 round the home and introduced me to all the staff. At
4 the time, he tried to persuade me to stay at the home
5 from that moment on. At the end of the tour, I told him
6 that I didn't want to go there.

7 'At that time I also requested that Harley take me
8 back to Dumfries High School where I had to collect some
9 football programmes. I got the impression that he
10 wasn't going to take me back and he even offered to
11 collect my clothes from my mother's house. I told him
12 that if he didn't take me back, I would accuse him of
13 kidnapping me. I smelt a rat as I didn't want to stay
14 there. I was trusting my instincts and felt that
15 something was wrong.

16 'I do remember that I attended Children's Panels.
17 My mother was convinced there was something not right
18 with me and despite the social workers and psychologists
19 telling her that there was nothing wrong with me, she
20 persisted in trying to get them to declare that I had
21 a mental illness. She kept changing social workers when
22 they didn't agree with her. She was still being
23 manipulated by my sister.

24 'The psychiatrist that saw me at the Crichton
25 Hospital [who he names] kept telling my mother that

1 there was nothing wrong with me. It was around this
2 time that my parents divorced and my sister went to live
3 with my mother.

4 'During my first year at senior school and two days
5 after my visit to Merkland, I was at the pictures with
6 my friends. I came out of the cinema and Peter Harley
7 approached me in the street. He grabbed hold of me and
8 forced me into the back of a minibus. I was tied up
9 with washing line. My friends I was with were also
10 trying to rescue me. There was another man who I didn't
11 know in the minibus who sat on top of me to keep me
12 calmed down. I was then taken to Merkland Children's
13 Home in Moffat. I was kidnapped. I was taken there
14 against my will. I think I was sent there because my
15 mother was hitting me and it was for my protection.
16 I think it was the decision of the local council.'

17 Just pausing there, my Lady, there's some support in
18 the records for that.

19 LADY SMITH: Okay.

20 MR SHELDON: We don't need to go to it, but the reference is
21 DGC-00000000522.

22 LADY SMITH: Thank you.

23 MR SHELDON: And the suggestion seems to be that 'Tommy' was
24 taken -- the words are used in the records, 'almost
25 kidnapped', and there doesn't seem to have been a panel,

1 at that point anyway, so it's a very odd chapter.

2 LADY SMITH: Right, thank you.

3 MR SHELDON: He goes on:

4 'On arrival at the home, my clothes were taken off
5 me and I was put into bed. I was completely naked. It
6 was a Friday night. When I woke up the morning after,
7 I was given a pair of pyjamas but no slippers. This was
8 to stop me from running away.

9 'I remember I got up and went down to the television
10 room and all the other children were watching Saturday
11 morning television programmes. I didn't know any of
12 them, so I just sat in the corner on my own. I felt
13 strange just sitting there in my pyjamas. I was in
14 pyjamas for three to four days until I was taken on
15 a holiday to Gatehouse of Fleet.

16 'Merkland was mixed sex and had one female and two
17 male dormitories. There was a dormitory for older boys
18 and one for younger ones. There was a total of about
19 20 children resident. All the residents were of school
20 age and attended local schools. I did recall that when
21 a lot of the boys left Merkland, they joined the army.
22 The school was not a secured place and you could come
23 and go.'

24 He then talks about the routine, about being woken
25 up, breakfast and doing chores. He says:

1 'I always got the worst job, which was doing the
2 dishes.'

3 And one of the staff members allocated them 'and she
4 didn't like me'.

5 'I first arrived during the summer holidays. I did
6 not need to attend school. When the holidays were over,
7 we would then walk to Moffat Academy to commence
8 schooling.'

9 He says:

10 'There was a playroom, a television room and good
11 grounds to play football. There was a five-a-side
12 football pitch where I spent most of the time playing
13 with the other boys.

14 'Bedtime varied on what age you were. Each of the
15 dormitories also had a television. During my first
16 spell at Merkland, I was in the younger boys' dormitory,
17 and for the second spell I was with the older boys.'

18 He says that Sunday night was bath night and
19 Mr Harley always supervised the baths:

20 'If you came home from weekend leave on a Sunday, he
21 would bath you. You could have a shower at any time.
22 I went home every weekend to my mother's house. This
23 didn't start immediately, but it built up to every
24 weekend. I would also spend large chunks of the school
25 holidays at home. I stayed out of the way of my sister

1 and played with my pals. My sister was still sleeping
2 in my mother's room and I slept in the same room as my
3 father.

4 'I was a bed-wetter when I was living at home
5 because of the way I was treated by my mother.
6 I continued at Merkland. Most days at Merkland, I would
7 be forced to keep on my wet pyjamas and sheets until
8 they dried. I also received a belt on the backside from
9 a sandshoe. It was always Peter Harley that [I think
10 that should be "that hit"] you.

11 LADY SMITH: -- 'That hit'.

12 'As well as Harley and JDW [REDACTED], 'There was [REDACTED]
13 [REDACTED] houseparents. There was also a cook, cleaning
14 staff and a laundry lady. There was a local lassie
15 called JDV [REDACTED] who lived nearby and helped out. She
16 was not resident at the home.

17 'The houseparents who also lived at the home had
18 three sons' and 'another I can't remember the name of,
19 but he was, by age, the middle son. I also can't
20 remember the names of the houseparents. The
21 houseparents did change from time to time.

22 'I remember a man who I met first at Harmeny House
23 coming to Merkland to work. His name was John Deer and
24 he was a very nice, caring person. He was a Welshman
25 but Peter Harley and JDW [REDACTED] didn't take to him and

1 made his life a misery. They bullied him because
2 I think he had discovered what had been going on.
3 I remember him leaving the home in tears after a short
4 period of time.

5 'There was another man [who he names] who came to
6 work in the home.'

7 And thinks that he'd previously worked with
8 Peter Harley in Wales:

9 'He was a small-statured man and he didn't do
10 anything to me, but I suspect that he was abusing some
11 of the very young boys.

12 'There was a formal discipline where Mr Harley would
13 get you to bend over a chair, lower your pyjama trousers
14 and use a belt on your naked backside. This was
15 a regular occurrence during the week and was often done
16 in front of the other boys. You could be disciplined
17 for running away or skipping school. JDW
18 would get Peter Harley to beat you for literally
19 anything. She used to get pleasure from watching the
20 beatings. I'm also certain that she was well aware of
21 the sexual abuse Peter Harley was subjecting the
22 residents of the home to. The beatings were very
23 violent and very regular. I don't remember it happening
24 to any of the girls.

25 'On one occasion when I ran away when Peter Harley

1 was on holiday, there was a houseparent at the home
2 called John Deer and he gave me the belt on that
3 occasion. It was a recorded punishment, which
4 I accepted as the penalty for running away. He was
5 a decent man and didn't try to injure me with the belt.
6 He was obliged to punish me.'

7 He says he had no complaints about the food and says
8 that he attended Moffat Academy when resident at
9 Merkland.

10 In his second spell at Merkland, he says:

11 'I did well in my preliminary exams and the school
12 anticipated that I would get all A grades and a couple
13 of B grades. I sat six O-Levels but failed them all.

14 'There was no religion discussed and I wasn't made
15 to go to church.'

16 He says during the school holidays he was taken on
17 a camping holiday with about ten boys, and at
18 paragraph 38:

19 'Between the spells I spent at Merkland I must have
20 run away on at least six occasions. You got punished
21 when you were brought back to the home. Peter Harley
22 would make you drop your pyjamas in front of the other
23 children and hit you with a belt on your bare backside.

24 'You spent the school holidays at home for as long
25 as my mother wanted me. You were at home for Christmas

1 for nine days. Mr Harley would make you open the
2 birthday cards in front of him and check for money. If
3 there was money, he would pay some of it into your
4 account. I don't know what happened to the rest.
5 Birthdays were not really celebrated.

6 'You did get pocket money and it was enough to buy
7 sweets and cigarettes. I can't remember how much we
8 got, but it seemed to be enough to get by on.

9 'I was getting visits from my family when I was not
10 getting home at the weekends. After the visits,
11 Mr Harley would search you for any money.

12 'There was a designated social worker who was
13 assigned to me. She was called Fiona Douglas. She got
14 on well with my mother. She was an occasional visitor
15 at Merkland.'

16 And he says there was plenty of medical help. There
17 was a local GP and so on.

18 Paragraph 44:

19 'The abuse started on the first trip to Gatehouse of
20 Fleet. I had only been at Merkland for a few days. The
21 rest of the boys were away somewhere and I was alone
22 with Peter Harley. I was told to accompany him in the
23 minibus to get some supplies. He drove me up a country
24 lane and raped me in the back of the minibus.

25 'I didn't know what to make of it. I was horrified,

1 hurt and bleeding. I wasn't aware of what sex was all
2 about. This was the first time that it happened and
3 I was terrified. I was alone in the world. I couldn't
4 tell anyone what had happened. I can't describe to
5 anyone the feeling of isolation and loneliness. I
6 couldn't believe it was real. This was to be the first
7 of many times that I was raped by Peter Harley.

8 'After he raped me, we went into town and he bought
9 the supplies and we took them back to the other boys.
10 I just couldn't believe it as it happened out of
11 nothing. I'm still impacted by this memory which
12 I can't get out of my mind.

13 'You had to do a lot of cross-country running when
14 you were at Merkland. If you were in last place,
15 Mr Harley would drive the minibus, tracking you until he
16 caught you. He would then rape you in the back of the
17 minibus. We all learned to run faster.

18 'Mr Harley either owned or had access to a cottage
19 in Wamphray, which is a small village near Moffat. He
20 would take me to the cottage and rape me. He also used
21 to take other boys there. At Merkland he would come
22 down in the night and take one of the boys up to his
23 flat where he would abuse them. It begs the question as
24 to what JDW was doing at this time.

25 'I was also taken to his flat to be abused. I was

1 abused in Peter Harley's office and in the minibus.
2 I can't tell you what went on with both [a particular
3 police officer] and JDW . '

4 There seems to be something missing there, my Lady,
5 but I think the sense of it is that they were well aware
6 of what was happening, if not involved.

7 LADY SMITH: Yes.

8 MR SHELDON: I'll move on for the moment, my Lady.

9 LADY SMITH: Yes. Yes, something's been lost in that
10 sentence, but it seems the sense of it is that the
11 police officer referred to and JDW were well aware of
12 what was happening and they may have been involved.

13 MR SHELDON: Yes. Paragraph 50:

14 'He would also come down during the night and take
15 a boy up to his flat when he had visitors.'

16 He says this police officer he's mentioned before
17 was one of those regular visitors:

18 'I can't say that the police officer was involved,
19 but he was often there in the flat when Peter Harley
20 took a boy up there.

21 'I still have a scar on the back of my head where
22 JDW hit me with a screwdriver. It was a deep
23 cut, but I was not allowed to go for medical attention
24 and it healed itself. There were many other occasions
25 when JDW would whack you on the body with her

1 old-fashioned slippers which had wooden soles. There
2 was no reason for her to hit you, so she just did it
3 randomly and very often.

4 'She would cause boys to fight with other boys as
5 a means of punishment. I can remember this happened to
6 two boys [who he names]. I'm ashamed to say that I was
7 part of one of the groups that attacked these boys and
8 gave them a real good kicking. They should have been
9 hospitalised. She instigated the attacks and if you
10 didn't partake, you would be the next victim. I don't
11 know why she ordered these attacks. She was a very
12 sadistic woman and should have been sent to jail when
13 Peter Harley was sentenced for the rapes.'

14 There's a social worker who he names and says:

15 'He must have known what was going on. He used to
16 come on the swimming trips to the local baths. We used
17 to change in a large communal area. There was also
18 a more private area behind this communal area, which
19 Harley and the social worker used. The odd boy used to
20 change with the social worker and Harley. The social
21 worker was present when I told the psychologist about
22 being raped. He had to know what was going on.

23 'I received several serious hidings from
24 Peter Harley. They were very severe beatings and he
25 told me that if I told anyone, that he would kill my

1 father. I loved my father and he was a very small,
2 placid man. I really feared for him, so I kept quiet.
3 When Harley found out that [the social worker] had taken
4 me to see a psychologist or a psychiatrist, he seriously
5 assaulted me. He left me with severe body and facial
6 injuries, including a damaged nose, a black eye, which
7 was closed, and I had bleeding from my left ear. I felt
8 that I needed to get medical help, but Harley refused to
9 take me.

10 'Peter Harley was Welsh and he used to take the boys
11 on holidays to Wales where he would visit some of the
12 schools that he had previously worked in. I was also
13 raped by Harley on these trips. I was later interviewed
14 by the Welsh police about these incidents.

15 'I remember on one occasion we stayed in Wales at
16 a caravan near an airport. I was abused on this trip.
17 [JDW] 's mother [redacted] worked as a cook nearby.
18 I think that her surname [and he gives the surname].
19 She later became the cook at Merkland. She was quite
20 a nice person, as was her husband.

21 'There was also a local man who taught chemistry at
22 Moffat Academy. He was very friendly with Peter Harley
23 and used to visit Merkland. I suspect that he was also
24 involved in the abuse of some of the boys, although
25 I had no first-hand knowledge. He always called me by

1 my last name. He bullied me when I was at school and he
2 hit me with wooden instruments about my head and body.
3 He went on to be an SNP councillor. I think he moved to
4 Newton Stewart.'

5 He says that he had a relationship with one of the
6 girls at the school and when Peter Harley and JDW
7 found out, she was badly beaten by JDW :

8 '... and I suffered the same fate. I was warned
9 that because of this relationship, I could be sent to
10 a List D school.

11 '[The named police officer] was never away from
12 Merkland. He was also the drill instructor for the
13 local Army Cadets that we had to attend. Along with
14 [the schoolteacher who he's mentioned], he attended the
15 parties in Mr Harley's flat where the boys were given
16 alcohol.

17 'I do remember a trip to London. Peter Harley made
18 us walk about the Soho area of London which at that time
19 was famous for its sex industry. I recall it was late
20 at night and I was still a young boy. Why would he take
21 young boys out in Soho at night? On that trip, we
22 stayed at a church hall which had been arranged by
23 [Harley's colleague]. On the return trip, I think that
24 we took [this colleague] back to Merkland with us. If
25 we didn't take him with us, he certainly took up the

1 post at Merkland within days.'

2 In relation to reporting, he says:

3 'I remember that one night, I spent three hours
4 spilling my guts out to [my social worker]. For some
5 reason he was in charge of the home as [Harley and JDW
6 JDW] were away. I told him everything that had
7 happened and all about the abuse. The next morning
8 I was taken to see a psychologist. It was decided that
9 I was making it all up. Fiona Douglas was involved and
10 was told to tell my parents that I had been telling lies
11 about what was happening to me and not to believe a word
12 of it. I felt badly let down by [my social worker].

13 '[The social worker] spent a lot of time at the home
14 and would hand out cigarettes, money and sweets to some
15 of the boys. I always suspected that he was part of
16 whatever sexual abuse was going on with some of the
17 boys. I think now that it was some sort of paedophile
18 ring.

19 'We hardly ever spoke about the abuse amongst the
20 other boys. We were unable to speak at school as there
21 were other children about. At night when we went to
22 bed, [Harley and JDW] would listen to our
23 conversations and you would get punished. I was home
24 most weekends and couldn't discuss it there.

25 'It was only after I left Merkland and met some of

1 the other boys that I started to discuss with them what
2 had happened. All of the discussions had the same
3 outcome. We couldn't believe that JDW [the
4 principal social worker] and the other social workers
5 were not prosecuted for their role in Merkland. All
6 this was about the same time as the trial for
7 Peter Harley.

8 'I told my social worker, Fiona Douglas, about what
9 was going on. I told her on one of her very few visits.
10 She told me that I was evil and that I would be sent to
11 a List D school. All the time, I was described as being
12 "a mental case" and not to be believed.

13 'I remember a social work meeting with [the
14 principal social worker], Fiona Douglas from social
15 work, Peter Harley from Merkland [and others] and
16 a psychiatrist I didn't know the name of. My parents
17 were not present. The meeting decided that I was a
18 "mental case" and not to be believed. It was also
19 alleged that I was taking marijuana. I was not invited
20 to the meeting but I heard what was said by listening at
21 the door. I was off school that day, but I don't know
22 the reason why. I was to remain at Merkland, despite
23 the allegations I had made.

24 'I spent the whole of second year at Moffat Academy
25 and then in the summer holidays, between second year and

1 third year, my mother asked if I could come home. I was
2 then taken home, where I was to spend the next year
3 attending Dumfries High School.

4 'Then it all started over again. My mother was
5 saying that I was ill and had mental health problems.
6 She arranged for me to be sent to Closeburn
7 Assessment Centre. I had two quick spells there but
8 I've no real memories of the place. I was not there for
9 very long.

10 'I was aware that sometime during this period when
11 I was in third year at Dumfries High School, I was sent
12 to Closeburn. There was a school there in-site but
13 I was considered to be too clever, so I was trusted to
14 go to Dumfries High School.'

15 And he then goes on to talk about being at Closeburn

16 **Secondary Institutions - to be published later**

17 But he says that -- and this is page 15 now:

18 'During this time, I was also sent back to Merkland
19 Children's Home. I fought that decision tooth and nail
20 and even tried to tell my social worker, Fiona Douglas,
21 what was happening. She still didn't believe me.

22 'There were several meetings held between the social
23 work department and the senior social worker. I told
24 them that I was being raped at Merkland by Mr Harley but
25 they did not believe it, so they put me back to Merkland

1 for a second spell. I don't think they ever told my
2 mother about the specific allegations that I was making.
3 The only thing that they told her was that I was
4 imagining things and telling lies. I think that my
5 mother thought it was just me being me.'

6 He says that he was sent by the Children's Panel to
7 be resident at Merkland for a second spell. He says:

8 'I was totally against this but had no choice as the
9 decision was made for me and I had no input.

10 'It was slightly different for my second spell at
11 Merkland. I was a bit older and although he did rape
12 me, it was only to prove to me that he could and that he
13 was bigger and stronger. He did continue to physically
14 assault me to prove that he was boss. I was 15 years of
15 age. Everything was really the same, but some of the
16 staff had changed.

17 'There was another incident when I was at Merkland.
18 Mr Harley unnaturally treated me very well for a full
19 week. He asked me what I wanted to do all the time and
20 I was very worried about what was happening. He caught
21 me sobbing in my bed that night and knocked the living
22 daylight out of me. It was mainly psychological abuse
23 and physical abuse for the second period I was in
24 Merkland.

25 'JDW [REDACTED] continued to physically abuse me

1 and seemed to take great pleasure in hitting me. She
2 was a very wicked and cruel lady.'

3 He goes on then to look at leaving Merkland for the
4 last time and says:

5 'When I left Merkland, I went to stay with my mother
6 and father, who had now divorced. They were still
7 living in the same house. My mother managed to get
8 a council house. My sister was staying with my mother.
9 I didn't have any choice but to stay with my father. My
10 sister had caused my mother and father to split up.'

11 He says he left Merkland in May 1980 and started
12 work as [REDACTED]. He says:

13 'My father also worked for this company. It was the
14 happiest years of my life and I had lots of mates to
15 socialise with. When [REDACTED] finished, all
16 [REDACTED] were paid off, as there was some
17 legislation regarding future redundancy payments that
18 they had to avoid. The panic attacks started and that's
19 when I started drinking. It was 1984.

20 'I also made some bad life decisions and met the
21 wrong people. I was self-destructing. I couldn't get
22 my childhood experiences out of my mind. I was very
23 angry. I ended up in prison for fraud, which was
24 committed to support my heavy drinking habit and my
25 partner of the time.

1 'I was later told, through serving social workers
2 that I met in the local pubs, that sometime after
3 I left, Merkland had closed. All the social workers
4 involved in the running of Merkland were retired by the
5 local council. I know that Harley was trying to get
6 a new head job at a home called Ladyacre that was about
7 to open in Dumfries. He didn't get the main job, so he
8 left the town after filling a minor role for some time.

9 'I felt that the council was trying to sweep all the
10 bad things that happened at Merkland under the carpet.
11 They were tying up all the loose ends and getting rid of
12 anyone who had anything to do with Merkland.'

13 He goes on to talk about life as an adult after
14 being in care and says that, in 1984, he was treated for
15 alcoholism, received help from different psychologists
16 and they said that he just couldn't relax.

17 Paragraph 89:

18 'I managed to get a job in Livingston. I had
19 a panic attack and was admitted to Bangour Village
20 Hospital in West Lothian. Whilst I was there I was
21 admitted to the psychiatric wing. They wanted to give
22 me some sort of electric shock treatment, which
23 I resisted. The social worker there managed to get me
24 legal representation and that prevented me from getting
25 that treatment.

1 'Whilst I was in Bangour, I was also prescribed a
2 drug called Mellaril. This kept me heavily sedated and
3 I was unable to work because of the high dosage. I was
4 also taking short courses of diazepam. I was in and out
5 of various establishments for treatment for alcoholism
6 and mental health issues for the next few years.

7 'I was interviewed as a witness against Peter Harley
8 and although I made a statement and was prepared to give
9 evidence against him, I was not required by the
10 prosecution.'

11 So, like 'Toby', he was one of the children who
12 wasn't ultimately called.

13 LADY SMITH: Mm-hmm. Yes. Wasn't used, yes.

14 MR SHELDON: He says at paragraph 92:

15 'I know that JDW [REDACTED] should have stood trial
16 with Peter Harley but this never happened.'

17 Paragraph 93:

18 'I know that when it all came out about Merkland and
19 Mr Harley, my parents were astonished that I had been
20 placed in that position. They were mortified when it
21 was in the courts. I remember when my mum was dying,
22 she asked me if she would go to heaven or hell, because
23 she felt so bad. She wished she had never put me in
24 care. My poor parents had to live with that. They were
25 so good to me in later life that I miss them badly.'

1 He says he still has problems with his sister and
2 then goes on, at paragraph 95:

3 'During the early part of my adult life I was
4 drinking a lot. I had a partner who was using drugs and
5 also drinking. She gave birth to my son. She was
6 always needing money and I got involved in fraud to help
7 finance our dependencies. I was inevitably caught and
8 sent to prison.

9 'I could no longer climb a scaffolding because of
10 the panic attacks, so I learned to be a chef. After
11 I was released from jail in 1997, I started to pick up
12 my life. I had been in the same jail as Peter Harley
13 and I knew he was doing a lengthy prison sentence.

14 'I met a new partner and stayed with her for
15 12 years until my behaviour drove us apart. I couldn't
16 tell her what had happened to me, and sex in our
17 relationship had a different meaning, as I was afraid of
18 it.

19 'I drifted from one relationship to another and
20 spent time in a psychiatric hospital. I was drinking
21 heavily and still having the panic attacks.'

22 On reporting to the police, he says:

23 'I was in the police cells, knowing that I was about
24 to receive a lengthy sentence, when a police officer
25 called Kate Thompson, part of the Family Protection

1 Unit, came into the cell and took me to an interview
2 room. She asked me if I had been at Merkland. I just
3 burst into tears. She told me that she was
4 investigating serious allegations. I again burst into
5 tears and asked to be taken back to my cell.

6 'A few hours later, Kate Thompson came into the cell
7 with a cup of coffee and I went back to the interview
8 room with her. I was there for a long time and gave her
9 my statement.

10 'I was then sent to Castle Huntly Prison where I did
11 get help from a psychiatrist. I was able to tell her
12 what had happened to me. She did start to do me some
13 good, although most of her experience was with female
14 abuse victims, as the rape of males was not well-known
15 then. I was now able to speak about my experiences to
16 other people.

17 'I still to this day have panic attacks where
18 I think I'm having a heart attack. I have tried to
19 report what happened at various doctors' surgeries, but
20 they don't believe me. I think that with the number of
21 times I called there, they should have identified that
22 I had mental health problems. All that resulted in was
23 me being banned from seeing some of the local doctors.
24 I get flashbacks to my time at Merkland.

25 'The attacks and flashbacks come out of nowhere and

1 I don't know what triggers them. I have found that
2 alcohol was a means of coping with the attacks, so
3 I have always drunk a lot.'

4 And he repeats that he had been treated for
5 alcoholism in 1984. He says:

6 'I was a self-harmer in my teens and early 20s,
7 although in later life I have managed to stop this.
8 Self-harming was one of the reasons that I was admitted
9 for psychiatric help.

10 'I always have to sleep with the light on and the
11 television on in the bedroom if I'm on my own.
12 I've always been told that the panic attacks are
13 a result of drinking, but I know that the attacks come
14 first and then I start drinking.

15 'I've had limited contact with a lot of the
16 ex-residents of Merkland, although I've seen some
17 newspaper coverage [about some of them].'

18 And he just says:

19 'I'm not sure what happened to a lot of the other
20 boys.

21 'I'm afraid of having sex because I can still
22 remember the pain inflicted by Harley on me. I don't
23 want to inflict pain on anyone. I find it hard to form
24 relationships as I find it hard to get over the sexual
25 part of a relationship.

1 'I have badly underachieved in my life as a result
2 of the abuse I suffered in care. None of the local
3 doctors or psychiatrists in the Dumfries area will see
4 me until I have stopped drinking for a full year. They
5 still attribute my panic attacks to the amount of
6 alcohol I drink. I am certain in my own mind that this
7 is not the case.

8 'I am 100 per cent sure that Dumfries and Galloway
9 Council made a serious attempt to cover up what had
10 happened at Merkland. All the things that happened
11 after Merkland closed could amount to a conspiracy. It
12 was an attempt to hide the abuse that went on.'

13 He says he's previously tried to source his records
14 but have not managed to do so to date. My Lady, there
15 clearly are some records, certainly some social work
16 records.

17 LADY SMITH: Yes. Mm-hmm.

18 MR SHELDON: And he goes on to say:

19 'I've been receiving help from Future Pathways and
20 that's helped me set up a public house business. They
21 have also arranged for me to see a psychiatrist who will
22 not insist that I stop drinking before I see them.
23 I will be starting a series of sessions in the near
24 future.

25 'I would just like to say I hope that this Inquiry

1 gives everyone who was hurt by the system some peace and
2 tranquility in their lives. I hope that it puts the
3 shits up the folk like Dumfries and Galloway Council.'

4 And he's made the usual declaration and signed his
5 statement, my Lady.

6 LADY SMITH: Thank you very much indeed.

7 MR SHELDON: There are, I think, two more read-ins to get
8 through, my Lady.

9 LADY SMITH: Should we take the afternoon break now and then
10 fit those in afterwards?

11 MR SHELDON: Sure.

12 LADY SMITH: Well, let's do that, but before I rise, just
13 a names catch-up. It's just a couple of names of people
14 we have used who are not to be identified as referred to
15 in our evidence outside this room. JDV [REDACTED] and then
16 JDW [REDACTED] has been referred to as JDW [REDACTED] and also as
17 JDW [REDACTED] or JDW [REDACTED]. Whatever
18 terminology is used, she's not to be identified either.

19 Thank you.

20 (2.55 pm)

21 (A short break)

22 (3.06 pm)

23 LADY SMITH: Ms Forbes.

24 'Steven' (read in)

25 MS FORBES: Good afternoon, my Lady. The next statement is

1 from an applicant who is anonymous and known as
2 'Steven'. 'Steven's' statement reference is
3 WIT.001.001.6455.

4 My Lady, some of 'Steven's' evidence has already
5 been read in previously during the Foster Care case
6 study and that was on 7 July 2022, which was Day 305 of
7 the Inquiry, and the reference for the transcript is
8 TRN-10-000000039.

9 My Lady, 'Steven' tells us he was born in 1968 and
10 he says he has an older brother and an older sister. He
11 tells us about his background from paragraph 2 onwards
12 and he says he was 3 months old when he went into care,
13 so doesn't have any memories of life at home.

14 He says he knows that his dad was always working and
15 his mum just disappeared and his dad couldn't cope on
16 his own. It was the 1960s and his dad was a typical
17 man's man who liked his nights out and his bevvie and
18 was the kind of man who only thought about himself.

19 He tells us at paragraph 5 that he was taken to
20 a temporary foster care home at first and then to Wendy
21 House Children's Home in Dumfries.

22 My Lady, from his records that we've been able to
23 obtain, it would appear that that's slightly the wrong
24 way round. It seems he was admitted to Wendy House on
25 [REDACTED] 1970 and then he went to foster carers for

1 a short period.

2 He then tells us about going to -- into foster care,
3 from paragraphs 7 to 37, and it seems, my Lady, the
4 foster carers he tells us about in those paragraphs are
5 perhaps ones he remembers, but we know from his records
6 there were different foster carers to begin with for
7 a couple of months in 1971, a period back in Wendy
8 House, and then on [REDACTED] 1972, he was admitted to
9 the foster carers that he tells us about from
10 paragraph 7 onwards.

11 And, my Lady, he tells us that essentially there was
12 physical abuse and emotional abuse at that foster home
13 from the foster mother.

14 And if we go forward in his statement then to
15 paragraph 37 onwards, he tells us about leaving foster
16 care and he goes on to talk about living back home with
17 his dad in Dumfries from paragraph 41.

18 My Lady, again, we know from his records that he
19 returned home to live with his father from [REDACTED] 1976
20 until [REDACTED] 1979, when he was re-admitted to
21 another foster home, so quite a long period.

22 He talks about being back at home with his dad and
23 he says that he thinks that he was there for
24 a year-and-a-half at the most, and that they should
25 never have been sent back there and he wasn't fit to

1 look after them. Life at home was horrendous. His dad
2 didn't beat them, but he didn't feed them or clothe them
3 and the house was filthy. And he says at paragraph 43
4 that his dad was a very selfish man. They were
5 neglected. He was always at the pub. He couldn't get
6 into the house at night and he used to climb up the
7 drainpipe and break in and the police would come round
8 to get the door open.

9 And he talks about the fact that social work seemed
10 to be involved after a few months, but he goes on to say
11 at paragraph 46 that he thinks everybody in the street
12 reported his dad to social services, and he tells us
13 then that he ended up being taken back into care.

14 He talks about this set of foster parents from
15 paragraph 49 to 77, and again from his records we know
16 that he was there from [REDACTED] 1979, so he would
17 have been aged 11, until about [REDACTED] 1980, when he
18 was aged 12, nearly 13. And he talks about physical and
19 sexual abuse from his foster brothers at that placement.

20 If we go then to paragraph 78, he talks about
21 leaving that placement. And he says that the reason for
22 that was because the foster mother had to go into
23 hospital and he came back from school one day, this was
24 at paragraph 79, and he says that Stuart Sinclair and
25 Peter Harley were in the house. He goes on to say:

1 'Harley was the head of Merkland Children's Home and
2 I think Stuart Sinclair was the deputy head of the
3 social work department.'

4 And he says that he and another boy were told that
5 they would probably be away for about two weeks at the
6 most, and then they were taken to Merkland Children's
7 Home about 20 minutes later.

8 'Steven' then tells us about Merkland from
9 paragraph 80 onwards, and he says he thinks he was about
10 12 when he went to Merkland Children's Home, and he
11 tells us that the foster mother died so they never went
12 back there and he says he didn't care.

13 At paragraph 81, 'Steven' says:

14 'I hated Merkland, but I loved Moffat. I stayed
15 there until [REDACTED] 1982.
16 I think it was closed due to the age of the place.

17 'It was a massive house.'

18 He tells us at paragraph 82, and he says it was
19 a home for boys and girls, the age range he thinks was
20 about 10 to 16. There was nobody over 16. And he goes
21 on to tell us at paragraph 83:

22 'I think Merkland was run by the council.
23 Peter Harley was the head of Merkland. He was a raging
24 paedophile. He was jailed in 1996. He lived [REDACTED]
25 [REDACTED] in a converted attic in the home. [REDACTED]

1 [REDACTED] name was JDW [REDACTED]. She was SNR [REDACTED]
2 in Merkland.'

3 And then he talks about [REDACTED]

4 He goes on at paragraph 84:

5 'There were only about four or five other
6 residential care workers. The other staff did
7 sleepovers. One of the staff was called Bill Mathieson.
8 He came from Glasgow. He used to stay in the home all
9 week and go back to Glasgow when it was his weekend off.
10 He slept in a bedroom next to the boys' dorms.

11 'There was nothing normal about life in Merkland.
12 All you got was abuse from Peter and JDW [REDACTED]. One
13 other staff member, whose name was JDV [REDACTED], was
14 abusive to the kids. None of the other staff were
15 abusive. In my opinion, the others were all complicit,
16 as they knew what was happening.

17 'Merkland would have been ideal if it hadn't been
18 run by Peter Harley. Moffat was a lovely place and the
19 people were great. The kids in the home had quite good
20 relationships with each other. There was no jealousy or
21 rivalry. We didn't really fight among ourselves as we
22 all hated the one person, and that was Harley.

23 'We got up in the morning at 7 o'clock and did our
24 chores before breakfast. It was quite regimented.

25 'The boys slept upstairs and the girls were

1 downstairs. There were two dorms for the boys and one
2 for the girls. There were bunk beds and single beds in
3 the boys' rooms. There were around 15 kids in total,
4 11 boys and about three or four girls.

5 'I was still bed-wetting in Merkland but I didn't
6 get punished for it. It was just noted in the diary.

7 'There was a rota for household chores. You checked
8 the rota each week to see what you were doing. You
9 could be doing things like washing dishes, cleaning the
10 showers, or cleaning the bathrooms for the week.

11 'We had a ten-minute walk to school, so we left at
12 about 8.30 am after breakfast. I went to Moffat
13 Academy. I loved the school. It was brilliant.

14 'You got pocket money at the end of each week.
15 There was absolutely no normality in the place.
16 Everything involved violence of some sort. When you
17 went to get your pocket money, Harley would sit the
18 money on the end of the desk and you had to grab it
19 before he hit your hand with an old school belt.

20 'Harley got his kicks in weird ways. He used to
21 wake us up at 2 o'clock in the morning in the middle of
22 winter and drive us up to the Devil's Beef Tub, which is
23 just outside Moffat, and get us to run back to the home.
24 I remember running in snow blizzards. He'd drive behind
25 us with full-beam headlights on so that he could watch

1 us running down. We had to do sit-ups and press-ups
2 when we got back and then he'd put us all in hot baths
3 or showers so he could wash us. He did that a few
4 times. It was one of his punishments. The boys who
5 smoked used to get their fags taken off them as
6 a punishment as well.

7 'I always played football in my free time. I played
8 for the school and other teams in Moffat and Annan.

9 'Harley always had things arranged at night.
10 Anything so he was in the company of boys. He would
11 maybe have you playing football or he'd put on a film
12 night. He had a movie projector and he'd show stuff on
13 that.

14 'Harley used to take the boys on holiday so he could
15 get us in a caravan. He took us to Kilwinning in the
16 summer and had us skinny-dipping down the beach. Most
17 of the time he was the only staff member on holiday with
18 us. The boys used to pile in the van with him and end
19 up in places like Blackpool.

20 'JDW [REDACTED] was a Catholic, but the only religious
21 thing we did was go to Midnight Mass at Christmas.
22 Christmas at Merkland was tremendous. You got loads of
23 stuff. A lot of kids went home at Christmas, so the
24 ones who stayed got the run of the home. There were
25 maybe just two or three of us left. We always had a big

1 party before everybody went home and they got their
2 presents before they went. It was great. The boys who
3 smoked used to get a big box of fags each.

4 'We were treated well on our birthday. We got cake
5 and everybody would sit down together and share it.

6 'I wasn't interested in going home for visits and
7 nobody in my family came to visit.'

8 He then talks about the fact that neither -- I think
9 that might be his brother that he mentions there,
10 my Lady, but I'm not sure because the name he mentions
11 for his brother at the beginning is -- oh, no, sorry, it
12 is his brother, I do apologise.

13 He talks about the fact that -- about visits.

14 LADY SMITH: Yes.

15 MS FORBES: He tells us that his brother left Merkland, so
16 he was in Merkland with him originally, but he didn't
17 last long and went back -- sorry, he moved to a hotel to
18 train as a chef after he left Merkland, but didn't last
19 long and went back to Dumfries. And he says that
20 neither his brother or sister visited him. He says he
21 didn't bother about visitors and he had his own life.
22 And at paragraph 99, he then says:

23 'I had no family life in the first place, so
24 I didn't miss it. I had my pals.

25 'I didn't have a social worker for a long time when

1 I was in Merkland.'

2 And he tells us that the previous one had left when
3 he was with a foster family. He didn't go home at
4 weekends because he didn't want to, so there wasn't
5 really anything a social worker had to deal with for
6 him, and he says at paragraph 100:

7 'I just spoke to Harley.'

8 He tells us then:

9 'I did eventually get a social worker just before
10 Merkland closed. I think his name was Alistair McQueen.
11 I only saw him about twice. I don't think he would have
12 known what was going on in Merkland. I think he just
13 came up to the home for a jolly. He spoke to Harley.
14 He didn't ask me how I was getting on in there.
15 I wouldn't have felt able to confide in him. He wasn't
16 interested in speaking to me. I didn't tell anybody
17 what was happening in Merkland.

18 'There were no official inspections, but the social
19 work department must have known what was happening.

20 PLS [REDACTED] and PMO [REDACTED] used to come up to
21 the home quite a lot. They used to just sit and have
22 a cuppa and a laugh with Harley. That tells the whole
23 tale.'

24 'Steven' then talks about abuse at Merkland from
25 paragraph 103:

1 'Harley grabbed any opportunity to get you naked and
2 touch you. On my first day in the place, he took me up
3 to the bathroom to wash me. He said he was using
4 delousing shampoo and checking me for tattoos. As if
5 an 11-year-old boy was going to have a lot of tattoos.
6 He did that to all the boys who came into Merkland.

7 'I was abused by Harley from the day I went into
8 Merkland until the day it closed. That is no word of
9 a lie. The only time it didn't happen was when he was
10 away on holiday [REDACTED]. He did it to
11 all the young boys. I think he liked prepubescent boys.
12 He wasn't interested in the girls. He didn't go
13 anywhere near the boys who could stand up for
14 themselves. There were some wild boys in Merkland. He
15 made sure the ones he couldn't handle got sent to List D
16 schools.

17 'Harley was a total predator. He was constantly
18 touching you. He'd put his hands down your pyjamas,
19 shower you, or take you into the bath with him. You
20 would be lying in bed in the middle of the night and
21 he'd come in and touch you. It was unreal. It really
22 was constant. He'd masturbate you and get you to play
23 with him and finger his bum. When he took us to the
24 caravans on holiday, he'd have about five or six boys
25 sleeping in bed with him.

1 'It was blatant as well as constant. You could be
2 sitting next to someone in the living room watching
3 a film at night and he'd have his hands down your
4 pyjamas, masturbating you. That's what he did in front
5 of folk, so you can imagine what he was like when he got
6 you on your own. He was always trying to get your
7 pyjamas off in front of other people as well. He'd then
8 try to make it look like he was doing it for a laugh.

9 'The other staff knew what was going on and they
10 just turned a blind eye. Every single member of staff
11 saw what he did. I would say that there were hundreds
12 of occasions when Harley did something to me or another
13 child in the presence of another staff member. Every
14 one of them knew what he was doing. Bill Mathieson left
15 Merkland about six months after I arrived there.
16 I think he knew what was going on and just decided to
17 get out.

18 'JDW [REDACTED] must have known what he was doing to
19 us as well. She was sitting in the living room at times
20 when he was in there with his hands down boys' pyjamas.

21 'It came out later that he had also been abusing [REDACTED]
22 [REDACTED]. [REDACTED] was a witness against him in the
23 criminal case against him.'

24 'Steven' then mentions his brother and he says:

25 'He told me that he wasn't sexually abused by him.

1 He was probably too old for him.

2 'Harley was also physically abusive. I saw him
3 smacking kids about the head with torches and kicking
4 them in the face. He didn't do that to me, because
5 I was just a wee boy. Kids went to school black and
6 blue with bruises, but nobody ever said anything.

7 'He had a school belt and he wouldn't think twice
8 about smacking you with it. He used to check the house
9 every day and you'd get it if you hadn't done your
10 chores properly. He'd take you into his office, bend
11 you over the chair and give you the belt on your bare
12 arse. No doubt he enjoyed that. He hit you as many
13 times as he wanted. I believe it was legal back then.

14 'Bill Mathieson broke Harley's leg in a game of
15 football. To this day, I think Bill meant to do it, as
16 he left Merkland not long after that. Harley was pretty
17 much bedridden for about six months. He was in the
18 bedroom that Bill used to stay in during the week. He
19 couldn't get up to hit kids with the belt, so he'd smash
20 them with his crutch.

21 'He got an Atari video game when he was bedridden
22 and all the boys would go into the room to play it.
23 He'd be playing the game with some boys and masturbating
24 others. It's what he did all the time. It was just
25 part of life for us. It was the norm. You didn't

1 think: "oh, this is weird". You do when you're older,
2 but you didn't at the time. You did feel uncomfortable
3 and you'd try to avoid him, but you couldn't avoid him.
4 You couldn't say "no" to him. He had so much power, it
5 was unbelievable.

6 'It wasn't just within Merkland he had power. He
7 had power in the community. Kids used to run away and
8 tell the police that they were getting beatings from
9 him. The police used to bring them back to Merkland and
10 tell Harley what they'd said. They'd then get battered
11 again.

12 'There were at least two boys who told the police
13 about the sexual abuse.'

14 And he names two boys he says he knows who told the
15 police and he says:

16 '[One of them who he names] told me in Merkland that
17 he'd also told his social worker.'

18 And then he goes on to say:

19 'He didn't do anything about it.'

20 And the two boys he mentions, he says:

21 'Both got moved out of Merkland.'

22 At paragraph 117, 'Steven' says:

23 'As I said, PMO [REDACTED] and PLS [REDACTED] from
24 the social work department were always at Merkland.
25 I think they knew what Harley was doing. They were all

1 pals. I think they were all in it together. You hear
2 about paedophile rings. I think it was like that.

3 'Harley and PLS used to run trips to
4 Dumfries swimming pool. We didn't use the individual
5 cubicles. They used to take us to a big room at the
6 back. Harley and PLS used to chuck all the
7 boys around in the pool.

8 'Neither PLS nor PMO ever did
9 anything to me. I didn't see either of them sexually
10 abusing any other boy either, but I saw them touching.
11 It's hard to explain. They just liked being around wee
12 boys. I think that's how Harley got away with it. They
13 knew what he was doing.

14 JDW was a nasty piece of work. She used
15 to cut the boys' hair and if you didn't want your hair
16 cut, she would get Harley to pin you down by the arms
17 and slap you about a bit and then she would cut your
18 hair. You had to go to school with a really bad
19 haircut. That happened loads of times. It wasn't
20 normal behaviour. The pair of them were sick.

21 'She mentally abused the kids. She would ground you
22 for no reason at all. If you had plans to do something
23 after school, she would put a stop to it. She was
24 twisted. She would stop people going home for the
25 weekends just because she could. She used to get Harley

1 to batter kids when she took a dislike to them. She
2 thought it was funny.

3 JDV [REDACTED] was another member of staff who was
4 physically abusive. It never happened to me, but I saw
5 her hit other kids. She was terrible. A lot of people
6 weren't happy that she didn't get charged when the
7 police were investigating Peter Harley.

8 [REDACTED] Secondary Institutions - to be published later

9 [REDACTED] Secondary | She was a totally different member of staff in
10 that home. She was brand new. It must have been
11 because she was working under Harley that she was bad.
12 She was only a young woman. She must have been only 19
13 or 20. [REDACTED] Secondary Institutions - to be published later

14 [REDACTED] Secondary Institutions - to be published later

15 [REDACTED]

16 'Steven' then talks about Ladyacre Children's Home
17 between paragraphs 124 and 134 and he tells us that he
18 was in there after Merkland [REDACTED] until [REDACTED] 1984
19 and he was nearly 17 when he moved out.

20 And he started a YTS with the Forestry Commission.

21 He then tells us about life after being in care from
22 paragraph 135 and says that social services tried to get
23 him a flat when he was coming out of Ladyacre, but
24 nobody would rent him one because he was in a home and
25 he was stuck in a place called the Rotchell Hotel.

1 'Steven' says at paragraph 135:

2 'It was a place for down-and-outs. I was in
3 a bedroom with two alcoholics, which the social work
4 department were well aware of.'

5 At paragraph 137, he tells us he went off the rails
6 when he came out of care.

7 He was supposed to do a year with the YTS, but he
8 only did six months. He just stopped going. He ended
9 up drinking a lot. But says he didn't go down the drugs
10 route.

11 And then he talks, at paragraph 138, about the fact
12 that he'd been in care since he was 3 months old and
13 they just stuck him in, he says, 'that Rotchell' and
14 left him.

15 He then tells us at paragraph 140 that he moved from
16 the Rotchell to a bed and breakfast. He said it wasn't
17 really a bed and breakfast, it was just a dossouse.
18 It was dirty and rundown and he was still only 17 at
19 that point.

20 He then tells us, at paragraph 141, he met a girl
21 when he was 18. They split up. He went to London, but
22 that only lasted a weekend and he and the girl got back
23 together and moved in together and he was with her for
24 nine years and they had a child, a son, together. And
25 they separated in 1995.

1 'Steven' tells us from paragraph 142 that he never
2 reported any of the abuse to anybody at the time and
3 doesn't know why he didn't.

4 And then at paragraph 143, he says:

5 'The first time I spoke to anybody about what
6 happened in Merkland and in foster care was when I saw
7 a psychologist for the first time, in 1987. I've seen
8 about five or six psychologists and I've told them
9 everything.

10 'I never went to the police to report the abuse in
11 Merkland. They came to my door because someone else had
12 reported it. I then gave a statement about Merkland to
13 the police. I told them what I've told the Inquiry.
14 I think Peter Harley was the only one from Merkland who
15 was ever prosecuted.'

16 If we then go to paragraph 149, 'Steven' says:

17 'I was to appear as a witness at the criminal trial
18 against Peter Harley at Glasgow High Court. I got
19 a phone call from the Procurator Fiscal on the Sunday
20 night to tell me that he had pled guilty. They had
21 obviously given him a deal. He got 15 years in jail.
22 That was around April or May 1996.

23 'He'll be out now, unless they got him for other
24 things. When I was in Ladyacre, he turned up there with
25 a minibus full of kids. He must have been working with

1 kids somewhere else then. He was so brazen. I told the
2 police this when they interviewed me. I know that he
3 [REDACTED] went to Australia and then to South Africa.
4 He probably worked with kids there too.'

5 And my Lady, as we've heard, Peter Harley was
6 prosecuted in respect of that indictment in 1996, 45
7 charges on the indictment. He pled guilty to 17 and one
8 of the charges related to 'Steven', but it wasn't one of
9 the charges he pled guilty to.

10 LADY SMITH: Yes.

11 MS FORBES: 'Steven' then talks about impact from
12 paragraph --

13 LADY SMITH: What was the sentence from that?

14 MS FORBES: It was 15 years.

15 LADY SMITH: That was the 15-year one?

16 MS FORBES: Yes, my Lady.

17 LADY SMITH: And we know also that he was subsequently
18 prosecuted in Wales, in Cardiff, and got eight years and
19 then another prosecution up here, was it, of another
20 three years?

21 MS FORBES: Yes. So December 2000, Cardiff Crown Court, is
22 the information we have, and my understanding, my Lady,
23 is that that relates to abuse of boys from Merkland --

24 LADY SMITH: On the Welsh holiday?

25 MS FORBES: -- to Wales, yes, and he received an eight-year

1 sentence for that, but it was due to run concurrently
2 with the 15 years.

3 LADY SMITH: Oh, I see.

4 MS FORBES: And then 7 July 2022, Edinburgh High Court,
5 another indictment, after trial, he was convicted of
6 three charges and again that related to boys at
7 Merkland, there were actually three charges but two boys
8 and that was a three-year imprisonment.

9 LADY SMITH: That's the three-year sentence. So one way or
10 the other it's three very significant sentences, one
11 particularly substantial.

12 MS FORBES: Yes, my Lady.

13 LADY SMITH: Yes, thank you.

14 MS FORBES: My Lady, 'Steven' tells us about impact from
15 paragraph 151, and he says:

16 'I think what happened to me in care has affected me
17 in every way. I don't have a normal life. I have
18 thoughts about what happened to me every day. It's
19 constant.'

20 He then goes on to say he has suffered from anxiety
21 since 1985. He's suffered from depression, agoraphobia.
22 He has seen psychologists. He's been diagnosed with
23 post-traumatic stress disorder and he says that the
24 psychologist he saw in 2013 said that that was --
25 diagnosed him with that and said it was caused by the

1 sexual abuse.

2 He is on anti-depressants and beta blockers, and he
3 says at paragraph 155:

4 'I suffer from depression on and off. I'm on
5 anti-depressants and beta blockers just now. I think
6 it's anxiety more than depression. I don't get suicidal
7 or anything like that. I've had anxiety since I was 17.
8 It's always there. I've never had a normal day since
9 I first got it. I can't have a normal, care-free day
10 with no worries. Once you've got it, it never goes
11 away. You're always thinking of something to worry
12 about. If you get over one worry, you just make up
13 another one and so it goes on. I can honestly say that
14 I've never had an anxiety-free day since 1985.'

15 He talks about the fact that anxiety stops him doing
16 things, and at paragraph 156, he says:

17 'If I can think up a way of getting out of doing
18 something, that's what I'll do. I'll make up excuses
19 not to go to nights out with my work. I'm surprised
20 I made it here today [talking about giving his
21 statement]. If I'd had to go Edinburgh today to give my
22 evidence, I wouldn't have done it. I know that for
23 a fact. I felt I owed it to the Inquiry to come because
24 I only had to walk ten minutes to be here and the
25 Inquiry staff had come down from Edinburgh.'

1 He goes on to talk a bit more about having social
2 anxiety, the fact he's off work with anxiety and in the
3 midst of losing his job as a result of that.

4 He says, at paragraph 162, he's not had a good
5 night's sleep since anxiety started. It's affected his
6 relationships with women. He talks about the fact he
7 used to play football at paragraph 165, but he stopped
8 playing football because of the anxiety.

9 If we go down then to paragraph 170, he says:

10 'After Harley was convicted, it got round through
11 word of mouth to about 20 of us to go and see
12 a solicitor in Dumfries called Lyall Moodie, at
13 John Henderson and Sons. We'd all got criminal injuries
14 compensation and we went to see him about taking the
15 social work department to court. I don't quite know
16 what happened with the case. The social work department
17 or their insurers did something. I'm not quite sure
18 what, and it never came to anything. The solicitors
19 didn't explain to us what had happened. We never heard
20 anything from them. Not one of us got a letter saying
21 that it was time-barred.

22 'I went to numerous solicitors in Dumfries and not
23 one of them would touch it with a barge pole. I then
24 went to a company in Glasgow, I don't remember the name.
25 It was in the town centre on a street full of

1 solicitors. It was a top-notch firm. They were the
2 first ones to tell me that there was no chance of
3 success as the case was time-barred.'

4 LADY SMITH: There seemed to be three things going on there
5 in his mind, and I don't blame him for being confused.

6 One is the concept of criminal injuries
7 compensation, the statutory scheme that we all know
8 about. The other could be the Dumfries and Galloway Ex
9 Gratia Scheme that they put together themselves,
10 together with an apology, but the other could be a civil
11 claim, and it's hard to tell.

12 MS FORBES: Yes, my Lady. It's probably not easy for a lay
13 person.

14 LADY SMITH: Yes, and he probably doesn't find it easy to
15 understand, because it is quite complex.

16 MS FORBES: Yes. He does mention the payment, he says, from
17 Merkland, on behalf of Merkland, at paragraph 172 and he
18 says that there was an agreement then that the council
19 would pay £20,000 to everybody who was ever in Merkland.

20 LADY SMITH: Yes. Well, that would fit with what we know
21 about that.

22 MS FORBES: And he does say that he received also a criminal
23 injuries payment for a smaller amount of £2,000.

24 LADY SMITH: Okay, yes. Mm-hmm.

25 MS FORBES: He then goes on, my Lady, to talk about the

1 Inquiry at paragraph 175 and he says:

2 'I don't know what it's like for kids in care now.
3 If things are still the same, what I'd like to see come
4 out of the Inquiry is a better system in place for
5 people leaving care. Young people need proper help to
6 make the move from being in care to living on their own.
7 They need to have someone with them for a certain amount
8 of time. They shouldn't just be dumped.

9 'I don't think you can't stop paedophiles from
10 getting jobs in care. I think they always will. That's
11 just life. But children should only be fostered to
12 people who have been checked out properly and kids need
13 to be seen regularly after they've been placed in care.
14 Hundreds of things happened to me in care that shouldn't
15 have happened. It's ridiculous what people got away
16 with. Social workers should go out to care and foster
17 homes regularly to make sure they know what it's like
18 for the kids living there.

19 'Kids in care need to be given hope. They should be
20 able to expect that they will have a good life in front
21 of them. Things need to be put in place to give them
22 the chance to have a good life as an adult.'

23 And then 'Steven's' made the usual declaration,
24 signed his statement and it's dated 28 June 2017.

25 LADY SMITH: Thank you very much.

1 MS FORBES: My Lady, there is one final statement, but we do
2 have a slot tomorrow morning, but I could try to fit it
3 in.

4 LADY SMITH: Do you think we can fit it in? Can we fit it
5 in this afternoon?

6 MS FORBES: Yes, I could try, my Lady.

7 LADY SMITH: And then otherwise -- well, mind you, we do
8 have the slot first thing tomorrow morning, don't we,
9 because the witness who's coming in person is due to
10 come at 11.45, not 10.00, is that right?

11 MS FORBES: Yes, my Lady.

12 LADY SMITH: Is that right?

13 MS FORBES: We have one videolink and one in person, so the
14 videolink is at 2.00 pm, but the one in person is at
15 11.45 am, so we do have a slot at 10.00 am.

16 LADY SMITH: Well let's leave that until tomorrow morning
17 and I'll rise now until then. All right?

18 MS FORBES: My Lady.

19 LADY SMITH: Thank you very much indeed.
20 Same names as before. I'm not going to repeat them.
21 I've already mentioned these names more than once.
22 I think that will be sufficient. That's great. Thank
23 you.

24 (3.40 pm)

25 (The Inquiry adjourned until 10.00 am

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