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Thursday, 5 March 2026

(10.00 am)

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

Now, we're looking at Merkland at the moment and as people who were listening yesterday afternoon may remember, we start today with a read-in of a statement from a witness and then, after the morning break, we'll move on to a witness in person.

So I invite Ms Forbes to introduce the read-in.

Thank you.

'Louisa' (read in)

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

The statement is from an individual who is anonymous and is known at 'Louisa'.

The reference for 'Louisa's' statement is WIT-1-000001745.

LADY SMITH: Thank you.

MS FORBES: My Lady, 'Louisa' tells us she was born in 1948 and at paragraph 2 she says:

'I am not sure if I had any qualifications when

1 I started working at Merkland Children's Home.
2 I started as housemother, then SNR . I can't remember
3 my job title as SNR . It was just a name that was
4 given to me by [REDACTED] Peter Harley.
5 I can't remember having any responsibility.
6 Peter Harley dealt with everything.'

7 'Louisa' then talks about Merkland from paragraph 3:
8 'Merkland Children's Home was in Moffat, Scotland.
9 It was a children's home. My first impression of
10 Merkland was that it was a big house.

11 'I have been asked to comment on and describe the
12 culture within Merkland. It was my first time in
13 a children's home, so I have nothing to compare it with.
14 It seemed normal.

15 'I have been asked to describe the attitude of staff
16 towards children in the institution and the type of
17 relationship which existed between staff and the
18 children. They all seemed fine, that I can remember.
19 My relationships with the children at Merkland were
20 good.

21 'I started at Merkland as housemother, then SNR .
22 I was given the job by Peter Harley and PLS .
23 I have been asked what my [I think that might be
24 "day-to-day duties", it should be] and chores were as
25 housemother. Housemother, that was just a name.

1 I think my duty was to oversee daily tasks, such as if
2 people got up, went to bed, had food and ate. I have
3 been asked to describe a typical day as a housemother.
4 In my head, a typical day was the children got up, went
5 to school, came home, had food, had their own time, then
6 went to bed. At the weekend, what I can remember is
7 that the children got up and had their own time. The
8 only difference was there was no school. I can't
9 remember having any responsibility.

10 'I have been asked what process was followed when
11 I was recruited, including the provision of references,
12 probation and any prerequisites for the role. There was
13 none that I can remember.

14 'I have been asked to describe my day-to-day duties
15 and chores as SNR and to describe a typical day as
16 SNR. I did not really have any duties. Peter Harley
17 managed everything. I thought that was how it was
18 supposed to be at the time. I knew nothing different.
19 I have been asked whether my duties as SNR changed at
20 the weekend. I did not really have any weekend duties.
21 Peter Harley managed everything. I thought that was how
22 it was supposed to be at the time. I knew nothing
23 different. Peter Harley dealt with everything. I just
24 done what I was told to do.

25 'I have been asked what involvement I had with the

1 day-to-day activities in Merkland, as housemother.
2 Regarding bathing and showering, nothing at all. What
3 I can remember was giving general support. It was like
4 with my children, I made sure they had food, encouraged
5 them to be active, talked, normal stuff. Peter Harley
6 dealt with everything. I just done what I was told to
7 do.

8 'I have been asked what involvement I had with the
9 day-to-day activities in Merkland as SNR .
10 Peter Harley dealt with everything. I just done what
11 I was told to do.

12 'I have been asked to describe my day-to-day contact
13 with the children as housemother and as SNR , when
14 I saw the children and whether I supervised them at
15 different points in the day. The children got up, had
16 breakfast and went to school. They were all very
17 independent.

18 'I have been asked whether in my day-to-day contact
19 with the children, any of them showed obvious signs of
20 abuse, such as marked bruising, unusual levels of
21 distress, disruptive behaviour, or behaviour which was
22 quiet or withdrawn. Like I have stated many time, I had
23 no idea what Peter Harley was doing. I did not hear or
24 see anything. Looking back, I put this down to the way
25 he treated me [REDACTED] negative,

1 controlling, abusive and so on.

2 'My line manager was [REDACTED] Peter Harley.

3 'I have been asked what training, including
4 induction training, was provided or arranged by the
5 institution for my different positions. I can't
6 remember, as it was over 40 years ago.

7 'I have been asked what the staffing structure was.
8 I did not deal with this.

9 '[REDACTED] Peter Harley, was in charge.

10 'Peter Harley's leadership style was controlling.'

11 Thereafter, my Lady, 'Louisa' states that she did
12 not deal with a variety of things that she's asked about
13 in the following paragraphs.

14 LADY SMITH: Yes. Yes.

15 MS FORBES: And that seems to be her answer to a number of
16 questions in the paragraphs following, which includes
17 questions relating to recruitment of staff and training,
18 supervision, appraisal of staff and staff evaluation,
19 policy, strategic planning.

20 LADY SMITH: Yes, she seems at pains to make it clear that

21 Peter Harley [REDACTED] controlled everything, including her.

22 MS FORBES: Yes.

23 And even in relation to children's assessments,
24 again she says she did not deal with any of that.

25 She goes on then at paragraph 30 to say:

1 'I am not sure how long children tended to stay at
2 Merkland.

3 'I can't remember how many children there were --
4 were there, how many were boys and how many were girls
5 or what the age range was.

6 'I can't remember what the ratio of children to
7 staff or adults was.

8 'I have been asked what kind of food the children
9 were provided with and what happened if children did not
10 like the food. We had a cook. They dealt with that.

11 'I have been asked what the sleeping arrangements
12 were for the children. There were different bedrooms.

13 'The children all appeared to wash and shower.
14 I can't remember exactly the times.

15 'Leisure time was spent like normal children, out
16 with friends and activities on site.

17 'I did not deal with organised trips, day trips,
18 holidays or informal trips.

19 'I did not deal with what volunteers did with the
20 children.

21 'Children were schooled at local schools.'

22 Again, in the following paragraphs from 40 onwards,
23 she states that she didn't deal with a lot of things to
24 do with health problems, medication, any manual work the
25 children did, visitors to Merkland, any professionals

1 who attended at the children's home, any reviews,
2 the process of children being discharged from Merkland,
3 or any support given by Merkland when children were
4 leaving.

5 Going then to living arrangements, 'Louisa' says at
6 paragraph 47:

7 [REDACTED] lived on the top floor of Merkland. It was like
8 a flat.

9 'Staff and children had access to the children's
10 residential areas. I have been asked who was
11 responsible for the children's residential areas
12 overnight. I did not deal with this.'

13 And again, in relation to discipline and punishment,
14 from paragraph 49, she states she didn't deal with how
15 children were disciplined and punished in Merkland, any
16 formal policies or code of conducts, supervision of
17 their behaviour and administering discipline.

18 And she says at paragraph 54:

19 'I have been asked whether children were physically
20 disciplined or punished. I did not deal with this.
21 I have been asked whether children were segregated from
22 other children for periods of time as punishment. I did
23 not deal with this.

24 'I did not discipline children.

25 'I did not deal with keeping a record or punishment

1 book of when children were disciplined or punished.

2 Peter Harley did.'

3 LADY SMITH: What's really difficult to take, and I know
4 she's now much older and this all happened a long time
5 ago, is that living in the midst of it, [REDACTED] lived on
6 the top of the building, she had no awareness of any of
7 this. It's one thing to say, 'I didn't deal with it',
8 from which I take it she's trying to tell us: 'I didn't
9 have responsibilities in this area, I wasn't taking to
10 do with the children directly on this'. But it does
11 begin to stretch belief, doesn't it?

12 MS FORBES: Mm-hmm.

13 She goes on, my Lady, at paragraph 57, and she says:

14 'I have been asked if restraint was used on children
15 during my time in Merkland. Not by me. I did not see
16 anything.

17 'I have been asked whether children were removed
18 from other children or placed in a room alone. Not by
19 me. I was not aware of anything.

20 'Medication was not administered by me as a means of
21 restraining or sedating or calming a child and I was not
22 aware of anything.

23 'I did not restrain children.

24 'I did not deal with the policies, whether written
25 or unwritten, and practices relating to restraint in

1 Merkland. I have been asked how these policies changed
2 over time. Not by me. I was not aware.

3 'I have been asked whether I saw excessive restraint
4 being used on children at Merkland. Not by me. I was
5 not aware.'

6 And then 'Louisa' continues in the same vein from
7 paragraph 63 in relation to concerns about Merkland, and
8 answers that she was not aware or did not have dealings
9 with, when asked about various matters in that -- in
10 relation to any concerns being raised or reporting of
11 complaints or concerns, any policies in relation to
12 complaints. And she essentially says she didn't have
13 any dealings with receiving any complaints of abuse or
14 with the recording of complaints.

15 At paragraph 71, 'Louisa' says:

16 'I have been asked whether there was any person in
17 the institution or outside of it to whom a child could
18 speak about any worries they had, including concerns
19 about the conduct or behaviour of other children, staff
20 or others towards them. I believe they could talk with
21 their social worker.'

22 But then she goes on to say she didn't have any
23 dealings about that practice or about children raising
24 concerns.

25 At paragraph 74 all the way through to paragraph 80,

1 she states that in relation to definitions of abuse in
2 Merkland and questions in relation to that, that she had
3 no knowledge of that at the time, and I think at
4 paragraph 81 then she says:

5 'I have been asked whether abuse could have happened
6 in Merkland and gone undetected during my time there.
7 Not by me. I was not aware.'

8 LADY SMITH: That's not an answer to the question.

9 MS FORBES: No.

10 She goes on:

11 'I did not deal with staff, including managerial
12 staff, being given guidance and instruction on how
13 children in their care in the institution should be
14 treated, cared for and protected against abuse,
15 ill-treatment, or inappropriate behaviour towards them,
16 whether from staff, other adults or other children.
17 Peter Harley did.

18 'I did not deal with giving guidance and instruction
19 on how to handle and respond to reports of abuse or
20 ill-treatment of children by staff, other adults or
21 other children. Peter Harley did.

22 'I have been asked how much autonomy or discretion
23 was given to staff and other adults, including
24 managerial staff, in relation to these matters. I did
25 not deal with this. Peter Harley did.

1 'I have been asked what child protection
2 arrangements were in place to reduce the likelihood of
3 abuse, ill-treatment or inappropriate conduct by staff
4 or other adults towards children at Merkland. I did not
5 deal with this. Peter Harley did.

6 'I have been asked to give as much detail as
7 possible and whether I thought such arrangements worked.
8 I did not deal with this.'

9 And then in relation to external monitoring,
10 record-keeping, she states that she did not deal with
11 this or she -- I think in relation to record-keeping she
12 says she can't really remember, it was over 40 years
13 ago. And again, in relation, at paragraph 91, as to
14 whether records provided adequate information about how
15 children had been treated, she says that Peter Harley
16 dealt with this and she can't really remember, it was
17 over 40 years ago.

18 She tells us at paragraph 92 that she's never been
19 the subject of an allegation of abuse or ill-treatment
20 of a child or children who resided in Merkland when she
21 was there.

22 At paragraph 93, she says:

23 'I have never been involved in any investigation on
24 behalf of Merkland into allegations of abuse or
25 ill-treatment of or into inappropriate behaviour by

1 staff or others towards children.

2 'I have been asked if I was involved in any
3 investigation on behalf of Merkland to give as much
4 detail as I can about any investigations. I did not
5 deal with any complaints.'

6 Again, she says she's not been involved in any
7 reports of abuse or civil claims.

8 At paragraph 98 'Louisa' says:

9 'In later years, I became aware of police
10 investigations into alleged abuse at Merkland. I don't
11 know the institution's response.

12 'I have been asked whether I have given a statement
13 to the police or the Crown concerning alleged abuse of
14 children cared for at Merkland. The police took
15 a statement at my house when Peter Harley was arrested.

16 'I have not given evidence at a trial concerning
17 alleged abuse of children at Merkland.

18 'I have been asked whether I know if any person who
19 worked at Merkland was convicted of the abuse of a child
20 or children at Merkland. I was not aware at the time.

21 'I have been asked whether at any time I had any
22 personal dealings with any such person. Not that I can
23 remember.

24 'I have been asked, based on such dealings, what
25 I remember about the person, including whether I had any

1 concerns about them or was made aware of concerns about
2 them made by others. Not that I can remember.

3 'I did not deal with how that person was recruited
4 by Merkland or their childcare qualifications. I can't
5 remember any childcare training before or during their
6 time at the institution. I did not deal with their
7 supervision or monitoring.

8 'I left because Merkland closed Secondary Institutions - to be pub
9 Secondary Institutions - to be published later

10

11

12 'Peter Harley dealt with references, which I was
13 provided with, relating to my time at Merkland.

14 'I have been sent several statements and documents
15 by the Inquiry and asked to respond to allegations
16 contained within them. Regarding all the people named
17 in those statements and documents, I have no
18 recollection of them. I have no recollection of
19 punishing anyone. I have never abused anyone and I deny
20 all allegations.

21 'Yes, the passing of time has had an impact on my
22 recollection of what is alleged. I have no idea why
23 people are saying these things. All I can think is that
24 they are trying to blame me for what Peter Harley did.
25 I have never abused a child. I was never aware this was

1 going on. No child or person should be abused. I don't
2 condone any abuse.

3 'I am a victim too. Peter Harley abused me. He
4 controlled my life. I lived in fear. He gaslighted me
5 every day. He was controlling and a manipulator. He

6 [REDACTED]
7 [REDACTED] and threaten me in all kinds of
8 ways. He has made my life hell.

9 'I have been sent an extract from a statement given
10 to police by [someone called [REDACTED]] on 23 November 2009.
11 I can't remember the person called [REDACTED]. I have never
12 asked anyone to give anyone a hiding or hurt anyone.

13 'I have been sent an extract from a document which
14 is named "List of Merkland residents who provided
15 witness statements". The document refers to a person
16 named [REDACTED]. I have never pulled someone's hair or
17 punched them.

18 'The extract from the document which named "List of
19 Merkland residents who provided witness statements" also
20 refers to a person named [REDACTED]. I have not slapped
21 anyone across the face.

22 'I have been sent a statement given to the Inquiry
23 by FEV [REDACTED] and an extract of a statement given by him to
24 the police on 23 March 1995. I did not have any
25 knowledge of what Peter Harley was doing. I have never

1 sat in a room where Peter Harley was abusing a child.
2 I have never asked Peter Harley to pin down a child or
3 abuse a child.

4 'I have been sent a statement given to the Inquiry
5 by PLB . From what I can remember, there was
6 a dishwasher. I can't remember a big Welshman that
7 worked there, but to be honest, my memory is not what it
8 used to be. I have never bullied anyone. I have never
9 asked Peter Harley to abuse any child. I was not aware
10 of what Peter Harley was doing. I have no recollection
11 of ever hitting someone with a screwdriver. I have
12 never hit a child with a slipper. I have never asked
13 anyone to hit anyone, nor have I hit anyone.

14 'I have been sent a statement given to the Inquiry
15 by ['Dura']. I have never asked Peter Harley to hold
16 down a child. I have never had an affair with anyone.

17 'I have been asked if I did not see or hear of any
18 abuse while I was at Merkland, can I help the Inquiry to
19 explain how it can be that such allegations of abuse
20 have been made. Peter Harley, was
21 controlling, abusive verbally and physically towards
22 myself. He gaslighted me every day. I experienced
23 controlling and cohesive behaviour



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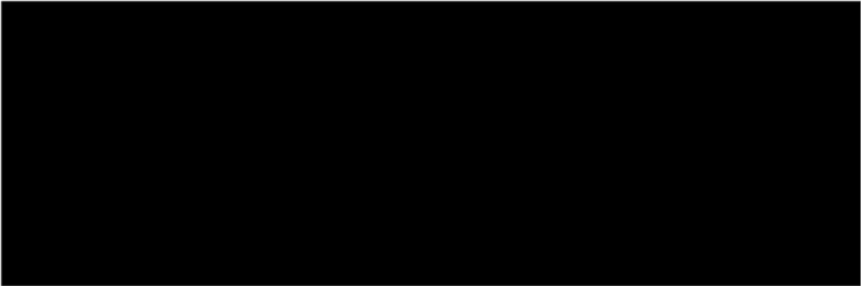
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'I am told that the Inquiry has information to the effect that the experiences of abuse some children had at Merkland has continued to affect them and impact on their lives. I have been asked, if I did not see or hear of any abuse while I was at Merkland, can I help the Inquiry to explain how that can be.'

She repeats the same paragraph that she says in the previous paragraph, my Lady. She says:

' Peter Harley, was controlling, abusive verbally and physically towards myself. He gaslighted me every day. I experienced controlling and cohesive behaviour 



'I have been asked what lessons can be learned to protect children in places like Merkland now and in the future. They must make sure the people involved in the care of others are qualified to do the job and make it mandatory that all homes are checked on a regular basis.'

1 Background checks are essential.'

2 Then 'Louisa' has made the usual declaration, she's
3 signed her statement and it's dated 14 February 2026.

4 LADY SMITH: So, we have a position: if one takes what she
5 says at face value, that she knew nothing about anything
6 that was happening. Whether even the most basic
7 questions of what were the rules or policies or were
8 there any, you take somebody who, at least initially,
9 was employed as a housemother and SNR to Peter Harley,
10 who fulfilled not even the most basic of those -- the
11 duties you could expect of her, informing herself of the
12 bare minimum. Is that what it comes to?

13 MS FORBES: It's what it seems to be, my Lady, and it's
14 a wonder what she was actually doing.

15 LADY SMITH: Yes. Or there are things that she was aware of
16 and she didn't know but she can't face up to those and
17 what she powerfully remembers is being under Peter Harley
18 controlling thumb.

19 And in fairness to her, I suppose a picture that is
20 presented by the applicants of Peter Harley being a very
21 strong character, a man in control, who you couldn't
22 challenge, and that would fit the picture. Oh, dear.
23 But that's her statement.

24 MS FORBES: That's her statement, my Lady, yes.

25 LADY SMITH: And it's a recent statement, I see, so that's

1 her up-to-date position.

2 MS FORBES: Yes.

3 LADY SMITH: Does that complete the read-ins for Merkland
4 then?

5 MS FORBES: It does, my Lady. So now we move on to two
6 witnesses later today and there's more evidence tomorrow
7 as well.

8 LADY SMITH: Very well. So, if I break now until, well,
9 hopefully the next witness will be ready at quarter to
10 12? That's the plan, is it?

11 MS FORBES: I would hope so, my Lady. That's the plan.

12 LADY SMITH: And in the meantime we've got names. We've
13 got -- well, this witness must not be identified. Let
14 me just put it simply. This witness has the protection
15 of the GRO and she must not be identified as referred to
16 in our evidence outside this room.

17 And then there's a series of other individuals who
18 are referred to by their first names, a FEV, a [REDACTED],
19 a PLB, a [REDACTED] and a [REDACTED], and they are all entitled to
20 the protection of my General Restriction Order and must
21 not be identified as referred to in our evidence outside
22 this room.

23 So that's it until quarter to 12. Thank you very
24 much.

25 (10.27 am)

1 (A short break)

2 (11.45 am)

3 LADY SMITH: Welcome back.

4 Now, Mr Sheldon.

5 MR SHELDON: Yes, my Lady.

6 We now have the first of two witnesses in person

7 giving evidence for us and the first of these is

8 Sheila Clingan.

9 LADY SMITH: Thank you.

10 Sheila Clingan (sworn)

11 LADY SMITH: Thank you for coming along this morning to help

12 us with your evidence. I hope my first question's

13 an easy one: how would you like me to address you?

14 I'm very happy to use Ms Clingan or your first name if

15 you're more comfortable with that.

16 A. Just call me by my first name, that's fine.

17 LADY SMITH: Sheila?

18 A. Yes, that's fine.

19 LADY SMITH: Well, thank you, Sheila.

20 You'll appreciate we've asked you to come to talk

21 about Merkland and your involvement with Merkland from

22 I think it was about 1993 that you first were involved

23 there?

24 A. My involvement was about 2000.

25 LADY SMITH: Oh, 2000, sorry. Oh, I've misread that, yes.

1 it into the record, is WIT-1-000001744, and if you turn
2 to the last page in your statement, that's page 10,
3 I think I'm right in saying that you say at
4 paragraph 37:

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

9 And does that remain the case, Sheila?

10 A. That is correct.

11 Q. And you've signed that and it's dated February 2026?

12 A. That is correct.

13 Q. Thank you.

14 So we can go back to the beginning, as it were. And
15 I think we see that you were born in 1964 and you give
16 us some details of your professional background in the
17 next few paragraphs.

18 You tell us you qualified as a social worker in 1986
19 and firstly you were employed by Stirling Council. What
20 was your role at Stirling, just to --

21 A. I was a social worker in a children and families team.

22 Q. All right, thank you. And then you moved to Dumfries
23 and Galloway in 1993 and held a number of posts over
24 I think a number of years, because you retired quite
25 recently in 2023, is that right?

1 A. Yes, that's correct.

2 Q. So a career in social work spanning, I think by my
3 count, five decades?

4 A. Gosh, I --

5 Q. I think the point being that you clearly have a great
6 deal of experience in the social work field.

7 I think you started as a child protection officer in
8 Castle Douglas and then you moved to being a childcare
9 team manager, and you explain in paragraph 3 that,
10 I think, am I right in saying that that post, the
11 childcare team manager post, was your first post in
12 management as a social worker?

13 A. Yes.

14 Q. And that's 1995?

15 A. Yes.

16 Q. All right. And you explain that you didn't work for the
17 predecessor authority and of course, as we know, you
18 didn't work at Merkland Children's Home --

19 A. No.

20 Q. -- because it closed before you had even qualified as
21 a social worker, I think?

22 A. Yes.

23 Q. Can you just tell us a little bit, please, about your
24 role as childcare team manager, first of all. What did
25 that involve, just very briefly?

1 A. I was a childcare team manager in the Dumfries office
2 and I had a number of staff under me, who were basically
3 children and families social workers and we would
4 service the borough of Dumfries at that time.

5 Q. And did that cover residential establishments and foster
6 care and so on?

7 A. No, no. That would involve -- we would be active social
8 workers, as opposed to involved with residential care,
9 and it may be that some of my staff would have children
10 who required to live or be accommodated within some
11 residential units and we would oversee it from an area
12 team perspective, as a social worker.

13 Q. All right. Thank you. And you then moved to another
14 management post, a strategic planning manager. When was
15 that?

16 A. That was in 2000.

17 Q. All right.

18 A. 1999/2000.

19 Q. Okay, and the clue may well be in the name, but just
20 again, could you very briefly outline what that was
21 about?

22 A. That was primarily a different line in which I was
23 involved in commissioning services on behalf of children
24 and families social work, which would include our
25 contracts with NCH, National Children's Homes. It could

1 include private residential facilities for children. It
2 would include organisations like Aberlour, Barnardo's,
3 and they would deliver services on behalf of Dumfries
4 and Galloway Council for -- on behalf of social work for
5 Dumfries and Galloway Council, and I would oversee the
6 contracts and the strategic planning of what services
7 were required.

8 Q. All right, thank you. You then moved to a further
9 management post as a locality manager, covering
10 fostering, residential care, leaving care and so on.

11 What was the difference then between the strategic
12 planning management role and this locality manager role?

13 A. The primary difference was that I was a manager but
14 didn't have a team as such, as a strategic planning
15 manager, whereas when I moved to the locality --
16 I suppose from a strategic perspective it was
17 a strategic post for the planning manager's post,
18 whereas I went back into locality social work and
19 therefore I had a number of teams, as I've said in my
20 statement, who I managed. So each of these teams could
21 have anywhere between five and ten workers in them.

22 Q. Right.

23 A. So it was primarily managing a much more wider area of
24 social work and having -- I also had a regional-wide
25 remit as a locality manager, albeit I did as well as

1 a strategic planning manager. But it was mainly moving
2 from, I suppose, the strategic side or the commissioning
3 side of services to the actual operational work of
4 social work services directly in the field of social
5 work.

6 Q. I understand. Thank you.

7 A. And only in children and families.

8 Q. Yes.

9 A. Apart from the asylum and the --

10 Q. Ukraine support?

11 A. Yeah, the Ukraine support in my later years.

12 Q. All right. Now, as you know, we are particularly
13 interested in this section of our hearings with Merkland
14 Children's Home.

15 A. Yeah.

16 Q. And Peter Harley, the former officer in charge or
17 superintendent at Merkland, and his conviction for abuse
18 of children there.

19 At what point, as a social worker in Dumfries and
20 Galloway, did you become aware of the Peter Harley
21 story, if I can call it that?

22 A. I probably became aware of it within the early 1990s
23 'cause I worked in the Castle Douglas office, and if
24 I remember rightly, I think that's where the first
25 allegation came. However -- to the worker, the criminal

1 justice worker at the time. But I wasn't involved in
2 that and I was aware of the work that Dumfries and
3 Galloway Council would do in the 1990s in order to
4 assist with the criminal case, if you like, supporting
5 that. I wasn't directly involved in that, but I was
6 aware of a worker for Dumfries and Galloway, that there
7 was a group of people who were doing that.

8 Q. All right. And what kind of work was being done by --
9 or -- and if you're not aware of this, please say, but
10 what kind of work was being done by the council, social
11 workers, to support the investigation?

12 A. Well, I believe that the child protection officer at the
13 time, who was Alistair McGougan, was working directly
14 with the police at the time in order to try to identify
15 who was resident at Merkland during that time, and
16 that's my information on that.

17 Q. All right. Now, we know ultimately that Dumfries and
18 Galloway set up an ex gratia payment scheme and
19 I'll come to that in more detail in a minute or two, but
20 I just want to ask you, in very general terms to begin
21 with, did the idea for that scheme evolve over time?

22 A. Dumfries and Galloway Council initially gave the apology
23 in 2000 and at that time we then set up contacts or
24 available contacts for those that wanted to -- for
25 ex-residents or for former residents who we would -- to

1 help support them to take forward legal action against
2 the council. So we would redirect them to solicitors in
3 both Glasgow and Edinburgh at the time.

4 There were no discussions of ex gratia payments that
5 I'm aware of in the year 2000 because there was still
6 a number of ex -- former residents who were pursuing
7 legal action and, at that time, Dumfries and Galloway
8 Council could -- did not enter into the discussion of
9 ex gratia payments because of the risk of the legal
10 action that was then being taken at that time.

11 And it was only come 2008 when a former resident
12 came back to John Alexander at the time, who was the
13 director, saying: come on, this has been going on long
14 enough. Is there nothing that the council can do to
15 help us or support us? And I suppose in those
16 prevailing -- in those years between 2000 and 2008, any
17 legal action that had been taken by former residents was
18 subject to time-bar. So there was a different
19 conversation in 2008 in how could we, as a local
20 authority at that point, do the right thing, support
21 them from a financial perspective, and therefore it was
22 only explored, I'm going to say formally, after 2008.

23 Q. Sure. So I want to look at some documents with you,
24 Sheila, just to flesh out the outline that you've given
25 us, and the first of those is a document, its reference

1 is DGC-00000000518.

2 Now, this is a letter from Keith Makin, dated
3 1 December 1995. Now, Keith Makin I think was, at that
4 point, the --

5 A. He was the director.

6 Q. -- Director of Social Work. Do you recall seeing this
7 letter, Sheila? Take a moment to have a look.

8 A. No.

9 Q. All right.

10 A. I don't think I've seen this letter. At the time
11 I would have been a social worker in Dumfries office.

12 Q. Okay. And this --

13 A. And I can't -- I'm looking at it, but I -- I'm not sure
14 that I even seen it retrospectively, to be quite honest.

15 Q. All right, that's --

16 A. So I'm not sure.

17 Q. That's fine. I mean, could we take it then that it's
18 likely this letter was sent out to senior members of the
19 team and apparently I think to elected representatives?
20 There's a reference to --

21 A. Can you put it back down to -- does it say who's -- at
22 the top? Oh no, it just says 'Members and colleagues'.

23 Q. Yes, so the reference to member would be a reference to
24 elected members; is that right?

25 A. Yes, it would be, yeah, and if it went to colleagues, it

1 would have been -- I think that would have went to
2 senior managers at the time. I wouldn't have been privy
3 to that.

4 Q. All right, that's fine. I just want to look at some of
5 it.

6 Mr Makin says to begin with, by way of introduction,
7 he notes that a prosecution has been brought against
8 Peter Harley. He believes there will be very large
9 media interest to the point at which Harley is tried in
10 court. He gives some information about Harley in the
11 first few lines of the next paragraph and notes, line
12 three:

13 'The prosecution case is a very disturbing one.'

14 And about six lines down, he goes on:

15 'When the case is heard, I am of the opinion that
16 there will be a very great media interest and we have
17 been making preparations for this. As the case unfolds,
18 it is likely to include details which will be construed
19 as bringing the council into disrepute. Particularly
20 the policies and practices of the department at that
21 time will be called into question. Since 1982, Dumfries
22 and Galloway Regional Council has invested heavily in
23 residential care for children and a very different
24 picture now sustains. We have a system of checks and
25 balances, centred on comments and complaints procedures,

1 quality assurance networks and much more rigorous
2 management systems. All of these mean that we have
3 a much closer check on what happens in our children's
4 homes, although it would be a foolish person indeed who
5 claims that it is possible to police every aspect of
6 activity in children's homes. I am as confident as
7 I can be that our children's homes at present operate in
8 a good fashion and that there are no abusing practices
9 taking place.'

10 So first of all, Sheila, in very general terms, is
11 Mr Makin, and in your experience, was Mr Makin correct
12 in saying that at the time you were working for Dumfries
13 and Galloway, that there was a very different picture,
14 that there were checks and balances, comments and
15 complaints procedures and so on?

16 A. Yes, I would say so, and I think that's been an evolving
17 process over the years.

18 Q. Yes. I might ask you later on for a few comments on
19 your experiences, having regard to the whole of your
20 career and changes that have taken place, but for the
21 moment, I just want to complete looking at this letter.

22 We see at the foot of the first page, there is
23 a paragraph beginning:

24 'Despite all these initiatives since 1982, the fact
25 remains that the media will want to focus on the

1 offences at that time and I would imagine that there
2 will be considerable outfall in terms of requests from
3 both members and officers alike for comments on
4 children's services then and now. We are seconding a
5 number of staff within the department to a key role in
6 helping and counselling those people who may have
7 suffered through these events, particularly the young
8 people involved themselves and their families. We have
9 also invested in training and preparing staff for the
10 likely events which will surround the court appearance
11 in March.'

12 Now, again, Sheila, do you recall there being
13 a member of staff who was involved in helping and
14 counselling young people, survivors, in other words, of
15 Merkland; is that something that you recall at that
16 time?

17 A. Yes, I do. Alistair McGougan, the Child Protection
18 Officer at the time, was heavily involved with that and
19 there was another social worker who -- you are testing
20 my memory. But there were two of them who I recall
21 taking forward direct contact with some former residents
22 and linking them in with psychology or supporting them
23 through the court process at the time, as I alluded to
24 earlier in relation to Alistair.

25 Q. All right.

1 A. Her name will come to me, but it's just not coming at
2 the moment.

3 LADY SMITH: Don't worry, that's fine.

4 MR SHELDON: It's fine. It's not a memory test. It's fine.
5 So there is, it seems, this initial initiative.
6 Mr Makin also says just at the end there:
7 'We have invested in training and preparing staff
8 for the likely events ...'
9 Again, do you recall any particular training or
10 preparation for staff in the light of the Harley
11 prosecution?

12 A. I'm not sure I can recall specifically what that would
13 have been at the time, no.

14 Q. Okay. That's all right.

15 A. I'm not saying it didn't happen.

16 Q. Sure.

17 A. Because the remit of the workers was very much to
18 support the former residents who were coming through,
19 and clearly there were lessons learned at that time as
20 to what would then change. So I think following it,
21 there were -- was training and prep, but I can't, hand
22 on heart, confirm that.

23 Q. Sure. So you told us earlier on that I think you moved
24 into the strategic management role and indeed became
25 involved with the Merkland story, as it were --

1 A. Yeah.

2 Q. -- in about 2000; is that right?

3 A. Yes.

4 Q. So if we can look at another document, please, it's

5 FIC-000001527.

6 This, I think, may be a draft of this report,

7 Sheila.

8 A. Okay.

9 Q. But we know that the date of it is 12 December 2000, so

10 if we just look at that --

11 A. Chances are I wrote it.

12 Q. All right. Well, that was going to be my next question.

13 Just take a moment then to have a quick look at the

14 first few paragraphs. Is that a document that you

15 recall and that you drafted?

16 A. Yes.

17 Q. All right.

18 A. Without seeing the signature at the end, I can't confirm

19 that, but it looks very much like it.

20 Q. Yes, I don't think there is a signature on this version.

21 If you turn to page 6. We see a couple of names there.

22 A. It was Janet Birks.

23 Q. Right. So would Ms Birks have been the drafter or, as

24 it were, someone who signed off on it?

25 A. Janet would have signed off on it, Janet Birks would

1 have signed off on it.

2 Q. All right, but your recollection is that you drafted
3 this?

4 A. I would have contributed to it, yes.

5 Q. All right.

6 A. If I didn't write it.

7 Q. Okay. So if we just turn back to the first page,
8 please, and we see that the report is intended to brief
9 members on the background to the abuse perpetrated by
10 Peter Harley. Recommends an approach for the council to
11 take towards the ex-residents of Merkland, an approach
12 which includes giving support and assistance. And
13 there's some background there, which we're aware of and
14 don't need to go into, and if we then go to page 2 and
15 it's section 3 down the page a little:

16 'What should the council do?'

17 'Clearly, it's not always easy to attribute
18 difficulties in later life to specific childhood events.
19 However, the effects of the abuse perpetrated by Harley
20 on the lives of these young people are profound. These
21 young men are all dealing with these events in different
22 ways but many are involved with drugs, alcohol and
23 criminal activity. When the abuse was perpetrated, the
24 children were in the council's care and this council can
25 be said to have a continuing moral responsibility to try

1 and ensure that these young adults now receive the
2 advice and support that they need.'

3 Casting your mind back, Sheila, in drafting this
4 document or contributing to it, where did the thinking
5 behind this paragraph come from?

6 A. At the time there were -- I'm going to say a couple, but
7 I can't give you an exact figure on that, but there were
8 a number of former residents who were meeting with
9 Janet Birks at the time who were hoping that the council
10 would support them or provide some finances in some
11 means, and Janet was engaging in those discussions with
12 them at the time. And Janet was very much of the view
13 that there was a continuing moral responsibility for
14 Dumfries and Galloway to try to ensure that we could
15 support these people at the time. But as I alluded to
16 earlier, because of some of the legal actions,
17 obviously, we were -- Dumfries and Galloway were
18 confined in what they could and could not do at that
19 time.

20 Q. Yes. If we look over the page, there's further material
21 about the traumatic effects of the Harley abuse:

22 'Careful thought has been given to the most
23 appropriate way to offer help and advice.'

24 And at 3.3:

25 'The advertising of a helpline operated by an

1 independent agency is the preferred way forward.
2 Confidential advice to the ex-residents would include
3 access to specialist counselling services if appropriate
4 and would also put people in touch with specialist legal
5 advice if that is what is wanted.

6 'A helpline advertised regularly over an eight-week
7 period operated for some three months would enable
8 people to make their own decisions about contact.'

9 And so on. And there's also material at 3.5 about
10 the wording of an advert. The professional view was
11 that it should contain an apology for the abuse
12 perpetrated:

13 'Such an apology is felt to be an important
14 prerequisite to some ex-residents coming forward for
15 help. The core wording agreed was: "Dumfries and
16 Galloway deeply regrets the abuse suffered by the young
17 people and, as well as sincerely apologising, wishes to
18 offer as much support and assistance as possible. This
19 apology is heartfelt and sincere".'

20 First of all, Sheila, was that apology published at
21 that point?

22 A. It was. Yes.

23 Q. It was?

24 A. Yes.

25 Q. All right.

1 A. Who Cares? Scotland was commissioned by me to provide
2 the helpline for those eight weeks.

3 Q. All right.

4 LADY SMITH: And that was the wording of the apology, was
5 it?

6 A. That is my recollection of the wording of the apology.

7 LADY SMITH: Thank you.

8 MR SHELDON: So -- and that was my next question, really,
9 was about the helpline. I think the helpline did
10 operate for a time, didn't it?

11 A. Yes, it did.

12 Q. All right. And what was the uptake like to it?

13 A. I think there was approximately 37 people that contacted
14 the helpline at the time, if I remember rightly.

15 Q. All right.

16 A. The helpline was to offer support -- an independent
17 support, not -- so as it wasn't anybody in the council
18 that was -- that any former residents were contacting.
19 The purpose of the helpline was also to offer additional
20 counselling, whether that be through psychological
21 counselling, and then they would be put in -- people
22 could be put in touch with counsellors. And ultimately
23 there were four legal firms that were also identified by
24 Janet that we could then refer our former residents to,
25 in order that they could pursue legal action

1 independently of the council.

2 We had nothing to do with the -- we had nothing --
3 no, that's not fair. We had nothing to -- so we weren't
4 involved in directing any of the former residents.
5 I would be involved in any of the former residents
6 requiring transport costs to get to meet with the
7 solicitors or their counsellors, because some of the
8 counsellors were in Edinburgh and -- if I remember
9 rightly, two of the legal firms were in Edinburgh, and
10 ultimately the take-up wasn't particularly -- was mixed.
11 And we ultimately asked for some of the legal firms to
12 come to Dumfries to meet with the former residents who,
13 due to their vulnerabilities and difficulties, were
14 struggling to make the journey to Edinburgh, and the
15 commitment of the transport arrangements and get back
16 safely to Dumfries.

17 So we asked the firms to come to Dumfries and they
18 had meetings in our legal office -- in our council
19 offices with former residents, of which the council was
20 not party to.

21 Q. So there was an acceptance clearly that, on the part of
22 the council, that there might be legal action resulting
23 in the council's liability?

24 A. Yes.

25 Q. Civilly?

1 A. Yes.

2 Q. Can I just ask you: we're all, I think, I hope, very
3 conscious now of trauma and the need to work in
4 a trauma-informed way. In 2000, what sort of awareness
5 was there of that? What was the view of trauma, or
6 knowledge about trauma at that time?

7 A. That was difficult at the time because -- no, that's not
8 really fair. There was an acknowledgement that many
9 people had suffered trauma as a result of what took
10 place at Merkland and obviously how it affected
11 different former residents was very different depending
12 on their circumstances, depending on their
13 vulnerabilities and depending on their resilience.

14 And I think that was reflected in -- that was
15 reflected in how they could engage in the helpline.
16 Some people felt that the helpline was too late, come
17 2000, it was too late, they didn't want to be
18 re-traumatized, and therefore they didn't wish to engage
19 in any discussions with the helpline or in any
20 discussions with counselling services.

21 Q. Sorry to cut across, Sheila, but you mentioned the word
22 there 're-traumatise'. Is that a word that was being
23 used at that time?

24 A. Yes.

25 Q. It was? All right, thank you.

1 A. Yes.

2 Q. Sorry, I interrupted you.

3 A. No, no, it's fine.

4 So some felt that it was too late for the helpline
5 and that they had established their own closure to the
6 events to some degree, albeit it maybe wasn't in
7 a professional sense, but they didn't want to go back,
8 they wanted to move forward. And obviously we were
9 careful when offering counselling services. Some did
10 choose to follow up with counselling services and some
11 chose not to.

12 Q. Right. And you tell us on page 4, paragraph 4.4, that
13 a number of specialist counsellors were identified?

14 A. Yeah.

15 Q. Was that as part of the helpline or was that a separate
16 service?

17 A. The counsellors were set up independently. So we had
18 a number of counsellors, both in Edinburgh and some were
19 more local, and the former residents could have a choice
20 as to where they wished to consider who -- not who their
21 counsellor was, because it depended on the availability
22 of the counsellors, but the counsellors -- there was
23 a number of counsellors. I think, did I say four in
24 that? There was a number of counsellors who they could
25 be referred to and some wanted a counsellor outwith

1 Dumfries and Galloway, so we were able to oblige them
2 with that. And again, I would provide financial support
3 to them in order that they could get to their counsellor
4 and get back home to Dumfries, so they didn't get
5 stranded in Edinburgh if that's where they were. And
6 some then opted, I think, for a more local counsellor in
7 Dumfries and Galloway, because they said they couldn't
8 cope with the journey to Edinburgh, the counselling
9 session and the journey back, and therefore they would
10 prefer to have it locally. So we would then look to
11 source a local counsellor.

12 But the counsellors were not employed by Dumfries
13 and Galloway Council. They were independent counsellors
14 and paid separately by that.

15 Q. All right. Thank you. And that paragraph tells us also
16 that it was envisaged that the council would pay for up
17 to ten counselling sessions if necessary?

18 A. Yeah.

19 Q. Was that a number informed by, as it were, clinical
20 advice or financial considerations?

21 A. No, it was informed by clinical advice and, if
22 I remember correctly, there were a couple of former
23 residents who required more counselling sessions than
24 ten and they were granted that.

25 Q. All right. We see paragraph 4.7, it's indicated the

1 department can meet expenditure of approximately £40,000
2 from existing budgets, sufficient to support some
3 60 people.

4 And if we then look at page 5, which has the
5 recommendation, members are asked to agree to the public
6 apology, approve the support framework and note the
7 budgetary provision.

8 And if we scroll further down, I think at page 6 --
9 sorry, page 7, we can see there an outline of the
10 financial costs and I don't think we need to spend time
11 on that, but it's just to give an idea.

12 But the projected costs, if there were to be as many
13 as 200 people responding, were up to about £114,000?

14 A. Yeah.

15 Q. So, now, Sheila, I think you've adverted to this issue
16 already, but I think we understand that a number of
17 legal actions were raised against the council in about
18 2001, is that right?

19 A. Yes.

20 Q. And ultimately these were dismissed?

21 A. Yes.

22 Q. In about 2005 and 2006, would that be right?

23 A. I can't be precise on exactly when they were dismissed,
24 but that would be within the timeline that makes sense
25 to me, yes.

1 Q. All right. And the reason for that was essentially
2 time-bar?

3 A. Time-bar, yeah.

4 Q. And was there then further contact with survivors and
5 the council about that issue and, indeed, the issue of
6 redress generally?

7 A. There were a number of ex-residents who continued to
8 keep in touch with Janet Birks at the time and then --
9 so that would have been, thinking back, I think that
10 would be at the time. So there were ongoing discussions
11 or support, meetings, but very clear with the former
12 residents that the council's hands were tied at that
13 point and we couldn't do anything else.

14 Q. Because of the ongoing legal actions?

15 A. Because of the ongoing legal issues and because of
16 external advice from council insurers and legal experts
17 at the time, yeah.

18 Q. If we can go back to your statement briefly, please, at
19 page 4, we come at paragraph 10 to the section about the
20 ex gratia scheme itself.

21 You tell us that the impetus to set up the scheme
22 came from social work services and in particular the
23 Director of Social Work then, John Alexander, who you
24 say wished to do the right thing, gave a formal apology
25 and created an ex gratia scheme.

1 Perhaps we can look at another document, please,
2 it's SGV-001033880. Does this appear to be another
3 report for Dumfries and Galloway Council, dated
4 1 October 2009?

5 A. Yes.

6 Q. And again, did you have any part in putting this
7 together?

8 A. Myself and Brendan Kearney put this together.

9 Q. All right. Brendan Kearney was?

10 A. The legal -- the solicitor at the time, council's Head
11 of Legal Services.

12 Q. Thank you. And if we just look at the first page, we're
13 given the purpose of the report:

14 'To invite members to agree to make ex gratia
15 payments to those former residents of Merkland
16 Children's Home. To outline the legal position in
17 relation to the events surrounding the abuse suffered,
18 the subsequent conviction [and so on]. To enable the
19 council in considering the matters set out in this
20 report to do the right thing in relation to the adult
21 survivors in response to the significant wrong done to
22 them, consistent with the development of public policy
23 in respect of historical abuse and best practice on how
24 it might be recognised in a constructive way.'

25 So is that where your statement in your statement,

1 about doing the right thing, perhaps comes from?

2 A. Yes.

3 Q. And in the report summary, we're told a number of
4 children and young people were abused by Peter Harley.
5 He's convicted and sentenced to 15 years:

6 'Lives of the adult survivors have been irreparably
7 damaged as a result and the council's reputation
8 tarnished. Some individuals obtained compensation from
9 the Criminal Injuries Compensation Authority in relation
10 to the abuse suffered. Others were unsuccessful. The
11 individuals also sought to sue the council but their
12 cases were dismissed in court in 2003 as time-barred.
13 While the cases were being litigated, the council was
14 not able to consider making any financial payments to
15 those affected.'

16 Just pausing there, can you help us with why it was
17 that the council was not able to consider any financial
18 payment while the cases were being litigated?

19 A. That was the advice at the time.

20 Q. All right.

21 LADY SMITH: I suppose you wouldn't be aware of, for
22 example, any exchanges between the council and their
23 insurers?

24 A. I was aware that the Head of Legal Services would have
25 discussions with our insurers, but I was not party to

1 that discussions. But he would feed back to
2 John Alexander, who was our director at that time.

3 LADY SMITH: And of course the insurers would be
4 particularly interested in what was happening in
5 relation to the litigations.

6 A. Yes, my Lady.

7 LADY SMITH: And would have a right to influence the
8 council, if I can put it that way, as to the approach
9 they took to the litigations.

10 A. Absolutely.

11 MR SHELDON: Well, my Lady --

12 LADY SMITH: I suppose, do we have more information about
13 that?

14 MR SHELDON: -- anticipates my next point, my Lady, yes, and
15 I think it perhaps goes a little further than that.

16 LADY SMITH: Sorry.

17 MR SHELDON: If we turn to page 4 of this document,
18 paragraph 7.7, we see that:

19 'Between late 1995 and early 1996, 17 individuals
20 intimated claims against the council.'

21 Reading short:

22 'All claims intimated to the council were forwarded
23 to the council's claims handlers and insurers. The
24 council's insurance policy required the council to pass
25 all claims to their insurers and/or loss adjusters. The

1 effect of this was that the council could not deal with
2 any claims made against it and this resulted in a high
3 degree of frustration and anger on the part of the adult
4 survivors. Although the council were in regular contact
5 with the insurers, the council did not control the
6 defence of these claims. The legal process meant that
7 the adult survivors would have to establish liability on
8 the part of the council before the council's insurers
9 would pay out compensation. Given the existence of the
10 insurance policy, the council were effectively barred
11 from dealing with these claims and subsequent court
12 cases brought against the council. Solicitors acting
13 for the adult survivors did not progress the cases
14 against the council expeditiously and it became apparent
15 that many, if not all the court cases might become
16 time-barred. During the period 1996 to 2000, some of
17 the survivors who were suing the council contacted the
18 council on a regular basis to express their concern and
19 dissatisfaction with their legal representatives. These
20 individuals were advised the council could not actively
21 assist them in suing the council, but agreed to alert
22 their solicitors to their clients' concerns. This was
23 done by a letter to the law firm representing those
24 former residents.'

25 And there's then a passage about further legal

1 actions, five court actions raised in late 2003, and
2 I think, in contrast to what's said earlier in this
3 report, they were raised in 2003 and then dismissed by
4 the Court of Session in 2005 on the grounds of time-bar.

5 So I think we can understand that the council's
6 hands were, at least in the financial sense, tied by
7 their relationship with their insurers?

8 A. Yes.

9 LADY SMITH: And I suppose at that time, when some thought
10 might have been given to a redress scheme, what wasn't
11 addressed was the possibility of making it available to
12 people on the basis they would waive any right they
13 otherwise would have to litigate, which, as you may be
14 aware, is an aspect of the current Redress Scheme --

15 A. Yes. Yes.

16 LADY SMITH: -- the Scottish Government Redress Scheme.

17 MR SHELDON: Thank you, my Lady.

18 At all events, if we read on in this report to
19 page 5, 'Present situation', it's noted that one of the
20 adult survivors, 8.1, who had been very active over the
21 years, made contact with the council again in 2007:

22 'His position was one of frustration and
23 disappointment in the system. This view was shared by
24 a number of other adult survivors who have expressed
25 their views throughout 2008. It is acknowledged that

1 those affected individuals will have had their lives
2 severely damaged, that such damage is likely to be
3 long-lasting, and to impinge on many areas of their
4 lives and their families' lives.

5 'Social work believes that the adult survivors were
6 badly let down whilst they were children in the care of
7 the predecessor local authority. Accordingly, it is
8 deemed appropriate for the council to be seen to take
9 some positive action to recognise the harm that has been
10 done. The recommended response is consistent with
11 current thinking on how society should respond to
12 institutional abuse of children.'

13 I just want to pause, looking at that paragraph. We
14 know, of course, that a payment scheme was set up. Are
15 you aware of any other similar scheme apart from the
16 government's Redress Scheme?

17 A. No.

18 Q. So this was, at least so far, and so far as you know,
19 unique?

20 A. Absolutely. And I think that's what -- there was much
21 discussion about how we could do something and what we
22 could do at the time, because it hadn't been done
23 anywhere else.

24 Q. Paragraph 8.5:

25 'In consideration of all the circumstances, there

1 was a strongly held view that a simple scheme should be
2 adopted. Any ex gratia payment made is not compensation
3 and does not and will not reflect the totality of abuse
4 suffered, but is to be seen as a recognition by the
5 council that this abuse occurred whilst the affected
6 individuals were children in care. It is neither
7 appropriate, desirable, nor practicable to ask adult
8 survivors to detail the abuse suffered and then for the
9 council to make an award based on such information.'

10 So in essence it was decided to give, as it were,
11 a flat-rate payment?

12 A. Yes.

13 Q. The same to all the survivors?

14 A. Yes, to ensure equity.

15 Q. Yes.

16 8.7, page 6:

17 'It should be noted that the ex gratia payments
18 would only be made to those known adult survivors who
19 disclosed abuse and in respect of whom there was
20 sufficient evidence to lead to charges being made
21 against Peter Harley. Accordingly, this would result in
22 20 adult survivors being eligible to receive
23 an ex gratia payment. In addition, each individual
24 would receive a written apology from the council for the
25 abuse they suffered.'

1 Now, in the event, Sheila, was the scheme widened
2 beyond the original 20 survivors --

3 A. Yes, it was.

4 Q. -- mentioned in this?

5 A. Yes, it was.

6 Q. What was the thinking behind that and how was that done?

7 A. There was an acknowledgement that not everyone would
8 have perhaps shared their story when the -- during the
9 criminal investigation, therefore there was
10 a possibility that there could have been others who were
11 subject to abuse who had never told their story or had
12 never shared any information, or had chosen not to share
13 it at the time of the criminal inquiry. So there was
14 an acknowledgement that there would, at this time, there
15 would be allowances for a further 20 and additional
16 monies were set aside to cover that, as you go on in the
17 report.

18 Q. The report, I think at 9.6, page 7, is perhaps at pains
19 to emphasise the council were not obliged to make any
20 payment, but having taken the legal advice, putting
21 matters short, it was decided that there was a general
22 power under the Local Government Scotland Act 2003, the
23 power to advance wellbeing, Section 20, to make
24 a payment in those terms.

25 Sorry, just the end of page 8, in summary, the

1 report indicates:

2 'Recognising all of the above, Dumfries and Galloway
3 Council have a responsibility as a corporate parent to
4 ensure that children in public care feel safe. Clearly
5 this was not the case for some children and young people
6 living in Merkland, who were failed badly by the very
7 people who ought to have protected them. It is in
8 recognition of the predecessor local authority's failure
9 to protect them and in order to respond constructively
10 and substantively to the wrong done to those children
11 that it is considered the right thing to make an ex
12 gratia payment to them.'

13 And we can see that there's then an indication that
14 this is prepared by Brendan Kearney -- 'Kearney',
15 'Kairney'?

16 A. 'Kearney'.

17 Q. -- yourself, and I presume signed off by
18 John Alexander --

19 A. Correct.

20 Q. -- the Director of Social Work.

21 And in fact the council did agree to that scheme
22 going forward?

23 A. It did.

24 Q. And indeed to a further, I think, public apology being
25 made.

1 If we could look briefly please at DGC-00000000577,
2 is this a press release which was --

3 A. Yes.

4 Q. -- issued at that time, about former Merkland Children's
5 Home, message to former residents. Talks about
6 significant harm having been suffered and:

7 'Dumfries and Galloway Council has recognised the
8 harm done and is taking positive action by publicly
9 apologising and making ex gratia payments of £20,000 to
10 each of the 20 adult survivors.

11 'In addition, it may be that other former residents
12 may now wish to come forward because they believe that
13 they should be considered for an apology and a payment
14 in the same way.'

15 And there is then I think a free phone line to call.
16 And was a letter also issued to survivors, repeating
17 an apology to them?

18 A. A letter was issued initially to the initial 20 who had
19 given evidence in the criminal case against Peter Harley
20 and who we did not debate what had taken place. They
21 were formally accepted that they would get a formal
22 apology, and they were the first 20 to get the formal
23 apology in a letter that was sent to them.

24 They did not have to justify or talk to anybody in
25 relation to what had taken place and we formally

1 acknowledged that they should each receive £20,000. And
2 so the first letter that went out was a letter of
3 apology directly to them, and the second letter that
4 went out to them was an acknowledgement that they were
5 eligible to receive the £20,000 and then we would
6 process their bank details and whatever, in order to
7 provide them with that £20,000.

8 Q. All right. You mentioned two letters, Sheila. Can we
9 look, I hope briefly, please, at DGC-00000000574.

10 This, we think, is a pro forma of one of those
11 letters. This one is dated 9 October 2009. Is this the
12 first or the second of those types of letter?

13 A. Could you scroll down, please, just to see a bit more?

14 Q. Scroll down.

15 A. Just hold on a minute. And if you could scroll down
16 further, my understanding is this is the first -- this
17 is the first letter.

18 Q. All right. So there was then a second letter?

19 A. There was a second letter, which would have a request
20 for bank details, sent out to each of the 20.

21 Q. All right. Thank you. Now, I think we understand that
22 as well as the payment, there was again -- I'm sorry,
23 I should ask you this first: you mentioned in that last
24 answer the idea that individuals who gave evidence at
25 Peter Harley's trial were, as it were, automatically

1 qualifying for the payment?

2 A. Yes.

3 Q. Now we know that there were a number of -- large number
4 of complainers on the indictment against Harley. Some
5 actually gave evidence and -- or were selected to give
6 evidence, and some were not.

7 How was that dealt with?

8 A. What we asked -- obviously the free phone number --
9 there was a number of newspaper advertisements for that
10 statement that you seen earlier, that went out in
11 a number of -- I think it went out in The Herald, it
12 went out in our local Standard, it went out in a number
13 of papers, asking people to, technically, they could
14 come forward.

15 And so for statements that were -- for -- for
16 statements that were not used, we would have expect --
17 we would ask -- we would have expected them to come
18 through the free phone number in order that we could
19 then follow that up.

20 I linked in -- we were very fortunate in Dumfries
21 and Galloway because in 2009 the investigating officer
22 that had been involved in, from the police perspective,
23 in the Peter Harley criminal case was still available in
24 Dumfries and Galloway.

25 Q. This was Andrea Stewart, is that right?

1 A. This was Andrea Stewart, yes, and it was agreed as part
2 of the working group that if there was to be any
3 verification of claims that came in, that that would be
4 dealt with by Andrea. Andrea would go out and meet with
5 someone, they would maybe give a bit of their story, she
6 would be able to check police records as to what the
7 original statement was in the original, and then between
8 us, we would be able to confirm whether they were
9 entitled to the payment or not.

10 It was a very simple process, and then we would have
11 fed that back to, Andrea would have fed that back to
12 her -- to the working group, which included police,
13 John Alexander, Brendan Kearney and myself, and then we
14 would formalise the payment of the £20,000.

15 Q. All right. So some of the, as it were, applicants for
16 the payments were interviewed?

17 A. Yes.

18 Q. Was there again any consideration of the issue of trauma
19 and, in particular, re-traumatisation of survivors?

20 A. Absolutely. And that was the reason that it was most
21 appropriate that it was Andrea that was able to do the
22 individual meetings with any of the former residents,
23 because some had previously met her before.

24 It also meant that technically they didn't have to
25 tell their whole story, because she actually had a very

1 comprehensive understanding of what took place at
2 Merkland, how it took place and the suffering of those.
3 Therefore, it was a much simpler process and it
4 technically wasn't a police interview as such, it was
5 very much a conversation that took place in which we
6 were able to ascertain the facts very quickly.

7 Q. Yes. I mean, I suppose if one was to make any -- well,
8 let me just put this to you: part of this process was
9 that, details having been received through the helpline,
10 those were passed to the police and the police would
11 then contact the residents. Was there any reservation
12 about having the police contact the residents directly?

13 A. I contacted the residents directly and -- well -- did I?
14 Did they come in to the helpline?

15 I think I contacted the residents directly to
16 confirm that the information would be passed to the
17 police.

18 Q. All right.

19 A. And that they were happy for their information to be
20 passed to the police.

21 Q. And --

22 A. Because the police would need to meet with a person, it
23 was Andrea that met with them, she would meet
24 individually with them, take a short statement, because
25 the whole idea of the ex gratia payments was it was to

1 be a simplified process. And everyone agreed, I didn't
2 have anybody that wouldn't agree to meet with Andrea and
3 then come back.

4 Clearly, it was to be police-led on that, because
5 she had been the investigating officer at the time of
6 the criminal convictions, therefore, had the knowledge
7 as to what were people saying with that.

8 Because some people who did come forward had already
9 met Andrea as part of the criminal investigation, but
10 had chosen at that point to not share their story, or to
11 not give a great deal of information, because they did
12 not want to be part of the criminal case against
13 Peter Harley at the time.

14 But when they were aware that we were supporting
15 an ex gratia scheme, then they were more willing to
16 consider a brief conversation with Andrea, so were able
17 to take that forward.

18 LADY SMITH: Sheila, the picture you present is of a local
19 authority, and I suppose a relatively small local
20 authority in the great scheme of things, but one that
21 was working in a way that the different agencies seemed
22 to have had good relationships and been able to
23 collaborate towards an agreed objective, which was for
24 the benefit of individual citizens; have I got that
25 right?

1 A. Absolutely. Absolutely. We were all signed up to
2 formally doing the right thing and to making this
3 process as simple but as transparent as it could be, and
4 as simple and minimising the contact between agencies.
5 So it would be fair to say, and you will be aware of
6 this from the reports, that it was kept very tight. The
7 working group was a very small working group and the
8 people on the ground who were doing the work was myself
9 and Andrea Stewart from the police. And we did have
10 administrative support, who was the secretary to the
11 Director of Social Work, so again it was kept very, very
12 support -- very close, and she was the person that would
13 send out the letters, because the letters were all
14 signed off by John Alexander.

15 LADY SMITH: With consistent, continuing commitment from the
16 same people?

17 A. Yes.

18 LADY SMITH: Within that small group?

19 A. Yes.

20 LADY SMITH: Thank you.

21 A. That continued until I left the council in 2023.

22 LADY SMITH: That's remarkable. Thank you.

23 Mr Sheldon.

24 MR SHELDON: My Lady.

25 Sheila, perhaps just to round off at least this part

1 of your involvement in the scheme, we can look at
2 another document, it's SGV-000016877. And this is
3 a report for the council dated 30 March 2010.

4 A. Yep.

5 Q. Again, is this a document that you had some input into?

6 A. I think Brendan and I did this one again, together.

7 Q. Yes. And we can take this fairly briefly. We see the
8 reason for the report is really to update members on the
9 ex gratia payment scheme. There's a report summary and
10 about -- just before halfway down, we're told:

11 'On 1 October 2009, the council made a public
12 apology to the group of former residents known to have
13 suffered abuse. The council also agreed to make
14 individual payments of £20,000 to each individual for
15 the harm they had experienced. As a result of this
16 decision, 47 former residents have come forward and
17 their cases independently evaluated. As a result, they
18 have been deemed entitled to receive a payment. The
19 members' concerns about the legal processes relating to
20 claims by former residents for compensation were raised
21 with the Law Society of Scotland.'

22 And the outcome of that discussion is noted in the
23 report.

24 So perhaps the headline of that summary is that in
25 fact in the end, there were 47 residents who received

1 payments?

2 A. In 2010, yes.

3 Q. Yes, and I think that number has gone up a little since

4 then?

5 A. It has.

6 Q. It's about 52 now? 51/52?

7 A. I was going to say 52/53, but, yes.

8 Q. All right, we can look at those numbers with Mr Morgan

9 tomorrow; I don't want to spend too much time on that.

10 But I think we see that the council had also raised

11 concerns about the legal process and indeed legal

12 representation of some of the former residents with the

13 Law Society?

14 A. Yeah.

15 Q. And indeed there were discussions with the Law Society

16 about that. Is that right?

17 A. Yes, that's correct. That was led by Brendan Kearney

18 Head of Legal Services.

19 Q. All right. And if we scroll, really right to the end of

20 the report, page 6. I don't want to go too much into

21 the detail of the discussions that were held. I think

22 in broad terms these were positive discussions, I think

23 that's how it's described in the report, is that right?

24 A. Yes.

25 Q. Were you at the discussions actually?

1 A. No.

2 Q. You weren't, all right.

3 A. No.

4 Q. But your colleague Brendan Kearney was?

5 A. Yes. There was -- mm, was there? Brendan spoke with
6 the Law Society -- my recollection is there was to be
7 a meeting with the Law Society but something -- I think
8 there was a Scottish Government visit that day, it
9 didn't happen. But Brendan was in discussions with the
10 Law Society and that was -- appeared, my understanding
11 is that that was positive at the time, although I don't
12 think it -- I'm not sure much was concluded from it at
13 the end of the day, but -- if that makes sense.

14 I don't think it changed anything. That's what
15 I'm trying to say.

16 Q. All right. Certainly we know that certain issues, such
17 as time-bar, were ones that the Law Society itself would
18 have had limited --

19 A. Yes.

20 Q. -- influence over?

21 A. Yes.

22 Q. But there was a consultation, I think, about that?

23 A. Absolutely, absolutely, oh, no, there was, definitely.

24 Q. Ultimately, we know that the law has been changed.

25 A. Yes.

1 Q. But on page 6 we're told one of the positive results
2 from the correspondence, that's between the council and
3 the Law Society, I think, meeting and discussions with
4 the Law Society:

5 '... has been to highlight the need for solicitors
6 to be better equipped to represent vulnerable groups or
7 vulnerable individuals.'

8 So should we understand that one of the concerns
9 about the representation that was given was that some
10 solicitors didn't really appear perhaps to appreciate
11 the difficulties in representing and interacting with
12 survivors of very traumatic experiences?

13 A. Absolutely. And I think just in the general engagement
14 of conversation, some people found it very difficult to
15 converse or communicate and there needed to be
16 consideration of time given. So whilst you might think
17 you've got half an hour, you might actually need two
18 hours. And that was a general consensus that I would
19 have said throughout all of the engagements with various
20 different people. Different people managed it in
21 different ways and had different skills and came from
22 a different standpoint in many ways, or had dealt with
23 their experiences in different ways and they evidenced
24 different elements of resilience. Whereas I think it
25 was very, very challenging for solicitors at that time.

1 Q. Yes. And I suppose the consideration of the need to
2 give additional time to some individuals might be
3 considered, at least by some solicitors, to be
4 problematic, given that they would likely be dealing
5 with Legal Aid.

6 A. Mm-hmm, yeah.

7 Q. So that is, as it were, an update on the scheme as it
8 was then. You have told us that there have been
9 payments since the payments up to 2010, so it's ongoing.

10 As far as you know, is it still ongoing?

11 A. It was never ended.

12 Q. All right. And can I just ask you this --

13 A. Or not to my knowledge. I've been away three years --

14 Q. All right, that's fine. No, we appreciate that.

15 A. -- so I need to just add that caveat.

16 Q. Just to be clear, were any conditions put on the
17 payment, for example, that if these survivors were to
18 accept the £20,000, they wouldn't then be able to raise
19 further actions?

20 A. No.

21 Q. They weren't?

22 A. No.

23 Q. No such conditions?

24 A. No, no.

25 Q. All right.

1 A. And we didn't ask whether they had received criminal
2 injuries compensation, that was not a consideration at
3 the time as well. Some did, some didn't, some would
4 freely give me that information, but that had no bearing
5 on the decision as to who received the ex gratia payment
6 or how much. Everybody got £20,000.

7 Q. All right. Thank you.

8 Now, Sheila, I understand from your statement that
9 you may have limited knowledge about this next document,
10 but I just want to ask you about it briefly. It's
11 SGV-000016651.

12 I'm sorry, I'll leave that. There's a problem with
13 that. It's perhaps of marginal assistance anyway.

14 Sheila, leaving the ex gratia scheme for the moment,
15 I think you also had some input into the collation of
16 the A to D response, the Section 21 response for
17 Dumfries and Galloway to this Inquiry.

18 I just want to ask you briefly about the issue of
19 records. This is page 9 of your statement, at
20 paragraph 29.

21 First of all, I dare say you must have become aware,
22 in preparing the response, that the records from
23 Merkland are extremely limited --

24 A. Yes.

25 Q. -- and in some respects non-existent. Did you find that

1 surprising as a practising social worker and social work
2 manager?

3 A. Yes, in that there -- I suppose one of the challenges
4 for social work is that you would have operational
5 social work files that were retained by social workers,
6 and you would have records or -- records pertaining
7 specifically to the residential children's home. And
8 those records pertaining to the residential children's
9 home would be kept at the residential children's home
10 and they wouldn't be in the childcare files.

11 So we had a number of childcare files pertaining to
12 those residents at -- operational childcare files for
13 those residents at Merkland, but the residential files
14 for Merkland were nil to zero.

15 Q. Yes, so no admissions and discharges register?

16 A. You would have got an admissions or a discharge within
17 an operational childcare file.

18 Q. So there would be a record of --

19 A. Potentially at the time.

20 Q. You would have a record of the individual child's
21 admission --

22 A. Yes, yes.

23 Q. -- and presumably discharge?

24 A. Yes. But in 1977 to 1982 it might not have -- it
25 wouldn't be as we would expect it to be today.

1 Q. All right. But from the knowledge that you have
2 acquired over the years, you would have expected
3 an establishment to have an admissions and discharges
4 register?

5 A. Should have been a book.

6 Q. A book, a logbook?

7 A. Yes.

8 Q. Of significant events in the life of the establishment?

9 A. Yes.

10 Q. And a file of notes about each individual child?

11 A. Yes.

12 Q. And --

13 A. Albeit they would have been brief, at that particular
14 time.

15 Q. Sure. Sure. But you didn't find any -- anything like
16 that.

17 There is a suggestion, and this is paragraph 29,
18 that the records had been burnt in a fire, we think at
19 Merkland itself, following the closure of the home.

20 Now, perhaps you can just tell us in your own words
21 what your knowledge of that is, presumably not personal
22 knowledge?

23 A. No, in a conversation with the previous child protection
24 officer, who'd had experience of Merkland prior to my
25 involvement in 2000, him and I had a conversation in

1 relation to did he see the result, did he see the --
2 locate the records from Merkland? And it was him that
3 advised me that following the closure of the house or
4 the house being sold, that he was aware that the records
5 had been burnt.

6 Q. All right, this was Alistair McGougan?

7 A. Yes.

8 Q. All right. And did he give you any further detail or
9 explanation about how that came to be the case?

10 A. No, just that the owners, I think, had come across them
11 and he was told that they were old papers and that
12 they'd been burnt.

13 Q. All right. But we know that when Merkland was closed,
14 children remaining there were transferred to a new
15 children's home called Ladyacre, is that right?

16 A. Yes.

17 Q. Would you have expected at that point that the records
18 from Merkland would have been transferred over to
19 Ladyacre's?

20 A. No.

21 Q. Why not?

22 A. Because they would have been retained specifically for
23 the children's home to which the children were in at
24 that time and then, on the whole, would have been
25 archived separately.

1 Q. All right. So what would you have expected to happen to
2 them on the closure of Merkland Children's Home?

3 A. That they should have been archived.

4 Q. Centrally within --

5 A. Centrally within Dumfries and Galloway.

6 Q. -- Dumfries, presumably. All right. But if the
7 explanation about the papers being burnt is correct,
8 then that would suggest that they'd been left in
9 Merkland, if there were any records?

10 A. If there were any records. I think that is -- that was
11 a very good question and from what I could -- from my
12 reflection of reading or reviewing some of the childcare
13 Merkland files, and from discussions that I have had
14 with some ex-residents, I think they would be very
15 minimal records that were kept. But that's --
16 I'm hearing that from different sources and I don't have
17 any direct experience of that personally.

18 Q. We understand.

19 So, Sheila, I've asked you a number of questions
20 about a number of documents and thank you for your input
21 on those.

22 My Lady, I think one last question really for Sheila
23 before we break.

24 Sheila, you have had significant experience and
25 a varied career in social work.

1 I just want to ask you this: for your reflections on
2 the changes that you've seen over that time,
3 particularly in relation to child protection, and if you
4 have any thoughts on how child protection could still be
5 improved, then we would be very interested in that.

6 I know it's a big question, but just in a --

7 LADY SMITH: High-level.

8 MR SHELDON: Yes.

9 LADY SMITH: Don't worry, I don't need a thesis.

10 A. I think there have been significant changes in social
11 work practice since the 1980s. And I can actually give
12 that comment having worked in a number of local
13 authorities over that period of time. And I think,
14 I think we need to continue to be vigilant as to what
15 the risks are for children and young people, and we need
16 to continue to have forums in which they can share their
17 views -- that's maybe not really helping from
18 a strategic perspective, from a strategic perspective.

19 There are many challenges within frontline social
20 work and there are many challenges within residential
21 childcare. Residential childcare today is very
22 different to residential childcare in the 1980s. And
23 I'm saddened to say that children who are also being
24 accommodated in residential childcare establishments
25 today are very different, with very different traumatic

1 needs to -- coming into care, to children that are
2 coming in today, and there are many more challenges for
3 residential care and for field social work to manage in
4 this day and age that present a lot of challenges for
5 frontline workers to actually manage in their day-to-day
6 work.

7 LADY SMITH: Sheila, can you give me a practical example?

8 A. I think a practical example would be caseload numbers in
9 social work services and there are -- there will be many
10 social work workers who have over and above the number
11 of what you would deem to be an acceptable caseload.
12 And they -- that in itself is very challenging. It is
13 very frustrating as a social worker if you're trying to
14 do everything and you just don't have enough hours in
15 the week or enough time. And if you've got vulnerable
16 children that you need to see, then you need to see; are
17 you able to spend as much time with those children as
18 you really should be? It's a question. It doesn't
19 apply to all social workers, but I do think that the
20 caseload numbers in itself will be challenging for any
21 local authority, and particularly Dumfries and Galloway,
22 I'm going to say, over the years, because the number of
23 children who are required to be accommodated is
24 increasing year on year.

25 Q. And I suppose, Sheila, that if social workers are under

1 pressure in the way that you suggest, and there's
2 a feeling perhaps that they're rushed in what they're
3 doing, then that is a problem for children in
4 interacting with the social worker to talk, to share, to
5 conceivably disclose, if that's what is required?

6 A. Yes.

7 And the other -- from a strategic planning
8 perspective, I would also say that the provision of
9 resources. There are limited provision of resources.
10 The foster care numbers within local authorities has
11 diminished, or did diminish year on year, and we end up
12 having to pay for private independent providers, both in
13 fostering and in residential care, and with that come
14 challenges, because those -- not all those private
15 independent providers are located within our region.
16 They could be located throughout the whole of Scotland
17 or England.

18 And therefore, if you are an operational field
19 social worker with responsibility for a child in, let me
20 give you an example of in Lancaster, then you have --
21 there are certain statutory duties that you have to
22 perform for that child. But again, the time and the
23 commitment to be spending and following through on that
24 is challenging for everybody. It's challenging for the
25 child, it's challenging for their parents, it's

1 challenging for the service as a whole.

2 And I think these are -- that's I think three
3 strategic planning perspectives that I would come up
4 with off the top of my head, and if I'd had that
5 question in advance, I could have provided you a list.

6 MR SHELDON: That's all right. Thank you very much.

7 LADY SMITH: Sheila, thank you. You have given us much food
8 for thought and thank you for all the help you've given
9 us on your involvement with Merkland. It's been so
10 valuable, I'm very grateful to you, and I'm now able to
11 let you go, just five minutes later than I said I would.

12 A. Thank you, my Lady.

13 LADY SMITH: I hope that doesn't inconvenience you. Safe
14 journey home.

15 A. Okay, thank you.

16 (The witness withdrew)

17 LADY SMITH: I'll rise now for the lunch break and sit again
18 at 2 o'clock. Thank you.

19 (1.06 pm)

20 (The luncheon adjournment)

21 (2.00 pm)

22 LADY SMITH: Good afternoon. Now, we turn to another
23 witness who I think is ready; is that correct,
24 Mr Sheldon?

25 MR SHELDON: That's correct, my Lady.

1 The next witness is anonymous and is known as 'Ann'
2 and she is giving evidence via a Webex live link.

3 LADY SMITH: Thank you very much.

4 MR SHELDON: Oh, and my Lady, I'm sorry, she is a witness
5 who requires a warning.

6 LADY SMITH: She needs a warning, yes. Thank you.

7 'Ann' (sworn)

8 (Evidence via videolink)

9 LADY SMITH: 'Ann', thank you very much for joining us over
10 the link this afternoon. It's very helpful that you're
11 able to do so. And thank you also for having provided
12 your written evidence in advance. That's already
13 evidence before me and it's been so helpful to be able
14 to study it before engaging with you today.

15 We're not going to go through it word for word,
16 because of that, that we've already been able to see it,
17 but there are some specific aspects that, if we may,
18 we'd like to discuss with you.

19 As we go through it, you'll have the statement
20 available to you, of course, and you're very welcome to
21 use it if you'd find that useful. But you don't have
22 to. It's up to you.

23 The way I normally work in the afternoon, 'Ann', is
24 to start now and then run through to a short break at
25 about 3 o'clock, but if you want a break before then,

1 please don't hesitate to say. That's not a problem.

2 Just ask.

3 Can I also assure you that I do appreciate we're
4 asking you to go back quite a long time in your memory.
5 We're now at 2026 and we're going to take you back to
6 the period that you were working at Merkland Children's
7 Home in the late 1970s and early 1980s, and I appreciate
8 that's not exactly yesterday.

9 So don't worry if some things are not as clear in
10 your mind as others. Just do the best that you can.

11 One other thing to mention, 'Ann', is that this is,
12 as you know, a public Inquiry, so it's different from
13 a court proceeding, but that doesn't mean that you are
14 not able to have the protections that you would have in
15 a court. Exactly the same protections are available to
16 you here as they would be if it was a court.

17 Now, that means that if you're asked any question
18 the answer to which could incriminate you, you don't
19 have to answer it. It's your choice. If you do answer
20 it, I expect you to answer it fully and you need to
21 appreciate that the answers, just like the rest of your
22 evidence, are being put into a transcript that's being
23 made contemporaneously and will be published and
24 available in due course.

25 So the short thing to remember is that if it's one

1 of those questions, you have a choice, you're not
2 obliged to answer it. If you are in any doubt as to
3 whether we're asking a question of that type, please
4 just say and we can confirm one way or the other.

5 Does that all make sense?

6 A. Yes, it does.

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

9 A. Thank you.

10 LADY SMITH: Thank you.

11 Questions from Mr Sheldon

12 MR SHELDON: Thank you, my Lady.

13 Good afternoon, 'Ann'.

14 A. Good afternoon.

15 Q. A couple of pieces of admin, not for you to worry about,
16 but for our records. The reference number for your
17 statement is WIT-1-000001743.

18 'Ann', if you could turn, please, to the last page
19 of your statement, it's page 27, and I think at
20 paragraph 149 you say:

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

25 And is that the case, 'Ann'?

1 A. Yes.

2 Q. And I think you've signed the statement and that was in
3 February 2026?

4 A. Yes.

5 Q. Thank you. You can turn to the start of your statement
6 again then.

7 And I think, first of all, I don't need your precise
8 date of birth, but I think you were born in 1960, is
9 that right?

10 A. Yeah.

11 Q. All right. And you tell us upfront, as it were, that
12 you were previously employed at Merkland Children's Home
13 in Moffat Secondary Institutions - to be published later
14 and by Dumfriesshire Council, is that right?

15 A. Yes, that's correct.

16 Q. All right. You go on to tell us a little bit about
17 Merkland, that it's a children's home in the town of
18 Moffat, Peter Harley was responsible for running it.
19 And, at paragraph 5, you say you don't know how Harley
20 got the job at Merkland and you say:
21 'I would assume it was through the newspaper.'
22 First of all, why that assumption? Why did you
23 think it might have been through the newspaper that he
24 got the job?

25 A. Well, I couldn't think of any other way. I mean --

1 Q. Is that -- I'm sorry. Is that how it was done in those
2 days?

3 A. I assume so.

4 Q. All right.

5 LADY SMITH: Would that be a local paper?

6 A. Erm, no, I remember there was a paper called 'The Lady'.
7 LADY SMITH: Oh, yes, that's a magazine.

8 A. Yeah, and they advertise for all sorts of different
9 jobs. Now, it wouldn't have been in there, but I assume
10 that it would be in some kind of newspaper.

11 LADY SMITH: Ah, right, okay. Thank you.

12 MR SHELDON: And you go on to say in that paragraph, 'Ann':
13 'I don't know if he had any childcare
14 qualifications. I wouldn't ask such a thing.'
15 Now, the answer to that may be obvious, 'Ann', but
16 just for our purposes, why was it something that you
17 wouldn't ask?

18 A. 'Cause I was 18 and it wouldn't have entered my head to
19 ask --

20 Q. All right. You felt --

21 A. -- such a question of an adult.

22 Q. All right, you felt it really just wasn't your place at
23 that time?

24 A. Yeah.

25 Q. All right. So, I mean, you've mentioned that you were

1 18 at the time, I think at the time you got the job.
2 Perhaps you can just talk us through how you got the job
3 at Merkland and, indeed, when that was?
4 A. It would have been the year I was 18, so that would be
5 1978. We had moved -- my family had moved from a place
6 called Hardgate up near Clydebank, down to the [REDACTED]
7 in [REDACTED] and it was [REDACTED], or [REDACTED]
8 [REDACTED], and Peter Harley's [REDACTED], was
9 interested in ponies and horses and I think that's how I
10 originally met him. And I used to go maybe one
11 afternoon or one evening a week as a volunteer to the
12 children's home.
13 Q. Was that Peter Harley's idea?
14 A. I really can't remember.
15 Q. All right. But that's what happened, you started off
16 volunteering.
17 A. Yeah.
18 Q. And then you tell us --
19 A. And then a little --
20 Q. Sorry, go on?
21 A. A little job came up.
22 Q. All right.
23 A. And they suggested that I apply for it. It was a little
24 part-time job. So I did. Well, I said that I would
25 like it. I can't actually remember applying for it, but

1 I was interviewed and I got the job.

2 Q. All right. What was the job, or what did you understand
3 the job to be at that time?

4 A. To look after the children --

5 Q. To look after -- sorry, go on?

6 A. Well, I would start -- I think I started at 4 o'clock.
7 So they would be coming from school, so I would help
8 with any homework, not that I remember they got an awful
9 lot of homework, however. And then it would be teatime
10 and then we would have the dishes and everything to do
11 and then there would be maybe some activity, and then
12 I would finish at 10 o'clock when the kids went to bed.

13 Q. Did anyone, I mean, for example, Peter Harley, ever sit
14 you down and say: 'Here is what we expect of you, these
15 are your duties, and these are the hours you'll work',
16 and so on?

17 A. He would have told me what hours I would work, but
18 nothing about duties. It just -- we all just kind of
19 fitted in.

20 Q. All right. It was just understood --

21 A. You know, teatime was 5 o'clock and the next thing after
22 teatime was getting everything cleared away.

23 Q. All right. Were there any other staff members in
24 Merkland at that time that you were learning from, that
25 were telling you what the routine was and showing you

1 what happened and when?

2 A. Erm, no. I mean, there were other staff, yes, but we

3 had a laundry woman, we had two cleaners, we had a cook,

4 so it was basically supervising the children.

5 Q. All right. You tell us a little bit about the staff,

6 other staff, at paragraphs 16 and 17. You say it's

7 difficult to say how many staff were on duty at any time

8 in Merkland, because Peter Harley [REDACTED] lived in,

9 but [REDACTED] always downstairs, so [REDACTED] always --

10 Peter [REDACTED] always, as it were, on the

11 floor in the home, is that right? At least when you

12 were there?

13 A. Usually.

14 Q. All right.

15 A. Usually. Or at least one of them.

16 Q. Okay. And at paragraph 17, you say:

17 'Regarding the other staff, there was Janet who

18 was the housemother.'

19 Is that the laundry woman that you were talking

20 about a moment ago, or is that someone different?

21 A. No, no, that's somebody different.

22 Q. All right.

23 A. Janet was the housemother, which was her title back

24 then, and she lived in.

25 Q. Now, first of all, I think we understand that Peter [REDACTED]

1 ██████████ lived upstairs in Merkland, ██████ lived in
2 the house as well?

3 A. Mm-hmm.

4 Q. And you're saying that Janet also lived in the house?

5 A. Yep.

6 Q. Where did she live?

7 A. Well, Peter ██████████ lived in the attic ██████████
8 ██████████, and Janet would be on the first floor
9 where the girls' bedroom was.

10 Q. All right.

11 A. And the second floor would be where the housefather
12 slept, and that was the bedrooms for the boys.

13 Q. All right. When you say the first floor, do you mean
14 the floor at ground level or the floor one up?

15 A. It was a weird building, okay. When you went to the
16 front door, that was the first floor.

17 Q. Right.

18 A. But if you went to the back door, then you were in the
19 basement where the laundry, the kitchen, the boot room,
20 a toilet, a scullery and the dining room were.

21 Q. All right. So there's a basement, then, as it were, the
22 front entrance level, which you've described as the
23 first floor, and then a second floor and that's where
24 Janet lived?

25 A. No, Janet was on the first floor.

1 Q. Oh, I beg your pardon, I'm sorry, yes, you did say that.
2 That's my fault. So she's on the ground level, entrance
3 level?
4 A. Yeah.
5 Q. And then the -- and that's where the girls are, the
6 girls sleep?
7 A. Yeah.
8 Q. The boys are on the second floor?
9 A. Yeah.
10 Q. One up from the office and so on?
11 A. Yeah.
12 Q. And then there's -- is the next floor the attic level
13 that you've talked about?
14 A. Yes.
15 Q. All right. Thank you.
16 You mention another staff member called Alison who
17 was full-time and also slept in, is that right?
18 A. Yeah. When Janet left --
19 Q. I see, all right.
20 A. -- then Alison came.
21 Q. Okay. So she, as it were, stepped into Janet's shoes?
22 A. Yeah.
23 Q. All right. And you mention a man called Brian,
24 a part-time housefather and part-time gardener, so he
25 split his time between the house and the garden?

1 A. Yeah.

2 Q. Okay, and a male member of staff called Gerard. What
3 function did he perform?

4 A. He was a housefather.

5 Q. All right. And did he live in or live out?

6 A. Live in.

7 Q. All right. Where did he live?

8 A. On the second floor, where the boys were.

9 Q. Right. Okay. So he had a room up there?

10 A. Yeah.

11 Q. Was he there throughout your period in Merkland?

12 A. No.

13 Q. When did he arrive and leave?

14 A. Now, when I first went there, there was a man called
15 **PXG**.

16 Q. This is --

17 A. And --

18 Q. -- **PXG**, **PXG**, I think, is that right?

19 A. Yeah, and he would have slept on the second floor.

20 Q. Right. And you think --

21 A. But he didn't --

22 Q. Go on, sorry.

23 A. He didn't seem to last long and then I think it was --
24 was it Gerard next, and he didn't last long.

25 Q. Okay.

1 A. There was somebody -- I'm sure there was another one and
2 I can't remember his name. But he didn't last long.

3 Q. All right.

4 A. And then there was Bill -- was his name Bill?

5 Q. Bill Mathieson, I think, is the name you give in your
6 statement.

7 A. Yeah.

8 Q. So this --

9 A. And he lasted long.

10 Q. He did or he didn't?

11 A. He did.

12 Q. He did. All right.

13 A. He was there till the building closed, I think.

14 Q. Okay. But should we take it then that during the period
15 of time that you were there, and that's 1978 to the
16 closure of the building and we know that's 1982, there
17 were three male members of staff who were in post and
18 then weren't and the turnover, in other words, was high?

19 A. Mm-hmm.

20 Q. So how long, roughly, did each member of staff, each of
21 these members of staff last, can you remember?

22 A. I really don't know. I can't remember.

23 Q. Did you have any understanding of why they hadn't lasted
24 long, why they'd been --

25 A. No.

1 Q. Well, and if they were asked to leave or whether they
2 just resigned?

3 A. I've no idea.

4 Q. All right. You talked a bit about the domestic staff
5 and you then go on at paragraph 22 to talk about
6 training at Merkland and you've already told us that you
7 didn't get any training.

8 A. No.

9 Q. I think we understand that really you just learned on
10 the job, is that right?

11 A. Yeah.

12 Q. And you say you weren't aware of any policies at
13 Merkland, you didn't get a job description, and you've
14 already mentioned that your interview process, you deal
15 with that in your statement earlier, that the interview
16 process itself seemed informal, no references were
17 required and so on?

18 A. Hmm.

19 Q. So -- and this may not have occurred to you at the time
20 but, looking back, does it seem as though the whole
21 set-up was pretty informal?

22 A. Yeah.

23 Q. And looking back, did that surprise you at all, or was
24 that just how it was in those days?

25 A. That's just how it was. It was like one big house full

1 of children.

2 Q. How many children were there?

3 A. I think it took up to about 14?

4 Q. And I think we know the answer to this because you've

5 mentioned the girls being there, but what was roughly

6 the ratio between girls and boys at Merkland?

7 A. Oh, there was always more boys.

8 Q. Always more boys?

9 A. Yeah.

10 Q. All right. You say at paragraph 24, this is page 5,

11 that you never got told why children were at Merkland or

12 where they went when they left. You say:

13 'I think I once asked where they had gone to and

14 I was told it was none of my business.'

15 Who told you that?

16 A. That would have been Peter Harley.

17 Q. All right.

18 A. He dealt with everything.

19 Q. Yes, tell us about Peter Harley. I mean, what were your

20 first impressions of Peter Harley, 'Ann'?

21 A. Nice man. Good with the kids. He had a minibus and if

22 he was going anywhere, the minibus was always full of

23 kids, usually boys.

24 Q. You've said that he was good with the kids. In what way

25 was he good with the kids, 'Ann'?

1 A. Erm, having a laugh, taking them out and about. He was
2 just -- he just came across as a very kind man.

3 Q. All right. You said that he would go out in the
4 minibus, usually with the boys. Do you remember him
5 doing anything with the girls?

6 A. No, JDW really dealt with the girls.

7 Q. All right.

8 A. And the female members of staff.

9 Q. All right, but particularly JDW --

10 A. And would usually -- sorry?

11 Q. Particularly JDW, you think?

12 A. Yeah, she was very art-and-craft and there was always
13 something on the go.

14 The two things I can really remember, because I was
15 rubbish at them, was she got an engraver and like every
16 glass in the place got engraved.

17 Q. Engraved with what?

18 A. Flowers, all sorts.

19 Q. All right.

20 A. Their names. And then there was a big kind of thing
21 about rag carpets, where you got a bag full of rags and
22 a sort of grid thing and you made carpets.

23 Q. Okay. Were these activities --

24 A. There was always something.

25 Q. Were these activities that she did with the girls or

1 were those her hobbies?

2 A. Yeah.

3 Q. Well, sorry --

4 A. Yeah, we all did them.

5 Q. You all did them. All right.

6 You say, again, that there wasn't any instruction on

7 child protection, complaints, restraints, discipline,

8 record-keeping and so on. Were you aware of any

9 record-keeping going on?

10 A. There was a book for the -- the belt book.

11 Q. Right. What was the belt book?

12 A. So -- well, Peter Harley, if he belted one of the kids,

13 for whatever reason, it would have to be written down in

14 the belt book.

15 Q. Were there any other books that you -- sorry, first of

16 all, I should ask you, did you see him filling in the

17 belt book?

18 A. Erm, I did pass it to him once.

19 Q. Right. Did you look in it?

20 A. No.

21 Q. All right. But that's what you understood it was, that

22 was the belt book?

23 A. Well, what he said to me was: 'Go to the top drawer of

24 the filing cabinet and get me the belt book'.

25 Q. Okay.

1 A. So I opened the filing cabinet and that's all that was
2 in it.

3 Q. Okay. Just that one book?

4 A. And I think that's why I kind of remember it.

5 Q. Okay. All right. So you didn't see anything like
6 a logbook or anything of that sort?

7 A. Yeah -- no. There would have been a pocket money book,
8 but that would be in the desk with the pocket money tin.

9 Q. Right, so this was a separate location where the pocket
10 money book was?

11 A. Yeah, it was -- it's the same room, it's the office, but
12 there was this great big desk and it was always locked.
13 In fact, the office was always locked.

14 Q. Right. So the belt book was in the top drawer of this
15 desk, but were there other drawers, was there other --

16 A. No, the belt book was in the top drawer of the filing
17 cabinet.

18 Q. I see, all right. Presumably there were a number of
19 drawers in the filing cabinet?

20 A. I think at least three.

21 Q. Yes. But to your recollection, did you ever see in any
22 of the other drawers in the filing cabinet or indeed in
23 the desk?

24 A. No.

25 Q. Did anyone ever mention something like a logbook being

1 kept, someone saying --

2 A. I never saw.

3 Q. Did anyone ever say something like: oh, this happening,
4 this incident should be entered into the logbook?

5 A. No.

6 Q. All right. And when children came first to the home,
7 were you aware that there was any system of recording
8 that they'd come to the home?

9 A. No.

10 Q. Or, indeed, when they left, were you aware of any record
11 being kept of that?

12 A. No.

13 Q. Okay. So, so far as you knew, the belt book was the only
14 record that was being kept at Merkland at that time, so
15 far as you knew?

16 A. Yeah. Well, apart from the pocket money book, yeah.

17 Q. Okay. And at page 6, paragraph 31, you talk about the
18 leadership style of Peter Harley. You say:
19 'He was in charge and that was it.'

20 A. Well, yeah.

21 Q. Can you just give us a bit more detail about that and
22 some more idea of how that -- how you came to conclude
23 that 'he was in charge and that was it'?

24 A. Because he was the officer in charge. He was the
25 manager, and JDW became SNR.

1 Q. I think what I'm getting at, 'Ann', is what was his
2 manner, in carrying out tasks around the home, in
3 directing people to do things, in directing children to
4 do things? What was his manner, what was his demeanour,
5 how was he, in other words?

6 A. Quite quiet. Like I say, most of the stuff was done by
7 the laundry woman, the cook, the house cleaners. It
8 just really ran like clockwork.

9 Q. You've already told us that with the children
10 Peter Harley seemed quite a kind person. Did he also
11 seem that way with the staff?

12 A. Yes.

13 Q. How about with JDW, how did he interact with JDW
14 JDW ?

15 A. I can't -- I cannot remember them arguing.

16 Q. Would you ever have described Peter Harley as
17 controlling, at least in terms of what you saw?

18 A. What do you mean by 'controlling'?

19 Q. Conveying to someone, by verbal means or otherwise,
20 that -- perhaps I'm paraphrasing, but: 'It's my way or
21 the highway, you have to do this'?

22 A. I never experienced that.

23 LADY SMITH: What about this, 'Ann': if you think of the
24 colloquialism 'under his thumb', was she under his
25 thumb?

1 A. JDW ?
2 LADY SMITH: Yes.
3 A. No.
4 LADY SMITH: Would she dare do anything that he didn't want
5 her to do?
6 A. Erm, I never saw that, but she was quite a strong person
7 in herself.
8 LADY SMITH: Do you think she could have challenged him?
9 A. I think -- I think probably she would have. I never
10 witnessed any of it, but, like I say, she always came
11 across as a strong person.
12 LADY SMITH: Okay. Thank you.
13 MR SHELDON: Perhaps you can tell us a bit more about that,
14 'Ann'. You say she came across as a strong person, what
15 makes you say that?
16 A. It's just the way that she presented herself, very
17 confident. She just knew what she wanted and what she
18 wanted to do.
19 Q. All right. What age would she have been at this time?
20 A. Oh, gosh --
21 Q. Did she seem young, vulnerable at all to you, or mature
22 and adult?
23 A. Mature and adult.
24 Q. How was she with the children?
25 A. Fine. Yeah. Like I say, we really dealt with the girls

1 mostly. We all ate together and we all mixed at the
2 table.

3 Q. So that would be girls and -- girls, boys and staff?

4 A. Oh, yeah. Yeah, everybody sat down together.

5 Q. Okay. Would -- I think you said that Peter Harley would
6 have quite a lot of interactions with the boys. He
7 seemed to concern himself perhaps more with the boys
8 than the girls.

9 What about JDW , did she have to do with the boys
10 as well as the girls?

11 A. Well, she would have had something to do with them, but
12 when Peter Harley was around or Bill or one of the other
13 male members of staff, they would mainly deal with them.
14 But it was -- they might have had their own clubs after
15 school. I think some of them might have gone home at
16 weekends.

17 Q. At all events, you tell us, paragraph 33 in your
18 statement, your first impression of Merkland was that it
19 was a happy house, kids would be playing:

20 'I can't remember there being a lot of noise.'

21 What made you think it was a happy house? Did the
22 children seem happy?

23 A. Yes.

24 Q. Right. Were there ever any incidents that you witnessed
25 where children were scolded, shouted at, punished,

1 physically punished?

2 A. I only saw one boy getting the belt, and I really found

3 it quite distressing and I asked not to be a witness to

4 it anymore.

5 Q. Peter Harley had asked you to witness it, is that right?

6 A. Oh, yeah, if he was giving the belt it had to be

7 witnessed and that would be written in the belt book,

8 I assumed.

9 Q. All right. How -- on this occasion, how many times did

10 Peter Harley strike the boy with the belt?

11 A. I really -- I can't remember.

12 Q. All right. And you tell us in your statement this was

13 being struck on the hands, is that right?

14 A. Yeah.

15 Q. You didn't see --

16 A. Oh, it was just like at school.

17 Q. All right.

18 LADY SMITH: Can we have a paragraph number for that,

19 Mr Sheldon?

20 MR SHELDON: Sorry, my Lady, yes, it's paragraph 57,

21 page 10.

22 LADY SMITH: Thank you.

23 MR SHELDON: 56 and 57, my Lady.

24 LADY SMITH: Thanks.

25 MR SHELDON: But, yes, I perhaps diverted us from the house

1 in general. Were there any disturbances, any incidents
2 of the kind I've talked about, where children were
3 shouted at, scolded, physically punished, just in the
4 normal course of the day, as it were?

5 A. Not that I'm aware.

6 Q. All right. Even boys being shouted at, you didn't see
7 that happening?

8 A. No, not -- I can't remember Peter Harley lifting his
9 voice.

10 Q. All right. How did you find him in your interactions
11 with him? Did you find him easy to deal with?

12 A. Yeah.

13 Q. Or was he someone that you treated with caution?

14 A. No, I did not treat him with caution. I got on okay
15 with him.

16 Q. All right. I think your evidence really is that so far
17 as you were concerned, he didn't give you a reason to
18 treat him with caution, is that what you're saying?

19 A. Yes. But I only worked part-time.

20 Q. Yes, I think you told us that you worked from 4.00 in
21 the afternoon until 10.00 at night?

22 A. Yeah, one night would be maybe 9.30 pm. Something in my
23 head says I worked 19-and-a-half hours. Now,
24 I definitely worked a Saturday or Sunday, alternate, and
25 I think two evenings, to make up the 19-and-a-half

1 hours.

2 Q. And was that always the case during your period at
3 Merkland, you worked those hours all the way through
4 your time there?

5 A. Yeah. The only time I didn't was when Peter [REDACTED]
6 [REDACTED] went on holiday.

7 Q. Right.

8 A. And I stayed in the building.

9 Q. Okay. How did you find that? Did the atmosphere seem
10 different when [REDACTED] were away or was it really just the
11 same?

12 A. Exactly the same.

13 I didn't like staying. It was a bit spooky.

14 Q. Okay.

15 A. It was a big old building.

16 Q. Did any of the boys or girls talk about JDW or Peter?

17 A. No.

18 Q. Still thinking about Peter and JDW and their
19 interactions with the children, you talk at
20 paragraph 40, page 7, about, this is in the context of
21 leisure time, and leisure activities. You say,
22 paragraph 40:

23 'If Peter Harley was taking the minibus out, half
24 the children would be in the minibus before he got
25 there. The boys seemed to be out an awful lot in the

1 minibus with Peter. I don't know where they went.
2 I didn't ask. My job was to look after the girls.'

3 So in saying half the children would be in the
4 minibus before he got there, well, what did you take
5 from that about the children's attitude to the trip?

6 A. That they were happy, that they wanted to go.

7 Q. Did you ever go on any of these minibus trips?

8 A. I was in the minibus, but not on the trips.

9 Q. Right.

10 A. And I can't remember why I would be in the minibus.

11 Q. Okay. You can't remember the context of that?

12 A. No.

13 Q. Were there other children on the bus at the time?

14 A. Yeah, there would have been.

15 Q. Okay. But you can't remember what the occasion was?

16 A. It could have been just simply going to the Co-op.

17 Q. All right.

18 A. Or the park.

19 Q. You've said that it seemed like a happy place, that the
20 interactions that you saw seemed to be, and
21 I'm paraphrasing, but they seemed, I think to you, to be
22 benign? There was nothing odd about it, is that right,
23 or did you ever see Harley behaving in ways which,
24 looking back now, you think were a little bit odd?

25 A. No, I can't think of anything odd.

1 Q. Did he ever, for example, put his hand down the back of
2 boys' trousers and pull their underpants up?
3 A. Oh, now, I did -- did I see that? Or did I just know
4 about that?
5 LADY SMITH: Well, you have mentioned it in your statement,
6 'Ann'.
7 A. Yeah.
8 MR SHELTON: Can you tell us what you remember about that,
9 please?
10 A. Oh, I'm not sure. He could have done. I can't picture
11 it in my head.
12 Q. Sorry, you can or you can't?
13 A. I can't.
14 Q. All right.
15 A. But something about it rings a bell.
16 Q. Did he put his hand down the back of boys' trousers,
17 pull their underpants up and then pull their underpants
18 over the waistband of their trousers so they caught
19 their foot on the elastic?
20 A. I --
21 Q. And ostensibly he was doing that as a joke, is that
22 something you remember him doing?
23 A. I would -- something about it is ringing a bell, but
24 I can't remember.
25 Q. All right. Do you remember speaking to the police in

1 1995?

2 A. Yes. I was traumatised.

3 Q. Why were you traumatised, 'Ann'?

4 A. Because the news of Merkland had just broke.

5 Q. All right.

6 A. And it was quite a shock.

7 Q. And when you were speaking to the police, and I suppose

8 this was really only 13 years after you'd left

9 Merkland --

10 A. Mm-hmm.

11 Q. -- would it be fair to say that what you told the police

12 is likely to have been accurate?

13 A. I would think so.

14 Q. And you were telling the truth --

15 A. I don't know, I've never read the statement.

16 Q. All right.

17 A. And I didn't sign any statement.

18 Q. Okay. You say in the statement that we've seen that:

19 'I remember Peter Harley used to put his hand down

20 the back of boys' trousers and pull their underpants up.

21 He did this as a joke. He would then pull their

22 underpants over the waistband of their trousers and

23 catch their foot on the elastic. This would immobilise

24 the boy completely. Although he did this as a joke,

25 with hindsight, I think it was a bit peculiar.'

1 Do you recall saying that?

2 A. I must have said it if it's in the statement.

3 Q. All right. And looking back, if that is right, if

4 that's what Harley was doing, would you agree that that

5 does sound a bit peculiar?

6 A. Er, yeah.

7 Q. All right. But there was -- and I think you're telling

8 us, and please tell me if I'm getting this wrong, 'Ann',

9 I think you're telling us that really at the time, at

10 the time, there was nothing in particular about

11 Peter Harley's interactions with the children that you

12 thought were odd or suspicious?

13 A. Apart from obviously what I said in 1995, which I can't

14 remember.

15 Q. All right.

16 A. Although it does ring a bell.

17 Q. It does ring a bell. Okay.

18 LADY SMITH: Can you help me understand what you remember

19 going -- was going on there?

20 A. I can't, I'm sorry. I remember -- I must have said it

21 because it's in the statement somewhere, but that was

22 back in 1995.

23 LADY SMITH: I get the picture of him putting his hands down

24 boys' trousers, yanking their underpants right up, so he

25 then folded the top of the underpants over the waistband

1 of their trousers. But it's then what you say about it
2 was so that they then caught their foot on the elastic,
3 which would immobilise them. Does that mean the boys
4 were on their backs at the time or what? How would
5 their foot end up in the elastic around their waist?

6 A. Well, I don't know. Did he lift their leg up and put it
7 on?

8 LADY SMITH: Well, I just wondered if it was something like
9 that you were describing to the police, because it seems
10 quite a precise description that they've taken down from
11 what you said. It could be.

12 A. Yeah.

13 LADY SMITH: Yes. Thank you.

14 MR SHELDON: All right.

15 Back in your own statement, the statement you gave
16 to us, you talk about, this is page 8, paragraph 44,
17 going to Kilwinning for a holiday and you say:

18 'As far as I know, all the children went on that
19 holiday. It was on a farm. It could have been for
20 a week, certainly a few days.'

21 You say you took your car, Peter [REDACTED]
22 took a caravan [REDACTED]. Was everyone [REDACTED] in
23 tents? You say:

24 'We were all in tents.'

25 A. Yeah, Peter [REDACTED]

1 ██████ in the caravan and we were in tents, because I got
2 the dog.

3 Q. This was the St Bernard?

4 A. Yeah.

5 Q. Big dog?

6 A. It snored.

7 Q. The dog ended up --

8 A. And slavered everywhere.

9 Q. All right. You've got a very clear memory of the dog
10 snoring and slavering everywhere?

11 A. But we were only in that tent for one night because it
12 rained and the tents were rubbish and I woke up
13 drenched. So from then on we slept -- I slept in my
14 car.

15 Q. Yes:

16 A. I'm not sure where the dog slept.

17 Q. So the second night, you say in your statement, poured
18 with rain and you got soaked. I presume that means that
19 everyone got soaked who was -- or at least everyone who
20 was sleeping in a tent?

21 A. Yeah, I think the boys moved into a byre, I have some
22 kind of memory of -- or a big shed or something like
23 that.

24 Q. You use the word 'byre'. I mean, I'm familiar with
25 that, but I think another way of putting that would be

1 it was a barn, a farm barn, is that right?

2 A. Could have been, yeah.

3 Q. A barn, a byre?

4 A. Yeah.

5 Q. Do you remember any incident happening on that night or

6 indeed any of the subsequent nights where the boys got

7 into hijinks in the barn?

8 A. No.

9 Q. That there was playing around, horseplay?

10 A. No.

11 Q. Don't remember that?

12 A. No.

13 Q. Were you ever in the byre with the boys?

14 A. No, I don't think so, no.

15 Q. But you think that's where they ended up sleeping?

16 A. Mm-hmm.

17 Q. Right. Did they have sleeping bags?

18 A. I assume so.

19 Q. Did you ever see inside the barn?

20 A. I think one side of it was quite open. Yeah.

21 Q. What was on the other side then?

22 A. A wall.

23 Q. Sorry?

24 A. A wall.

25 Q. A wall. Were there any farm implements in it, was there

1 any straw or hay bales?

2 A. Oh, I really can't remember.

3 Q. Okay.

4 A. I just have this memory of them sleeping in the barn.

5 Q. Okay.

6 A. Or byre.

7 Q. Okay.

8 A. But we were out nearly all day.

9 Q. What were you doing, were there just outdoor activities?

10 A. Outdoor activities, we would go places.

11 Q. And all together as a group or did different groups go

12 off separately?

13 A. No, all together.

14 Q. I'm conscious I'm jumping about a little in your

15 statement and I'm sorry about that, but I hope it's

16 drawing together some different strands, but at

17 paragraph 70, you talk about an incident that you do

18 remember, that you told the police about. This was in

19 relation to a trip to the swimming pool in Dumfries.

20 It's paragraph 70, page 12.

21 A. Mm-hmm.

22 Q. And there was a little boy, who you name, that was

23 staying at Merkland. You think he had learning

24 difficulties, he had the most beautiful smile. And you

25 tell us that he came out of the dressing room to go into

1 the pool and he was covered in bruises.

2 First of all, is that the first time that you'd seen
3 him in nothing but swimming togs?

4 A. Yeah.

5 Q. All right. He's covered in bruises, you say you
6 thought: oh, my God. What's the next line of that, as
7 it were? What do you think after: oh, my God? What do
8 you think then?

9 A. To be honest, I sort of went: oh, my God, [REDACTED], get in
10 the swimming pool.

11 Q. But you were worried about the bruises?

12 A. Oh, yes.

13 Q. What did you think had caused them?

14 A. Well, like I say, this little boy had -- and I'm no --
15 maybe I shouldn't say he had learning difficulties, but
16 I think he did. And I just thought it was the other
17 boys picking on him, because he was little, he was
18 a bit -- he was a bit kind of chubby.

19 Q. Okay.

20 A. And he had strawberry blonde hair, which was beautiful,
21 any girl would die for, and I just thought: you know
22 what, this is not on.

23 Q. Had you ever seen boys or indeed the girls picking on
24 this little boy? Had you seen him being bullied by
25 other children, in other words?

1 A. Not bullied, but they didn't really have an awful lot to
2 do with him.

3 Q. All right. But while they may not have had much time
4 for this boy, did you actually see them getting physical
5 with him?

6 A. No, not really, no.

7 Q. At all events, you say you told Peter Harley what you'd
8 seen and --

9 A. Yeah. As soon as I got back.

10 Q. All right. So was Peter Harley at the pool or was it
11 just --

12 A. No.

13 Q. He hadn't come on that trip? All right.

14 So, as soon as you get back to Merkland, you tell
15 him and you say he just says: 'Right, fine'. And that
16 was it, is that right?

17 A. Yeah.

18 Q. Did he seem surprised or taken aback?

19 A. No, no.

20 Q. Was there any reaction?

21 A. Not really, no. As far as I can remember. There's
22 nothing sticking in my memory.

23 Q. Okay. You tell us at paragraph 74, as far as you
24 remember, this boy didn't get any more bruises after
25 that, and is that right?

1 A. As far as I'm aware.

2 Q. As far as you're aware. I suppose you might not have
3 seen him in a state of undress very often, is that fair?

4 A. That's fair.

5 Q. All right. But as far you were aware, you didn't see
6 him having any further bruising or obvious injuries
7 as -- like the ones you'd seen at the pool?

8 A. Yeah.

9 Q. That's a 'no', I'm taking it?

10 A. Oh, sorry. No. No.

11 Whoever caused the bruises, it seems to -- not
12 stopped, 'cause boys will be boys, but certainly --
13 I mean he was covered. And I did see him in a state of
14 undress a while afterwards. It could have been two,
15 three, could have been a month. I was heading into the
16 laundry and Mrs Whybrow, the laundry woman, just went
17 and pointed to the cupboard, and here [REDACTED] peeped round
18 the cupboard and he had a vest on and his underpants.
19 I think he'd wet himself or something and Mrs Whybrow
20 absolutely doted on him and was sorting him out.

21 Q. She was the --

22 A. And I think I would --

23 Q. She was the laundry lady, yes?

24 A. She was the laundry woman. Yes, yes. She was awfully
25 good with the kids.

1 Q. Okay. But you didn't see any further bruising on this
2 boy at that time?

3 A. No, no. And I would have seen -- I mean, I saw his
4 arms.

5 Q. All right, so if there had been any bullying, physical
6 bullying by other children, that would seem, anyway, on
7 that evidence, to have stopped?

8 A. Yeah.

9 Q. And sorry, I should have taken this from you when we
10 were looking at the trip to Kilwinning, but you tell us
11 on page 14, at paragraph 83, that a PLS [REDACTED] went
12 on the trip to Kilwinning when you all got soaked. Was
13 he a social worker?

14 A. No, he was much higher up than a social worker.

15 Q. All right.

16 A. Like divisional manager, something like that.

17 Q. This was with Dumfries and Galloway Region, is that
18 right?

19 A. Yeah, the council, social work.

20 Q. Yes. And --

21 A. I was wondering, would it be possible to have a break?

22 LADY SMITH: That would be absolutely fine, 'Ann'. We can
23 take the afternoon break just now and you can let us
24 know when you're ready to continue.

25 Thank you. We'll just do that.

1 A. Thank you.

2 (2.53 pm)

3 (A short break)

4 (3.05 pm)

5 LADY SMITH: 'Ann', welcome back, are you ready for us to
6 carry on?

7 A. Yes, I am. Thank you.

8 LADY SMITH: Thank you.
9 Mr Sheldon.

10 MR SHELDON: 'Ann', before the break, we were talking about
11 PLS [REDACTED], who you told us was quite high up, you
12 thought, in the local council. This is paragraph 83,
13 page 14. And you say that he also came on the trip to
14 Kilwinning and you say:
15 'I always thought that was a bit unusual.'
16 Why did you think that, or why do you think that?

17 A. Well, because he was quite high up in the social work
18 department.

19 Q. So were you wondering why an official would come on this
20 kind of trip in an official capacity?

21 A. Yeah.

22 Q. So might it have been a personal capacity? Was he
23 friendly with PH-JDW [REDACTED], for example?

24 A. I never really thought he was that friendly with PH-JDW [REDACTED]
25 PH-JDW [REDACTED]. And I mean, he never -- remember, I was only

1 there part-time, so it could have happened when I wasn't
2 at work, but the times I saw him, he always came with
3 PMO [REDACTED], who would be --
4 Q. Remind us who PMO [REDACTED] was?
5 A. Well, if PLS [REDACTED] was like the divisional
6 manager, I think PMO [REDACTED] would have been like
7 his depute.
8 Q. And actually you tell us in paragraph 82 that
9 PMO [REDACTED] would come, have a wander round and
10 would ask you: 'Is everything okay?', and you would say:
11 'Yes'.
12 A. Mm-hmm.
13 Q. Did he ask other people is everything okay?
14 A. I don't know.
15 Q. Or was it just you?
16 A. I don't know.
17 Q. Do you remember how he said that? Do you remember how
18 he asked the question?
19 A. Just casually, you know: 'Hi, 'Ann', is everything
20 okay?'.
21 Q. Okay. So did you think he was asking you if you were
22 okay or if things in general at the home were okay?
23 A. I think maybe a bit of both.
24 Q. All right.
25 Going back to PLS [REDACTED] and the Kilwinning

1 trip, did he come on trips during the day with the
2 children?

3 A. If we were out and about on that particular holiday,
4 yes.

5 Q. Did he spend time with PH-JDW or with the children
6 or with both?

7 A. We all spent time together.

8 Q. Right.

9 A. It was really only -- and we all ate our meals together.
10 It was only really like at bedtime that everybody
11 separated out.

12 Q. Okay. I've been asking you about incidents which, in
13 hindsight, might have seemed odd or which might have, as
14 it were, raised eyebrows. And you've told us about the
15 incident in relation to the boy who was bruised. You're
16 not so sure about the incident with the elastic
17 waistbands and so on, but you accept that that's -- if
18 that's what you told the police, that's what you must
19 have thought at the time.

20 A. Yep.

21 Q. There's also an incident that you relate about JDW
22 JDW, that's -- I'm sorry, bear with me --

23 LADY SMITH: Is it around 86/87, paragraphs 86/87?

24 MR SHELDON: I think that's right, my Lady.

25 A. 87?

1 MR SHELDON: Yes, I'm sorry, my Lady.

2 This is an incident with a cup of tea and a teapot
3 and you've said something about that in the statement
4 and we've seen that, but can you just tell us in your
5 own words about why you thought that was relevant to
6 mention, what that made you think about JDW and the
7 way that she interacted with the children?

8 A. Basically what happened was it was a lovely summer's day
9 and we were sitting out the front on the doorstep,
10 having a cup of tea. And there wasn't just me and
11 JDW, I'm sure there would have been a couple of girls.
12 And this little boy, and he was lovely and he was
13 little, he came to us at the weekends. Now, something
14 tells me that the other boys were all away, I don't
15 know, day trip, down the park, playing football,
16 something, and he came round the corner and he asked for
17 a cup of tea. And JDW had said to him: 'Yeah, go and
18 get a cup'. Now, that meant he had to run round the
19 side of the building to the basement, get a cup and then
20 come back.

21 And it was something, I can't remember the exact
22 words, but it was something like, 'Watch this', she
23 said, and emptied the teapot out. So of course the wee
24 boy came back -- and his name will come to me --

25 Q. We don't need --

1 LADY SMITH: Don't worry about the name, we don't need it.

2 MR SHELDON: We don't need the name.

3 A. Oh. Anyway, he came back with his cup and he went to
4 get a cup of tea and of course the teapot was empty, and
5 he was so upset. He ran past us, up the hall, up the
6 stairs into his bedroom and I thought: nah, this is not
7 good. So I just got up and followed him and he had
8 wrecked the bedroom. For such a small boy, he had
9 enormous strength.

10 So I calmed him down and we put everything back to
11 where it should be and then we went down to the kitchen
12 and the cook made him a cup of tea.

13 Q. You told us, 'Ann', that before she emptied the teapot
14 JDW had said: 'Watch this'. Is that right?

15 A. Mm-hmm. I'm sure -- it was something like that.

16 Q. Okay.

17 A. It was -- something in my head says she knew how he
18 would react.

19 Q. What did you take from --

20 A. But that could be hindsight.

21 Q. What did you take, either at the time or indeed --

22 A. I just thought it was a bit mean.

23 Q. A bit mean. It was quite a cruel thing to do,
24 wasn't it?

25 A. Well, I think so.

1 Q. And it sounds as though, if she's saying, 'Watch this',
2 she's doing this kind of as a joke? Is that what you
3 took from it?

4 A. Well, I didn't find it funny.

5 Q. A cruel joke?

6 A. Mm.

7 But we settled him down and the boy did like coming
8 to Merkland. It was a break from the -- from a place
9 called Hannahfield.

10 Q. Sorry, a place called?

11 A. Hannahfield.

12 Q. Right?

13 A. Which is, now I'm going to get it wrong, but it's some
14 kind of psychiatric home for younger boys.

15 Q. All right. So this was some sort of break or holiday
16 from a more permanent placement, is that right?

17 A. Yeah, every weekend.

18 Q. Okay. Now, 'Ann', I think you know that there are some
19 allegations against yourself --

20 A. Mm-hmm.

21 Q. -- and in fairness I need to ask you about that. This
22 is at page 24, starting from paragraph 130, and you tell
23 us something about the particular boy or boys who made
24 the allegation or allegations.

25 A. Mm-hmm.

1 Q. And you say you remember the first one, you say he was
2 lovely. But at paragraph 132, this boy states:

3 'There was nothing normal about Merkland. All you
4 got was abuse from Peter and JDW. One other staff
5 member, whose name was 'Ann', was abusive to the kids.
6 None of the other staff were abusive. In my opinion,
7 the others were all complicit as they knew what was
8 happening.'

9 So first of all, were you abusive, would you
10 consider that any of the conduct that you engaged in at
11 Merkland was abusive in some way?

12 A. Absolutely not.

13 Q. And the second part of that is the suggestion that there
14 was constant abuse from Peter and JDW and that the
15 others, I think he means the other staff, 'were all
16 complicit as they knew what was happening'?

17 A. Absolutely not.

18 Q. And there's a specific allegation then about you, that
19 you were physically abusive. He says:

20 'It never happened to me but I saw her hit other
21 kids. She was terrible.'

22 And so on.

23 So did you hit any kids at Merkland?

24 A. Absolutely not.

25 Q. Why do you think that allegation might have come about,

1 'Ann'? Why do you think this boy -- this man, as he was
2 when giving the statement, would have made this
3 allegation about you?

4 A. I have no idea. I do not know why he has said this.

5 Q. You've told us that you didn't see anyone else
6 physically punishing children?

7 A. No.

8 Q. For example, by hitting children at Merkland. Is that
9 right, is that your evidence?

10 A. Yes.

11 Q. As far as you were aware, you're telling us that that
12 didn't happen, you didn't see it at any event?

13 A. That is correct.

14 Q. All right.

15 A. There was only one person in charge at Merkland and that
16 was Peter Harley.

17 Q. Well, I wonder why you put it in that way, 'Ann'. Are
18 you suggesting that if there was abuse at Merkland, that
19 Harley was the person responsible for that?

20 A. No. What I'm saying is that no other member of staff
21 would have been abusive to the children.

22 Q. So far as you were aware?

23 A. As far as I'm aware.

24 Q. But we know, 'Ann', that Peter Harley was abusive, both
25 sexually and physically, because his convictions tell us

1 that.

2 A. Uh-huh.

3 Q. We understand that you didn't work full-time, you were

4 not there all the time, you didn't see Peter Harley with

5 the boys in particular all the time, but can you give us

6 any insight into how Peter Harley could have got away

7 with the things that he is proved to have done at

8 a time --

9 A. Because he --

10 Q. At a time when you were working there?

11 A. Because he didn't do it in front of people. My

12 understanding is that it was always on the boys' floor,

13 which is where we never allowed. When the boys were

14 home, no girl was ever on the second floor.

15 LADY SMITH: When you say 'it', you're talking about

16 Peter Harley's abusive treatment --

17 A. Yeah.

18 LADY SMITH: -- of boys?

19 A. Yes, yes.

20 LADY SMITH: Did you ever get cross with the children?

21 A. Oh, annoyed.

22 LADY SMITH: What made you annoyed?

23 A. If they were arguing with each other which would lead to

24 a fight or --

25 LADY SMITH: What would you do --

1 A. -- something.

2 LADY SMITH: -- if that happened?

3 A. Well, just talk to them.

4 LADY SMITH: Well, you've got children fighting --

5 A. Or actually just --

6 LADY SMITH: Hang on. If you speak at the same time as me,
7 it's a nightmare for our stenographers here, 'Ann'.

8 A. Sorry.

9 LADY SMITH: You've explained children might be fighting.
10 An adult doesn't usually get very far by just quietly
11 talking to children who are fighting, if what they want
12 is for the fighting to stop. So what did you do?

13 A. It rarely happened. Rarely happened.

14 LADY SMITH: If it did happen?

15 A. And if it did, you just get in between them.

16 LADY SMITH: Physically?

17 A. You just stand in between them.

18 LADY SMITH: And push them apart?

19 A. Well, I don't know about push, but certainly sort of
20 pull them apart.

21 LADY SMITH: Right.
22 So you're telling me that there are occasions on
23 which you'd just have to touch the children, get hold of
24 them?

25 A. Yeah.

1 LADY SMITH: And I think from what you say in your
2 statement, you had no training in how to deal with that.

3 A. No, no.

4 LADY SMITH: You just had to do the best you could in the
5 circumstances?

6 A. Yep.

7 LADY SMITH: Yes.
8 Mr Sheldon.

9 MR SHELDON: Thank you, my Lady.
10 And just following up on that point, 'Ann', you've
11 said that, understandably, there may have been times
12 that you wanted to separate children who were getting
13 into it, as it were, and you've used the words,
14 'Sometimes you might have to pull them apart', or the
15 expression. Were there occasions where you can see, in
16 hindsight, children might have construed that as you
17 being rough with them?

18 A. Rough? It's not what I would describe as rough. But
19 everybody's memory about something is completely
20 different.

21 Q. Well, are you telling us then that you can see, looking
22 back, that that might have been a reasonable
23 interpretation that children had at the time? That
24 that's what they might --

25 A. It could have been, yes.

1 Q. All right.

2 A. Yeah, could have been.

3 Q. Getting back to Peter Harley, you've said that your
4 understanding was that abuse happened on the -- tended
5 to happen on the boys' floor. But we know, I think, and
6 certainly you tell us, that really there were members of
7 staff living in the home pretty much all the time; is
8 that right?

9 A. Well, they would be there when they were on duty.

10 Q. Yes. Yes.

11 A. So they could be there, what, five nights, go home two.

12 Q. But am I right in thinking that PH-JDW were the
13 only ones who were there, apart from --

14 A. All the time.

15 Q. -- that you mentioned, that they were there all the
16 time?

17 A. Yeah. That was their home.

18 Q. Do you think that children, children who'd been
19 abused -- and as I say, we know that they were abused --
20 do you think the children would have felt able to
21 confide in, well, for example, you, as a young female
22 member of staff, that they might have been able to tell
23 you what was going on, or indeed anyone, what was going
24 on?

25 A. But they haven't, they haven't told anybody, not until

1 they became adults. And even then, I believe it was
2 just one lad that broke the ice.

3 Q. There was certainly an initial allegation, 'Ann', but
4 a large number of people have come forward to say that
5 they were abused?

6 A. Yeah. But would they have come forward if that one lad
7 hadn't?

8 Q. Well, who knows.

9 A. You know, I don't know. I don't know.

10 Q. But, 'Ann', you've, I think, emphasised in your evidence
11 that Peter Harley was the man in charge. You've,
12 I think, really put some emphasis on that point. So is
13 it possible that children were afraid of Peter Harley?

14 A. It's absolutely possible.

15 Q. Were you afraid of him, a little bit?

16 A. No. I -- and it really makes me feel a bit sick, but,
17 at the time, I respected him.

18 Q. You said that --

19 A. He did nothing, nothing that would make me disrespect
20 him.

21 Q. Did you not ever see children who were distressed or
22 uneasy around his presence?

23 A. No.

24 Q. Not at all?

25 A. No. He might be in the living room, we had a great big

1 couch, I think it was brown, and he'd be lying on it and
2 he'd be surrounded by the kids.

3 Q. Were there cushions and so on in this living room?

4 A. Yeah.

5 Q. Were there blankets, or throws, I suppose you would call
6 them now?

7 A. No, no.

8 Q. There weren't any?

9 A. No.

10 Q. You didn't ever see Peter Harley with children on the
11 couch and blankets over them?

12 A. No. And I remember that because he had this habit of he
13 would be watching the telly, right, so he'd be on his
14 side, and he'd have a cushion between his knees.

15 Q. Why do you think he did that?

16 A. Well, maybe for comfort?

17 Q. He's lying on his side at this point, you're saying?

18 A. Yeah, watching the telly.

19 Q. All right. And would children be with him at that time?

20 A. There'd be some sitting on the back of the couch, they'd
21 sitting on the arm and they'd be sitting in front of
22 him.

23 Q. All right. But you're telling us you didn't see him in
24 that sort of situation with blankets around the place?

25 A. Absolutely not, no. No. No throws.

1 Q. There would have been blankets in the house presumably?

2 A. Yeah, up on the boys' floor.

3 Q. Okay.

4 LADY SMITH: Sorry, can you remind me, how many evenings in
5 the week would you be there?

6 A. I think I was there two evenings. I think one would
7 have been -- I'm trying to work out the hours. I think
8 it was like 4.00 to 10.00, that would be six hours, and
9 4.00 to 9.30, that would be five-and-a-half hours, so
10 that would be 11-and-a-half, which would leave eight,
11 and I would do eight on a Saturday or Sunday.

12 LADY SMITH: And if you were there in the evening would PH-JDW
13 PH-JDW sometimes not be there?

14 A. There was always one of them there.

15 LADY SMITH: Okay. But it might have been her rather than
16 him?

17 A. Yep, but he wouldn't be far away.

18 LADY SMITH: Okay. Thank you.

19 A. I can't remember them going out.

20 LADY SMITH: Okay.

21 MR SHELTON: My Lady, I'm proposing to move on to
22 a different topic now, unless there's anything further.

23 LADY SMITH: Nothing further from me on this, thank you.

24 MR SHELTON: I just want to ask you about the last few days
25 and weeks at Merkland.

1 'Ann', you tell us at page 19 that they were quite
2 stressful. Secondary Institutions - to be published later

3 Secondary Institutions - to be published later

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6 Secondary Institutions - to be published later you say that there was a lot of --
7 a lot of feeling of tension. How did that manifest
8 itself?

9 A. You could feel it. I mean, Peter Harley -- I was there
10 four years. I think he was there five, five years
11 maybe, and he was like, you know, he was the manager,
12 that was it. And here we were closing down and the
13 children's home in Annan was closing down to make
14 Ladyacre.

15 Q. And that was in Dumfries?

16 A. And I think -- yeah. It was a purpose-built building to
17 house both, because Springbells was a really old house
18 as well and Deirdre Laird who ran -- she was the manager
19 of Springbells, thought she was going to get the top
20 job, and Peter Harley, I think, felt certain he would
21 get it, and neither of them got it.

22 Secondary Institutions - to be published later

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24 Secondary Instit The depute, there was two deputes, they were

25 offered to Peter Harley and Deirdre Laird. Secondary Institutio

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4 Q. Right. You said there was a lot of tension in the air.

5 Were PH-JDW angry?

6 A. Oh, I think they were fairly miffed, yeah.

7 Q. Again, how did that come out? How could you tell they

8 were angry?

9 A. Because they said that they were angry. It was like,

10 where everything was precise, it was almost like -- it's

11 hard to describe, but, you know, for instance, tea was

12 at 5.00. Suddenly, well, tea could be 5.30, could be

13 4.30, could be 4.45, who cares, kind of attitude.

14 Q. So although they were angry, they were also a bit more

15 lackadaisical than they had been; is that a fair way to

16 put it?

17 A. I don't know if I would describe it as lackadaisical.

18 It was almost like -- how would you describe it. It's

19 like if you look after something, yeah, and polish it

20 and whatnot, and then you find out you're going to lose

21 it, so why bother polishing it, somebody else is going

22 to get it.

23 Q. Did it affect the way they treated or interacted with

24 the children?

25 A. No, no.

1 Secondary Institutions - to be published later

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13 Q. Where, and please tell me if I'm putting words into your
14 mouth or saying something that doesn't reflect your
15 evidence but, at Merkland, I think the sense of your
16 evidence is that it was really: my way or the highway,
17 Peter Harley's way or the highway. Is that right?
18 A. Yeah. But you -- I can't say it was the wrong way,
19 until you go and have a different experience of
20 a different unit.

21 Secondary Institutions - to be published later

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6 Q. I just want to ask you something on a different topic
7 now, 'Ann'. It's about the records of Merkland. This
8 is from paragraph 120, page 22 of your statement. You
9 tell us there:

10 'I've heard stories of files from Merkland being
11 destroyed or misplaced. [You say] only the children's
12 social workers had the files. They wrote the files.'

13 You have told us already about the filing cabinet,
14 but only the belt book in it and you go on to say:

15 'I think the stories about files being destroyed
16 would have been correspondence between Gordon Street
17 social work office and Peter Harley.'

18 So first of all, what were the stories and where did
19 you hear those stories from?

20 A. Oh, now, it was years ago. Merkland was sold and it was
21 being made into flats and apparently the builder found
22 papers, I'm going to call them papers 'cause, I'm not
23 sure where the file thing came from.

24 Q. All right.

25 A. Found papers in the attic and phoned Gordon Street to

1 ask what to do with them and they were told just to
2 destroy them.

3 Q. According to what you heard, according to the stories,
4 who said to destroy them?

5 A. No idea. That's all I know.

6 Q. All right. But you mentioned in your statement you
7 think the stories would have been correspondence, is
8 that from correspondence between Gordon Street and
9 Peter Harley?

10 A. Yeah.

11 Q. So what's Peter Harley's role in all this, to the best
12 of your knowledge?

13 A. I don't understand the question.

14 Q. Well, I think what I'm getting at is you talk here about
15 correspondence between Gordon Street social work office,
16 the local authority social work office and Peter Harley.
17 So is that the source of the story that you're talking
18 about?

19 A. No, that is my opinion.

20 Q. All right.

21 A. I think what the builder found in the attic was
22 correspondence between --

23 Q. I see, all right.

24 A. -- yeah and because it would have had the social work
25 logo on it, they felt that they should phone and ask.

1 Now that is just my opinion because, back in the day,
2 only the social workers of the children kept files.

3 LADY SMITH: Do I take it from that, 'Ann', that although
4 you were working with the children, and it might have
5 been helpful to you to know about what had gone on in
6 the children's background, what was going on in their
7 lives generally, you weren't allowed to look at the
8 files?

9 A. Well, the files would have been held at Gordon Street
10 and completed only by the social workers of the
11 children.

12 LADY SMITH: But what about files on the children being held
13 in the home? Surely there were files there?

14 A. I never saw a single file in the home.

15 LADY SMITH: I wasn't suggesting you did. I think my point
16 is nobody thought it would be helpful to you in your
17 work to be able to share what was in a child's file, is
18 that right?

19 A. No.

20 LADY SMITH: But it might have been?

21 A. Yes.

22 LADY SMITH: Yes. Thank you.

23 Mr Sheldon.

24 MR SHELDON: Just -- and I'm sorry to labour this point,
25 'Ann', and I'm sure it's my fault, but can I just ask

1 you again where these stories are coming from? Where
2 did you hear the story about the files being destroyed?
3 A. It must have been somebody from Gordon Street.
4 Q. Right. But you can't remember who?
5 A. No, no. And I heard it again -- oh, or did I? No. It
6 must have been somebody in Gordon Street told somebody
7 who told me.
8 Q. All right. Was this in the course of a casual
9 conversation or --
10 A. Oh, yeah.
11 Q. -- when you were at work and, as it were, doing
12 official business?
13 A. Probably. It's so long ago.
14 Q. When --
15 A. I mean, you're talking about 1980-something --
16 Q. Right. That's when you first heard --
17 A. It's just a known thing. It's just like one of those
18 things that you got told and you just know.
19 Q. All right. It's --
20 A. But when I thought about it logically, I felt that it
21 probably was more likely correspondence.
22 Q. Correspondence rather than records?
23 A. Yeah.
24 Q. But is your evidence that you --
25 A. I have no evidence. This is just my thinking.

1 Q. Okay. But you think there was correspondence rather
2 than records, but to what extent are you -- with what
3 degree of certainty are you telling us that whatever it
4 was, be it correspondence or records, that they were
5 burned?

6 A. I don't know if they were burned, but what I heard was
7 they were destroyed.

8 Q. All right. That was the expression or the word that you
9 heard in relation to this set of papers?

10 A. Yeah.

11 Q. Okay.

12 A. Yeah.

13 Q. Well, 'Ann', thank you for your evidence.
14 I just have one other thing to ask and it relates to
15 the last page of your statement.

16 You have had experience of -- you had experience of
17 Merkland **Secondary Institutions - to be published later**. You've worked
18 for Dumfriesshire. In terms of lessons to be learned,
19 what should we take from this whole episode or chapter?
20 What do you think we can do to help protect children
21 from abuse of the sort that they experienced at
22 Merkland?

23 A. Oh, I've thought long and hard about this. And it --
24 Merkland could never happen again. It was run by **Peter Harley (PH) and JDW**
25 **Peter Harley (PH) and JDW** and it was a regime.

1 Q. Why do you use that word, the word 'regime'?

2 A. Because it just -- hindsight, looking back, it was.

3 Q. What sort of a regime?

4 A. A regime where two people, and only two people, or

5 really one person, is SNR, Secondary Institutions - to be published

6 Secondary Institutions - to be published later

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10 Secondary Institutions - to be published later Merkland you really had

11 two.

12 Q. And we know that you -- your evidence is that you didn't

13 witness or weren't aware of any abuse at Merkland, but

14 in your view, was that the problem? Is that what you're

15 telling us, the fact that it was just these two

16 people who were -- who were --

17 A. It could have been the two -- yeah, there could have

18 been the two nicest persons on the planet and everything

19 would have been absolutely fine and it would have

20 been -- you would have gone with the impression that you

21 were given, that it was a happy home. But he was evil,

22 but he wasn't evil in front of people. He was a very

23 clever man in an evil way.

24 Q. And the problem was that this was such a closed

25 establishment, a closed institution?

1 A. Yeah.

2 Q. That it's your view that that's how he managed to --

3 A. Get away with it.

4 MR SHELDON: -- get away with it.

5 'Ann', thank you. Those are all my questions.

6 LADY SMITH: 'Ann', could I add my thanks to you for bearing

7 with us throughout what probably feels like a long

8 afternoon. I'm really grateful to you for helping us in

9 the way you have done and I hope you understand why

10 we've had to probe and push to ask you difficult

11 questions --

12 A. Absolutely.

13 LADY SMITH: -- because our subject matter is so important.

14 So thank you. I'm now able to let you go with the link

15 switched off and I hope that means you can now put your

16 feet up and have a rest.

17 Thank you very much.

18 A. No, I'm going to look after my mother.

19 LADY SMITH: Oh, well, I still hope you find time for a

20 rest.

21 A. Thank you so much for --

22 LADY SMITH: That's all right, thank you so much.

23 A. Thank you so much for letting us do it by video. It

24 just means that -- my mother had a traumatic day

25 yesterday -- and it just means I can get back.

1 LADY SMITH: Well, I hope that helps. Thank you.

2 A. Thank you.

3 LADY SMITH: Well, I think that completes our evidence for
4 today, does it?

5 MR SHELDON: It completes evidence for today, my Lady.
6 Tomorrow, we have two witnesses in person,
7 Peter Harley, first thing by videolink, and Stephen --

8 LADY SMITH: Morgan? From the council.

9 MR SHELDON: -- Morgan, who's the Chief Social Work Officer
10 from Dumfries and Galloway.

11 LADY SMITH: Thank you. And are we planning to start him
12 after lunch or after --

13 MR SHELDON: The plan is for 11.45, my Lady, but, yes, we'll
14 see --

15 LADY SMITH: Hopefully. So, he will be here for late
16 morning ready to start and be ready.

17 MR SHELDON: Yes.

18 LADY SMITH: Good. Well, very well.
19 Just a few names before I rise. Some won't be
20 a surprise, because I've mentioned them already. These
21 are names of people whose identities are protected by my
22 General Restriction Order. And we've had mention of
23 JDW, JDW, PXG, PLS,
24 PMO and as well, there was a
25 too. I think that was it, wasn't it? Yes.

1 They're not to be identified as referred to in our
2 evidence outside this room. Thank you very much. If
3 you bear that in mind. And that's it for this
4 afternoon.

5 (3.45 pm)

6 (The Inquiry adjourned until 10.00 am
7 on Friday, 6 March 2026)

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