

Friday, 6 March 2026

1

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to Phase 10 of
4 our case study hearings, the last day this week and
5 indeed the last day before we have a break until the
6 next tranche of hearings, in which, of course, we're
7 looking into the provision of residential care for
8 children by local authorities, either in institutions
9 run by them or used by them to fulfil their
10 responsibilities, and at the moment we're still looking
11 at Merkland.

12 Moving this morning to a witness who is giving
13 evidence over the Webex link and I'm told that it seemed
14 to be working five minutes ago and all was well at the
15 other end, is that right?

16 MS FORBES: Yes, my Lady.

17 This witness is Peter Harley. He is someone who
18 would require a warning.

19 LADY SMITH: Yes.

20 MS FORBES: And my understanding is that he would like to
21 affirm.

22 LADY SMITH: Oh, thank you, that's very helpful.

23 Good morning, can you see me and can you hear me?

24 A. Yes, thank you, good morning.

25 LADY SMITH: Thank you. I'm Lady Smith and I chair the

1 Scottish Child Abuse Inquiry here in Edinburgh and
2 I understand, of course, that you are Peter Harley.
3 Thank you for joining us over the link.

4 A. I am.

5 LADY SMITH: Can you help me with whether you would like me
6 to call you Mr Harley or use your first name, Peter?

7 A. Peter is good enough, thank you.

8 Peter Harley (affirmed)

9 LADY SMITH: Now, one or two things I'd like to say before
10 we begin with your evidence, Peter, and the first is
11 that the timing of evidence this morning at this stage
12 is normally that I'll run until 11.30 am and then, if
13 your evidence isn't finished, take a break at that
14 point. But if you need a pause or a break at any time,
15 please just say, because I know it's hard work giving
16 evidence and very tiring. And it doesn't matter what
17 you need the break for, whether it's because you're
18 finding it upsetting, whether you need a loo break or
19 whether you just need a pause, just tell me and we'll
20 see that that can happen, all right?

21 A. Yes, thank you.

22 LADY SMITH: And otherwise, we have your written statement
23 and that's been really helpful to be able to read that
24 in advance. It is already evidence in the Inquiry,
25 evidence before me, and having that means that we don't

1 need to go through everything that's in it word for word
2 or line by line, but there are some particular aspects
3 of it that we'd like to focus on and discuss with you
4 this morning, if that's all right.

5 Now, when we are asking you questions, Peter, it is
6 possible that some of those questions will involve
7 asking you about matters, the answers to which could
8 incriminate you on things that you have not yet been
9 convicted of, all right? Now, just let me spell that
10 out also another way.

11 I know you have a number -- quite a number of
12 convictions, those are facts before me and we will not
13 be going behind those, but we will need to ask you about
14 some other things and, as I say, you have the
15 protections that you would have if you were in
16 a courtroom. And you will no doubt remember what those
17 protections are, but let me spell them out for you.

18 As somebody who is asked matters involving
19 allegations of crime, you do not have to answer them,
20 but if you choose to do so, you must answer them fully.
21 And you need to know that a transcript is being made of
22 the evidence, it will be published and will be available
23 after today.

24 Now, do you follow all that?

25 A. Yes.

1 LADY SMITH: If you're in any doubt as to whether it's one
2 of those questions we're asking you, just say and we'll
3 explain one way or the other. But just to underline
4 once more, this isn't an opportunity to go back to what
5 you've convicted of -- what you've been convicted of and
6 explore whether or not those should be convictions or
7 not; you understand that?

8 A. I do.

9 LADY SMITH: Thank you.

10 If you're ready, I'll hand over to Ms Forbes and
11 she'll take it from there. Is that okay?

12 A. Yes, thank you very much.

13 LADY SMITH: Thank you. Ms Forbes.

14 Questions from Ms Forbes

15 MS FORBES: Thank you, my Lady.

16 Is it okay for me to call you Peter as well?

17 A. Yes.

18 Q. Okay.

19 A. Yes, of course.

20 Q. Thank you.

21 Peter, you've given a statement to the Inquiry, so
22 thank you for that. And we give it a reference number
23 so I'm just going to read the reference number out for
24 the transcript. It's WIT-1-000001738.

25 And Peter, at the very end of your statement now,

1 you have your statement, I think, in a red folder in
2 front of you, at tab 1 of your folder?

3 A. I do.

4 Q. Now, you could turn to the very last page if you want,
5 which is page 38. You don't have to, but on page 38 at
6 paragraph 240, there is a paragraph where there's
7 a declaration made. I'll let you turn to that if you
8 want to, Peter. So page 38 of your statement.

9 A. Yes, I --

10 Q. You've got it there?

11 A. I already have, yes.

12 Q. Okay. So there's a declaration there that says:

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

17 And then you've signed it and it's dated 9 February
18 2026.

19 A. It is.

20 Q. And is that still the position then?

21 A. Yes.

22 Q. Now, you could go back to the beginning of your
23 statement, to page 1 if you want, or put it to one side,
24 it's whatever helps you.

25 Peter, I think you tell us in your statement that

1 you were born in 1945, is that right?

2 A. It is.

3 Q. Peter, we know that you have [REDACTED]

4 [REDACTED] so we will take things
5 easy as we go through your evidence, but as Lady Smith
6 said, if you need a break at any time just let us know,
7 okay?

8 A. Thank you very much.

9 Q. Peter, as Lady Smith says, you have been convicted of
10 offences and you talk about that briefly at paragraph 3
11 of your statement and you talk about addressing your
12 offending in prison many times, and we're maybe going to
13 come back to that later in your evidence if that's okay?

14 A. Yeah.

15 Q. But I think what you tell us at paragraph 5 is that your
16 thoughts about your time at Merkland may be confused,
17 but your position is that you'll help if you can; is
18 that right?

19 A. That's right, yeah.

20 Q. So, Peter, I'm just moving now to a part of your
21 statement that talks about your background and how you
22 ended up in Merkland, and this is from paragraph 6 on
23 page 2.

24 And Peter, you tell us that you didn't have any
25 qualifications, and left school at 15. You worked in

1 a garage for a year or so and then in a grocery
2 warehouse, before going to work in Cardiff Docks as
3 a driver, is that right?



4 A. That's right.

5 Q. And then at about the age of 21, you tell us, Peter, you
6 moved to Bristol and became an assistant warden in
7 a probation hostel called Ashley House?

8 A. Yeah.

9 Q. And you were promoted there after a few months to deputy
10 warden and you stayed there for about another year and
11 then moved to -- back to Barry in Wales; is that right?

12 A. That's correct. That's right.

13 Q. You go on, Peter, at paragraph 8, to say that you worked
14 as a delivery driver for Avon and then when you were
15 about 26, you bought a residential caravan and moved
16 into that. A year later you sold the caravan to a woman
17 
18 and then you lived  in Barry and then you saw
19 a job advertised at Bryn-y-Don. Is that how you say it,
20 Bryn-y-Don?

21 A. Bryn-y-Don.

22 Q. Bryn-y-Don Approved School in Dinas Powys, outside
23 Cardiff?

24 A. Correct.

25 Q. And so you got that job and you moved there and they

1 gave you a house at the school with that job. So was
2 this, Peter, your first job working with children?

3 A. Yes.

4 Q. You go on, Peter, to tell us that you were there for
5 about two years. You started as assistant warden.
6 I think this part of your statement is redacted, but you
7 started as assistant warden and then after about a year,
8 you were promoted to house warden, and you tell us that
9 this approved school was a place with all boys and they
10 were aged between 13 and 15 and most had been in trouble
11 with the law and had been sent there by the courts, is
12 that right?

13 A. That's right.

14 Q. And you tell us a little bit about the headmaster of
15 that school, and I think you were asked when you were
16 giving your statement, Peter, about the fact that this
17 individual had been later convicted for offences in
18 relation to children at the school, but I think you say
19 you knew nothing about his abuse within the school when
20 you were there, is that right?

21 A. No, he was very aloof. He wasn't easy to get on with,
22 with anybody.

23 Q. And you tell us you didn't always get on with all the
24 staff there and you eventually left?

25 A. Yeah.

1 Q. And Peter, this is at paragraph 11, you go on to say
2 that you then applied for the job of officer in charge
3 at Merkland Children's Home in Moffat and [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 A. Correct.

7 Q. And you tell us that initially you didn't get the jobs,
8 but a few weeks later you got a letter giving you the
9 jobs. And you say you don't know the details about
10 that, but you think that the children there had chased
11 off the person that initially took the job?

12 A. Yes.

13 Q. Was that something you heard after you took up the post?

14 A. No, I heard it before I took up the post. Apparently
15 they kept him up all night and he walked out the next
16 day. But I've never met him and this is what I was told
17 by the seniors of the social work department.

18 Q. Peter, you then go on at page 3 to start to tell us
19 about your time at Merkland, so I'm going to move on to
20 ask you about your time there, if that's okay.

21 A. Yeah.

22 Q. You tell us about that from paragraph 12 onwards and you
23 say that Merkland was essentially a children's home, and
24 you say that some of the children had been there for
25 years and some were brought fresh in. It was for older

1 children though, aged from about 12 to school-leaving
2 age, 15 or 16, is that right?

3 A. I think we had the odd child from sort of 10, but
4 I think during my whole time there, there was probably
5 only two or three of that age.

6 LADY SMITH: And you were there for somewhere between four
7 and five years, weren't you?

8 A. I think it was six years.

9 LADY SMITH: Or six years, maybe.

10 A. I think. I'm not honestly sure. Obviously the
11 authorities would have the dates.

12 LADY SMITH: Okay, thank you.

13 MS FORBES: I think there's a part, Peter, in your statement
14 that we'll come to a little bit later where you talk
15 about dates, but it's not at the beginning of this part
16 of your statement.

17 Peter, you tell us at paragraph 14 that they -- is
18 that the social work department when you say 'they'? --
19 brought in some maladjusted children, is that right?

20 A. Yes. They didn't tell me that at the time.

21 PMO [REDACTED], who was, I mentioned, who was my
22 immediate boss, he was the one that told me that some of
23 the children I'd be looking after were classed as
24 maladjusted.

25 LADY SMITH: Sorry, Peter, what did you take from the

1 description 'maladjusted'; what did you think it meant?

2 A. Well, Bryn-y-Don School was practically all maladjusted,
3 just children that wouldn't behave.

4 LADY SMITH: All right.

5 A. That's what I took this was, that in their situation at
6 home they weren't behaving.

7 LADY SMITH: All right, thank you.

8 MS FORBES: Peter, you explain that they brought some
9 maladjusted children at one time and tried to adjust the
10 status of the home and I think, later on, you talk
11 about -- I think you refer to List D, is that right, or
12 something like that, but redefining the home. But you
13 say that wasn't allowed, is that right?

14 A. Yes, PMO [REDACTED] wanted to get it recategorised.
15 I think he wanted it to go to a List D. I don't really
16 know what a List D is, I just know the name 'List D'.
17 But it was denied to him, it was, but he'd already
18 brought the children in and I'd coped with the children
19 and, on them grounds, he was saying we should have it
20 regraded.

21 Q. And did those children stay even though the upgrade
22 to -- or reassignment to List D wasn't allowed; did
23 those children stay at the home?

24 A. Yes.

25 Q. Okay.

1 A. Yes, I didn't even know which children it was, because
2 I was so used to working with that type of child in the
3 Bryn-y-Don School, they were all the same to me, they
4 were just children.

5 Q. And from what you're saying then about these specific
6 children that were brought in, in general then, was
7 Merkland really just for children who didn't have these
8 sorts of behavioural problems or offending problems?

9 A. It was a mixture. It could have been anything. I had
10 a couple of gypsy boys put there at one time, while the
11 police were holding their father. Kids come and went
12 and I didn't always know much about them before they
13 arrived and only what they told me when they arrived.

14 Q. I think you tell us a little bit later about that,
15 Peter, in your statement, that you weren't given any
16 kind of reports or records about these children --

17 A. No.

18 Q. -- before they came to Merkland, is that right?

19 A. That's right.

20 Q. And you've mentioned PMO [REDACTED] and you've said at
21 paragraph 14 that he was your immediate boss. When you
22 say that though, was he somebody who worked for the
23 social work department?

24 A. I don't know what his title was, but, yes, he worked
25 directly under PLS [REDACTED], who was the assistant

1 director.

2 Q. So he wasn't someone who worked in the home with you, is
3 that right?

4 A. (Audio breakdown) he had several homes under his
5 control.

6 Q. Apologies, Peter, the link broke up a little bit there
7 and we didn't really hear what you said about that;
8 could you just repeat what you told us?

9 A. Yeah, sure. PMO PLS -- I'll start again.
10 Mr PLS was the Assistant Director of Social Work.
11 PMO was under him as a manager and he had
12 three or four other homes under his control, and he also
13 worked with the field workers. He was like a senior
14 social worker.

15 Q. But when it came to operating Merkland on a day-to-day
16 basis, you were the officer in charge at that time. He
17 wasn't there as your supervisor, if you like, within the
18 home, watching what you were doing?

19 A. No, he would visit about once a week, sometimes once
20 a fortnight, but he'd try and make it once a week, just
21 to see how things were and if I needed any support
22 anywhere.

23 Q. You mention, Peter, that PMO suggested that
24 you changed the status of the home as it would give you
25 more staff.

1 A. Yes.

2 Q. Was that something you had a problem with, staffing?

3 A. We didn't have many staff. The staff -- I don't know
4 totally why, I always assumed it was because of the
5 accommodation and it was very hard for any of the staff
6 to work there when I was there all the time. I didn't
7 take any time off. My TV room was the lounge the kids
8 sat about in, so obviously the kids would come to me to
9 ask something and they'd bypass the staff which were
10 under me. It was very difficult for them really, and
11 I think that probably was that they didn't have the
12 responsibility. I tried to share the responsibility but
13 it wasn't all that welcomed, to be honest.

14 Q. So Peter, are you saying that staff that did work there
15 then, often didn't have much responsibility because,
16 because you lived there with the children, they would
17 come to you instead of speaking to staff?

18 A. I think that was the case, yes. I mean, I got on all
19 right with all the staff, but from their point of view
20 I should think it was boring for them. They'd be
21 sitting with the kids. They'd sometimes take the kids
22 out and do things and they'd do that of their own
23 accord, but they'd always come and say: 'Is it all right
24 if I go down the street with such and such?'.
25 So their responsibilities were limited, I suppose.

1 Q. Peter, you tell us about the accommodation that you were
2 given, that you [REDACTED] were given, and you
3 describe it as being 'lousy' at paragraph 14 (sic). You
4 say that you had three rooms in the attic, but your
5 toilet was on the floor below and then the kitchen that
6 you would use was in the basement, which was four floors
7 below, is that right?

8 A. Yeah, yeah.

9 Q. And there was no running water or cooking facilities in
10 those three rooms in the attic?

11 A. No, nothing.

12 Q. Peter, you go on to describe Merkland as being an old
13 building. You've mentioned the TV room or lounge room.
14 You say that the children had that, but you've mentioned
15 that you would have to share that with them, is that
16 right?

17 A. Well, I'd share -- I had a sitting room up top, but
18 I spent a lot of time downstairs. It wasn't -- I mean,
19 last thing at night, very often I'd go upstairs [REDACTED]
20 [REDACTED] and watch some television [REDACTED]

21 Q. Because when we talk about you staying there [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 A. I did.

25 Q. Okay.

1 A. I did.

2 Q. And those were the three rooms that you would have in
3 the attic. So were two of them bedrooms then and one
4 a sitting area?

5 A. That's correct. [REDACTED] you'd have
6 to go through there to get to the room, and the room [REDACTED]
7 [REDACTED] sleeping in was just big enough to hold a double
8 bed and you couldn't(?) (audio breakdown) walk round one
9 side of it. It was very small.

10 Q. You go on to tell us, Peter, about the set-up and you
11 say that the TV room that the children had was basically
12 a cord carpet, no furniture and a black-and-white
13 television on the wall?

14 A. Yeah.

15 Q. And you say that you turned that room into your office
16 and then turned the sitting room opposite that into the
17 children's TV room and lounge area?

18 A. Well, the TV room, the lounge area as you put it, that
19 was luxurious fitted carpet, had a piano in it, had
20 a television and had a three-piece suite in it and
21 various other chairs, and it was better for the children
22 to use that. And also when the social workers come up,
23 if they didn't want to use my office, they would sit in
24 the TV room with the child, but that would be their
25 choice.

1 Q. Peter, you talk about the culture at Merkland from
2 paragraph 17 and you say it was an open house as far as
3 any visitors were concerned. You mention
4 PLS [REDACTED], who was an assistant director with the
5 social work, and you say that he would visit regularly.
6 And you've already talked about PMO [REDACTED] and
7 you've said that he would also come to the home.

8 Peter, you also mention social workers visiting who
9 were in charge of the kids and you say that they would
10 visit once or twice a month and school teachers also
11 called in occasionally. Was that school teachers from
12 the local primary and high school?

13 A. Local academy, yes.

14 Q. Okay, academy.

15 A. Moffat Academy.

16 Q. So the high school?

17 A. Yes.

18 Q. You then tell us the names of some social workers, at
19 paragraph 18, who would visit at Merkland.

20 A. There were more, there were more, but I could only
21 remember two.

22 Q. Okay.

23 A. But they would visit. They might take the kids down the
24 street. They might take them into my office to talk to
25 them. They might just sit about the home somewhere.

1 They were completely free to do and go anywhere they
2 wanted.

3 Q. Peter, you also say the police visited regularly as
4 well, this is at paragraph 19, and you talk about some
5 of the police officers who came. And you say you
6 encouraged them to visit and to engage with the children
7 and that some of the children at Merkland, they have
8 had -- sorry, they had problems in the past with the
9 police so, in your view, it taught them that the police
10 aren't all that bad?

11 A. Yes.

12 Q. And I think you say one police officer came camping with
13 you and the children at St Mary's Loch?

14 A. Yes.

15 Q. And you mention, Peter, that you always had room at the
16 dinner tables for a visitor and if kids wanted to invite
17 friends from school back to Merkland for dinner, they
18 were able to do that but they would need to organise it
19 with the cook?

20 A. Yes.

21 Q. And in relation to the freedom of the children, you tell
22 us at paragraph 22 that the children could come and go
23 if they wanted to as well. They could go down the
24 street if they notified a member of staff and it would
25 be recorded in a day diary, and that there were no

1 restrictions on the children as such. You wanted them
2 to be back for tea or supper, but they could go out if
3 they wanted to?

4 A. Yes. Not a lot of them made great advantage of that,
5 but some did bring a friend back from school
6 occasionally. The children from the local village would
7 sometimes come up and call for them and they'd play in
8 the grounds, for example.

9 Q. Peter, you tell us a bit more about staff at
10 paragraph 23 and you say it's difficult to describe the
11 attitude of the staff, because you very rarely had any
12 staff, and you say this is because of the staff
13 turnover, and it meant at times there would be no staff
14 except you and JDW ?

15 A. Correct. When I say staff there, I'm talking care
16 staff. We did have supporting staff by way of a laundry
17 lady, a couple of cleaners and a gardener, and the cook,
18 of course.

19 Q. So specifically care staff, you had a problem --

20 A. Yes.

21 Q. -- with a high turnover?

22 A. Yes.

23 Q. And do you know why that was, Peter?

24 A. Well, I can only suggest what I said before, the fact
25 that I was present all the time, and their living

1 conditions, 'cause they only had a room. All the rest
2 of the time they were either out of the building or,
3 erm, sitting with the children somewhere.

4 Q. So did any of the staff who were leaving or left ever
5 say to you why they were leaving?

6 A. No.

7 Q. But you tell us, Peter, that you never had any problems
8 with any of the staff, but when they did come to work at
9 Merkland, they had a room to sleep in, but would have to
10 share the general bathroom, toilet facilities and living
11 room with the children?

12 A. Yeah. Yeah.

13 Q. So their time off work, their off-duty time would be
14 spent -- would have to be spent in the shared areas?

15 A. They'd still be -- yeah, yeah. Some would stay in their
16 room and read, others might go out, but they'd always
17 have to come back for their meals, because meals were
18 provided, and sit with the kids.

19 Q. And how many bedrooms were available for staff to stay
20 at Merkland, apart from your area?

21 A. One for female, one for male.

22 Q. So one for each gender then?

23 A. Yes.

24 Q. And when you talk about not having enough staff, was one
25 female member of staff and one male member of staff

1 sufficient, in your view?

2 A. No, and we always had a part-time member of staff come
3 in as well, a female. She was there quite a lot. She
4 was a younger person, but she was good with the kids.

5 Q. Was that just one individual?

6 A. Yes.

7 Q. So from what you're saying, Peter, it seems that the
8 maximum members of staff that you would have, if you
9 were fully staffed, would be you, JDW, maybe
10 a male member of staff, a female member of staff and
11 then a part-time member of staff? I'm talking about
12 care staff.

13 A. That's, yeah, that's the full complement, yes.

14 Q. But from what you tell us, that wasn't the case all the
15 time?

16 A. No, the male staff was a greater turnover than the
17 female staff. I think I had three female staff during
18 my time there, maybe four, and on the male side, I had
19 two, maybe three.

20 Q. Peter, just moving forward then to paragraph 25, we've
21 talked about PMO and you mentioned
22 PLS or PLS, and you say
23 PLS was PMO's boss, but both PLS and
24 PMO were managers in the social work department in
25 Gordon Street in Dumfries?

1 A. Correct.

2 Q. And you tell us that you don't know if you provided any
3 references for the job at Merkland?

4 A. I cannot remember. I think -- I probably had to, but
5 I don't remember, nor do I remember who it was I was --
6 provided them.

7 Q. Presumably they knew about your work at Bryn-y-Don
8 Approved School?

9 A. Er, yes.

10 Q. You tell us then, Peter, in relation to PMO, that he
11 used to come up to Merkland maybe once a week, would
12 have a coffee and a chat and he -- you tell us that you
13 spoke to him about the children getting a colour
14 television instead of a black-and-white television and
15 he said it wouldn't be approved. And you then organised
16 an open day for the home and you involved the local
17 community and raised enough money to buy a colour
18 television, but it wasn't something that was supplied by
19 the social work?

20 A. That's correct, yes.

21 Q. And you point out, Peter, that as officer in charge, you
22 were in charge of the whole home and took care of the
23 general running of the place. And you tell us a little
24 bit about the set-up in relation to food and the cook
25 and how things changed.

1 You tell us, Peter, at paragraph 29, if the staff
2 had a problem, you say which they never did, they would
3 come to you, and the staff were friends, is that right?
4 A. (Audio breakdown).
5 Q. When you say they were friends --
6 A. I wasn't involved with their private lives in any way.
7 Q. When you say they were friends, do you mean they were
8 friends to you or friends to each other?
9 A. Well, friendly with me.
10 Q. Okay.
11 A. ██████████.
12 Q. And as we've already discussed, you were the one
13 responsible for the staff and the running of the home
14 day to day and had responsibility for the children
15 there?
16 A. That's correct.
17 Q. Peter, you go on to tell us at paragraph 31 that you
18 think that you got on well with the children. They
19 decided to call you 'Pop' as a nickname whilst you were
20 there, is that right?
21 A. Yes. Yes.
22 Q. And PLS ██████████ knew about that and you say he didn't
23 see that as a problem and that's what you were called?
24 A. He took it -- sorry to interrupt.
25 Q. It's okay.

1 A. He took it back to the social work department, to the
2 committee, and it was approved.

3 Q. Okay. And you tell us that you would be introduced as
4 'Pop' by PMO [REDACTED] or PLS [REDACTED] whenever new
5 kids arrived?

6 A. Yes.

7 Q. And would it be PMO [REDACTED] or PLS [REDACTED] who would bring new kids
8 to the home?

9 A. No, it could be a social worker. Mainly PLS [REDACTED],
10 but it could be PMO [REDACTED], it could be a social worker. On
11 one, maybe two occasions, I had to collect a kiddy from
12 outside.

13 Q. Peter, you tell us there was a set routine at Merkland,
14 you say the children got up in the morning and everyone
15 went down for breakfast, and after breakfast, the
16 children did their jobs.

17 What kind of jobs did the children have to do?

18 A. Oh, nominal jobs, like there'd be the dishes after the
19 breakfast, sweep the dining room, put the chairs up on
20 the table, vacuum the living room, make sure the beds
21 were all made. Or each of them would make their own
22 bed. Tidy the boot room, tidy the cloakroom.
23 Basically, that was it. They were ten-minute jobs, they
24 weren't big jobs.

25 Q. So your position was that these were jobs that wouldn't

1 take a long time to do?

2 A. That's right.

3 Q. Because these were jobs --

4 A. I'd say the most was 15 minutes.

5 Q. Because these were jobs they would have to do before

6 they went to school?

7 A. Yeah.

8 Q. You also tell us, Peter, that one or two would have

9 maybe have wet the bed, so they would take their sheets

10 down to the cleaner?

11 A. Yes.

12 Q. And you say there was a full-time laundry lady?

13 A. Yes, there was.

14 Q. So was bed-wetting a problem when you were at Merkland?

15 A. Perhaps for three. There was three children that were

16 there before me, there was -- they used to wet the bed,

17 whether it was medical reasons, 'cause one had

18 a colostomy, sometimes the bag would burst overnight.

19 The others, they'd have dry days and wet days, but we

20 didn't make anything of it. We just accepted it. And

21 if it was dry, well done, type of thing, and leave it at

22 that. It wasn't anything I would pursue.

23 Q. So from what you're saying, Peter, they weren't punished

24 for wetting the bed?

25 A. Oh, no, no.

1 Q. And you didn't make a big deal about it?

2 A. No. If anything, I sympathised with it and tried to see
3 if there's anything I could do to help. None of them
4 went on medication over it. I never thought of going
5 down that road at all.

6 Q. Peter, you tell us after the jobs were completed, you
7 would get everybody together in the TV room and then
8 they would go off to school in Moffat. They all just
9 went themselves to school. Were there any times --
10 we've heard about a minibus. Were there any times that
11 you would take them in the minibus to school?

12 A. No, no, it was only a five-minute walk.

13 Q. Okay. You tell us, Peter, that you would take the
14 children down the town to get clothes when they first
15 came to Merkland. They'd get a school uniform, various
16 other clothes and shoes, and you say some of the kids
17 had never had different sets of clothes and some of them
18 were really poor. So they'd come from quite poor
19 environments?

20 A. Some did, yes. Some poor homes. One family, I remember
21 the mother was an alcoholic and there was no father.
22 She used to ring up the home after hours to try and
23 speak to the children but we wouldn't allow it, on the
24 instructions of PLS [REDACTED].

25 Q. Peter, you tell us then what you would do after the kids

1 went off to school and we've got that there at
2 paragraph 35. And then you say, at paragraph 36, after
3 your meal -- was this the evening meal?
4 A. Yes.
5 Q. Depending on what day it was, you'd have activities,
6 there would be bingo in the evenings, trips to the baths
7 in Dumfries, hillwalking, or sometimes you just went out
8 for a drive in the bus. Is that the minibus?
9 A. Yes.
10 Q. And would it be you who would usually drive the minibus?
11 A. Yes. I was the only one driving the bus.
12 Q. And I think you tell us that the local authority
13 wouldn't give you a bus, so you bought the bus?
14 A. Yes.
15 Q. And was that with your own money or did you raise it?
16 A. Yes. Not my own money.
17 Q. So when you arrived --
18 A. I sold my car.
19 Q. Sorry.
20 A. Sorry, I sold the car and bought the bus.
21 Q. So there was a car that you sold that was Merkland's?
22 A. I had a car which I sold and then I bought a bus.
23 Q. Okay, right. Thank you.
24 A. But I didn't -- I think I got the bus about six months
25 in, maybe a year in, I'm not sure.

1 Q. But prior to you doing that, there wasn't transport for
2 the children to go places, is that right?

3 A. No, nothing at all.

4 Q. You then tell us, Peter, that you were at Merkland for
5 about five or six years and you think it was between
6 1973 and 1978. Now, Peter, could it have been later
7 than that? I think we have some information --

8 A. Yes.

9 Q. -- from the council that you commenced employment as the
10 officer in charge at Merkland on 16 March 1977 and that
11 you stayed in that post until Merkland closed, which was
12 in July 1982. So could that be correct? That would be
13 still the five years, but it would be later than what
14 you've said.

15 A. I don't know, to be honest. I don't know. I always
16 thought I went there in about 1973 and left there in
17 about 1980.

18 Q. Peter, you tell us there was no period of probation at
19 Merkland. We've talked about the fact that you didn't
20 have any qualifications. There didn't seem to be any
21 prerequisites for the job and I think you mention there
22 you didn't provide any references, but I think when we
23 talked about that earlier, you said you weren't sure?

24 A. Yeah.

25 Q. And then, Peter, you go on to tell us at paragraph 39

1 that another home, a new home, was built in Dumfries and
2 that was about five years after you started at Merkland
3 and you thought they would train you up for that job and
4 get you the social work qualification needed to run
5 a home, but they didn't, and then I think you left
6 working in care at that point, is that right?

7 A. Yes, yeah.

8 Q. But the whole time, Peter, you were at Merkland, I think
9 you make the point, you hadn't received any training for
10 the job, is that right?

11 A. That's correct, yes.

12 Q. You didn't have any particular qualifications other than
13 your experience at Bryn-y-Don?

14 A. That's right.

15 Q. And was there ever any discussion with PMO
16 or PLS about you whilst you were at Merkland
17 obtaining some qualifications in childcare?

18 A. I think I may have mentioned that to PMO
19 because I'd said to him: what's going to happen when the
20 new home is built? And I think I just presumed I'd be
21 running it, but that wasn't to be the case.

22 LADY SMITH: Do you remember what he said?

23 A. No, unfortunately, I don't.

24 LADY SMITH: But you do remember mentioning it to him?

25 A. I remember we discussed it one time and he said: 'Well,

1 I don't know what the powers intend to do yet'. He
2 said: 'I'll let you know when I find out'.

3 LADY SMITH: Okay. Thank you.

4 MS FORBES: But that was in -- with a view to perhaps you
5 running this new home, this discussion about training;
6 is that right?

7 A. That was in my mind, yes.

8 Q. But whilst you were at Merkland, you were never given
9 any training for that role?

10 A. No.

11 Q. I think you tell us, Peter, at paragraph 40, you were
12 offered a job as deputy at the new home, but you didn't
13 want to do that?

14 A. That's right. And PLS [REDACTED] said: 'Oh, come on, we
15 all know you're the one that will be running it,
16 everybody will know that'. And I said: 'No, if there's
17 somebody over me, I don't want to be there'.

18 Q. You make the point, Peter, that at the time that was
19 happening, you say because of the shortage of staff and
20 the hours you were having to work, you were earning more
21 than the director of the social work department?

22 A. Well, that was said as a joke a couple of times, but,
23 yes, I was earning £2,500 a month, whereas I should have
24 only been earning maybe £1,000 a month, if that.

25 Q. Is that because you were paid by the hour or you got

1 paid overtime for extra hours?

2 A. I'd get paid overtime for extra hours which I put in
3 every week, but it was frowned upon. Yet, they still
4 didn't give me the staff to stop me doing it.

5 Q. It was frowned upon you doing the overtime or you
6 claiming the overtime?

7 A. Well, it was always a bit of a joke with the seniors to
8 me, you know: 'The amount of hours you're doing, we'll
9 have to get you some staff'. But it never materialised
10 that often. I think they had to go through a committee
11 and the Director of Social Work and other people and
12 they just -- to me there wasn't the interest in it.
13 They knew the home was going to be closing and: 'We'll
14 just amble on until then'.

15 Q. What hours were you supposed to do, ordinarily?

16 A. Well, 40 hours a week, I presume.

17 Q. And what did you end up doing?

18 A. 60, maybe more.

19 Q. You explain, Peter, at paragraph 41, that you were
20 getting the children up at 8.00 am and seeing them
21 through until bedtime at 9.00 pm and sometimes would
22 carry out the sleep-in overnight duty as well?

23 A. Yeah.

24 Q. When you were doing the sleep-in overnight duty, did you
25 stay in a different room in the home, to do that?

1 A. I slept in the staffroom, yes. The staffrooms were on
2 the floor, the girls' staffroom was on the girls' floor,
3 the boys' staffroom -- gents' staffroom was on the boys'
4 floor.

5 Q. And if you were doing the sleep-in duty, would you be
6 the only member of staff that was doing that?

7 A. Yeah. Well, the only member of staff on that landing.

8 LADY SMITH: So, Peter, you've told me there were two
9 staffrooms, were there, one on the girls' floor and one
10 on the boys' floor?

11 A. That's correct.

12 LADY SMITH: And if you were doing overnight duty, you would
13 sleep in, you said 'the staffroom', which one?

14 A. The one on the boys' floor.

15 LADY SMITH: On the boys' floor, thank you.

16 A. I never had anything to do with the girls.

17 LADY SMITH: I thought it must be the boys' floor but I just
18 wanted to check. Thank you.

19 A. Yeah.

20 MS FORBES: Peter, just what you said there, you never had
21 anything to do with the girls. Who was in charge of the
22 girls, from your point of view?

23 A. JDW originally, or the female member of staff on
24 duty.

25 Q. You tell us, Peter, that you don't know if

1 PMO [REDACTED] did any kind of appraisals or reviews of
2 your work, but you say he probably did, because he was
3 accountable, but you saw him as a friend, the same as
4 you saw PLS [REDACTED], is that right?

5 A. Yes. I recognised they were over me but they didn't,
6 how can I put it, they didn't ever set me straight or
7 say: 'Don't do it this way, don't do it that way'. They
8 just let me get on with it.

9 Q. So can you remember, Peter, ever sitting down with
10 PMO [REDACTED] and having an appraisal or a review of
11 any kind?

12 A. No. If I did, I didn't recognise it as such.

13 Q. You tell us again about staff, Peter, at paragraph 44,
14 and, in particular, you talk about the fact that you [REDACTED]
15 [REDACTED] took the job at Merkland [REDACTED], and JDW
16 was SNR [REDACTED], but you say she became a housemother,
17 so that [REDACTED]; is that right?

18 A. Yes; yes.

19 Q. So essentially she started as SNR [REDACTED] but then, after
20 a time, became housemother?

21 A. Yeah. [REDACTED] (audio breakdown) and something had
22 happened at the home and nobody knew who was in charge,
23 and they said [REDACTED]
24 [REDACTED]. So they had to demote her by -- by
25 title only, not financially.

1 Q. So Peter, the audio again broke up a little bit there,
2 so just to confirm, I think you were saying that, did
3 you and JDW [REDACTED] at one point and
4 something happened in the home and there was no nobody
5 senior in charge?
6 A. That's right, they were confused as to who should be
7 running what.
8 LADY SMITH: And you said they had to demote her, but they
9 didn't reduce her salary, is that right?
10 A. Yeah, that's correct. They demoted her in name only.
11 LADY SMITH: So she was paid a [REDACTED] salary or a wage all
12 the time you were there, was she?
13 A. Yes, yes.
14 LADY SMITH: Thank you. I just wanted to check that.
15 MS FORBES: So who was it then that became SNR [REDACTED] after her?
16 A. The female member of staff. I don't know who it was at
17 that time. I think it might be a member of staff called
18 Alison.
19 Q. You mention, Peter, at paragraph 45, a staff member
20 called Alison Craven?
21 A. Yeah.
22 Q. So you think that she became SNR [REDACTED] at one point?
23 A. I think, but I'm not -- I don't know.
24 Q. And would you always --
25 A. I'm not sure JDW [REDACTED] had --

1 Q. Sorry, Peter. Would you always have SNR [REDACTED]? You've
2 talked about staff shortages and the like. Would there
3 be times when that position wasn't filled?
4 A. Yes.
5 Q. You tell us about some of the names of the people who
6 worked at Merkland at paragraphs 45. You mention
7 JDV [REDACTED] who worked part-time and you mention someone
8 called Bill and an individual called PXG [REDACTED].
9 Was he somebody that had worked in Bryn-y-Don?
10 A. Yes.
11 Q. So did he come up then because -- to work in Merkland,
12 because he knew you from there?
13 A. Yes.
14 Q. You go on to tell us, Peter, about the other staff, the
15 cleaners, the cook, and you also mention that [REDACTED]
16 [REDACTED] took on a job as a cook and a full-time
17 laundry lady at one point?
18 A. No, she was never the laundry lady.
19 Q. Oh, sorry, it's my fault, Peter. I've read that
20 sentence wrong. So I think you say [REDACTED]
21 took on the job as a cook at one point, but you also
22 separately had a full-time laundry lady. That's my
23 mistake.
24 A. Yes, that's right. Mrs Whybrow, I remember her name
25 was.

1 Q. Peter, you tell us that you feel you got on well with
2 all your staff, that there was no firmness. Is that
3 from you, there was no firmness from you?

4 A. Well, that's right. I wasn't trying to dominate them in
5 any way. I would ask them if they'd filled in the day
6 diary. Basically they filled in the menu sheet.
7 I would ask them, the tasks which I hadn't been doing,
8 'cause I passed the day diary and the menu sheet for the
9 week on to PMO [REDACTED] each time.

10 Q. I think you tell us a little bit more about the records
11 later in your statement, Peter, so we might come back to
12 that.

13 A. Okay. All right.

14 Q. But at this point in your statement, Peter, you're
15 saying that you didn't think that the staff were scared
16 of you, is that right?

17 A. No, that's right.

18 Q. And what about JDW [REDACTED], was she able to do her
19 job independently from you?

20 A. Yes, 'cause she mainly looked after the girls, which
21 obviously I was involved meal times and things, but any
22 pursuits and anything, JDW [REDACTED] would look after the
23 girls. If we were going swimming, I would -- she would
24 have sent a member of staff, a female staff would go
25 with the girls. So if I had hired the big bus to take

1 the children down to Dumfries, I would get the female
2 staff to come as well so the girls could come.

3 Q. And did JDW, Peter, have autonomy from you in how she
4 dealt with the girls?

5 A. We never looked at it as that way, to be honest. It was
6 just a way of life. She would discuss with me if she
7 had a problem with anyone, but the girls, they were very
8 well behaved, considering. I didn't have any problems
9 with the girls.

10 Q. You mention, Peter, that there were rules to be kept,
11 this is at paragraph 49, and I think this is in relation
12 to the jobs that the housemothers and housefathers had.
13 So they had to observe the kids, note when they went
14 out. They would bring any problems to you, but they
15 were basically just looking after them; is that right?

16 A. Yeah, yeah. They would make entries in the diary of any
17 note, or if they were concerned, if someone had lost
18 their shoes they'd put that in the diary. You know,
19 I mean, to be honest, if somebody lost their shoes, they
20 lost their shoes, I'd go and get them another pair, it
21 was as simple as that.

22 Q. Peter, you say that if you had staff, that you would
23 have staff meetings once a month, you would discuss
24 certain kids and that you also gave --

25 A. Yeah, but --

1 Q. Sorry, sorry, Peter.

2 A. -- I was trying to follow on what I did in the approved
3 school, was have case reviews on the kids. But it
4 didn't happen too successfully, but when -- the ones
5 that I did manage, PMO [REDACTED] would come and chair
6 for me and we would discuss everything in general about
7 whatever kid we picked out to discuss that week, and
8 invited social workers as well, but the social workers
9 wouldn't always turn up.

10 Q. You say, Peter, it wasn't that successful. Why was
11 that?

12 A. Probably because of my own inexperience.

13 LADY SMITH: When you refer to trying to follow on what
14 you'd done in the approved school, are you referring to
15 the place you worked immediately before Merkland?

16 A. Yes, Bryn-y-Don School.

17 LADY SMITH: Thank you.

18 MS FORBES: So when you're talking about success then,
19 you're -- in relation to these meetings, do you mean
20 that you don't think that they actually achieved much or
21 were that productive, and you're explaining that's
22 because of your inexperience?

23 A. It was basically just passing information around on the
24 child. If the social worker was there, she would say
25 something about the living situation, but she might just

1 say the living situation hasn't changed, and that's as
2 much as I'd know about the living situation. If in the
3 case of the family that had the drunken mother, she
4 would say if the mother's there, and I would say: yes,
5 she's still contacting the home every evening.

6 Q. You tell us that you would give staff, Peter,
7 a particular section of kids from the home that they
8 were responsible for and if you had dealings --

9 A. Yeah.

10 Q. -- with those kids you would bring that staff member
11 into it?

12 A. Yes.

13 Q. So you would delegate some responsibility for certain
14 groups of children?

15 A. I would try to, yes.

16 Q. And would that be for perhaps younger boys as opposed --
17 and older boys, separate groups?

18 A. If you had a boy that was bullying, the staff may have
19 brought it to my attention and we would discuss that
20 with all the staff present, and a plan of action. I do
21 remember one time, there was a boy bullying heavily and
22 we had a meeting with the children and we told all the
23 children not to speak to him. And after a few days, he
24 came back saying: 'The children are not speaking to me,
25 what's going on and why?'. And we explained it to him

1 and he seemed to change his behaviour.

2 Q. Do you remember, Peter, there being a particular issue

3 with bullying, aside from that one incident you've

4 talked about?

5 A. No, just the once. You would occasionally get the

6 children at bedtime, when the big boys' room would

7 invade the small boys' room, but it was sort of done in

8 fun, you know: 'We'll take the pillows and we'll batter

9 them', type of thing. But when that happened I would go

10 down and maybe I'd give them punishment, maybe I'd just

11 tell them off. If the punishment I'd give them was

12 anything, it would be: go for a run. We would --

13 I would never give them a physical punishment.

14 Q. Peter, when you say 'go for a run', do you mean

15 a physical run outside?

16 A. Yes, well, we had -- I used to do like a cross-country

17 run, but it wasn't cross country, it was along the road.

18 There was a road by the side of the home, which was

19 a dead-end, rarely used, type of thing. But after

20 a while I managed to get like a tennis court built in

21 the grounds of the home with floodlights and we'd go out

22 there and have them run round in circles, just to take

23 some of the energy out of them.

24 Q. So that would be a punishment that you would give out to

25 the children?

1 A. Yeah, yeah.

2 Q. And how long would they have to do --

3 A. Not often, but --

4 Q. Sorry, Peter.

5 A. Oh, I'd say: 'I want 50 laps'. And after five laps
6 somebody would say: 'I'm not doing this'. And I would
7 say: 'You'll have to start counting again'. Generally,
8 we'd get to about 25 laps of the tennis court and they'd
9 then go to bed. They seen it as a punishment. If they
10 was in the approved school, they'd have to do 100 laps
11 and they would have to do them, but I never was that
12 strict.

13 Q. What would happen, Peter, if a child given that
14 punishment, if they refused to do the laps?

15 A. I never had anybody refuse so I don't know what would
16 happen. So I think at that stage, I'd be using the
17 group. I'd be saying to the group: 'Oh, Joe Bloggs has
18 stopped, we'll start counting again'. And then the
19 group would start shouting at them.

20 Q. So just to understand, Peter, you mentioned a group
21 there. So if a child was given a punishment of
22 completing laps, would other children have to do that
23 too, who weren't being punished?

24 A. I don't think I ever did it to one child. I did it to
25 all the boys or none of the boys. It was like a group

1 punishment.

2 Q. So if somebody had done something wrong, there would be

3 a group punishment for all the boys?

4 A. Yeah, but when I say that, I'm talking about the

5 incident where the boys attacked the other room. They

6 (inaudible) involved all of the boys. But if one boy

7 stepped out of line, we would say: 'Right, you're on the

8 dishes on your own tonight, or for the week'. And JDW

9 JDW would supervise them doing that.

10 Q. So another punishment might be carrying out a chore?

11 A. Yeah, yeah.

12 Q. You say, Peter, at paragraph 51, that the staff were

13 almost like friends to the kids and they weren't

14 authoritarian. They didn't have to lay down the law

15 anywhere. Is that right?

16 A. That's correct.

17 Q. But you say there was this routine in the house with

18 meal times, doing the dishes and the jobs that the kids

19 had to do in the house, and you say staff would then go

20 round making sure those jobs were being done, but it was

21 never done in a nasty way?

22 A. That's right, and the jobs were token jobs. They

23 weren't -- I mean, other cleaners did the real work.

24 But the kids would make an effort.

25 Q. What would happen if a child didn't carry out the jobs

1 that they were supposed to do, Peter?

2 A. Might say to them, 'Go to bed early', I suppose. We
3 didn't have that arise.

4 Q. Okay. So you say that wasn't a problem, the children
5 would comply and they would do the jobs?

6 A. No, that's right, yeah.

7 Q. Peter, you say that you were never involved in
8 recruitment of staff, so you didn't have any say in who
9 was employed at Merkland?

10 A. No, no.

11 Q. So any staff that did come to work there had been chosen
12 by the social work department?

13 A. Correct.

14 Q. Without your input?

15 A. That's right. They might say, a week or two later, say:
16 'How's Joe Bloggs doing?'. And I'd say: 'Well, he's
17 doing his job'. Because the demands weren't that great
18 on them. If anything, it was tedious for them.

19 Q. Because you say, Peter, at paragraph 55, that you
20 obviously were involved in the management of the staff
21 at Merkland because you were the officer in charge?

22 A. Yeah.

23 Q. And you tell us though you didn't have the power to fire
24 them or anything like that?

25 A. Yeah.

1 Q. So if there was a problem, would you just have to report
2 that -- a problem with a member of staff, I mean, you
3 would have to just report that to PMO or PLS ?
4 A. I would, yes.
5 Q. And was that something that you remember having to do?
6 A. No.
7 Q. Okay.
8 And you point out, Peter, we've talked about this
9 already, that you weren't trained, and you say at
10 paragraph 58, you weren't involved in training staff,
11 but you did delegate and gave certain -- sorry, staff
12 a certain number of children to deal with, and we talked
13 about that.
14 So, Peter, the staff that you did get, did they have
15 experience in working with children, do you know?
16 A. Not that I know of.
17 Q. So this would be their first job working with children
18 in a home?
19 A. I wouldn't know.
20 Q. Okay, so you just didn't know --
21 A. Unless they mentioned it to me, no.
22 Q. So you don't recall having staff members who had talked
23 about their previous experience or that you were aware
24 had particular experience of working with children?
25 A. No, no.

1 Q. And when staff would arrive, would they have to shadow
2 other members of staff to learn the ropes, or how would
3 they know what they were supposed to do?

4 A. I think they would probably just tell them what to do
5 and -- or they'd just be about and they'd pick it up
6 themselves. It wasn't that formal.

7 Q. So sort of on-the-job training?

8 A. Yes, if you like.

9 Q. Peter, just moving forward in your statement to
10 paragraph 61, you talk about some records and you say
11 the only records that you kept were the punishment book
12 and the day diary. And you have mentioned a day diary
13 earlier in your statement, but -- and you've mentioned,
14 is it a meal book as well, or a menu book?

15 A. It was a weekly menu written out, which was handed in to
16 the social work department every week. And the cook
17 would arrange that menu and make sure it was carried
18 out.

19 Q. But you did have this punishment book and the day diary
20 and would these also be things that would be handed over
21 to social work at different times as well?

22 A. PMO would inspect the punishment book if any
23 punishment was issued. The punishment book was for
24 physical punishments, not meaningful tasks. And I think
25 I used it twice, once at the direction of a social

1 worker, and the other, I think, was a boy that was
2 stealing.

3 Q. You tell us a little bit more about that a little bit
4 later in your statement, Peter, so we'll come to that.

5 But you also mention at this paragraph that when
6 a new child would come to Merkland, there would be
7 a doctor to examine them and you would keep the details
8 from any doctor's examinations. And there'd also be
9 a yearly examination by the doctor and that was the
10 local GP, who -- you've told us who that was?

11 A. Yes.

12 Q. Peter, we've already mentioned the fact that you got the
13 council to turn a piece of ground that Merkland had into
14 an asphalt pitch. Was this for -- I think you mentioned
15 a tennis court --

16 A. Yeah.

17 Q. -- but was this a pitch that was for five-a-side
18 football eventually?

19 A. It was the size for five-a-side football, yes. It
20 wasn't quite big enough to be a tennis court.

21 Q. And this was the one that you've mentioned had
22 floodlights?

23 A. Yes.

24 Q. And you told us that's where the children would do their
25 laps as a punishment?

1 A. Yeah, they would play in there and in the grounds as and
2 when they wanted to. If they were playing football,
3 there was five-a-side posts in there, they'd be playing
4 that. And as I say, I would use it for running around
5 as punishment, but that again was rare. I think the
6 whole time I was there, perhaps five or six times.

7 LADY SMITH: But you also told me you took the children out
8 to the road and they had to run on the road as
9 punishment, is that correct?

10 A. Yes. Well, it was more of a lane than a road, but yes.
11 There was no lights so I would generally be having the
12 car behind them with the lights on. It's only about
13 three quarters of a mile. It wasn't a great distance.

14 LADY SMITH: Thank you.

15 MS FORBES: What time of day would that happen, that you
16 were taking the children out for a run and be behind
17 them in the minibus, Peter?

18 A. Probably 9.00/10.00 o'clock.

19 Q. So was this before they were supposed to be in bed or
20 after?

21 A. After.

22 Q. So after they were supposed to be in bed, would they be
23 woken up by you or what would happen?

24 A. No, they would already be awake. They would have been
25 charging round from room to room.

1 Q. So are you describing circumstances when there was
2 disruption at night by the children, at bedtime?

3 A. Yes, yes.

4 Q. And are you saying that that would be the occasions as
5 punishment when you would take them out for a run and
6 drive behind --

7 A. Yeah.

8 Q. -- in the minibus?

9 A. Yes.

10 Q. Well, you've mentioned 9.00 or 10.00 at night Peter;
11 would it ever be later than that?

12 A. No, not really. It would be just when they're not
13 settling at night.

14 Q. And how long would that process take of them running
15 back?

16 A. 10/15 minutes at most. I'd say it was only half a mile
17 to three-quarters of a mile.

18 LADY SMITH: Well, did you ever actually measure the
19 distance, Peter?

20 A. No.

21 LADY SMITH: Thank you.

22 MS FORBES: And just so I finally understand what you're
23 describing Peter, would you take them out in the minibus
24 to where they had to run back from, or would they have
25 to run to a place and then back again?

1 A. I would take them out there; out to the place where
2 they'd run from.

3 Q. And is your position that this would be those children
4 who'd been involved in the disruption only, or would it
5 be all the children?

6 A. It would be all the children in the bedrooms that were
7 involved. It wouldn't be the girls, it would just be
8 the boys.

9 Q. And when that happened, would it just be you who was
10 there in the minibus or were there any other members of
11 staff?

12 A. It depends who was about, staff-wise. If there was
13 another member of staff about, I'd take another member
14 of staff who might go in front of them just in case any
15 cars come the other way.

16 Q. But usually would it be just you? You've talked about
17 staff shortages.

18 A. It would normally be me, yes.

19 Q. Peter, we're going on to talk about, a bit more about
20 the children and we -- you did mention earlier in your
21 evidence that when children arrived at Merkland, you
22 didn't really know anything about them?

23 A. No.

24 Q. And you say at paragraph 64 that you weren't involved in
25 any assessments of the children who came to Merkland and

1 you don't remember getting anything from the social work
2 saying why the children were being placed at Merkland?

3 A. That's correct.

4 Q. So you just had them, and from what you've said, you
5 would find out things from the child about what had been
6 happening?

7 A. Yes, or some of the other children might have said --
8 'cause a lot of them knew each other before coming in.

9 Q. You've talked about discussing the kids when you were
10 getting ready for a case review and you say that you
11 would maybe arrange for the parents to visit or for the
12 kids to visit the parents and that you would have case
13 reviews for each child approximately every six months.

14 And would these case reviews, I think you say, they
15 would be attended by you, is that right?

16 A. Yes.

17 Q. Along with a social worker?

18 A. If the social worker turns up. They didn't always turn
19 up.

20 Q. And --

21 A. I would notify them -- sorry. I would notify them and
22 they would say it's not convenient. So either we'd call
23 it off or we'd go ahead without them, so long as PMO
24 was there, and PMO could pass on the information.
25 Sorry.

1 Q. No, sorry, it's my fault, Peter.

2 So these were different from -- these case reviews

3 were different from the weekly meetings that you talked

4 about earlier, this would be six months. Would they

5 take place in Merkland?

6 A. Yes.

7 Q. And you say that, more than likely, PMO

8 would be there?

9 A. That's correct.

10 Q. But you say that the child wouldn't attend the case

11 review?

12 A. No.

13 Q. But you say if a social worker was there, they would

14 record the case reviews and keep those records. But

15 Peter, I think you said that sometimes the social worker

16 wouldn't be there, is that right?

17 A. Yes, sometimes the social worker wouldn't attend.

18 Q. So would they still be recorded if the social worker

19 didn't attend?

20 A. Well, we'd basically then only talk about the behaviour

21 in the home and how he's getting on in school.

22 Q. Did that mean that you wouldn't keep a record then of

23 that meeting?

24 A. Yes, we'd put it in the file we kept.

25 Q. Okay, you would?

1 A. Yes.

2 Q. And I think you mention, Peter, there was a filing
3 cabinet for each child -- sorry, there was a filing
4 cabinet in the office with files for each child, and is
5 that where these case reviews would be recorded if
6 a social worker wasn't there?

7 A. Yes.

8 Q. Because I think you say if a social worker was there,
9 they would keep the record?

10 A. No, no. They would make an entry on our record and they
11 may keep a record for themselves, I don't know.

12 Q. That's my mistake, thank you, Peter.

13 LADY SMITH: Okay, so, just to understand this, if the
14 social worker was there, it would be them who would
15 write something into the Merkland records, but if the
16 social worker didn't turn up, you would write something
17 into the Merkland records?

18 A. No, the Merkland record would be written by the person
19 I'd delegated to look after that child.

20 LADY SMITH: Okay. So a Merkland member of staff would
21 write it in if the social worker wasn't there?

22 A. Yes.

23 LADY SMITH: But the main point being a record was kept in
24 Merkland in a filing cabinet, whether the social worker
25 was at the meeting or not?

1 A. Yes, yes, and the social worker would have access to
2 that cabinet in the office (audio breakdown).

3 LADY SMITH: Okay, thank you.

4 MS FORBES: Peter, you also say that any incident would be
5 recorded on the child's file there as well and you talk
6 about things like absconding or health matters, so
7 that's the type of thing that would also be recorded in
8 a child's file, is that right?

9 A. It would be recorded in the daybook. Absconding,
10 I don't -- I think we had one, maybe two absconsions all
11 the time I was there. But it would be recorded on their
12 file, yes.

13 Q. But you say there were very few incidents?

14 A. Yeah.

15 Q. Just going on then, Peter, you say that children didn't
16 stay at Merkland for any set time and I think you say
17 that there was -- you remember one family of children
18 who stayed for years, but children generally stayed
19 until they were school-leaving age or until their family
20 circumstances changed?

21 A. Yes.

22 Q. You weren't involved in discussions about children
23 coming or going from Merkland?

24 A. No. When they left at the age of 15 or 16, whatever it
25 was, I wouldn't see or hear of them and, as far as

1 I know, they didn't have much supervision after they
2 left anyway.

3 Q. Peter, you tell us that as far as you can remember,
4 there were 15 boys and four girls at Merkland, so they
5 were all, you say, secondary school age, you think, and
6 their ages ranged from about 11 or 12 up to the
7 school-leaving age, and I think you mention somewhere
8 else that at that time, the school-leaving age was 15?

9 A. I think it was, yes.

10 Q. You tell us about meals and you've mentioned a cook. In
11 your view, you say that the food was excellent and you
12 tell us a bit about that at paragraph 73. You say that
13 if a child didn't like the food, there was no
14 punishment, but that it was JDW who dealt with
15 things like that; is that right?

16 A. Well, if it was highlighted, generally if a kiddy didn't
17 like something, it would go back to the kitchen and that
18 was the end of it. Depends what it was.

19 Q. And you say that JDW was a disciplinarian. What
20 do you mean by that, Peter?

21 A. She -- well, she was stricter than I was. I was
22 easygoing. She was -- she'd pick a child up if they
23 spoke different -- if they spoke in any nasty way or if
24 they said something that was wrong. But she wouldn't be
25 hitting them, as far as I know. And, I mean, I never

1 used corporal punishment in the home other than on the
2 two occasions, once I was directed by social work and
3 the other, as I say, was somebody who was stealing.

4 Q. Well, we'll come to that, Peter, but in relation to
5 JDW, what ways did she demonstrate this disciplinarian
6 attitude that you've talked about?

7 A. I can't honestly say. It was [REDACTED]
8 [REDACTED], how she'd deal with the kids, I suppose. But--
9 I mean, she was very popular with the girls, from what
10 I see of it. And the boys, I mean, if I'd say to a boy,
11 'I'm going to tell JDW about you', they'd cringe and
12 they'd say, 'Oh, don't do that', and they'd laugh about
13 it. They wouldn't see it as being that serious.

14 Q. Well, you say that you didn't think she was physical
15 with any of the children, but what sort of punishments
16 did she give out, if any?

17 A. Jobs.

18 Q. So chores?

19 A. Yes.

20 Q. And we've talked about chores before, so would it be
21 those type of chores?

22 A. Yes.

23 Q. And you say that there once was a younger boy that
24 wouldn't eat anything but you don't know the details and
25 that it was JDW who dealt with that, is that right?

1 A. Yes.

2 Q. But you point out that if the children didn't like -- so
3 you say if the children didn't like the food, the cook
4 would make them something else. So were you aware of
5 that happening, a child not liking certain food and the
6 cook making something else?

7 A. I cannot remember any incident, but I mean, the food
8 I don't think was ever a problem, as far as I know. The
9 cook was quite good with what he made and he himself
10 would say: 'Oh, they won't like that, so I won't make
11 that, I'll do something else', but that's for everybody.

12 Q. Peter, you tell us a bit about sleeping arrangements and
13 you've mentioned a little bit before about the girls
14 being on the ground floor, and then you say there were
15 two rooms upstairs where all the boys slept?

16 A. Yeah.

17 Q. At paragraph 76, you say there were two bathrooms in
18 Merkland but they were both on the boys' landing?

19 A. That's right.

20 Q. And we've talked before about the fact that staff would
21 have to use these bathrooms as well?

22 A. Yeah.

23 Q. And you tell us at paragraph 77, that there was
24 an occasion when a girl was having a shower and you
25 didn't know she was in there and you went downstairs and

1 told the staff off for not telling you. Did that mean
2 that you went in?

3 A. I was passing the second bathroom and I could hear the
4 shower running. All the children, as far as I know,
5 were in school, I thought the cleaner had left the
6 shower running (audio breakdown) found out there was
7 a girl in there, and all I could do was apologise, and
8 when I went downstairs, I told the staff about it. They
9 laughed, to be honest.

10 Q. So the shower that was there, was this an open shower,
11 Peter?

12 A. It was a shower cabinet.

13 Q. So when you say you went in when a girl was having
14 a shower, did you see her within that cabinet or not or
15 did you just go into the room?

16 A. No, it was -- the shower was a tin shower, cabinet
17 shaped, with a curtain across the front. And I pulled
18 the curtain back. She was very quick and covered
19 herself (audio breakdown), I was quite annoyed and
20 I went down and told the staff.

21 LADY SMITH: Sorry, Peter, the transmission's broken up.
22 Can we go back; I'm going to ask Ms Forbes to ask you
23 that question again.

24 MS FORBES: Peter, you were talking about the incident with
25 the girl in the shower when you went in and I think we

1 got the fact that it was a tin shower cabinet with
2 a curtain, and you were telling us that you'd pulled the
3 curtain back and that she was quick in covering herself.
4 But then, after that, I think it broke up. So what were
5 you wanting to tell us after that?

6 A. Well, I turned round straightaway. She covered herself
7 up very quickly and I went downstairs to see the staff
8 to ask them to explain why there was a girl in the
9 shower and why I wasn't told about this. The
10 incident --

11 LADY SMITH: How old was the girl -- sorry, Peter, do you
12 know how old the girl was?

13 A. 14-ish?

14 LADY SMITH: 14?

15 A. 14-ish, yeah.

16 LADY SMITH: Thank you.

17 MS FORBES: So the fact that a girl might be having
18 a shower, was that something you would normally be told
19 about, by staff?

20 A. I always told the staff to inform me when the girls were
21 showering and usually they went up as a group and it was
22 in the evening or on the weekend. Never had I known a
23 girl be at home at school -- home from school and using
24 the shower, without being told about it.

25 Q. And why was it that you needed to know when they were

1 having a shower, Peter?

2 A. So the incident wouldn't happened.

3 Q. Because is your position that was a room that you would

4 have to use as well?

5 A. That I could use if I want to, yes.

6 Q. I think you tell us that that bathroom had a Yale lock

7 on it but it wasn't a very good lock?

8 A. No, the other bathroom had a Yale lock. That room

9 (audio breakdown).

10 Q. So just understanding, the room with the shower didn't

11 have a lock?

12 A. (Audio breakdown) I don't think it had a door, but

13 I'm not sure.

14 Q. Apologies, Peter, you broke up a little bit there. Were

15 you saying that you didn't think that that -- that the

16 room with the shower had a door on it?

17 A. I don't think it did, but as I say, I'm not sure.

18 Q. Peter, you go on to say that bedtime was at 9.00 pm and

19 the kids would get into their pyjamas and meet in the TV

20 room and then watch TV until about 10.00 pm, subject to

21 what day it was. So I think you explain at weekends

22 you'd let them stay up a bit later. So during the week,

23 was 10.00 pm the bedtime then?

24 A. Yes.

25 Q. You talk then, Peter, about leisure activities, kids

1 could watch the TV and you've explained that you
2 would -- would you use that room as well as the
3 children?

4 A. Sorry, I didn't quite understand what you're saying
5 there.

6 Q. Sorry, Peter, that's my fault. The room where the
7 children could watch the TV, this is the room that
8 I think you say, after you arrived, you changed the TV
9 room into your office?

10 A. Yes, yes.

11 Q. And then gave them the better room. That room with the
12 TV --

13 A. Yes.

14 Q. -- I think it ended up having a colour TV eventually
15 after you raised the money, is that right?

16 A. Yes.

17 Q. Was that a room that you would use as well as the
18 children?

19 A. Yes, all the staff would use it.

20 Q. Was that really the -- was that the only TV in the
21 house?

22 A. It was the only communal room with a TV, yes.

23 Q. So sometimes would you sit with the children to watch TV
24 in the evening?

25 A. Yes, as would the other staff.

1 Q. And did that include JDW as well?

2 A. Yes, if she was on duty. She would be more when she's
3 off duty she'd want to be with herself, so she'd be
4 .

5 Q. But you explained, Peter, about the staff problems and
6 the fact that sometimes there would just really be you
7 and JDW working in the home. So if she wasn't on
8 duty, would there be times when it would just be you and
9 the children in that TV room watching TV?

10 A. Occasionally, yes.

11 Q. You talk as well, Peter, about playing bingo and you
12 said you took the kids hillwalking and swimming and
13 sometimes you would hire a 40-seater bus to take the
14 children to the swimming baths in Dumfries?

15 A. Yes.

16 Q. But I think you say complemented with some of the local
17 children, so would they come along as well?

18 A. Yes.

19 Q. But given that you had to hire a bigger bus to do that,
20 would those trips be frequent or not?

21 A. Well, weekly over the (audio breakdown) and they were
22 donated. I didn't have to pay for them.

23 Q. I think again, sorry, Peter, but the link cut out there.
24 Did you say that that would be weekly? And then we
25 missed what you said after that?

1 A. Usually weekly during the winter months and the cost of
2 the bus was (audio breakdown).

3 Q. Again, sorry, Peter, it's our problem, but again it
4 broke up. I think you mentioned something about money
5 being taken from something, would that be out the
6 Merkland fund?

7 A. No, no, the bus company would give us the bus as
8 a complement. They would let us use it once a week free
9 of charge.

10 Q. Peter, you also say there was a disco every week in one
11 of the outbuildings and the children could invite their
12 friends, and you say there was a child's meeting once
13 a week which was informal, and that's when the kids were
14 given their jobs for the following week. So would there
15 be a rota?

16 A. Um, yes, I think there would be. They wouldn't have to
17 do the jobs for two weeks on the trot. There would be
18 a rota for it.

19 Q. And you say that -- sorry, Peter?

20 A. And the discos, I think they may have been once
21 a fortnight, not once a week. I can't remember.

22 Q. You talk, Peter, about buying a record for the children
23 and that they would get a vote on the record to be
24 bought and it would be one record a week from the Top 10
25 or the Top 20, so I take it from that there was a record

1 player in the house, in the home?

2 A. Yes, there was, a radiogram.

3 Q. And you mention playing hide-and-peek with them on
4 occasion, chasing them, and so would you play games like
5 that with the children?

6 A. Yes, we'd play hide-and-peek. One game would start off
7 with me chasing everybody, but as I got them one by one
8 they'd come over to my side to chase the others until we
9 had the full complement.

10 Q. Would that take place in the home or out on the grounds
11 or did it depend?

12 A. In the home and out on the grounds, if it was summer and
13 light nights.

14 Q. And you've mentioned being out in the minibus, you say
15 most days, and you used to go to Ayr for a regular
16 holiday that you tell us about. And there was this
17 camping that you've mentioned before that the police
18 officer went on at St Mary's Loch, and you say you were
19 very keen to encourage outside involvement. And also
20 one of the staff, this PXG who had come from
21 Bryn-y-Don that you mentioned before, he took a group of
22 kids to walk Hadrian's Wall.

23 You go on, Peter, to mention cadets, was that Army
24 Cadets, and the fact --

25 A. Yes.

1 Q. -- that the guy who ran Merkland before you was someone
2 who made the kids go to the Army Cadets every week and
3 that was forced, but when you took over, you didn't make
4 them go and said they could -- should only go if they
5 wanted to. But that was something that continued to
6 a degree after you took over?

7 A. Yes, I think there was two boys which went regular. And
8 I know that two boys went into the army from Merkland.

9 MS FORBES: My Lady, I don't know if this is a good point to
10 break?

11 LADY SMITH: Would that be a good point to break?

12 Peter, you remember I said at the beginning, I'd
13 normally take a break at 11.30 am. We're just after
14 11.30 am now. I think we should do that now, if that
15 would work for you. I'm sure you'd welcome a breather,
16 am I right about that?

17 A. Thank you very much.

18 LADY SMITH: Let's do that and then we'll return to your
19 evidence after the break.

20 A. Thank you.

21 (11.32 am)

22 (A short break)

23 (11.55 am)

24 LADY SMITH: Peter, welcome back, I hope the break was of
25 some help.

1 A. Yes, thank you very much.

2 LADY SMITH: It's also given us an opportunity to see if
3 there's anything we can do about improving the link.
4 It's probably been explained to you, you're breaking up
5 at times.

6 A. Yes.

7 LADY SMITH: We think it's the Wi-Fi at your end and if it
8 is a problem again, we may just cut the visuals. I hope
9 that will be all right with you. It may not be, but if
10 it does become a problem again that will reduce, if
11 I can put it this way, the strain on the Wi-Fi in the
12 building that you're in and that might help.

13 A. Yes.

14 LADY SMITH: Anyway, Ms Forbes.

15 MS FORBES: Thank you, my Lady.

16 Peter, just before we broke, we had got to a part of
17 your statement where we were talking about different
18 activities that you do with the children.

19 So moving on then in your statement to paragraph 90,
20 you mention again the chores or the jobs that the
21 children would have to do. And I'm not going to go
22 through all that, because we have talked about it, but
23 your position really seems to be that these jobs were
24 more of a token gesture and you never really had any
25 problems with the kids doing their jobs, and that's how

1 you saw it, is that right?

2 A. That's correct.

3 Q. And, Peter, you've talked about visitors before and how
4 Merkland in your view was really an open house. And you
5 say, at paragraph 93, that a record would be kept of
6 visitors in the day diary by staff and by you and that
7 sometimes social workers would come unannounced and you
8 would encourage them to take the children out, or the
9 child out, out into the town or something like that.
10 And you say at paragraph 96:

11 'Some social workers were good and came to visit
12 every two weeks but some just never came at all.'

13 A. That's correct.

14 Q. And you say that the social workers had to maintain
15 reports on the children, but you never saw them?

16 A. No.

17 Q. And you tell us that children wouldn't have gone away
18 with staff to any of their homes and you say as well
19 that you're not aware of any -- of a review being
20 carried out by Merkland or by the local authority or
21 Children's Panel in relation to children's continued
22 residence at Merkland.

23 So did you ever have to prepare any reports on the
24 children for any reviews?

25 A. No, nothing.

1 Q. Peter, at paragraph 102, you say:
2 'I did feel as if the social work and council
3 weren't really interested in how things were going along
4 at Merkland.'
5 And you say it wasn't until you notified them you
6 were having an open day, and suddenly you had 15 new
7 beds and new carpets were put in. And that was the one
8 time the council did something to get Merkland looking
9 good?
10 A. Yes.
11 Q. And it was, you describe it as a 'scraggy place' when
12 you first arrived?
13 A. Correct.
14 Q. Because they were going to open this new home in a few
15 years, they didn't seem to be interested in the Merkland
16 building itself?
17 A. That's true. I believe I was told by JDW they moved
18 the beds along with the kids, so that furniture was
19 originally designated for the new home.
20 Q. So essentially that was the new beds for the new homes
21 getting put into Merkland, but early?
22 A. Yes.
23 Q. You talk about the living arrangements then, Peter, from
24 paragraph 104 and we've explained the set-up before and
25 you essentially say that all staff had access to the

1 children's residential areas, and there was a centre
2 staircase which went to all the landings, is that right?

3 A. Yes.

4 Q. And we've talked about there being the two rooms, one
5 for the housefather and one for the housemother and they
6 would be --

7 A. Yeah.

8 Q. -- on the different floors for those children, whether
9 it was boys or girls?

10 A. One on the girls', one on the boys'.

11 Q. Yes. And we've talked about the sleep-in duty already.

12 Just moving then, Peter, to discipline and
13 punishment, from paragraph 108, you tell us there was no
14 corporal punishment at Merkland and you say you didn't
15 have to use it when you first went up but you were
16 forced to use it eventually. And you've mentioned,
17 earlier in your evidence, these couple of occasions that
18 you now, I think, go on to talk about.

19 I think the first one is you say that on the first
20 night, all the children were standing on their beds and
21 banging on the ceilings in the home and you didn't
22 react. And then the next day, which would have been
23 your second day, after breakfast, they all disappeared
24 and they didn't go to school?

25 A. Yeah. When I said all, I meant the boys. The girls

1 were okay.

2 Q. Okay. And then you got notified by the school that none
3 of the kids had gone in and you spoke to the headmaster
4 and he told you that you would have to belt the
5 children --or sorry, he would have to belt the children.
6 And you say then that the kids were away all day and you
7 took advice from PLS [REDACTED] about what you should
8 do, and PLS [REDACTED] said to you that you should belt them, and
9 you say that seemed unfair --

10 A. Yeah.

11 Q. -- as they'd be getting belted twice. But he said that
12 you had to stamp your authority on them. Is that right?

13 A. Correct, yeah.

14 Q. And Peter, you then say that you agreed with the
15 headmaster at the school that you would belt them on the
16 backside and he would belt them on the hands so as not
17 to overdo it, and you mention that it was the boys, you
18 think, that were belted, and it was about 11 or 12 boys,
19 and that was recorded in the punishment book at
20 Merkland?

21 A. Yes.

22 Q. And was that in accordance with the rules at the time
23 about punishment with belts?

24 A. Yes, and PMO [REDACTED] would have signed the
25 punishment book.

1 Q. And the belt that was used by you, Peter, was that one
2 that belonged to the home?

3 A. Yes.

4 Q. Peter, you say that you used the belt on another
5 occasion for a boy that was stealing and you gave him
6 three of the belt over his clothing on his backside and
7 you had a member of staff with you. Was that to witness
8 that?

9 A. Yes, yeah. I did it simply because that's how it used
10 to happen in the approved school before; they'd always
11 have somebody witness it.

12 Q. But from what you're telling me, Peter, this isn't
13 something that you were trained to do at Merkland or
14 told that you had to do it this way. You've brought
15 that in from Bryn-y-Don?

16 A. Yes.

17 Q. And you say that, other than that, you never used the
18 belt, and then about a year or 18 months after, is this
19 after you arrived at Merkland, that the belt was made
20 illegal?

21 A. Yes.

22 Q. Okay. Peter, just going on to paragraph 112, you've
23 talked about telling JDW [REDACTED] about things, if jobs by
24 the children weren't being done right, and you say that
25 she'd deal with it, and things like having the children

1 make all the beds as a punishment would be handed out by
2 her, but never a physical punishment?

3 A. No.

4 Q. And again you say, for minor infringements, this is at
5 paragraph 113, you would send the children to JDW
6 and she would give them a talking to or a job to do?

7 A. That's right.

8 Q. And to your knowledge, there was no one else, none of
9 the other staff, who disciplined any of the children at
10 Merkland?

11 A. No.

12 Q. And was that discipline in any way?

13 A. Yes.

14 Q. So, for example, no other staff would hand out
15 punishment of chores or running round the --

16 A. No.

17 Q. -- doing laps, no?

18 A. No, I wouldn't allow anybody to do anything hands-on
19 with the children or any punishment without my say so.

20 Q. Peter, you say that, at paragraph 114, there was no
21 formal policy or written rules at Merkland, but you made
22 it plain to the children that you would belt anybody
23 that stole. So was that a sort -- a line in the sand
24 that you drew with the children?

25 A. Yes. That was when the belt was legal.

1 Q. Okay. And Peter, you say that a punishment might have
2 been something as simple as having the kid wash your car
3 or stop them going on a trip or going to swimming or
4 something like that?

5 A. Yes, that's right.

6 LADY SMITH: Peter, did somebody tell you when using
7 corporal punishment became illegal?

8 A. No, I'd seen it on the news and I think PMO
9 may have mentioned it sometime later, that did I realise
10 the belt was illegal and I just said: 'Yeah, I know'.

11 LADY SMITH: So you have no memory of getting any
12 instruction from your employers about it?

13 A. No memory.

14 LADY SMITH: Okay.

15 A. I can't say that they did and I can't (audio breakdown).
16 Sorry.

17 LADY SMITH: One other thing, you've mentioned using a belt.
18 Describe the belt for me, could you?

19 A. It was a belt about 18 inches long and half of it
20 towards the end was split into two pieces.

21 LADY SMITH: Right. An old Scottish --

22 A. It was about --

23 LADY SMITH: Yes? An old Scottish tawse?

24 A. Yes, I think that's what it was called.

25 LADY SMITH: Thank you.

1 MS FORBES: Peter, you go on to say at paragraph 115 that
2 the older children had no responsibility for any
3 discipline of the younger children, but you've mentioned
4 sometimes using a group punishment and this was the
5 running around doing laps on the football pitch that had
6 been made outside. But I think when we talked about
7 this earlier, Peter, you say that this was a group
8 punishment because those involved had done something
9 wrong.

10 A. Yeah. The older children, they excelled in fitness and
11 they enjoyed having this type of thing. The younger
12 children didn't. But the two children that went into
13 the army, they were fitness fanatics.

14 Q. But from what you're telling us, Peter, about group
15 punishment here, at paragraph 115, you don't mean that
16 you punished a whole group for the actions of one
17 individual, do you?

18 A. No, no, no. So I only used the group punishment if
19 they'd messed up, as I said, if they were invading
20 another dormitory with pillowcases and having pillow
21 fights and things like that.

22 Q. And you say at paragraph 116 that you suppose swearing
23 at staff would be behaviour that would result in
24 discipline, but you never had that type of incident?

25 A. No.

1 Q. And paragraph 117, Peter, you say that children weren't
2 separated or segregated as a punishment, but you might
3 send a child to bed early, but other people would be
4 coming and going in the room?

5 A. Yeah, or of course, as I said before, I might stop them
6 going swimming or stop them going out at a certain time.

7 Q. And there would be a record kept of discipline and
8 punishments in the day diary or the punishment book, but
9 you say the punishment book was physical punishments,
10 the belt, basically, not a job that they were given to
11 do?

12 A. Yeah.

13 Q. So does that mean then that other punishments, like
14 chores or running these laps, were they recorded
15 somewhere?

16 A. They'd be in the daybook, yes.

17 Q. And you tell us that PMO [REDACTED] would sign the
18 punishment book monthly if there was anything in it.
19 There was never anything in it, though, you say, and
20 you've mentioned those two incidents?

21 A. That's right, yeah.

22 Q. But would he also, I think you say, look at the day
23 diary?

24 A. Yes.

25 Q. So would he see --

1 A. He would enter in it if he felt something wasn't right.
2 If I'd said to him that Joe Bloggs was sick and a member
3 of staff hadn't put it in the diary, he'd put it in the
4 diary.

5 Q. But if these punishments, like the laps, were recorded
6 in the day diary, that would be something that
7 PMO [REDACTED] would see if he looked at it?

8 A. Yes.

9 Q. And did he ever raise any concerns with you about any of
10 the punishments that were given out like that?

11 A. No, 'cause as I say, none of them were really excessive.

12 Q. Peter, you tell us that restraint wasn't used on
13 children at Merkland and you say there was no getting
14 a hold of a child and being physical with them. There
15 was no holding anyone down or anything like that?

16 A. No.

17 Q. And you tell us that you didn't restrain or hold down
18 any child and you didn't see anyone else do that at
19 Merkland?

20 A. No.

21 Q. When you were asked about concerns about the home,
22 Peter, you tell us at paragraph 125 there's one incident
23 that you can remember that was a concern you dealt with,
24 and it was to do with a girl who worked at Merkland and
25 you say she lived in Carlisle, you think, and had a bit

1 of an affair with an older boy who stayed in the home
2 and that you caught them in bed together. Was that
3 within the home that you caught them?

4 A. Yes. He was on the girls' landing and the boy was the
5 oldest boy in the home and I caught them together and
6 basically I gave him the option: I report it or she
7 leaves. Which I shouldn't have done. I was told off
8 for doing that.

9 Q. And when you say an older boy, or the oldest boy, would
10 he still have been only 15?

11 A. Yes.

12 Q. And this girl you mention who worked at Merkland, do you
13 remember what type of age she was?

14 A. She would have been about 20, I guess. I don't remember
15 her name. I remember I think that she came from
16 Carlisle and basically I said: 'Look, you either walk
17 away from here and don't come back or I'll report it,
18 I'll report it to the police'. And she elected to walk
19 away.

20 As I say, PLS [REDACTED] -- sorry, when I told
21 PLS [REDACTED] the next day what I'd done, he and
22 PMO [REDACTED] told me off saying I shouldn't have done
23 it that way. That's not the way these things are done.
24 But I didn't share any more after that.

25 Q. So they told you that that's not what should have

1 happened and that you should have reported it --

2 A. That's right.

3 Q. -- to your line managers, to PMO [REDACTED] and to

4 [REDACTED] PLS [REDACTED]?

5 A. Yeah.

6 Q. But certainly they found out about it. Was that from

7 you, did you tell them?

8 A. Yes, I reported it, but I reported it after the incident

9 and after I'd told her to finish. And I had no

10 authority to do that, apparently. And with hindsight,

11 I agree with them.

12 Q. Just to be clear then, Peter, when they said you had no

13 authority to do that, do you mean to give her that

14 choice, or to fire her, simply?

15 A. Well, to give her the choice and not to make it

16 official.

17 Q. Okay. But there would have been nothing to stop them

18 from reporting it to the police if they wanted to, would

19 there?

20 A. No, I wouldn't have thought so.

21 Q. Okay. You tell us then, Peter, that in relation to

22 complaints, there wasn't a complaints procedure as far

23 as you're aware and you don't remember there being any

24 complaints. But if there had been, that you would have

25 had to refer them to your boss, PMO [REDACTED], and if

1 a child had made a complaint to you, you would have
2 referred it to PMO, but you never had to do that?

3 A. No.

4 Q. Peter, you go on to tell us that children in the home
5 had their social worker who they could speak to, this is
6 at paragraph 128. There'd be the doctor you have
7 mentioned, the GP, or their teachers at school, and you
8 say that you're not aware of any child raising any
9 concerns.

10 But I think --

11 A. That's true.

12 Q. You've told us, Peter, that some children didn't get
13 visits from their social workers; is that right?

14 A. Yes. There were one or two there which I didn't even
15 know if they had a social worker. So I would have
16 mentioned it to PMO, but whether he would
17 have done anything about it, I don't know.

18 Q. So in relation to those children at least, that person,
19 the social worker, might not have been someone that they
20 could speak to, because they didn't exist; would you
21 agree?

22 A. No, that's right. But they could call in at the
23 doctor's on the way home from school if they wanted to.
24 I would encourage that.

25 Q. Peter, you say you didn't have a child raise any

1 concerns with you other than some bullying, and we
2 talked about that earlier and you said that JDW
3 dealt with it, and the process of dealing with it was
4 that the boys were told not to speak to that boy who was
5 doing the bullying and that was about it, and it
6 resulted in him starting to behave?

7 A. Yeah.

8 Q. Peter, you're then asked about definitions of abuse at
9 paragraph 130 at Merkland and you say you weren't aware
10 of Merkland having a definition of abuse when you were
11 there. You never saw any behaviour at Merkland that
12 could be described as abuse. You never had abuse
13 reported to you by any children. And you think that if
14 a child was being abused or ill-treated at Merkland, it
15 would have come to light at or around the time it was
16 happening and you say:

17 'We were a very close-knit home'. Is that right?

18 A. Yes.

19 Q. Peter, you go on to say:

20 'I wouldn't have thought abuse could have happened
21 and gone undetected, but I don't know.'

22 And you then say most of your offending happened
23 with the younger boys after bedtime when no one was
24 about.

25 Now, I will ask you some questions in a little bit,

1 Peter, about that, but you make the point in relation to
2 your offending, that that was with -- most of it was
3 with the younger boys after bedtime and there was no
4 other staff around?

5 A. Yeah.

6 Q. You talk about child protection arrangements, Peter, and
7 essentially you say that there wasn't any training or
8 meetings with the staff or social work about anything
9 like that. There was no guidance or instruction on how
10 to handle or respond to any reports of abuse. And you
11 mention that incident with the member of staff, the
12 girl, who had a relationship with the older boy, and you
13 say there wasn't any training offered after that about
14 how to sort of deal with that sort of incident if it
15 happened again. You were just told by PLS
16 that you'd handled it wrong and that you should have
17 reported it to him and that was the end of that?

18 A. Yes.

19 Q. Peter, at paragraph 137, this is on page 23, you tell us
20 you were not aware of any inspectors or monitors
21 visiting Merkland while you were there. And you've
22 talked already about PMO coming weekly and
23 PLS coming and the social workers that you
24 mentioned earlier.

25 So really, that was it, as far as you're concerned,

1 in relation to oversight at Merkland?

2 A. Yes.

3 Q. We've already talked, Peter, about the day diary and the
4 punishment book and the menu book, and this is at
5 paragraph 138, you mention there might have been
6 a visitors' book as well, and you tell us about the type
7 of entries that would be put into the day diary and the
8 fact that PMO would get that day diary at
9 the end of the calendar year?

10 A. Correct.

11 Q. We've mentioned as well the punishment book, at
12 paragraph 142, and the fact that the day jobs that were
13 handed out were entered into the day diary as well.

14 Peter, though, you mention at paragraph 147 that
15 there were very few records, if any, kept at Merkland
16 when you started there. There were no records for
17 individual children maintained or kept there during all
18 the time that you were there, and that you introduced
19 the day diary and the punishment -- sorry. You
20 introduced the day diary, and the punishment book was
21 there when you started but empty, but the punishment
22 book was all that was there when you started, is that
23 right?

24 A. Yeah, yes.

25 Q. Peter, just going forward to paragraph 153 of your

1 statement, you say the only statement you have given to
2 the police regarding abuse at Merkland was one you gave
3 regarding your own offending.

4 When you say 'statement', was that a police
5 interview that you gave?

6 A. Yes.

7 Q. And you tell us you've never given evidence at a trial
8 regarding any alleged abuse at Merkland?

9 A. No.

10 Q. And at paragraph 155, you tell us you don't know of any
11 person, other than yourself, who worked at Merkland
12 who's been convicted of the abuse of children at
13 Merkland?

14 A. No.

15 Q. Peter, we now get to a section of your statement where
16 you tell us about different members of staff and we've
17 talked about JDW already. And you tell us
18 that she was looking after the girls and got on well
19 with them. You say the boys feared her but in a joking
20 sense and that they weren't scared of her.

21 And if we go to paragraph 161, you tell us again
22 about any discipline that she handed out was for her --
23 was for children to go and do a job as punishment and
24 any disciplining she did herself would have been verbal
25 and you didn't see or hear of JDW abusing any children

1 at Merkland?

2 A. That's right.

3 Q. You mention JDV [REDACTED], who was the part-time member of
4 staff. And again you say she was very popular with the
5 kids and she didn't discipline any children or had
6 a problem with any of them and you never saw or heard of
7 her abusing any children, is that right?

8 A. Correct.

9 Q. And the same with the man, PXG [REDACTED], who came up from
10 Bryn-y-Don. You've talked about him in your statement
11 from paragraph 169. You say that he was friendly with
12 the children. He liked them. But again you didn't see
13 him discipline the children or abuse any children or
14 hear of him abusing any children?

15 A. No.

16 Q. And we've talked about PLS [REDACTED] and
17 PMO [REDACTED] already, so I won't go through
18 everything you tell us about them. But in relation to
19 PLS [REDACTED] at paragraph 178 you say, near the end
20 of that paragraph, you say:

21 'He was a good friend to have as he was in
22 a powerful position.'

23 Do you mean in relation to being quite high up in
24 the social work?

25 A. Yes.

1 Q. So is that how you saw him, as a good ally to have?

2 A. Well, he was the chairperson of the interview I had for
3 the job, so I respected as well as liked PLS . He was
4 a good, sincere person. He was interested in the kids,
5 more so than a lot of the social workers were. He would
6 spend time of his own to come camping with us. Always
7 slept in the car. He used to like to get involved. He
8 used to like to know how they were getting on, what they
9 were doing and he'd speak to them individually: 'How are
10 things?' --

11 LADY SMITH: You say he slept in the car, his car?

12 A. Yes.

13 LADY SMITH: When he was away with you and the children?

14 A. Yes. He had a car which folded down to a bed.

15 LADY SMITH: Okay.

16 A. He'd come to the campsite, he'd meet us up there and
17 he'd stay a couple of days. He'd just be doing whatever
18 the children did.

19 LADY SMITH: What sort of car was that?

20 A. An Austin Maxi.

21 LADY SMITH: Right. Thank you.

22 MS FORBES: Peter, we have some more detail about what you
23 tell us about PMO in your statement and his dealings
24 with the children, so I'm not going to go through all of
25 that. You have talked about it and we can read it

1 there.

2 Peter, I'm now going to move to a part of your
3 statement where allegations were put to you and this is
4 from paragraph 192 to 228 of your statement.

5 Now, the allegations that were put to you are not
6 repeated in your statement, but essentially the names of
7 the individuals and the references to their statements
8 are there.

9 Now, Peter, some of these allegations come from
10 statements that have been given to the Inquiry by
11 applicants and some of the allegations come from
12 documents provided by the council, detailing allegations
13 they were made aware of by former residents of Merkland.

14 And just to summarise, Peter, these are allegations
15 of sexual abuse and physical abuse towards mostly boys,
16 although there is at least one girl in relation to an
17 allegation of sexual abuse and another girl in relation
18 to physical abuse. And the sexual abuse, the type of
19 sexual abuse that's alleged towards the boys, includes
20 matters as serious as what we would now call anal rape.

21 Now, Peter, I'm not going to go through them
22 individually. You've had the details put to you before
23 and the Inquiry has heard evidence regarding many of
24 these allegations and, Peter, I'm just going to
25 essentially summarise what your position seems to be in

1 respect of these allegations and then you can correct me
2 if I'm wrong about that.

3 Peter, I think in respect of any allegation for
4 which you had previously faced criminal charges, your
5 position is that you don't wish to comment further, is
6 that right?

7 A. That's correct.

8 Q. Now, there's also some children you do not remember,
9 after being given their names, or you're not sure who
10 they are, but there are some that you do remember.

11 However, in general, you deny any further
12 allegations of sexual or physical abuse that were put to
13 you in respect of children who were under your care at
14 Merkland, is that right?

15 A. Yes.

16 Q. Peter, if we could go to paragraph 229 of your statement
17 now. And I think this is where you're asked about your
18 convictions. And you make the point that you can't
19 provide the exact details of that, but you say that you
20 accept that you were convicted by way of a guilty plea
21 to some allegations made against you in 1996 and you
22 accept that you committed those offences.

23 So, Peter, I'm just going to summarise our
24 understanding of the convictions that you have.

25 So, first of all, there's a conviction from 19 March

1 1996 from Glasgow High Court and that originally was 45
2 charges, primarily relating to individuals who were
3 residents at Merkland, although it did also relate to
4 [REDACTED]. And out of those charges, you pled
5 guilty to 17 charges and the dates for those were
6 between the March 1977 and 1982, and included different
7 places of offending, but including Merkland Children's
8 Home.

9 And those 17 charges you pled guilty to, you were
10 sentenced in respect of those on 22 April 1996 to
11 15 years' imprisonment in total in respect of all those
12 charges. So is that the conviction that -- the one that
13 you pled guilty to, as part of a plea deal, is that what
14 you accept your offending amounts to, Peter?

15 A. I don't know how to answer that. I accept I was guilty.
16 I don't know all the things I was guilty of at the time.
17 I was confused. I'm confused now, but at the end of the
18 day, what could I say? I was guilty. They proved I was
19 guilty and I've accepted it and I've gone on to
20 acknowledge the crimes with the sex offender programme
21 and I've done my best to remember what had happened and
22 with whom.

23 I've got a little statement I will read you at the
24 end, I believe, which may explain some of it to you.
25 I don't know, I think --

1 MS FORBES: Okay.

2 LADY SMITH: Peter, I know that you did plead guilty to
3 quite a number of charges. Tell me this: did you plead
4 guilty after the trial had been running for a little
5 while?

6 A. No. I pled guilty at the start.

7 LADY SMITH: At the start. It's just difficult to work out
8 from the dates we've got. So did you plead guilty on
9 the first day of the trial diet?

10 A. Yes.

11 LADY SMITH: Right. Thank you.

12 MS FORBES: But, as her Ladyship stated earlier, Peter, we
13 are unable to go behind convictions in this Inquiry, but
14 certainly you pled guilty to those charges. You weren't
15 found guilty after trial?

16 A. No, I pled guilty.

17 Q. Do you accept that? Okay.

18 A. No one person had to appear against me, because, as I
19 say, I pled guilty to everything.

20 Q. Yes. And, Peter, those charges included serious sexual
21 offences up to and including what's referred to at that
22 time as 'unnatural carnal connection', quite an archaic
23 term, but essentially would now be called anal rape.
24 And these charges that you pled guilty to related to
25 boys. And, again, I said they were boys at Merkland and

1 also [REDACTED], the charges related to as well,
2 do you accept that?

3 A. Yes, yes.

4 Q. Peter, you then, I think, were convicted at Cardiff
5 Crown Court on 20 December 2000, but I think that this
6 was -- was this after trial?

7 A. This was while I was serving a sentence, I pled guilty
8 to what had happened in Cardiff.

9 Q. So it was a plea of guilty from you? It wasn't a trial?

10 A. Yes. No, it was a plea of guilty.

11 Q. Peter, in respect of the charges there, you received
12 an eight-year sentence and that was to run concurrently
13 along with the 15-year sentence that you were serving at
14 that time, from Scotland.

15 And Peter, those charges appear to relate to
16 offences of sexual abuse in respect of boys and some of
17 them relate to offences committed while you were senior
18 houseparent at Bryn-y-Don Children's Home in Wales, do
19 you accept that?

20 A. Yes. Mr, oh, gosh, I remembered the judge's name and
21 it's gone now, but he was very good. He went right into
22 it with all the charges and what had happened and, as
23 you, say he gave me an eight-year sentence to run
24 concurrent with what I was serving.

25 He did say -- Judge Jacobs, that was his name -- he

1 did say that these matters should have been dealt with
2 at the same time as the Scottish matters.

3 Q. But, I think, Peter, some of the dates relating to those
4 offences were as early as May 1967, right up to February
5 1977, before you went to work at Merkland, is that
6 right?

7 A. No, I don't think so, because --

8 Q. You don't recall?

9 A. -- I worked at Bryn-y-Don -- I worked at Bryn-y-Don for
10 two years before I went to Merkland, so them dates are
11 out.

12 Q. Okay. Well, Peter, just going then to last conviction,
13 this is 7 July 2022, at Edinburgh High Court. And you
14 were convicted, after trial, of three charges relating
15 to sexual offences in respect of -- there was three
16 charges, but I think they related to two separate boys.
17 And you were given three years' imprisonment in respect
18 of that.

19 And my understanding is that they related to two
20 boys who were at Merkland and the dates were between
21 19 -- December 1977 and as late as March 1982, but again
22 that was after trial. You didn't plead guilty to those?

23 A. No, I pled not guilty to them.

24 Q. Yeah --

25 A. -- and I still maintain that.

1 Q. Yes. So we know your position, Peter, in respect of
2 these offences then. There are two indictments that you
3 pled guilty to and then there's this third indictment
4 where there was a trial, you were convicted, but your
5 position is you don't accept that you were guilty of
6 those, but you understand that we have that conviction
7 and we can't look behind it, is that right?

8 A. No, that's right.

9 Q. Peter, if we can go to paragraph 231, you talk about the
10 fact that you were able to get away with what you did as
11 there was a lack of staff and supervision at Merkland
12 and you say as far as you're aware, no allegation was
13 made against you whilst you were employed there.

14 Now, Peter, I just want to ask you, if I can,
15 a little bit more about what you say there. You
16 understand this is a public Inquiry and we're interested
17 in understanding how people are able to offend in the
18 way that you did.

19 So can I ask some questions around the offending
20 that you accept you pled guilty to?

21 A. Yes.

22 Q. So, firstly, Peter, do you accept that you were sexually
23 attracted towards children?

24 A. Unfortunately, yes, I was.

25 Q. And was that boys mainly or boys and girls?

1 A. Boys.

2 Q. And, Peter, we've talked about the type of children that
3 went to Merkland, who ended up there, and it could be
4 said that perhaps all of the children there were
5 vulnerable in one way or another, but thinking about
6 your offending, the offending that you accept took
7 place, were there any particular characteristics that
8 made you choose a particular child and avoid others?

9 A. No, not really. I was only interested really in younger
10 children that were innocent, I suppose. I stole their
11 innocence off them, but, erm, I've got no excuse for my
12 behaviour and I can't explain it, but I acknowledge it
13 was wrong. It shouldn't have happened.

14 Q. And, Peter, you say it was the younger children, but
15 I think we've heard evidence that there were some
16 children that could stand up for themselves a bit better
17 at Merkland than others. Was that a factor in your
18 decision?

19 A. I use the word 'coerced'. I 'coerced' the children that
20 I abused and it depends, you're right, that if there
21 were children that I thought would report it
22 straightaway, I would stay away from them.

23 Q. And we mentioned, Peter, that some of these children
24 didn't have social workers coming to visit and I suppose
25 some of them didn't have family coming to visit them at

1 Merkland either. Were those the type of children that
2 you were more likely to target?

3 A. No, I didn't give any thought.

4 Q. Okay. Just thinking about how you were able to carry
5 out the abuse that you accept happened, were there
6 particular situations that made it easier for you to do
7 that, such as bath times, at night alone in the TV room?

8 A. No, no. No, it was simply that I had all the goodies,
9 so to speak, the trips out, the pocket money and
10 everything else, it all came through me. So I suppose,
11 in a way, they were sort of accepting what I was doing
12 to them.

13 Q. We've heard about the minibus and you said that you're
14 the only one that drove that. I think we've also heard
15 separately about trips to caravans. Did things like
16 that make it easier for you to carry out abuse?

17 A. Erm, yes, it would be.

18 Q. And you lived in Merkland, you had the living quarters
19 there [REDACTED], including your own bedroom. Was
20 that something that made it easier to carry out abuse?

21 A. Well, basically anywhere I thought I could carry out
22 abuse, I would carry it out.

23 Q. Peter, were there any signs when you were looking at
24 a child, where you thought that perhaps they were the
25 type of child that would be unlikely to tell?

1 A. No, I really didn't put much thought in it. Whatever
2 I was attracted to and whatever attracted me to, I don't
3 know.

4 Q. And when you say, you know, this attraction towards the
5 children, did you think your behaviour towards the
6 children you looked after escalated over time? Did it
7 start with small things and then escalate into more
8 serious things?

9 A. Yes, I think it did.

10 Q. Peter, you've talked about your relationship with
11 PLS [REDACTED] and PMO [REDACTED]. Do you think
12 building trust with colleagues like that was important
13 to you to avoid any suspicion?

14 A. Not really. Again, I didn't put much thought. I
15 offended when I offended and I offended when I thought
16 I would get away with it, but I didn't simply think
17 that. It's just how things escalated. I can't really
18 explain it.

19 Q. Peter, when the abuse that you've accepted took place
20 was happening, did anyone ever come close to uncovering
21 your behaviour?

22 A. Not as far as I know.

23 Q. Because particularly JDW [REDACTED] lived [REDACTED] at Merkland.
24 Did she know about the abuse?

25 A. No.

1 LADY SMITH: How did you hide it from her, Peter?

2 A. Oh, I think, over the years, she must have suspected it,
3 but she never talked about it. I never talked about it
4 and -- well, as I say, it was never mentioned. But when
5 she did find out about it, [REDACTED]
6 [REDACTED]

7 LADY SMITH: Why do you think she must have suspected it
8 over the years?

9 A. Well, 'cause I was always with kids. Even when [REDACTED]
10 [REDACTED], she would be [REDACTED] and
11 I'd be sitting downstairs with the kids, even though
12 I had staff there.

13 LADY SMITH: Mm.

14 MS FORBES: Peter, do you think that there's anything that
15 would have been in place that would have made it too
16 risky for you to carry out abuse?

17 A. Oh, I think if we were fully staffed all the time,
18 perhaps a residential social worker as well, which
19 I think happens nowadays, that I think that would have
20 helped stop it, made me think twice.

21 Q. Okay. And, Peter, I know I'm asking you a lot of
22 questions and you have said that, you know, you have
23 dealt with your offending on programmes in prison, but
24 just to help us to understand, were you able to justify
25 your behaviour to yourself at the time while it was

1 happening?

2 A. No. Again, there was no thought goes in it, no planning
3 goes with it. It's just that I chanced my arm doing
4 what I did when I did it and was getting away with it.

5 Q. And thinking back then, Peter, now, can you tell us were
6 there any moments when you thought about stopping?

7 A. Well, I wanted to stop. At one time, I thought it was
8 them making me do it. And then I realised it was myself
9 doing it and it was at that time just about when I
10 finished.

11 Q. And you say 'them' making you do it. Are you talking
12 about the children?

13 A. Yeah, yeah.

14 Q. And what do you mean by that? Sorry, Peter, I
15 interrupted you, continue.

16 A. You've got to have a warped mind to be thinking these
17 things and to be doing them. And I had a warped mind
18 and I was getting away with it and there were no
19 repercussions at the time. And it wasn't until I was
20 doing the courses that I realised how much damage I was
21 doing and that it was all wrong.

22 LADY SMITH: And that's the courses you did in prison?

23 A. Yes.

24 LADY SMITH: Thank you.

25 MS FORBES: So from what you tell us, Peter, those courses

1 that you completed in prison are something that made you
2 really take a good look at your offending, that you
3 hadn't looked into it before?

4 A. Well, that and the length of the prison sentence, it all
5 brought things home to me, how wrong it was.

6 Q. Peter, at paragraph 231, you say:

7 'I was able to get away with what I did as there was
8 a lack of staff and supervision.'

9 And you talked about that, but if any staff had
10 suspected something at the time, the staff when they
11 were there, do you think they would have been able to
12 challenge you about it?

13 A. Probably not, but they would have been able to speak to
14 PMO [REDACTED] or PLS [REDACTED] because he was so
15 often talking to the staff, privately.

16 Q. Peter, there's another part that you talk about your
17 reflections at paragraph 239 and you say:

18 'I was not qualified to do the job. It should never
19 have been offered to me.'

20 And you go on at that point, but when you say you
21 weren't qualified to do the job, we take your point you
22 didn't receive any training and you didn't have any
23 qualifications, and I think your point is the job
24 shouldn't have been given to you, but, Peter, thinking
25 back to your offending, would a qualification have

1 stopped you offending in the way that you did?

2 A. Probably not, but at least it would have limited me,
3 I would have thought. I mean, it's a hypothetical
4 question. I can't say 'yes', I can't say 'no, 'cause
5 I don't know.

6 Q. Because a qualification isn't required to know whether
7 it's right or wrong to sexually abuse children, that's
8 right, isn't it?

9 A. Well, the trouble is the first one you get away with and
10 the second one happens and the third one it becomes the
11 natural thing to do and you don't think of yourself as
12 doing things wrong. You're gaining that person's trust
13 and you're stealing their -- their -- some of their
14 future. You make them feel difficult -- awkward in
15 life. It gives them -- oh, gosh, I'm mixing up my
16 words, I'm sorry, but it's definitely not right and
17 I realise how not right it is now, but I didn't then.
18 I didn't think of any consequences.

19 I mean, I've read back in history, and if you were
20 caught doing these things many, many years ago you would
21 have been hung, drawn and quartered. It's that serious.

22 Q. And Peter, just looking at that paragraph again, 239,
23 you say more checks need to be carried out on people
24 before they're employed, but earlier in your statement
25 you make the point that you didn't have any previous

1 convictions when you started at Merkland, that's right,
2 isn't it?

3 A. Yes.

4 Q. And the allegations from Bryn-y-Don, which pre-dated in
5 time your time at Merkland, they weren't prosecuted
6 until 2000. So any checks carried out on you wouldn't
7 have prevented you from getting the job?

8 A. Not at that time, no.

9 Q. You talk about --

10 A. I think --

11 Q. Sorry.

12 A. I think there are some checks which would have
13 discouraged me from doing it if I knew they were going
14 to do these checks, and I can't explain what checks, but
15 there should have been more in-depth of an enquiry about
16 me then, which might have frightened me into saying:
17 'Oh, I'm not doing that job'.

18 Q. So, would you have been worried about some of the things
19 that happened at Bryn-y-Don coming out if you'd applied
20 for a job at Merkland and somebody was going to do
21 thorough checks on you?

22 A. I think so, yes.

23 Q. We've talked about more staff, Peter, and you've
24 explained that that is something that perhaps would have
25 been a deterrent to you. But, I think, as we've said in

1 your evidence, there was also a lack of inspections at
2 Merkland and a lack of any effective oversight as well,
3 wasn't there?

4 A. I don't think anybody was really interested in Merkland.
5 I think it was saying: 'Oh, well, let's get through the
6 next couple of years and the new place will be opened
7 and it'll all be different then'.

8 Q. We know, Peter, that PLS [REDACTED] and PMO [REDACTED]
9 came to Merkland regularly, but that didn't result in
10 your offending being detected, did it?

11 A. No.

12 Q. And you point out that more social workers need to speak
13 with the kids regularly and is that really relating to
14 the fact that there was a lack of someone for the
15 children to complain to, if they wanted to?

16 A. It could be, but it's a known fact, I think, some years
17 ago, children were just dumped in many authorities.
18 I'm not saying they all were at Merkland, but they
19 didn't have the interest that they've got now. Now, as
20 I understand it, you have a residential social worker in
21 the building where the home is, you may have a team of
22 social workers there, aside from the care staff and
23 abuse is less likely to occur, in my opinion, if you've
24 got these people there.

25 Q. And Peter, from what you've said, and talked about in

1 your evidence, I think you would agree that abuse,
2 whether it's sexual or physical of a child in
3 residential care by a member of staff, is abhorrent,
4 isn't it?

5 A. It's not acceptable in a home. It's not acceptable in
6 a normal home, you know, so, yes, it's abhorrent.

7 Q. And Peter, you've already said that about some of the
8 effects and impact on children when you've been
9 reflecting on your offending and this Inquiry has heard
10 that children who suffered sexual and physical abuse at
11 Merkland have had their lives ruined. They've told the
12 Inquiry about substance abuse issues, trust issues,
13 psychological issues, self-harm and suicide attempts and
14 you've accepted, as we've talked about, your guilt in
15 respect of a number of offences and I think, at
16 paragraph 3, Peter, you tell us that during addressing
17 your offending behaviour in prison, you've come to
18 realise the damage and the enormity of what you have
19 done to the people who were in your care, is that your
20 position?

21 A. Yes.

22 Q. And, so, you accept, Peter, then, that your actions
23 caused children irreparable harm?

24 A. Yes.

25 Q. And do you feel any remorse, Peter, now about what

1 happened?

2 A. Well, yes. I mean, I've attempted suicide in the past

3 when I came to realise it and I find it hard to accept

4 any thoughts of my past and my behaviour.

5 Q. Peter, looking back now, how do you think a person you

6 abused might describe you?

7 A. A beast.

8 Q. Okay. You understand why they might use very strong

9 language about you?

10 A. Yeah.

11 Q. And the word 'monster' has been used, Peter, do you

12 understand why they might see you that way?

13 A. Yeah, yes.

14 Q. Now, Peter, we've talked about the three separate cases

15 and the convictions, your plea of guilty to 17 charges,

16 but I think, if I'm correct, your position now in

17 general is that you deny any additional allegations that

18 are not related to the convictions you've pled guilty

19 to, is that right?

20 A. Basically, yes. I've got this bit of a statement

21 I'd like to read to you which I mentioned earlier, is it

22 time to read that now?

23 Q. Peter, yes, this would be a good time for you to read

24 that statement.

25 LADY SMITH: Peter, please go ahead when you're ready.

1 Thank you.

2 A. Thank you very much.

3 It's not too long.

4 In 1995, the police spent nearly a year
5 investigating my time working at Merkland Children's
6 Home in Moffat. They were meticulous in their
7 inquiries. As a result, in 1996, I was convicted of the
8 many offences that I had committed whilst working there.

9 Over the next ten years in prison, I spoke and
10 addressed the many offences that I had committed, the
11 courses that I attended, including the sex offenders
12 treatment programme. It took me a long time to come to
13 terms with what I had done.

14 Over the last 40 years or so, I've tried forget my
15 past offending, and I am now confused with the names of
16 people that I offended against and what things I did to
17 them. I no longer remember these people clearly, nor
18 where, when or how I offended against each person.

19 However, though I don't remember the individuals,
20 I do remember that the girls were very well-behaved
21 under JDW's supervision. We never had any cause to
22 discipline them in any way. In fact, I never had --
23 I never struck a female at any time in my life.

24 I've not offended since I've left Merkland. I'm now
25 80 years of age and live alone in a complex for over

1 55-year-olds.

2 That's all I wrote down.

3 MS FORBES: Okay, Peter --

4 A. Whether that helps in any way, I don't know.

5 MS FORBES: Okay. Peter, thank you very much for that. And
6 can I just thank you for bearing with me. It's been
7 quite a long morning for you and I'm grateful to you for
8 engaging with my questions and answering them. Okay,
9 thank you very much. That's all the questions I have.

10 LADY SMITH: Peter, let me add my thanks.

11 As Ms Forbes has already observed, we do realise
12 that this has been a long time to be questioning you and
13 I'm mindful of your age and the circumstances in which
14 we've had to do this and the subject matter. It can't
15 have been easy.

16 But I'm sure you appreciate at the heart of what
17 we're doing here is the protection of children from
18 abuse of all kinds, including the sort that you
19 perpetrated on so many of them.

20 I'm now able to let you go and I hope you have
21 a restful afternoon. I'm sure you need it. Thank you.

22 A. Well, thank you very much for your tact in the
23 discussions we've had. Thank you.

24 LADY SMITH: Thank you. Okay. Well, I think what we'll do
25 now is stop for lunch break and try to start the next

1 witness maybe a little bit before 2 o'clock.

2 But before I rise, there are names, all of which
3 I've mentioned before, of people whose identities are
4 protected by my General Restriction Order. JDV [REDACTED],
5 JDW [REDACTED], or also referred to as JDW [REDACTED], PXG [REDACTED]
6 or PXG [REDACTED], PLS [REDACTED] or PLS [REDACTED] and
7 PMO [REDACTED]. I think that's everybody, isn't it?
8 Yes. They're not to be identified as referred to in our
9 evidence outside this room.

10 Thank you very much.

11 (12.53 pm)

12 (The luncheon adjournment)

13 (1.55 pm)

14 LADY SMITH: Mr Sheldon.

15 MR SHELDON: My Lady, the next and indeed the final witness
16 in relation to Merkland is Stephen Morgan, who's the
17 representative of Dumfries and Galloway Council.

18 LADY SMITH: Thank you very much.

19 Stephen Morgan (affirmed)

20 LADY SMITH: First question, and you've probably heard me
21 ask other people this already, how would you like me to
22 address you? I'm very happy to use your second name or
23 your first name.

24 A. Stephen, please, my Lady.

25 LADY SMITH: Well, Stephen, thank you for that, and thank

1 you for engaging with us on a Friday afternoon in -- so
2 we can look at the evidence you're able to help us with
3 in relation to Dumfries and Galloway Council.

4 As you'll be aware, we have the written responses.
5 Very detailed written responses. Obviously people in
6 your organisation have worked hard at putting
7 information together for that and it's been tremendously
8 helpful to us to have it in advance.

9 As you'll be aware, we're not going to go through
10 every detail in here but there are particular parts
11 we're specifically interested in.

12 The plan in the afternoon is I'll run from now until
13 about 3 o'clock, we'll have a short break and then
14 finish your evidence after that.

15 If you want a break at any other time, just say,
16 it's not a problem. If you've got any queries at any
17 time, also just say. And separately, can I just assure
18 you that I do appreciate that you're speaking for the
19 council now, but you were not involved with Dumfries and
20 Galloway at the time, in particular, that it was
21 responsible for Merkland, which we have been talking
22 about so much these last few days, and that I'm grateful
23 to you for doing what I'm sure you've done to prepare
24 yourself to help with council evidence for that.

25 If you're ready, I'll hand over to Mr Sheldon and

1 he'll take it from there. Thank you very much.

2 Questions from Mr Sheldon

3 MR SHELDON: Thank you, my Lady.

4 Now, I don't want to assume anything, but is it all
5 right if I call you Stephen as well?

6 A. It is, yes.

7 Q. Thank you.

8 Stephen, you've very helpfully provided us with
9 a CV, quite a detailed one. I think you've got that in
10 front of you there, am I right? It should be in the
11 folder, I think.

12 A. Yes, I do.

13 Q. Thank you. I'm not going to go through all of it and if
14 I may, I'm just going to attempt to summarise the points
15 that you've told us about.

16 First of all, though, Stephen, what age are you?

17 A. I'm 54.

18 Q. All right. And you tell us that you graduated BA from
19 Robert Gordon's; that's Aberdeen, right?

20 A. It is, yes.

21 Q. Robert Gordon's Uni. When was that?

22 A. 1995.

23 Q. All right. And then a postgraduate social work degree,
24 Glasgow Caledonian; was that straight after your BA?

25 A. No, that's actually a postgraduate chief social work

1 officer award specifically, which I graduated in 2022.

2 Q. Right. All right. I understand.

3 So you go on to work as a social worker in Grampian
4 Region. Did you do any further training for that role
5 prior to taking it up?

6 A. No, so that role, I did the BA and also the Diploma in
7 Social Work at the same time at Robert Gordon University
8 and qualified as a social worker at the same time.

9 Q. All right. Thank you.

10 So you work as a social worker in Grampian Region,
11 I think from 1996 -- yes, sorry, first of all Grampian
12 Region and then Aberdeenshire Council, 1996 to 1998, and
13 that was initially in the Children and Families team, is
14 that right?

15 A. That's correct.

16 Q. And then as a social work manager, so a promoted post,
17 I take it?

18 A. The post I moved to in Shetland was a senior
19 practitioner working in fostering and adoption and then
20 a social worker --

21 Q. All right --

22 A. -- following that.

23 LADY SMITH: Stephen, and also Mr Sheldon, can you both be
24 aware of the risk, particularly as we get into the
25 second half of the day, there's always a temptation to

1 rush, but it does cause a nightmare for the
2 stenographers. Thank you.

3 MR SHELDON: Stephen, it's my fault, I, I think, perhaps
4 didn't make entirely clear what I was asking. You start
5 off as a social worker in Grampian, you move to
6 Aberdeenshire, and then there's a placement as a social
7 work -- this is a family placement, and this is now in
8 Shetland Islands, is that right?

9 A. That's correct.

10 Q. All right, and I'm sorry, I was putting that badly. And
11 you then move up to the service manager's post,
12 2003-2006. And latterly, you were, I think, Executive
13 Manager for Adult Social Work in Shetland; is that
14 right?

15 A. That's correct.

16 Q. You then have a spell in the children's reporter
17 administration. Is that quite an unusual move for
18 a social worker, professional social worker, or is that
19 something that's quite usual to do?

20 A. I think there's a lot of children's reporters with the
21 administration who come from a legal or social work
22 background. In my circumstances, it was slightly
23 unusual, given that I'd been a head of service, but we
24 were -- there were some personal circumstances at the
25 time whereby my career changed and I took a different,

1 a different opportunity at that point.

2 Q. All right. So you do that for just over a year and then
3 I think you are back to Shetland, first of all as
4 a social worker again, and then executive manager. And
5 in 2018, that's when you moved to Dumfries and Galloway,
6 is that right?

7 A. That's correct.

8 Q. First of all, as Senior Manager for Children and
9 Families, then Interim Head of Social Work and Chief
10 Social Work Officer, and most recently you've taken up
11 the post permanently as Chief Social Work Officer in
12 Dumfries and Galloway?

13 A. That's correct. There was a restructure and I became
14 Service Director, Chief Social Work Officer, two years
15 ago.

16 Q. Thank you. Of course we heard some evidence yesterday
17 from Sheila Clingan who has fairly recently retired.
18 Did you cross over with her?

19 A. Yes.

20 Q. At Dumfries?

21 A. From 2018 until Sheila retired, I was her direct line
22 manager.

23 Q. All right, thank you. And I think you also have
24 a number of non-executive or advisory roles, you talk
25 about that on the last page of your CV.

1 I won't go through all of that, but broadly
2 speaking, can we take it that you're involved in the
3 profession on the policy side really, as well as the
4 actual operational and managerial side?

5 A. That's correct, yes.

6 Q. Thank you. So you've had really a pretty wide range of
7 experience within the profession, in different locations
8 and in different roles?

9 A. Yes, I do, yeah.

10 Q. Now, Stephen, I think you've been here to hear really
11 all the evidence about Merkland, is that right?

12 A. That's correct, yes.

13 Q. And we're grateful to you for that.

14 Can I just ask you, straight up, as it were,
15 particularly in relation to the evidence we've heard
16 from applicants, from former residents of the Merkland
17 Children's Home, what's your reaction to it?

18 A. My reaction is mixed. Erm, I feel really quite humbled,
19 I'm not sure that's the word, to hear directly from them
20 about the horrific abuse they experienced and the
21 life-long impact it's had on them, and actually hearing
22 from them in person, in particular, you get a full sense
23 of that impact, which is very different to when one just
24 reads a witness statement, and similarly when things are
25 being read in, you get a different sense. So, yeah,

1 I think horrific to hear their experiences.

2 Q. Yes, there was a real sense of the damage that the abuse
3 has clearly caused?

4 A. Absolutely.

5 Q. You, I think, also would have heard Sheila Clingan's
6 evidence. We focused particularly on the redress
7 scheme, the payment scheme that Dumfries and Galloway
8 put in place in 2009, really a groundbreaking scheme.
9 Do we understand correctly that so far at least, that
10 scheme's not been repeated by any other local authority?

11 A. That's my understanding, yes.

12 Q. And I suppose there's now the Scottish Government
13 scheme, the statutory Redress Scheme, but I think
14 Dumfries and Galloway is a contributor to that, is that
15 right?

16 A. That's correct.

17 Q. Along with a number of other Scottish local authorities.
18 In fact, are all Scottish local authorities, as it were,
19 signatories or signed up to that scheme?

20 A. Yes, that's my understanding.

21 LADY SMITH: Stephen, so far as the Dumfries scheme is
22 concerned, I know from what Sheila Clingan said that it
23 was prompted by the discovery of the abuse perpetrated
24 by the witness we heard this morning.
25 Does it cover any other abuse, or has it only

1 focused on his offending at Merkland?

2 A. It's only focused on his offending at Merkland, my Lady.

3 LADY SMITH: But even just doing that, my rough calculations

4 are that this has cost Dumfries and Galloway

5 a seven-figure sum thus far? Is that about right?

6 A. Yes, 52 people have been given the £20,000 award, so

7 just over £1 million.

8 LADY SMITH: Thank you.

9 MR SHELDON: And, of course, I assume that Dumfries and

10 Galloway will also have made a contribution, presumably

11 quite a substantial one, to the Redress Scheme in

12 respect of other abuse?

13 A. Yes.

14 Q. Just going back to Sheila Clingan's evidence, you'll

15 have heard what she said at the end of her evidence

16 about social work caseloads and particularly the issue

17 of -- or the potential issue of lack of time with

18 children, because of the level of casework that social

19 workers are doing.

20 Is that an issue that you recognise?

21 A. It absolutely is, yes. In Dumfries and Galloway, in our

22 Children and Families service, we have approximately

23 46 full-time equivalent social workers at the frontline,

24 and, at any one time, we work with around about

25 1,200 children, so the caseloads are considerable. Just

1 by a rough calculation, you know, mid-20s.

2 We don't have a recommended caseload number in
3 Scotland but, fairly, recently a publication called
4 'Setting the Bar' was released, which recommends no more
5 than 15 cases per social worker. So we do exceed that
6 locally and it's exceeded in many parts of Scotland.

7 Q. I was just going to ask you, is it a problem that is
8 peculiar to Dumfries and Galloway or is it a problem
9 across the board?

10 A. It's a problem across the board, but we do have specific
11 issues in Dumfries and Galloway because of our size and
12 our position in terms of, you know, the local authority.
13 We only tend to get social workers who are from the
14 region, therefore we concentrate on growing our own.

15 Q. I suppose it is relatively -- I mean, I'm sure you don't
16 think about it this way in Dumfries, but it is
17 a relatively remote, or might be perceived as being
18 a relatively remote area; does that pose problems in
19 recruiting?

20 A. It does, yes, and not only are we remote, we're
21 6,500 square kilometres of land mass, so it's a huge
22 area as well, so getting from one side to the other can
23 take several hours.

24 LADY SMITH: And am I right in thinking that it's not
25 terribly well served by public transport?

1 A. Not across the whole, my Lady. The east of the region
2 we've got better links, but towards the west it's more
3 than challenging.

4 LADY SMITH: Thank you.

5 MR SHELDON: And is that -- does the same issue arise in
6 relation to other types of staff in this sector, for
7 example, residential care staff?

8 A. Less so with residential care staff, because the
9 qualification level still isn't as high. We only
10 operate one home currently for children in Dumfries and
11 Galloway but in the private sector, there are several
12 others in the area and they tend to recruit the staff to
13 those establishments.

14 Q. We've certainly heard in other contexts about churn, the
15 idea that social workers in particular tend to be moved
16 on to other posts, promoted posts, work in different
17 sectors or different areas that social work is concerned
18 with, and in relation to children particularly, that
19 poses an issue, because they don't have time to get to
20 know and trust the social worker.

21 Again, is that an issue that you see in Dumfries and
22 Galloway?

23 A. It is. I would say it's mixed, though. We recently had
24 an inspection report published just last week and that
25 showed that on the whole, children were able to make

1 good relationships with social work and other
2 professional staff. But, in some cases, the change in
3 social worker was not at all helpful in relation to
4 building relationships. So it is a mixed picture.

5 Q. How does one go about addressing that sort of issue,
6 Stephen?

7 A. Okay. So we look at our workforce, the demographics
8 associated with that and we predict where we might or
9 might not lose staff through natural ways. We look at
10 wellbeing programmes to make sure that staff are
11 supported as well as they can be. And I alluded to
12 a few moments ago that we have a grow-your-own scheme,
13 which we've enhanced and expanded. So we try and, you
14 know, bring people on who are already within the
15 council, who are interested, and put them through
16 training, et cetera. So various ways, but we do still
17 struggle with shortages of social worker numbers.

18 Q. And what about the use of temporary and agency staff
19 in -- I know you said you only have one children's care
20 home, but is there a need to use, frequently, temporary
21 or agency staff to ensure that staffing levels are kept
22 at appropriate levels?

23 A. Not in children's services and not in Dumfries and
24 Galloway. There are benefits, yet disadvantages with
25 agency staff, in terms of commitment and time they might

1 stay.

2 Q. Just to finish off that particular chapter, what, in
3 your view, is the most important factor in attracting
4 the right people in sufficient numbers to work in this
5 area?

6 A. That's a tremendously difficult question to answer.
7 I think you've got to look at the whole package that the
8 area has to offer. It's a beautiful part of the
9 country. It's a good council with a good reputation on
10 the whole. So, you know, we try and sell everything
11 that Dumfries and Galloway has to offer. Good salary,
12 good pension, et cetera.

13 But like I said previously, we do concentrate on how
14 we can attempt to grow our own staff from within the
15 region, because we've found that's been more successful
16 for ourselves.

17 Q. Turning specifically to Merkland, as it was then, it's
18 clear that Merkland seems to have been a place where
19 children suffered abuse of all sorts really, at the
20 hands of different officers in charge or
21 superintendents, over quite a lengthy period.

22 Now, Moffat, I think we know, is really quite
23 a picturesque place. It's close to some very wild land,
24 beautiful land, but it's small and relatively isolated.
25 In your view and from what you've heard, does that seem

1 to have been an issue in allowing or enabling abuse to
2 be perpetrated?

3 A. I do believe that's the case, yes. The isolation, the
4 lack of visibility of the establishment itself and
5 what's going on there would make the abuse that we've
6 heard about easier to perpetrate.

7 Q. It's quite difficult to visit. It would have been quite
8 difficult to visit Merkland, particularly if you don't
9 have a car, and particularly if you lived in one of the
10 more further western parts like Stranraer,
11 Castle Douglas, whatever. So again, does that seem
12 likely to have been a risk factor for some of the
13 children in Merkland?

14 A. Absolutely. Risks in terms of, you know, the ability of
15 staff to get there to visit, the ability of family
16 et cetera. For some families, it would have been
17 virtually impossible to visit that particular
18 establishment.

19 Q. And it certainly sounds as though over the piece and
20 certainly in the Harley years, if I can call them that,
21 that it didn't get very much attention from the local
22 authority at all, almost as if it was out of sight and
23 out of mind; does that sound fair to you?

24 A. I think so and if I may, the evidence that, you know,
25 I've heard this week really does corroborate that.

1 We've heard about social workers and other professionals
2 referring to it as a place for bad boys, you know, it's
3 almost as if it was isolated and, you know, to a degree
4 forgotten about. Although we have records in, you know,
5 social work committees et cetera, there's very little
6 from the house itself.

7 Q. I was going to say, there clearly was contact with
8 social workers and we'll look at a little bit of that in
9 due course. But in terms of oversight, or more formal
10 oversight as it were, there seems to have been very,
11 very little?

12 A. Yes. I mean, we didn't have the Care Inspectorate or
13 anything similar back then, and there's, you know, no
14 evidence of any internal inspections of the
15 establishment throughout the whole of its being, as it
16 were. So, yes, limited oversight.

17 Q. There are, I think, three inspection records from the
18 1960s. I don't think we need to look at them, they're
19 not particularly noteworthy. But apart from that,
20 you're right that there just isn't -- certainly no
21 record of that, and there seems to have been no one
22 checking that records were kept at Merkland.

23 And of course records -- well, they still are, but
24 records were at that time a legal requirement. So does
25 it seem in that regard that a systemic failing, among

1 perhaps others, was that there was simply no oversight
2 or checking that procedures were being properly
3 followed?

4 A. I think that's absolutely fair to say. We, like
5 I've said, we've had committee reports that give some
6 detail. We've got information in individual children's
7 files that give some detail. But from an establishment
8 perspective, there's no evidence that appropriate
9 records were kept, held, or, indeed, checked.

10 Mr Harley mentioned this morning that, you know, the
11 book would be given to social work records on an annual
12 basis. I find that difficult to believe, given that
13 we've managed to, you know, retrieve some records, but
14 nothing in relation to that at all. So, yes, a failing
15 in terms of oversight.

16 Q. Yes. And I suppose the converse is that if records were
17 kept, it seems highly likely that they weren't, but if
18 records were kept, then they've simply been lost to the
19 four winds, as it were.

20 And we'll come later on to the now, I guess,
21 infamous fire, or non-fire, as the case may be.

22 It seems that another issue, Stephen, was the
23 I think rather dominant personality of Peter Harley.
24 Certainly that seems to have been the perception in some
25 quarters of him, and possibly also that of JDW .

1 But it certainly does seem that Harley had a good
2 reputation. He seemed to have been highly thought of in
3 the community and in social work circles.

4 If we can have a look, please, at DGC.001.001.0001.

5 And if we turn to page -- it's, first of all,
6 page 10. Sorry, bear with me.

7 At (iv), so it's about halfway down the page. It's
8 a question about:

9 'Were there changes over time in terms of what the
10 organisation saw as its function, ethos [and so on]?'
11

12 And the answer is 'no'.

13 But the answer goes on to say:

14 'The unit was a traditional children's home in that
15 it took all ages of and background of children, until
16 the appointment of the designated officer in charge in
17 1977. He quickly developed the reputation of being able
18 to accommodate many of the "more difficult" young people
19 coming through the Children's Hearing system. These
20 were primarily adolescent males, often including sibling
21 groups. The unit had a good reputation for supporting
22 those challenging young people, which meant that it was
23 often a unit of choice with a proven history of
24 providing positive outcomes for the young people. Many
25 young people who had become involved in offending
behaviour did not continue with this behaviour following

1 being placed at Merkland.'

2 So there's that, and if we can then turn to page 40,
3 please.

4 LADY SMITH: And that reference to 1977 must have been
5 a reference to Peter Harley.

6 MR SHELDON: And again it's (iv), at the foot of the page.
7 And we see the idea repeated that:

8 'Merkland Children's Home was highly regarded at the
9 time by social work, education and police for being able
10 to care for challenging and difficult young people.

11 'The culture of the establishment sought compliance
12 and commitment from the children who were placed to
13 conform to acceptable standards of behaviour and any
14 deviation from this would appear to have been seen as
15 unacceptable and challenging in response to the strict
16 regime and boundaries which were put in place. In
17 hindsight, this did not promote a listening culture
18 which would allow children to feel safe and secure and
19 express their displeasure.'

20 And:

21 'The situation was exacerbated by a lack of
22 awareness and training of staff regarding child abuse.'

23 And that certainly seems to have been the case.

24 But just pausing there, this, of course, is your
25 Section 21 response, I should have made that clear, and

1 it's what we call the A to D response.

2 Can I just ask: where did this material -- what's
3 the source of that, the material that we see there, the
4 idea that the home and, by association, Harley, had
5 a good reputation among professionals at that time?

6 A. So that would have been from the records that we were
7 able to locate. So some of the committee records, some
8 of the children's files, you know, Children's Hearing
9 records that were within those files, where there would
10 have been positive comments made about improvements in
11 children's behaviour.

12 I think as well, when the Section 21 notice was
13 submitted, there would have been, you know, narrative
14 given through experience from people who had been around
15 at the time and I think that would be, you know, where
16 the information came from for the points in here.

17 Q. Yes. And it certainly seems as though Harley himself
18 was seen as plausible; he's been described as kind and
19 caring.

20 How do you now try to avoid the danger of
21 a residential home becoming a sort of one-man or
22 one-person band in that sort of way, particularly where
23 you have apparently plausible, even charming candidates
24 or -- for managerial roles?

25 A. So, children's homes or children houses today are very,

1 very different to what they were then. I would describe
2 Merkland as a small institution, and now, you know, we
3 wouldn't recommend a children's house having more than
4 four children resident there.

5 And what that does is it has a smaller number of
6 children where the staff can get to know them better.
7 Social workers aligned to every single child in
8 a children's house. In Dumfries and Galloway, we have
9 looked-after children's education teams at each school
10 and they have a good relationship with the children, so
11 they've got places outwith the house as well as within
12 where they can go.

13 Similarly, we have a looked-after children's health
14 team with similar levels of contact.

15 So from a child's perspective, they have several
16 people who they can form a relationship with. There's
17 more staff, in terms of minimal staffing levels, and
18 therefore more time for adults in children's lives to
19 pay proper attention to those.

20 Then we have all of the registration and regulatory
21 provisions, such as the SSSC, for staff to register
22 with, each house having to register and be inspected by
23 the Care Inspectorate.

24 So there's so many things in today's environment
25 that would make it, you know, extremely difficult for

1 that type of behaviour to happen.

2 Also, the officer in charge, as it was in the past,
3 wouldn't live within an establishment, wouldn't be the
4 only person having access.

5 Q. Do you or other members of the senior management team
6 yourselves visit residential -- children in residential
7 settings?

8 A. Yes, but we always ask for an invitation first.

9 Q. All right.

10 A. Because it's the children's home, and if they don't want
11 us there, we won't be there, but they do occasionally
12 invite us and they're very open with their views to us
13 as well.

14 Q. All right.

15 Can I put this question this way: what place is
16 there -- if someone does visit a home, whether it's you,
17 one of your team, at whatever level, what place is there
18 in the system for people to report and, if appropriate,
19 act on feelings of unease? One might not be able to put
20 one's finger on what exactly is the problem, but if
21 someone simply gives you a feeling of -- that something
22 isn't right, and we've heard that phrase, I think, used
23 this week about Peter Harley, what place is there for
24 that sort of feeling to be at least investigated?

25 A. So in response to that question, there's several

1 different things that are in place that would provide
2 safeguards.

3 So the first thing is regular support and
4 supervision between the staff in the children's house
5 and their line manager. And if -- and that's recorded
6 and written down. And if there was any unease at that
7 level, it would be recorded.

8 But if the likes of myself went into a children's
9 house and had an uncomfortable feeling about somebody,
10 I would speak to the line manager about that, explain
11 why I felt uncomfortable, and had that been noted
12 anywhere else. So we would look at that.

13 Again, if there was a greater feeling of unease,
14 there are performance improvement measures that can be
15 put in place, disciplinary measures, et cetera, so
16 various things to safeguard.

17 Q. So you would be, as it were, trying to triangulate that
18 sort of feeling with any other information that was out
19 there?

20 A. Yes.

21 Q. We were on, I think, page 40 of this document. If we
22 can track back to page 39, please, and paragraph 3.3.

23 This is the question about acknowledgement of
24 failures, deficiencies and so on. And the organisation
25 accepts clearly that there were failures and

1 deficiencies in its response to abuse.

2 And we see in the response here the answer 'yes', it
3 is accepted, and then:

4 'On hindsight and following further review of social
5 work records, there is some evidence that perhaps a few
6 children did share that they were unhappy with their
7 treatment while living at Merkland Children's Home
8 during the period [that Harley was OIC]. However, there
9 is no details of such disclosures and some ex-residents
10 have shared that they did try to tell a social worker or
11 another adult, but no action was taken. There is
12 evidence that they did not explain the full extent of
13 the abuse they were subject to at the time.'

14 So as we were saying earlier on, there clearly was
15 some contact with social workers, but I think it is also
16 true to say that the records don't paint any clear
17 picture that there was abuse taking place.

18 Although, if there had been that triangulation, then
19 perhaps things might have been different?

20 A. I would go so far as to say things definitely should
21 have been different. But today, if an allegation like
22 that was made to a social worker or anybody else, we
23 would immediately refer that to our multi-agency
24 safeguarding hub, which is a joint hub between police,
25 social work and health where we investigate thoroughly

1 any allegation of abuse against the child in any
2 environment.

3 Q. We can just have a look at some of these instances,
4 Stephen. First of all, and it's not a direct record,
5 this is DGC-00000000509, but it's perhaps a helpful
6 starting point.

7 I think we can see that this is a letter to Alasdair
8 McGougan, the Child Protection Officer in Dumfries.
9 It's dated 27 May 1996 from the Procurator Fiscal's
10 office.

11 This appears to be at the time of -- indeed I think
12 shortly after the Harley prosecution. And the writer of
13 the letter notes at the start:

14 'I refer to our telephone conversation in which
15 I undertook to let you have some information on which
16 witnesses gave information to their social workers.
17 I take it you will still have the information called
18 from the various social work department files regarding
19 the identity of the various social workers. If not,
20 please let me know and I'll send on to you.'

21 So there's then a list of possible disclosures and
22 the first is someone who indicated that at the age of
23 about 16, he told his grandmother that he was being
24 sexually abused by Harley, and his grandmother told the
25 mother. On being challenged by the mother, he then

1 denied having made any allegations.

2 There's then a couple of -- and these are
3 individuals who we understand were complainers in the
4 case against Harley. There's then two of the
5 complainers who had made no mention, and then one who
6 apparently threatened to tell his social worker and was
7 badly beaten by Harley as a result. And I think we've
8 heard some evidence of that sort this week.

9 And then at paragraph 5, an individual who says that
10 he had a spell in Closeburn Assessment Centre. He told
11 a social worker there almost everything, in particular
12 said that Harley had been touching and doing things to
13 him. He had been asked by the social worker if it was
14 sexual things, and the boy concerned said that it was.
15 There was then some assurance that he wouldn't have to
16 go back to Merkland and the whole thing would be
17 investigated, but the next thing was that this boy had
18 been sent back to Merkland.

19 So again presumably nothing really, of note, had
20 come of this apparent disclosure.

21 So these are summaries of what these boys then, by
22 this stage, men, had been saying or said they had told
23 social workers and others about abuse.

24 Just to take one more example, over the page,
25 paragraph 7, one of the complainers says:

1 'I told my social worker, Mr PLS [REDACTED], but he just
2 fobbed me off and left. I also told [I'm not sure if
3 that is his gym teacher] but he didn't do anything to
4 help me.'

5 And at 9:

6 'I told my social worker at the time before I left
7 Merkland about things that happened to me and others.'

8 So there are indications that social workers were
9 told, perhaps in more explicit terms, that there was
10 a problem, but don't seem to have acted on that.

11 We've heard some evidence about this in other
12 context, Stephen, but just from your knowledge of the
13 way social work worked at an earlier point, at earlier
14 points, for example the '80s and '90s, can you explain
15 or account for disclosures being made and not being
16 taken forward?

17 A. That's difficult to do, but what clearly hasn't happened
18 is any level of triangulation, in my opinion, given what
19 I've heard and what I'm reading just now. I think, you
20 know, individual social workers have been told things
21 and not acting appropriately, appears to have happened.
22 And therefore there was a view that the children weren't
23 believed. And if the children themselves were speaking
24 to one another, which I imagine some of them would have
25 done, then that feeling of not being believed and not

1 telling would be emphasised again. That appears to be
2 what's happened here.

3 Q. If we just go back to page 1, please, and paragraph 4,
4 one of the boys -- this is the one who had threatened to
5 tell his social worker and was beaten up as a result.
6 This boy said that he didn't trust his social worker and
7 thought they would just immediately go and tell Harley
8 of any allegations made.

9 You may not be able to answer this, Stephen, and
10 this is really all I think before your time,
11 essentially, but -- in the profession; but would that
12 sort of thing have happened? It certainly seems that it
13 would have done. Was it standard practice that
14 an officer in charge would be told of allegations being
15 made?

16 A. I can't comment from that time, but it certainly appears
17 to be the case, given what witnesses and, you know,
18 those who have been abused have told us at this Inquiry
19 in my time here, and I would believe what they've said,
20 they were compelling.

21 Q. I suppose it might have been even more of a risk in
22 a context where you have a small home with a charismatic
23 officer in charge who appears to have been -- 'pally' is
24 perhaps an unfair expression, but certainly on good
25 terms with some of the social workers concerned?

1 A. Mm-hmm.

2 Q. If we can look at another record, please, just to follow
3 up on the theme of trusting of social workers. If we
4 can look at DGC-00000000515.

5 This is from social work records now. It's a case
6 note for a boy who's at Merkland and if we look at the
7 entry for 19 March 1981, the entry is to the effect that
8 the boy was -- the boy concerned 'was still as miserable
9 as last time':

10 'We had a long talk. He is rather a whining boy and
11 had nothing good to say about the Home or the school.
12 He obviously lays himself open to being bullied by the
13 other boys.'

14 First of all, your comment on that, please?

15 A. If I seen a record such as that today, I would be
16 absolutely appalled. It's not trauma-informed, it's not
17 child-centred and the language used is by no means
18 acceptable.

19 LADY SMITH: It's blaming the child, isn't it?

20 A. Yes, my Lady.

21 MR SHELDON: And I suppose, given attitudes of that sort,
22 it's perhaps unsurprising that children might not have
23 trusted social workers, or at least that social worker.

24 The next record, it's a slightly different tack and
25 indeed a slightly different attitude of the social

1 worker. But I think it's illustrative of perhaps
2 another missed opportunity. It's DGC-00000000533.

3 This is another social work record, although I think
4 in my copy the top's cut off it. But it's an entry
5 first of all from 11 August 1980, if we can look at that
6 briefly.

7 This is a record of a visit on 7 August. There's a
8 reference to the child's behaviour and it seems, if we
9 read halfway through that paragraph, that this boy is
10 upset because a particular individual has been calling
11 him 'piss pants' and another person who gives him dead
12 legs. His parents have only visited on one occasion and
13 there's been no correspondence from home.

14 But reading short, four lines from the bottom, it
15 said:

16 'It is apparent to date that this placement is not
17 satisfactory.'

18 So there was clear dissatisfaction on the part of
19 the social worker at what was happening for the boy at
20 Merkland. It's perhaps not clear that there was abuse,
21 but it is noted that he's still enuretic on a daily
22 basis. And am I right in thinking that bed-wetting can
23 be a sign of distress?

24 A. Yes, it can, absolutely.

25 Q. If we then, and if we then track down to another entry

1 for -- I'm sorry. Yes, it's 8 October 1980.

2 And the worker records:

3 'Since my last visit [this boy's] behaviour has
4 deteriorated.'

5 We're told he's recommenced petty theft within the
6 home, has no friends and so on.

7 Reading short to six lines down:

8 'When interviewed by Mr Harley and myself, he
9 remained sullen and unresponsive to any questions.
10 Weekend and one week's holiday leave have been stopped
11 as partial punishment. Instructed by Mr Harley to write
12 to his father with explanation of why this has been
13 done.'

14 The father, it seems, creates problems for staff at
15 Merkland when he brings the boy back, aggressive,
16 demanding and threatening attitude prevails during his
17 visit. And then it goes on:

18 'JDW [redacted] taunted [the boy] with foul, vile
19 language of which I did not approve, but it was the
20 first time I'd seen a retaliation from the boy.
21 Normally he is quiet and withdrawn, but he showed his
22 temper towards her and threatened her with his father's
23 wrath.'

24 So I suppose what one can say is that at least the
25 social worker didn't approve of what was happening, but

1 if I can hand over to you for a comment on how this
2 appears to have been handled or not handled?

3 A. From reading this particular record, it would appear to
4 me as though, other than formally recording the
5 disapproval, it doesn't look as though they've discussed
6 that with a senior, expressed why they disapproved or
7 what any further concerns would be.

8 Q. Yes. If, again, if you received a report like this in
9 today's practice, what would you want to do about that?

10 A. We would look at our disciplinary procedures, given the
11 taunting, the foul, vile language that's been expressed
12 there, we would look at a suspension of the staff member
13 and a full investigation into the circumstances.

14 Given the nature of the establishment, we're
15 speaking about it being a children's house, we would
16 look further and to see if that type of behaviour was
17 more widespread.

18 Q. I mean, one might say it's bad enough that foul, vile
19 language is being used, but is the real concern here the
20 taunting?

21 A. The taunting, yes.

22 Q. The next record is DGC-00000000461. This is, at the top
23 of the page, an entry for 6 April 1981. The third entry
24 really on that page. Again, case notes for a particular
25 boy who's visited at Closeburn; we think that's

1 Closeburn Assessment Centre as it then was.

2 And he's interviewed re allegations he'd made about
3 staff at Merkland:

4 '... by an PMO [REDACTED] and myself, but quite bitter
5 about the other boys returning and he not. Felt he was
6 picked on by PH-JDW [REDACTED] and this was his reason
7 for running away. Explained future possibilities and
8 discussed the fact his parents would not have him at
9 home at present.'

10 So again, from a contemporary professional
11 standpoint, what would you want to say about this
12 record?

13 A. One of the concerning things about this, it appears as
14 though one of the alleged -- one of the people who've
15 had allegations made against them is actually doing the
16 interview and writing the note. You would want -- if
17 I read that correctly. You would want independence, but
18 again there's a significant missed opportunity. In
19 today's practice, this would trigger a whole series of
20 different actions being taken.

21 Q. There seems to be almost a diversion of the focus from
22 the allegations onto the idea that the child himself
23 says he's run away because he's been picked on, but
24 there doesn't seem to have been any curiosity about what
25 the picking-on was about, is that fair to say?

1 A. It absolutely is, yes.

2 Q. But at least here we do have the explicit use of the
3 word 'allegation'. So, again, is this a kind of
4 situation where there ought to have been a great loud
5 klaxon going off to sound a warning about what may have
6 been happening here?

7 A. Yes.

8 Q. Next record is from -- I should have perhaps done these
9 in the reverse order, but this is DGC-00000000500.

10 It's a record, again case notes, this is for the
11 same boy, the same individual, and this is a record from
12 23 March 1981.

13 We're told that:

14 'JDW [REDACTED] phoned. It has come out over the
15 weekend that at school, Merkland and Dumfries, [this
16 boy] had been telling tales about -- and making fun of
17 the other boys in Merkland. The boys had taken
18 exception to this and sent him to Coventry.'

19 Now, this is perhaps a more difficult one I think
20 because it's not entirely clear what the telling tales
21 was.

22 In terms of the -- really my question is about the
23 clarity of note-taking here, Stephen. What would you
24 want to say about that?

25 A. Like you've said, there's no context as to what the

1 behaviour or the concern was. It's not written from the
2 child's perspective and his -- I'm assuming 'his' -- his
3 experience. So the recording is very poor in relation
4 to having a child-centred focus and like I said, no
5 context to what the concerns were.

6 Q. Right. Next record is DGC-00000000479, please.

7 This is a social work report about a different boy,
8 18 September 1980. Record of a home visit and it is
9 said that what we presume are the boy's parents were at
10 home, and there's material about them.

11 And we're then told, I think it's six -- five lines
12 down:

13 '[The father] was his usual rumbustious self, making
14 demands and wild statements about his son being
15 misplaced at Merkland and being ill-treated by the other
16 children and by the staff.'

17 That things -- I beg your pardon:

18 'If all he said were true, I suggested that he
19 should have his son home and at this, he immediately
20 began to backtrack, saying that he felt his son was
21 happy there, that things were going well, and that he
22 was really quite happy with everything as it stood. It
23 was obvious that he just wanted to do some
24 sabre-rattling and look the good parent without having
25 any commitment to his son at all.'

1 There is then a discussion about a watch.

2 Again, comments on that, Stephen?

3 A. Yeah. The allegations from the father appear to have
4 been completely dismissed. There was no, I use the term
5 'red flag' raised at that point, and the remainder of
6 the recording in relation to that, as it says, is just
7 passing the blame to the father as if he's, well,
8 sabre-rattling as it says. So again, no exploration
9 around what the father's saying, what that child had
10 said to his father and, yeah.

11 Q. Next record is DGC-00000000522.

12 This is yet another case note or case notes. It's
13 fragmentary, unfortunately, in that all the context
14 isn't quite there, but I think we see that right at the
15 top of the page, the first entry, [REDACTED] 77, there's the
16 note:

17 'Condition that he be removed from home as soon as
18 possible and taken to Merkland.'

19 And then the next line:

20 'Home visit'. [This boy] has disappeared after the
21 panel and not come home until late at night.'

22 So does it appear there's been a Children's Panel
23 with a condition that the boy be placed at Merkland, but
24 that hadn't happened immediately? The panel looks as
25 though it was on [REDACTED] 1977. The boy then didn't come

1 home.

2 The second paragraph:

3 'Later in the evening [this is on the [REDACTED]] I heard
4 from Mr Harley that he'd gone down to Dumfries High and
5 spoken to the boy for about an hour and had in fact
6 persuaded him to go to Merkland and had taken him home.
7 [The boy] then said he would like to go for the weekend
8 and go camping and swimming with the boys.'

9 There's then a further entry for [REDACTED]:

10 '[Boy] wasn't in. Mr Harley had come for him and he
11 was not to be found. The mother was very disappointed
12 as she thought for a few minutes things were going to go
13 all right.'

14 And then next entry from [REDACTED]:

15 'Phone call from Mr Harley at Merkland to say that
16 [the boy] was now residing in Merkland. Apparently,
17 after they had gone swimming, they had gone round by the
18 picture house, met [the boy] coming out, and without
19 putting too fine a point on it, I gather they had almost
20 abducted [the boy] and taken him up to Merkland.
21 Mr Harley then spent about two hours speaking to [the
22 boy] and calming him down and he said that [the boy] was
23 now quite happy.'

24 Red flags?

25 A. Without a shadow of a doubt, yes.

1 Q. I think we've heard some evidence that a boy was
2 essentially bundled into the back of a van or a minibus
3 and simply unceremoniously taken off, essentially by
4 using main force, by the sound of it?

5 A. Yes. Reading that today is almost unbelievable, in
6 terms of an abduction and that being in a case record
7 and nothing to suggest that that's been followed up.

8 Q. And if we look at another, it's I suppose a related
9 record, it's DGC-00000000512.

10 LADY SMITH: Just before you leave that page, I'm having
11 difficult reading it under the redaction, the next entry
12 starts 'Called at Moffat'. What is the date -- no, up,
13 up again. If we go back up there, we have the 'Had
14 a phone call, almost abducted, talked down'. And then
15 we've got 'Called at Moffat' in the next entry; what is
16 the date of that? How long after was it?

17 MR SHELDON: I think it's [REDACTED], my Lady.

18 LADY SMITH: So that's two days later?

19 MR SHELDON: Yes.

20 LADY SMITH: So there's a two-day delay and the child is
21 still in a state of shock. But said he was okay.

22 MR SHELDON: Yes:
23 'He looks [sic] white and strained'.
24 'I spoke to him for just a very short time because
25 I really felt that he was not in a fit state to discuss

1 anything very fully.'

2 So he can't even speak to his social worker.

3 LADY SMITH: And even accepting this was a difficult case
4 and there's some deliberating there:

5 'In fact, I was very concerned for [the boy], wasn't
6 sure I agreed with the method that had been employed in
7 getting him to Merkland but, on the other hand, I think
8 that at the end of the day, whether we'd had an order or
9 not, we'd have had to use force.'

10 There's no sign of that social worker speaking to
11 anybody else about this, calling his superior, sharing
12 what was obviously a very real problem and a justifiable
13 cause for concern about this boy. All he does is think
14 about looking at it two different ways and then just
15 leaves the boy there.

16 MR SHELDON: Thank you, my Lady.

17 So, next record, DGC-00000000512. Case notes for
18 the same boy. This is now 1979 and if we look at
19 an entry for -- it's just [REDACTED] 1979, there's no day
20 given. And we're told:

21 '[The boy] was moved [REDACTED]
22 [REDACTED] [is what's under the redaction] to Merkland.
23 Unfortunately, no panel was held and I did not discover
24 this until later on. Another point was that [the boy's
25 mother] was not immediately informed of the move but

1 informed, she told me casually outside the office one
2 day, when she happened to be in paying her parental
3 contributions and met [two individuals].'

4 I think one of them certainly is a social worker.

5 '[Met two men] on the street. I feel that this was
6 not an acceptable practice.'

7 Now, again, there seems to have been a real lack of
8 procedure in what was done here, is that fair to say?

9 A. It does appear to be the case, yes.

10 Q. And this in a context where there had already been
11 essentially an abduction of a boy, and this seems to be
12 it. We're not given any more detail, but it seems to be
13 almost a repeat of that, and in spite of the social
14 worker saying, 'I feel this was not an acceptable
15 practice', although in fairness it's not entirely clear
16 what the social worker's referring to there, but there's
17 certainly no -- apparently no follow-up about the lack
18 of a panel.

19 And if we scroll down, it's not entirely clear what
20 the timeline is here, but 28 August '79:

21 'Telephoned Merkland to speak to Mr Harley. He
22 apologised over the holiday incident and said it really
23 had been their fault, but that events had overtaken
24 them. And he also indicated that [the boy's father] had
25 known about the situation but had not chosen to tell his

1 wife.'

2 There's then a further entry for 14 September:

3 'Case discussion with Mr PLS and Mrs PMO
4 (sic). Both these individuals have been concerned in
5 caring for [the boy] while the staffing situation at
6 Merkland has not been good and both have had occasion to
7 be very concerned about him. Particularly this has been
8 true of Mr PMO who had found [the boy] still awake
9 at 2.00 and 3.00 in the morning, frightened to go to
10 sleep because he had dreams about death and felt that if
11 he let himself go to sleep, he would never wake up
12 again.'

13 And there are some concerns that there was
14 a psychiatric issue.

15 So it's really quite a disturbing picture of a boy
16 who has been, in the earlier incident, almost abducted
17 and still seems to be living, to some extent, in a state
18 of fear; is that right?

19 A. That's certainly the case and if I may, the lack of
20 a panel is one thing. It can happen. But the
21 legislation in force at the time in terms of the 1968
22 Act meant that if a child was placed on a voluntary
23 basis, then that would have to be formally recorded and
24 a parent or parents would have to sign something.

25 So the record, although it says the father knew but

1 didn't tell the wife, whether that's true or not is
2 debatable, but in any case no record that that proper
3 action was taken. And extremely worrying, as you've
4 indicated, given the circumstances of his initial
5 arrival at Merkland.

6 Q. So this is just a sample of some of the case files that
7 very helpfully were submitted by Dumfries and Galloway.

8 First of all, was that part of a sampling exercise
9 that Dumfries carried out for the A to D response?

10 A. Yes.

11 Q. I should have taken that from you. And this is just
12 a further sample, as it were, but from this, is there
13 enough to carry out the sort of triangulation exercise
14 that you might have in mind?

15 A. I would have expected further action, even back then,
16 given the amount of formal record-keeping. And these
17 are records that would be kept centrally, as opposed to
18 in a house where the abuse is happening, that somebody
19 should have had oversight of that in terms of what we
20 would call quality assurance nowadays and something
21 should have been done. There's clearly been
22 a significant failure, not just in Merkland itself, but
23 in relation to the organisation as a whole.

24 Q. And just thinking about the last couple of incidents
25 that we looked at, there seems to be an extraordinary

1 (3.11 pm)

2 LADY SMITH: Stephen, welcome back. Are you ready for us to
3 carry on?

4 A. Yes.

5 LADY SMITH: Thank you very much.

6 Mr Sheldon.

7 MR SHELDON: Thank you, my Lady.

8 Stephen, we'd been looking at some records before
9 the break and now I want to turn briefly, and finally,
10 I hope, to the additional material that Dumfries and
11 Galloway submitted to update the A to D response, and
12 a couple very quick points first of all, please, about
13 the addendum to the Part D response.

14 This is DGC-00000000590.

15 As I say, just to check a couple of actual issues
16 with you.

17 On the first page of this, in relation to the
18 extent -- abuse and response, 5.2, extent, and the
19 updates to the original response are that:

20 'Peter Harley received an additional eight-year
21 sentence in 2000 at Cardiff Crown Court.'

22 And I think we heard something about that earlier
23 on.

24 And:

25 'In 2002, Peter Harley was sentenced to a further

1 three years after two more victims came forward and he
2 was convicted of two charges of lewd and libidinous
3 behaviour.'

4 It is '2002' there; is that perhaps a misprint for
5 2022?

6 A. It is, yes.

7 Q. There isn't another conviction that we missed?

8 A. No. Apologies, I didn't notice that at the time.

9 Q. No, it's fine. Just to check that.

10 And at page 3, please, there's a section about civil
11 actions and it's noted that nine claims have been
12 intimated against the council to date in respect of
13 alleged abuse suffered while resident at Merkland, 1977
14 to 1982.

15 Now, are those claims -- are the nine claims over
16 and above those that were raised and then dismissed in
17 the 2000s, or is that the total number of claims that
18 have been, as it were, ever intimated against the
19 council?

20 A. That's the total number of claims that have come to
21 light since the extension in relation to the time-bar.

22 Q. All right. Since 2017. All right. Thank you.

23 And then if we can move to the addendum to Part C,
24 that's DGC-00000000591.

25 Actually, I do beg your pardon, I'm sorry, I should

1 have gone to the original response first. It's
2 DGC.001.001.0083.

3 And if we look first of all at page 4, please, and
4 scrolling down, about halfway down, 4.2: Was there local
5 authority policy/guidance and so on in relation to
6 residential care.

7 And the answer is:

8 'We are unable to locate any past local authority
9 policy/guidance relevant to the provision of residential
10 childcare. It is known that some records pertaining to
11 Merkland were destroyed in a fire many years ago
12 following the closure of the children's home and the
13 selling of the property. There is no physical evidence
14 of local policies ...'

15 And so on.

16 And if we then go to page 9, please. Sorry, I may
17 have got that reference wrong. At all events we've seen
18 the reference at page 4 to the idea that it's known
19 there was a fire at Merkland.

20 There's another reference to that elsewhere in that
21 part of the document.

22 But if we then turn to DGC-00000000591 and page 11
23 of that. This is further information in respect of
24 a reported fire at Merkland:

25 'The Section 21 notice response which referred to

1 the fire was prepared in 2017 at a time which pre-dated
2 the involvement of those currently on the SCAI
3 circulation list for this Council. The majority of
4 those involved in the preparation of the original notice
5 have retired.'

6 And there's another individual who is deceased.

7 'In consequence it was decided to make enquiries
8 afresh, including reaching out to retired Council senior
9 officers [and so on] or as having worked at Merkland
10 prior to closure.

11 'The Council has undertaken enquiries to attempt
12 insofar as possible both to identify the source of the
13 reference to destruction of records by fire and the
14 degree of verification that reference was subjected to
15 prior to release.'

16 And there's a reference to the fact that it's known
17 that Merkland was owned, operated by Dumfries and
18 Galloway Regional Council and operated -- Dumfries
19 County Council from 1963 to 1975:

20 'In consequence, ability to produce records, reports
21 and similar is wholly reliant on or a combination of
22 historical record retention decisions taken by
23 predecessor local authorities.'

24 Then:

25 'Based on our enquiries, we've received the

1 following information.

2 'As far as those spoken to with knowledge were
3 aware, there was no fire at Merkland Children's Home.
4 We could find no substantive evidence of a fire at
5 Merkland, nor anything to support our previous response
6 to the Inquiry that a fire occurred.'

7 And the response goes on:

8 'It appears that general gossip amongst social work
9 staff was that, following closure in 1982, the builders
10 carrying out the conversion of the home into flats had
11 found documentation, the nature of which is unknown, and
12 when the council was approached they may have instructed
13 that the documentation was destroyed.'

14 So pausing there, Stephen, you very properly said
15 you can't find any evidence of the fire and there's
16 a reference to general gossip. Do you know, or does the
17 council know, first of all, when that gossip was
18 circulating, or has it been circulating simply for
19 a very long time?

20 A. So my understanding is the gossip had been circulating
21 for quite some time, and if I may give a little bit of
22 context to the follow-up?

23 Q. Please do.

24 A. When myself and other colleagues were preparing for this
25 phase of the Inquiry, we obviously re-read the

1 Section 21 notice and myself and others were concerned
2 at the fact that it said 'It is known a fire took
3 place'. We had no knowledge of that from
4 an organisational perspective, so we decided to look at
5 that as best we could.

6 And indeed our own Section 21 notice at one point
7 said 'it is known', and the section you were looking
8 for, it did make reference but it was less certain, so
9 there was already ambiguity in our response. So we
10 wanted to get as much information as possible.

11 But as we say in the addendum, there's no evidence
12 of a fire, however, strong gossip had been circulating
13 for quite a number of years, not constantly, but because
14 some of the people involved in the Section 21 were also
15 involved at the time, that gossip grew into something
16 more than it perhaps was.

17 Q. Next bullet point, you note:

18 'The ex-staff member who worked at Merkland until
19 shortly before it closed confirmed that, to her
20 knowledge, there was no Admissions/Discharge Register
21 kept at Merkland.'

22 That's certainly consistent with evidence that we've
23 heard this week.

24 Next bullet point:

25 'Another ex-staff member was spoken to but had

1 little or no recall due to being in poor health.

2 'All the children transferred from Merkland were
3 recorded in a Ladyacre register last held at the social
4 work stores.

5 'The only known record pertaining to children which
6 was kept at Merkland was a book which recorded when
7 children received the belt.'

8 Again, we've heard about that.

9 And the clear recollection of the ex-staff member
10 was that Merkland staff were never invited to meetings
11 and never wrote up any reports and that records and
12 reports and so on were written by social workers:

13 'No one spoken to in the course of our
14 investigations had any direct knowledge of either the
15 presence of records or the destruction of any such
16 records by fire or other means.'

17 And there's then a section about some information
18 from Sheila Clingar:

19 '... who advised that our then child protection
20 officer, now deceased, had involvement in assisting
21 police-led investigations. Acting on their instruction,
22 he had approached the new owners of the home post-sale
23 and subsequently appraised the locality manager that the
24 owners had told him that papers had been found in the
25 loft but they had been taken out of the building and

1 burned.

2 'Our retired locality manager reaffirmed that all
3 recording of the residential care of these children was
4 entered up in Dumfries and Galloway Regional Council,
5 social work records kept centrally for each individual
6 child.'

7 There is a little more about the only known records
8 about being the belt book and so on.

9 So there's a repeat, really, of the -- if I can call
10 it this -- the story about the fire and that according
11 to the former child protection officer, his
12 understanding was that papers had been taken out and
13 burned from Merkland.

14 So, I just want to check with you, what is Dumfries
15 and Galloway's final position about the fire or
16 non-fire, as the case may be?

17 A. So, our final position would be that there has been
18 rumour or gossip about a fire. The statement in
19 relation to the ex-child protection officer who is now
20 deceased is just that, it's a statement. It's not
21 recorded anywhere formally. It's hearsay.

22 On the balance of probabilities, I would say it is
23 likely that some paperwork from the flat in Merkland, as
24 referenced, has probably been burnt by the builders/new
25 owners, but what the content of that paperwork was, we

1 have no firm understanding.

2 LADY SMITH: Who were the new owners?

3 A. Oh, a development company that were turning it into

4 flats, basically, yeah.

5 LADY SMITH: I thought it might be. Probably formed

6 specifically for the development. Yes.

7 MR SHELTON: And again, what's your final position about the

8 existence of the records? In other words, did records,

9 apart from the belt book, ever exist?

10 A. So, our opinion, based on the information that we found

11 ourselves in terms of physical records, elsewhere across

12 the local authority as was at the time, what we've heard

13 from the children, now adults, who have resided in

14 Merkland, what we've heard from staff, is that there

15 were no records kept and other than that belt book,

16 which was witnessed by one person -- I did hear from

17 Mr Harley, earlier today, that he claimed there was

18 other records kept. I would tend to believe what other

19 people have told me in relation to the lack of records

20 being kept in the establishment.

21 Q. So would it appear, if that's right, and it would appear

22 to be so, that this is another systemic failing in

23 relation to the administration of Merkland?

24 A. That would be the case, yes.

25 MR SHELTON: Stephen, those are all the questions I have for

1 you. Is there anything that you would like to say that
2 I haven't given you the opportunity to say thus far?

3 A. There is, yes. And it's not necessarily -- well, it's
4 not in relation to the evidence, but if I may.

5 Clearly, the people who were resident at Merkland,
6 particularly through Peter Harley's time, were subjected
7 to horrific abuse and that should not have happened.

8 I would like to apologise now as a human being, but
9 also representing, you know, the council that currently
10 exists, to apologise to them again and, you know,
11 acknowledge the life-long impact that the abuse that
12 they suffered at Peter Harley's hands has had on them
13 and I am sincerely and heartfeltly sorry for what
14 they've experienced, what they currently do.

15 MR SHELDON: Thank you.

16 LADY SMITH: Stephen, can I just raise one further thing
17 with you?

18 In your addendum to your Part D response, of course
19 you set out the information that you had by then, about
20 Peter Harley's convictions and one of the convictions
21 you refer to is his conviction in Cardiff, which you say
22 was in relation to him having taken children from
23 Merkland on holiday to Wales.

24 You'll have heard him say this morning that that was
25 in relation to children at his previous school. I think

1 it's fair to say, you can correct me on this,
2 Mr Sheldon, we don't have any definitive documentation
3 from Cardiff that tells us about that.

4 MR SHELDON: Not from Cardiff, my Lady, no.

5 LADY SMITH: But we do have Mr Harley's evidence this
6 morning.

7 If he's right about that, that means when he was
8 taken on at Merkland, he already had a history of sexual
9 offending against children who were in care, vulnerable
10 children. What do you make of that?

11 A. I think that's highly probable and will be the case,
12 my Lady. His behaviour, horrific, horrendous, whichever
13 words we would choose, but what struck me is when he
14 said, when he did it once, he got away with it, when he
15 did it twice -- I don't recall exactly -- but when he
16 did it three times, it became normal.

17 Given what he admitted himself earlier in relation
18 to the number of offences in his previous employ, I have
19 no doubt that it being normal, it being abuse, was
20 an everyday factor in his behaviour throughout his time
21 at Merkland and potentially other places. And that's
22 based on my experience over the years as a social
23 worker, what I've heard today, and it's quite simply
24 terrifying.

25 LADY SMITH: Yes.

1 And how do you protect against taking on somebody
2 who did offend at their previous place of employment,
3 didn't get caught, hasn't been prosecuted, there's
4 nothing on public records that makes you aware of the
5 red flags that actually exist?

6 A. I would say, my Lady, that today is very different in
7 terms of we know far more about child abuse,
8 particularly sexual abuse. We know far more about
9 predatory behaviour, how people groom, for example.
10 We've got much more robust systems in place around how
11 we recruit staff, seeking of references, et cetera.

12 So one hopes that all of those different safeguards
13 and those layers of safeguards that we have in place,
14 means that this level of abuse can't happen. Sexual
15 abuse and other forms of abuse of children by
16 individuals will occur forever more. I don't think
17 society can eradicate that. However, the level and, you
18 know, the consistency of what we've seen here should
19 never happen again.

20 LADY SMITH: The means of identifying the risk that it is
21 happening, but also, perhaps, setting up good systems
22 such as you've described that should mean that working
23 in somewhere like Merkland, like the children's home in
24 Wales, aren't as attractive to the Peter Harleys of this
25 world as they used to be.

1 A. Absolutely.

2 LADY SMITH: Would that be right?

3 A. Yes.

4 LADY SMITH: Thank you so much for that, Stephen.

5 I'm really grateful to you and my gratitude, again, to

6 those in your authority that have done such good work in

7 helping us with the Section 21 response.

8 A. Thank you.

9 LADY SMITH: You are now free to go. Safe journey home and

10 I know from what we've been discussing already it's not

11 exactly on the doorstep, but at least the sun is shining

12 now for you to get back. Thank you.

13 A. Thank you.

14 (The witness withdrew)

15 LADY SMITH: Mr Sheldon.

16 MR SHELDON: That concludes the evidence in relation to

17 Merkland and indeed concludes this block of hearings

18 about the four establishments that we've heard about in

19 that time.

20 LADY SMITH: Yes, and the next block starts in about

21 a couple of weeks' time, I think.

22 MR SHELDON: I think that's right, my Lady. I don't have my

23 diary in front of me I'm afraid.

24 LADY SMITH: Don't worry. It's a Thursday/Friday start,

25 I think --

1 MR SHELDON: That's right.

2 LADY SMITH: -- but if people watch the website, that will
3 be confirmed.

4 MR SHELDON: It's 26 March, I'm told, my Lady.

5 LADY SMITH: I thought it was. 26 March.

6 Thank you so much and I wish you all a good weekend.

7 (3.30 pm)

8 (The Inquiry adjourned until 10.00 am
9 on Thursday, 26 March 2026)

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