

Wednesday, 1 April 2026

1

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to our case
4 study hearings in Phase 10 of our work which, of course,
5 is still focusing on local authority provision for
6 children, provision of residential care in places that
7 they ran and used to fulfil their responsibilities where
8 places were run by other people.

9 Now, as we said last night, the plan today is we'll
10 finish the read-ins that we have to do for Phase 10 and
11 then we'll move on to a witness in person, and so
12 I'll invite Ms Forbes to start with the read-ins.

13 MS FORBES: Thank you, my Lady, yes, there are three further
14 read-ins, all from Nimmo Place.

15 LADY SMITH: Thank you.

16 MS FORBES: The first one is a statement of an applicant who
17 is anonymous and is known as 'Peter' and the reference
18 for 'Peter's' statement is WIT-1-000001058.

19 LADY SMITH: Thank you.

20 'Peter' (read in)

21 MS FORBES: My Lady, 'Peter' was born in 1960 and tells us
22 about his life before going into care from paragraph 2
23 onwards.

24 He says he was born at [REDACTED] in Perth
25 and he was one of 12 siblings. He tells us that his mum

1 was widowed when her husband died during the war and her
2 children took her maiden name because she wasn't married
3 to his dad, and then subsequently they were married. So
4 he tells us that when he was born, he took his mum's
5 maiden name.

6 They initially lived then in Perth. He says his mum
7 didn't work because she was busy giving birth and had
8 the children to look after, but his dad worked and he
9 remembers him working in a slaughterhouse and also at
10 Perth Royal Infirmary.

11 He tells us at paragraph 4 that he loved life at
12 home and he says:

13 'Life was great. We didn't have a lot, no carpets
14 or anything, but it was a great life and a great
15 childhood. There was no social work involvement with
16 our family.'

17 'Peter' then goes on to tell us that his mum became
18 unwell. She had breast cancer and spent some time in
19 hospital and he thinks while she was in hospital they
20 stayed at Nimmo Place for the first time, but not for
21 very long. And then he says that his mum took ill again
22 and was taken back into hospital where she died, and he
23 says he turned 9 in [REDACTED] 1969 and his mum died in
24 [REDACTED] 1970.

25 'Peter' tells us that when his mum died, he and his

1 youngest brother were staying with their older sister,
2 and his sister had a two-bedroom house and four children
3 of her own. They were there for about a month, but then
4 they were taken from there and placed into care and he
5 says at paragraph 6:

6 'It was horrible. We were taken out of our house by
7 the welfare.'

8 And then he tells us that he was taken again for the
9 second time to Nimmo Place.

10 My Lady, from the records we have in relation to
11 'Peter', we know that he spent a short period of time in
12 Nimmo Place between [REDACTED] 1969, when he was aged 8,
13 to [REDACTED] 1969. He turned 9 during that time. That
14 might have been when he talks about his mother being in
15 hospital the first time.

16 LADY SMITH: Yes.

17 MS FORBES: And then subsequently he's admitted to
18 Nimmo Place on [REDACTED] 1970. He's still aged 9. We
19 don't have a leaving date in the records, but he seems
20 to have left certainly by [REDACTED] 1976, from
21 what we can see.

22 'Peter' then talks about Nimmo Place from
23 paragraph 7 onwards and says:

24 'I went into the home when I was 9 years old.'

25 He says his younger brother was 6:

1 'They did try to keep siblings together. There were
2 older sibling sets in Nimmo Place and about nine
3 children altogether.'

4 Then he names a boy who was the youngest, who went
5 into the home as a baby, and then he says at
6 paragraph 7:

7 'The oldest would have been 15/16 years old. There
8 were three or four children's homes in Perth and
9 Nimmo Place was one of them. The home was in the
10 Hillyland area of Perth. The area is known as Tulloch
11 nowadays.

12 'On the ground floor there was the storeroom, the
13 kitchen, the living room and bathroom. Down from the
14 bathroom was the toilet, and down from there was the
15 room where we all kept our shoes. Off that there was
16 a laundry and then, as you came back up, there was
17 a playroom with cupboards for our toys and then the
18 office. The dining room went off from the sitting area
19 in the living room and then there were patio windows at
20 the back going out into a back garden. I could draw
21 a whole diagram of that house. I remember it vividly.'

22 'Peter' at paragraph 9 then gives us some more
23 details about the layout and names some of the children
24 and where, in which bedrooms they stayed in. But he
25 tells us in that paragraph that the RHR-GKK room was

1 across from one of the rooms that held three boys that
2 he names.

3 He says that there was a person called Margaret who
4 was one of the carers and she lived there too, she had
5 a room, again, which was down from another of the
6 residents there, who was a girl.

7 He then talks about, at the end of that paragraph,
8 a boy who was a baby and he names him, and he says that
9 GKK [REDACTED] adopted him.

10 'Peter' then talks about staff at paragraph 10 and
11 he says:

12 GKK [REDACTED] and RHR [REDACTED] were SNR [REDACTED]
13 of the home. We used to have to call them Auntie GKK [REDACTED]
14 and Uncle RHR [REDACTED]. GKK [REDACTED] was the main one.
15 What she said, RHR [REDACTED] did. He was her poodle.
16 She was a bitch. She wore her hair up and she had
17 glasses. She had a [REDACTED]. She was quite stout and
18 she had very muscly legs. She was good at knitting and
19 crocheting. RHR [REDACTED] was a wee fat man, he was
20 balding, I remember that he smoked gold packets of
21 Kensitas Club cigarettes.

22 GKK [REDACTED] and RHR [REDACTED] had their own
23 house [REDACTED]. GKK [REDACTED] lived in the
24 home, but on her days off she went over to her own house
25 [REDACTED]. She had a son [who I think we have

1 named before] called RGG, who was three or four years
2 older than me. He lived in their house [REDACTED].
3 They also had an older son [and he names him] who stayed
4 in Musselburgh with his wife and their son. RHR
5 RHR and GKK were in the children's
6 home five or six days a week. They maybe stayed in
7 their own house one night a week or two nights if they
8 had a day off, but they were almost always in the home.

9 'Mrs Christie was the cook. She stayed [REDACTED]
10 [REDACTED]. She was lovely. Mrs Herring was the cleaner.
11 Her daughter, Irene Herring, used to come in and help.
12 They were both lovely as well. Margaret worked as
13 a carer, but she didn't stay for very long because she
14 wasn't happy about what was going on. She was lovely
15 and I still speak to her when I see her. I have spoken
16 to Margaret as an adult and she told me that she hated
17 GKK and RHR because of what was
18 happening in the home. She's quite venomous about it.
19 I didn't pressurise her to tell me any more because
20 I knew what had been happening in the home anyway.

21 'I remember getting uplifted from our sister's. All
22 we had with us was the clothes on our backs. I can
23 remember arriving at Nimmo Place. The first thing that
24 GKK said was, "Get them in a bath, they're
25 from [REDACTED]". It was as if to say: they're

1 from a dirty area, get them in a bath. That never left
2 my mind.'

3 And he says:

4 '[My brother] and I were put into a bath. She
5 scrubbed us with a scrubbing brush. We weren't dirty
6 kids. We had a bath every day. My mum made sure of
7 that. After the bath, we were taken upstairs and shown
8 where our beds were. I would say that the first three
9 or four weeks of being in the home were all right, but
10 once you were in, you were in and then that was it.

11 'There were four boys in our room. My brother and
12 I shared with [and he names two boys]. My bed was next
13 to a long horizontal window. When you looked out, it
14 was onto the top of the garage where the caravanette
15 was. There were beds in our room, an orange seat and
16 wardrobes. The wardrobes were sort of built in.

17 'We always had a bath or a shower at bedtime. We
18 then got into our pyjamas and dressing gown. We got to
19 watch a bit of TV. My favourite TV show was Star Trek
20 at that time. We would get a supper of cereal or toast.
21 Because I was a bit older, bedtime was 9.00 pm. The
22 younger kids went up to bed earlier. We weren't allowed
23 to shut the bedroom door. All doors had to be opened.
24 I don't know if any children had difficulties with
25 bed-wetting. There was definitely nobody in my room who

1 wet the bed.

2 'If we were late home from school, we were sent up
3 to bed. When we went to bed, we weren't allowed to
4 talk. We were supposed to just shut our eyes and switch
5 off. Kids don't do that. We would get into trouble if
6 we were caught talking. We were made to stand in the
7 corridor.

8 'The staff got us up in the morning. We had a wash,
9 got ready for school and went downstairs for breakfast.
10 When I got to secondary school age I used to leave for
11 school at about 8.30 am. I would go down the bank at
12 the back of the home and get the bus from Maxton Place.

13 'There were three glass panels from the kitchen into
14 the dining room. They used to pass through our tea to
15 put it onto the table. I don't like to think about meal
16 times. GKK would force-feed me if
17 I didn't like something. If we didn't eat something,
18 she would also try to give it to us the next morning.
19 They never asked us what we liked. It was just, if it
20 was put in front of us, we had to eat it or we got
21 nothing.

22 'If we were bad, we got a cold bath. If we were
23 good, we got a decent hot bath. The washing facilities
24 were all right. We always got clean towels and things
25 like that. We got the bath to ourselves. We weren't

1 allowed to lock the bathroom door, but I think that was
2 a safety thing in case anybody banged their head. We
3 were allowed to close the door.

4 'The home provided us with our clothes. We went to
5 a shop in Perth called Bennies, which was on South
6 Street. We would get our school clothes and jeans
7 there. We didn't get a choice, but I did in the end.
8 I refused to go to school unless I got what I wanted.
9 I got my duffel coat, stay-pressed trousers, two-toned
10 jumper and my West shoes. I wasn't going to look out of
11 place. When I think of it now, they probably had
12 an allowance for each child. I was just one of those
13 children who wasn't going to look out of place amongst
14 my school mates.

15 'When I first went into the home, I moved schools.
16 When my mum had been alive, I had been at Goodlyburn
17 Primary School. When she died and we went into the
18 home, I was put into Tulloch Primary School. I think
19 I was there for Primary 6 and 7. I missed my mates at
20 Goodlyburn but I liked Tulloch. As I got older I moved
21 up to Viewlands Academy. I can still remember the
22 school motto, "Pro Rege Lege et Grege".'

23 I don't know if I'm saying that right, my Lady.

24 LADY SMITH: Don't worry.

25 MS FORBES: 'We didn't get any help with our schoolwork or

1 encouragement from the staff at Nimmo Place. I think
2 I could have gone to Irene if I needed help. She was
3 nice and she was clever. I was able to do my homework
4 by myself, but I just didn't push myself hard enough.

5 'We had our lunch at school. We were given a free
6 lunch ticket. I think that was because we were in the
7 home. I still have a lot of good friends from
8 Viewlands. I was known as [and he gives a nickname that
9 he was known by]. I was very clever at school but
10 I didn't push myself as much as I should have. I was
11 more interested in getting away and getting out into the
12 world. I left school when I was 15-and-a-half. All my
13 school mates were leaving before me because my birthday
14 was in [REDACTED]. I went to do catering at college, just
15 to get out of school.

16 'After school, we went upstairs and got changed and
17 then we all had duties to do. Sometimes I'd have to do
18 the shoes. Other days, it would be other wee jobs. We
19 would have to tidy up the dining room after tea. One
20 person would wash dishes and another would dry them.
21 There was no rota, but our duties varied. Mrs GKK [REDACTED]
22 would tell us what we were doing. We also had to make
23 up our beds in the morning.

24 'I liked painting. I used to do painting-by-numbers
25 and the home would give me that and oil paints for

1 Christmas. We used to have sales of work in the home.
2 GKK was talented at knitting and
3 crocheting. She could do it without looking. She would
4 make beautiful shawls and mohair jumpers. I would paint
5 pictures for the sales of work. We used to sell draught
6 excluders. My brother used to make jewellery for it.
7 They had a machine in the garage. You could put stones
8 from the beach in it and it would buff them up. They
9 would come up with nice colours. He would stick them
10 onto a bracelet or a ring.

11 'I learned how to swim when I was at school camp.
12 After that, I joined Puller's Swimming Club. I got all
13 my certificates. I would go to the soldiers' pool in
14 the old swimming baths in Perth. I got the bus down to
15 the baths myself. I went there from the age of about 13
16 to 14-and-a-half. I was also in the Boys' Brigade, the
17 Sixth Boys' Brigade at St Andrew's Church.

18 'I had a tortoise called Toto. Mrs GKK would
19 make us grow things out the back, so I grew lettuce for
20 my tortoise. I also had a cat called Brandy and I used
21 to set him on Mrs GKK's dog.

22 'We did get pocket money, but it wasn't much.
23 I saved most of mine. I just used to buy one thing, the
24 Warlord magazine. I always got a free gift with it.
25 When I came out of the home, I had money saved in my TSB

1 bank account.

2 'I remember going to Belmont Camp with school. It
3 was next to the River Tummel. It was a luxury for me
4 because I was just there with other school kids.

5 I think I was there for two weeks, and GKK
6 and RHR only got to visit once. They did
7 bring me sweets and things. I enjoyed school camp.
8 That was where I learned to swim.

9 'I don't really remember going out to the cinema and
10 things like that. We did go to Camperdown Park one
11 Sunday. I remember the bear, Ben. I can only remember
12 going on that one trip. It was when I was younger.
13 I can't remember doing things like that when I got
14 older. We did go to a school in Dyce once. All the
15 children from Nimmo Place stayed in a big dormitory on
16 mattresses on the floor. That was great. We all loved
17 it because we were all together in this big dormitory.

18 'We would all go on holiday in the caravanette,
19 which they used as a minibus. We went on holiday once
20 a year. Sometimes we went to Monifieth and stayed in
21 a big caravan. There was a big tent as well. We also
22 used to go to a massive house in Carnoustie. It was
23 a lovely big house belonging to the Brands. There was
24 Westhaven Beach, Easthaven Beach and Carnoustie Beach.
25 We all loved going to Carnoustie. We got to go out

1 without the staff and it was a bit of freedom. I won
2 the pavement artist competition by drawing Bambi. [My
3 brother] won the fancy dress competition. He went as
4 Lily the Pink. He had cold tea for whisky hanging out
5 of a handbag and he wore a wig and a hat.

6 'There was a big white cat called Princess at the
7 Brands. She had kittens. I stole a wee black-and-white
8 kitten. I remember travelling back to Perth and I had
9 hidden him in my coat. It wasn't until we'd got way
10 down the road that the cat meowed. Mrs GKK turned
11 round and said that she'd heard a cat. I told her that
12 I had a kitten. She couldn't take it back. I called
13 the cat Brandy after the Brands. He was a big
14 black-and-white cat and I loved him to bits. I used to
15 set him on Mrs GKK's dog, a wee Papillon.

16 'They always made sure that we got medical and
17 dental care. We were registered with a GP and
18 a dentist. We would be taken for checkups at the
19 dentist. Mrs GKK made sure we had all our
20 immunisations and things like that.

21 'I remember one occasion when I was riding my racer
22 bike. At the back of the home there was a big bank that
23 went down to Maxton Place. I thought I was being smart,
24 going down the bank on my bike. I went into the swings
25 and ended up going over my handlebars. The way I did

1 it, one of my testicles went up inside my stomach.
2 I was taken to Bridge of Earn Hospital and operated on.
3 I remember that I was in Ward 2. I was about 11 when
4 that happened.

5 'We always used to go to church on a Sunday. We
6 went to St Andrew's Church. All the children would go
7 with GKK [REDACTED] and RHR [REDACTED]. I think they
8 were heathens after what they did to us, but they had
9 the cheek to take us to church. We went to Bible class
10 after church and then back to the home for our lunch.
11 I enjoyed going to church and Bible class. We didn't
12 say prayers or do anything religious in the home.

13 'My birthday was in [REDACTED] and [my brother's and
14 he tells us when his was]. They used to get our
15 birthdays mixed up in the home and I would sometimes get
16 my birthday early [and he says his brother would get his
17 late].'

18 He goes on:

19 'We always got a birthday cake and a present. My
20 brother and I got quite a lot from our brothers and
21 sisters as well.

22 'At Christmastime, we got a stocking at the end of
23 our beds. We also got a pillowcase with toys in it.
24 I used to like painting. The children's home often gave
25 me painting-by-numbers and oil paints because they knew

1 I liked that. [My brother] and I were also given toys
2 from our sisters and brothers. The staff used to give
3 them to other children. They thought that we didn't
4 know what our siblings were sending us. I loved
5 wildlife when I was a child and my sister [who he names]
6 got me a beautiful wildlife book for Christmas. They
7 gave it to [and he names another boy] but they made one
8 mistake. My sister had written inside the book, "To
9 [and he puts his name], lots of your love, your sister
10 [and he names her] and family". I got belted that day
11 because I took the book off [and he names the other
12 boy].

13 ' [My brother] and I were also supposed to get two
14 Kodak Instamatic cameras. They were given to [he names
15 two other boys, and he says his sister] gave us remote
16 control cars which were given to other kids. Our
17 siblings had told us what they were giving us, so we
18 knew they were our presents. We did get a lot and
19 I don't think we really minded. I wasn't worried about
20 anything else, but the only time I minded was the
21 wildlife book. I had been really excited about it.

22 'I remember going up to Rosslyn House at
23 Christmastime. It was an old folks' home and we went to
24 help with the Christmas party. I enjoyed doing that.
25 We all went up in the caravanette.

1 'On Christmas morning the year that my mum died,
2 they had to get the police and my social worker up to
3 the home. I was sitting up in my bed having a full
4 conversation with my mum. I was looking at the orange
5 chair in my bedroom. I don't remember it, but
6 apparently it did happen. I think they thought
7 I'd flipped my lid, but I was fine afterwards. My wee
8 brother told me about it. The only thing that came out
9 of the conversation was that my mum wanted a ten bob
10 note that had been in the tea caddy. My big brother
11 [and he names him] had it.

12 'My social worker's name was David Scott. He lived
13 ██████████ from the children's home. Although
14 Mr Scott stayed ██████████, I very rarely saw him.
15 We only saw him if we had done something really bad. He
16 would be called over to come and speak to us. Mr Scott
17 did appear at Christmastime when I was talking to my
18 mother and they thought there was something wrong with
19 me.

20 'It never really occurred to me how infrequent the
21 visits were until being asked about it by the Inquiry.'

22 Then he names a female social worker who he says was
23 a social worker for a family and a girl in the home and
24 he says:

25 'She very rarely came into the home as well, even

1 though she lived nearby. The only time I saw her was at
2 the Boys' Brigade because she was one of the [REDACTED]
3 there. I wasn't aware of any inspections of the home or
4 reviews. I didn't see anybody other than the staff come
5 into the home.

6 'I can remember all of my older siblings' addresses
7 when we were in the home. [My brother] and I used to go
8 and visit my brother [who he names] at the weekends. We
9 went to his on alternate Sundays. [My older brother]
10 would come and get us, but we always went back. He used
11 to play pontoon with us. He would let us win to give us
12 pocket money. When we went back to the home, GKK [REDACTED]
13 GKK [REDACTED] asked us where we got the money. We told her
14 we had been playing cards with our brother. We were
15 just innocent kids. She stopped us from going to see
16 our big brother. I didn't know that at the time. When
17 I was an adult, I asked my big brother why he had
18 stopped taking us. He said that GKK [REDACTED] had stopped us
19 from seeing him because she said that he was encouraging
20 us to gamble. All he was doing was letting us win some
21 pocket money. It was hard because we were quite close
22 to [my older brother] and his sons [who he names].

23 'We'd also go to our older sister [who he names and
24 tells us her address]. We normally went there on
25 a Sunday after lunch. We used to go through to my

1 sister [and he names another sister] for the weekend.
2 We would go through on a Friday on a big red bus, the
3 Fife bus. The bus would stop across the road from
4 a garage on Caddon Road End. It went down to Leslie and
5 up to Glenrothes. She would pick us up in her Minor
6 1000 car.'

7 Then he gives us his sister's address in Glenrothes
8 and he says:

9 'I loved going through there. We went there about
10 once a month from the Friday to the Sunday. That was my
11 highlight when I was younger. I loved it there.'

12 I think actually, my Lady, at paragraph 43 it's
13 Caddon Road End, that's where that is.

14 LADY SMITH: Okay. That makes sense.

15 MS FORBES: 'We didn't start seeing our dad until later on
16 [and he gives us his address]. I think I was about 14
17 by then. He was working as a porter in the kitchen at
18 [REDACTED].

19 'I wasn't aware of any children running away from
20 Nimmo Place. I was tempted myself a few times but
21 I knew that I'd get caught. I would have gone to my
22 sisters or brothers and they would have found me.'

23 'Peter' then talks about abuse in Nimmo Place from
24 paragraph 46:

25 'GKK [REDACTED] force-fed us if we didn't like

1 something. I remember one occasion when we were given
2 pilchards on toast. I can still taste the tomato sauce
3 on it. She would hold my head back by my nose and force
4 it down my throat. She would pull you back and her hand
5 was on your nose so you had to breathe through your
6 mouth. She would force it in. She did that to me with
7 cheese as well. I was older by then and I thought: no,
8 you're not doing this to me again. I spat the cheese in
9 her face. I just missed her [REDACTED]. I got belted
10 stupid for that, but it was well worth it.

11 'GKK [REDACTED] force-fed my brother as well when
12 we were having cabbage. He got away from her and got
13 under the table. Mrs GKK [REDACTED] was trying to kick him
14 under the table to get hold of him. The force-feeding
15 happened whenever we were given food that we didn't
16 like. I could suffer the belt or anything else, but the
17 force-feeding is a vivid memory.

18 'If we did something bad, we were taken to the
19 downstairs toilet. Mrs GKK [REDACTED] would put soap into our
20 mouths until we were physically sick. Being bad was
21 just carrying on or fighting with someone else, just
22 doing normal kids things. If we were talking in our
23 bedrooms and that old witch, Mrs GKK [REDACTED], heard us
24 talking, she would take us downstairs. She would make
25 us stand in a corner and she would sit in a chair by the

1 kitchen door until one of us collapsed. She did that
2 quite regularly. Sometimes RHR would sit
3 while we stood in the corridor, if GKK had told him
4 to do it. I think she got enjoyment out of these
5 things. All I can say is that she was evil.

6 'When I had my accident on my racer bike, I was
7 taken to Bridge of Earn Hospital and operated on. I was
8 about 11 years old. When I got out of hospital, they
9 had got me a big divan bed with a board on it. The next
10 morning, I fell back onto the bed and the board snapped.
11 It was an accident. I had only been out of the hospital
12 for one day and then I fell back onto the bed. That
13 night, Mrs GKK made us sleep on the floor. That
14 was the night that [and he names two boys and his
15 brother] were talking. Mrs GKK made us go
16 downstairs and stand in a corner of the corridor. She
17 sat in a chair at the kitchen until I collapsed. Only
18 after I collapsed did she give me a mattress to sleep
19 on. I don't think I would have been given my mattress
20 if I hadn't collapsed.

21 'Mr RHR and Mrs GKK would belt us.
22 GKK would hold us over a chair, holding
23 our hands. RHR would belt us with a belt or
24 a cane. They did that in the office across from the
25 downstairs bathroom. It happened if you were bad or if

1 you were late home. I think GKK was the
2 instigator. I don't think Uncle RHR wanted to do it and
3 I don't think he was a bad man. She was the one who
4 would say that someone had done something wrong so they
5 were getting the belt. She was the one who held your
6 hands over the chair so you couldn't get up. We were
7 belted on our backsides over our boxers. It wasn't on
8 the bare flesh, but it was still sore.

9 'I don't think that children should have been
10 treated like that, especially when they knew what we had
11 been through. It's unacceptable. They wouldn't have
12 got away with it nowadays. They would be in the jail.
13 I liked Uncle RHR. Even though he did belt us, deep
14 down I knew that it was her. RHR was a real
15 lapdog. GKK was the bad one. If she told
16 RHR to belt us, he had to do it. He would
17 have sat there quite happily and drunk his cup of tea
18 and had a smoke. I was terrified of GKK
19 when I was younger. As I got older, I stopped being
20 scared of her. I was able to fight back. I couldn't
21 fight back when I was 9 years old. I was more worried
22 about my wee brother. I made sure that he was always
23 with me.

24 'My brother and I were talking to my sister [who he
25 names] recently. She asked us why we never told her

1 what was going on in the home. I said to her that if we
2 had told any of our siblings what was happening to us,
3 they would have created a scene. She's a wee
4 firecracker and she's furious about it. I didn't tell
5 anybody in my family what was happening to us at the
6 time.

7 'We hardly ever saw our social worker. If Mr Scott
8 had come to visit us, I would have told him what was
9 happening. I wouldn't have told my sisters because they
10 would have created such a scene, it would have made
11 things ten times worse for us. Mr Scott could probably
12 have done something about it.'

13 He then talks about leaving care from paragraph 54
14 and says that he left school later because his birthday
15 was in [REDACTED]. He left school at 15 to go to college,
16 just to get out of school. He studied catering in
17 college and he says at paragraph 54:

18 'When I was in that home I was like a bird in
19 a cage, wanting to get free. I knew I couldn't until
20 I was a certain age.'

21 Then he tells us that he left the children's home
22 when he was 15-and-a-half and, at college, he was put
23 into a guesthouse in Perth and he wasn't there for very
24 long before he went to work in Bridge of Earn.

25 He talks about life after leaving care from

1 paragraph 56 and says he excelled in catering college.
2 When he turned 16 he was no longer, what he says is
3 'under the welfare', and he got a live-in job in the
4 Bridge of Earn and got on his feet working as a waiter
5 and lived off his tips, and kept his wages in the bank.

6 He says that from there he continued to excel. He
7 bought his flat. He says he's ran hotels and had his
8 own business, qualified as a staff trainer at a hotel in
9 Windermere and has worked as a staff trainer.

10 He tells us he went to work with his friend in
11 Bridge of Earn and then worked with that same friend in
12 a restaurant in Perth for 20 years, and then another
13 restaurant in Perth for another 15 years, and he says
14 that his friend now works for him.

15 He has worked with his friend for 45 years and --
16 his friend's worked for him for 40 years and he's worked
17 for his friend -- sorry.

18 He worked for his friend for 40 years and his friend
19 worked for him for five years and they get on great
20 together.

21 He tells us at paragraph 58:

22 'After I left Nimmo Place, I wasn't allowed to go
23 back to the home to visit [and he names his younger
24 brother]. Once you were away, you weren't allowed to go
25 back.'

1 And then he says he didn't see his younger brother
2 again until he came out of the army. And then he says
3 that his younger brother then left the army when he was
4 18 and came back to live with their dad, and then he was
5 staying with their dad at the same time and it was as if
6 they'd never been apart; they were so close and the bond
7 was always there.

8 He tells us that he's still in touch with some of
9 the other children from Nimmo Place and he names a few
10 of them.

11 He then says at paragraph 60:

12 'When I was working in a restaurant in Perth,
13 GKK's son's RGG came in to tell me that she had
14 died. I was clearing a table and I said "Good riddance
15 to bad news". I'm not a nasty person, but I couldn't
16 help myself from saying that. I apologised to RGG, but
17 said that he knew the score. He knew what happened, but
18 he was only three or four years older than me.'

19 He then tells us at paragraph 62 that he's worked
20 really hard to get where he is now, that he owns his own
21 flat. He's left everything to his younger brother in
22 his will.

23 He tells us then about reporting abuse at
24 paragraph 63:

25 'I've never reported what happened at Nimmo Place to

1 the police. I think my wee brother suffered more than
2 me after I left Nimmo Place.'

3 Then he names a female and he says that she comes
4 into the pub where he works, she's one of his customers
5 and she lived [REDACTED] from Nimmo Place. And he
6 says that she's told him a few things that happened to
7 his brother after he'd left the home. He says at
8 paragraph 63:

9 'She told me that [my brother] got home late one
10 night and that she and her dad saw Mrs GKK [REDACTED] drag him
11 in through the back door by the hair of his head.'

12 And he says:

13 'Her dad has told me that as well.'

14 He then talks about impact from paragraph 64 and
15 says:

16 'I think my experiences in care affected the way
17 I form relationships. I've never been in
18 a relationship. I don't trust people. I'm close to my
19 other siblings, but not in the same sense that I'm close
20 to my younger brother. We've got that bond from 1970
21 right through. It's a long time. I'll look after him
22 until the day I die. My brother has been off work with
23 depression for the last two years. I'd put everything
24 to the back of my mind until [he] started to become
25 depressed. It built up and built up in him. I hate to

1 think of what happened to him after I left. He only has
2 to talk about it and he bursts into tears. It then all
3 started to come back to me and I would remember the
4 things that GKK had done. I had buried it
5 all, but it all came to a head when [he] started getting
6 depressed. It's really bad.

7 'I used to be quite easygoing. I would laugh and
8 joke. Now it only takes someone to say something to
9 trigger me off, and then I'm off. I saw [and he
10 mentions the female that he named before who lived
11 from the home] talking to my brother
12 about Nimmo Place and he was getting upset. He was
13 crying his eyes out. That triggered me off. I told her
14 she didn't know what went on behind closed doors, so she
15 shouldn't talk about it. My temper goes from zero to
16 100 in seconds. I spoke to someone at Redress Scotland
17 who thinks that I'm suffering from PTSD. When certain
18 things are asked, I fly off the handle. I never used to
19 have a temper like that. I'm managing to control it
20 more now that I'm older. I'm trying to get help from
21 Future Pathways to see if there's a way that I can learn
22 to control it better. I've spoken to my GP about these
23 problems, but I never get to see my GP any more. It's
24 so difficult to get an appointment.

25 'Because of the force-feeding at Nimmo Place,

1 I can't eat sardines or pilchards. My excuse to people
2 about cheese is that I'm allergic to it. I'm scared to
3 even touch cheese. It terrifies me. I won't even have
4 pizza. I just won't go near it. I was on holiday on
5 a ship. They served fresh sardines and salad. I just
6 had to say "No, thank you". I can still taste the
7 tomato sauce that was on those pilchards. It sticks in
8 my mind really vividly.'

9 At 'Lessons to be learned' from paragraph 69,
10 'Peter' says:

11 'I think that care facilities should be constantly
12 checked. Their records should be thoroughly checked.

13 GKK didn't just get like she was
14 overnight'. I think that should be --

15 LADY SMITH: Like she was overnight.

16 MS FORBES: Like she was. Sorry it's the way I've said it
17 maybe. 'She was doing that for a long time. There
18 should be regular inspections weekly, not monthly.
19 I hate to think another child is going through what we
20 went through, but I think all the children's homes in
21 Perth are now closed.

22 'We didn't see our social worker. I think social
23 workers should be checking on the children in their
24 care. I would have told my social worker what was
25 happening to us, but I wouldn't have told my sisters.

1 They would have created such a scene. I would have told
2 my social worker if I'd had the chance.'

3 And then for hopes for the Inquiry, at paragraph 71
4 'Peter' says:

5 'I hope that children's homes are investigated and
6 checked and the abuse that happened to us is no longer
7 going on. I saw it on the news about Ireland that there
8 was abuse there from the 1970s to the 1990s. I was
9 shouting at the television. It was happening in Ireland
10 as well. People in charge need to have their
11 backgrounds thoroughly checked. I don't think GKK
12 GKK was ever checked. She couldn't have been.
13 I'd hate to think of this happening to my niece and
14 nephew, but I've survived.'

15 And then 'Peter' has made the usual declaration at
16 paragraph 72 and he's signed it and it's dated 28 August
17 2022.

18 LADY SMITH: Thank you.

19 MS FORBES: My Lady, the next statement is from an applicant
20 who has waived her right to anonymity. Her name is
21 Kerry McDonald -- Mc for McDonald -- and the reference
22 for her statement is WIT-1-000000907.

23 LADY SMITH: Thank you.

24 Kerry McDonald (read in)

25 MS FORBES: My Lady, Kerry has given live evidence

1 previously to the Inquiry during Phase 7, the Foster
2 Care study, and that was on 16 August 2022, which was
3 Day 315 of the Inquiry, and the transcript reference is
4 TRN-10-000000053.

5 So on that basis, I'll only read in a small part of
6 her statement, my Lady.

7 LADY SMITH: Thank you.

8 MS FORBES: She tells us she was born in 1973 and talks
9 about her life before going into care from paragraph 2.
10 She tells us that she [REDACTED]

11
12
13
14

15 She says she was born in Perth Royal Infirmary in
16 Perth and she says she doesn't -- just doesn't know how
17 social workers could have left her with her mother,
18 [REDACTED]. And she
19 says she was taken away from her birth parents when she
20 was [REDACTED] months old in 1973 and has no memories of what
21 happened, but has been told later in life that it was
22 because her mother tried to kill her.

23 My Lady, she tells us about Nimmo Place from
24 paragraph 4 to 7 and, my Lady, from her records we know
25 that she was placed in Nimmo Place on 14 August 1973

1 when she was [REDACTED] months old, and she stayed there until
2 September 1980 when she was 7 years old.

3 LADY SMITH: Thank you.

4 MS FORBES: Kerry says at paragraph 4:

5 'I was placed in Nimmo Place at the age of [REDACTED] months
6 old in 1973. I was there until I was 7 years old in
7 either 1980 or 1981.

8 'Nimmo Place was a children's home SNR by Mr and
9 Mrs RHR-GKK [REDACTED]. I was there at the same time as [REDACTED]
10 [REDACTED] [who she names], but I don't remember him as
11 being [REDACTED] there. I have seen some records from
12 my time there, which have provided me with some
13 information. I have some memories from my time there,
14 but not that many. I couldn't say how many children
15 there were in total. I saw from my records that I used
16 to jump off wardrobes and climbing frames. I remember
17 having a pet guinea pig there and it ran away.
18 I remember being gutted about that.

19 'I remember initially having contact with my mother
20 and father, but for some reason that was all stopped.
21 I have learnt in adult life that my paternal cousin
22 wanted to visit me [REDACTED] during [REDACTED] time at
23 Nimmo Place. That side of my family all lived in Elgin
24 at that time. My cousin has told me that all that side
25 of my family were told [REDACTED] had been adopted and so they

1 couldn't see [REDACTED]. I wasn't adopted, so I don't know why
2 social services were saying that to my family. It could
3 be that they were trying to protect me in some way
4 through not allowing them access, but I really don't
5 know. All I can think about is that it was something to
6 do with my father. Looking back, it was totally wrong
7 for social services to do that. I had no choice in
8 that. They were my family and I should have been able
9 to see them. Social workers shouldn't have lied to my
10 family.'

11 She then tells us about abuse at Nimmo Place from
12 paragraph 6:

13 'I do remember that Mrs GKK [REDACTED] was quite hard on
14 us. I didn't really like her. She used to punish us.
15 I remember that she would make me stand in corners for
16 hours on end as a punishment. Other than that, I can't
17 remember anything else that was abusive. I have heard
18 that there was other abuse happened at Nimmo Place, but
19 that isn't something I remember seeing when I was there.
20 I saw that when doing my research before speaking to the
21 Inquiry. I think I was trying to learn a bit more about
22 [REDACTED] from the internet. I don't know when that
23 happened.

24 'I left Nimmo Place when I was 7 years old in either
25 1980 or 1981. I don't have any memories surrounding why

1 I came to leave Nimmo Place. All I know is that [REDACTED]
2 [REDACTED] I [REDACTED] moved to another children's home in
3 Scone.'

4 And then she tells us about that children's home
5 from paragraphs 8 to 34 and essentially she says Seconda

6 Secondary Institutions - to be published later
7 [REDACTED]
8 [REDACTED]

9 If we go to paragraph 36, she tells us that she
10 ended up being fostered and talks about going to visit
11 a family on weekends before she finally went to stay
12 with them, and she thought she was going to be getting
13 fostered permanently when she went there and she was
14 ecstatic and happy.

15 She then tells us about being fostered between
16 paragraphs 37 and 96 of her statement. She gave live
17 evidence previously about that and she described mental,
18 emotional, physical and sexual abuse, and I'm not going
19 to rehearse her evidence after that, my Lady.

20 I think then she just makes the usual declaration at
21 paragraph 126 of her statement and she signed it and
22 it's dated 10 February 2022.

23 LADY SMITH: Thank you.

24 MS FORBES: My Lady, the last statement then is from
25 an applicant who's anonymous and is known as 'Kevin'.

1 And the reference for 'Kevin's' statement is
2 WIT-1-000001346.

3 'Kevin' (read in)

4 MS FORBES: 'Kevin' tells us he was born in 1979, and then
5 talks about his life before going into care from
6 paragraph 2. And he says he was born in Dundee but
7 never lived there. He has two brothers and two sisters
8 and he was the middle of the five.

9 He says his dad died when he was 13 and that's how
10 he ended up in care. He says he grew up in Muirton in
11 Perth in what he describes as a Faganesque background
12 and that his dad was in court and was described as Fagan
13 and he would get them to go out stealing for him.

14 He says it was bad when he was growing up. His dad
15 didn't have a job. He says he stayed in London for
16 periods of time and went to school there and he spent
17 half his life in London and half in Perth and they'd
18 come back and forward. And his mum and dad's
19 relationship was on and off as well and they never
20 stayed in one place too long.

21 'Kevin' says he went to 17 different schools before
22 he went into care. He says he's been to two schools in
23 Perth and the rest of them in London.

24 'Kevin' says at paragraph 6 that when he was in
25 primary school, he wasn't always going. He says

1 sometimes his mum would be working but he can't remember
2 her working much.

3 Then at paragraph 7 'Kevin' tells us his dad died
4 when he was 13, when he overdosed [REDACTED], and that
5 happened in London. And he says that he remembers being
6 present when they switched his father's life support
7 machine off and he says that that was hard because he
8 still loved his dad.

9 He tells us at paragraph 8 it wasn't long after that
10 that they were put into care in Nimmo Place. He says he
11 had a social worker before he went into Nimmo Place
12 because he wasn't going to school. And then he tells us
13 about Nimmo Place between paragraphs 9 and 51.

14 My Lady, from the records we've been able to obtain,
15 there seems to be three periods when he was in
16 Nimmo Place. The first is between [REDACTED] 1992, when
17 he was 13, until [REDACTED] 1993, when he would have been
18 14. And then he went to stay with his aunt after that
19 and then his mother. Then he was again in Nimmo Place
20 between [REDACTED] 1993 and [REDACTED] 1994, so a short
21 period when he was 14. And then again another period
22 when he was still 14, between [REDACTED] 1994 and
23 [REDACTED] 1994, after which he went to Rossie.

24 LADY SMITH: Thank you.

25 MS FORBES: So 'Kevin' then says from paragraph 9:

1 'Nimmo Place Children's Home was a big white cottage
2 with a conservatory at the back. It had a wee building
3 on the side of it and the food was stored in it. It
4 looked pleasant from outside, but if you went inside, it
5 wasn't a nice place. There wasn't a garden you could
6 play in and you never really went in the back garden.

7 'I think Perth social work were in overall charge of
8 the home. They were based at Rosslyn House. That was
9 where some of social work was based and the bosses were
10 based there. It's no longer a social work office.

11 'There must have been a Children's Panel that
12 decided we should be placed in Nimmo Place. We couldn't
13 have gone there without a Children's Panel making
14 a decision. My mum actually signed for us to go in
15 there.'

16 He says he thinks his brother 'was too old to be
17 with us, but I'm not sure':

18 'I know I was with my sister [who he names] and she
19 was pregnant. She was 15-and-a-half when we went into
20 care. I was 13. I think [he names another brother] was
21 9 or 10 and [then another sister] was 5 or 6. There was
22 four of us who went in together. Because our dad had
23 just died, me and my wee brother would fight all the
24 time with everything that was going on. My mum couldn't
25 handle all five of us.

1 'They eventually put my mum in the home with us to
2 try to calm us down. She was drinking, so it didn't
3 really work, and they put an end to that. Then my
4 brother and sister got put in foster care in Fife. They
5 got moved from place to place and then ended up being
6 put in Guardbridge. I was too old for foster care and
7 no one wanted to take a 13-year-old, so I got kept in
8 the care system. [My sister] turned 16 and I was left
9 in the home by myself.

10 'Nimmo Place was the worst place I was in. It was
11 just full of juvenile delinquents. There were teenagers
12 in there. They should never have put my wee brother and
13 sister in there. The teenagers were crazy and getting
14 restrained. People were throwing things through the
15 windows. It was a mad place. There were boys and girls
16 in there. I think the oldest one was aged 15 [then he
17 names him]. I still see him now. There were nine kids
18 in there in total at one point and that included my
19 family.

20 'Sometimes through the day there was a manager and
21 she was a wee woman who wore glasses. I can't remember
22 her name. As well as her, there could be four on at
23 a time. Not all the time. I can remember some staff
24 members. There was ITA [REDACTED], FJE [REDACTED] and there was
25 an older woman called RMM [REDACTED]. She got involved in the

1 restraining too. There was another guy who was [REDACTED]
2 called FIZ [REDACTED]. He's quite high up in the social
3 work department now. There was another female member of
4 staff. She was called Julie Orange. She was young at
5 the time and her mum was high up in social work. Julie
6 got a job at 16 or 17 working with kids. I really liked
7 her. Julie never restrained me once. She'd verify the
8 things I experienced as she saw it happening. I still
9 speak to her now.

10 'There was just one manager there. The rest of them
11 were just staff members. There was also one from
12 Dundee, RLZ [REDACTED], a wee guy. Secondary Institutions - to be published later
13 Secondary Institutions - to be published later [REDACTED] He wasn't
14 nasty in a bad way and I quite liked him, but he did
15 restrain me a few times too, because he was getting
16 involved with ITA [REDACTED] and FJE [REDACTED]. They were the two
17 worst ones for doing it. ITA [REDACTED] was a really big guy
18 and FJE [REDACTED] was a hippy-looking guy with black hair, a
19 black beard and specs.

20 'They fed us and the food was okay. We sat down to
21 have dinner together, so they did try to get us into
22 a routine.

23 'There was one bathroom in the home with a bath and
24 we all had to share that. That was okay and we got
25 privacy to use it. I had my own bedroom in the home.

1 'The home provided us with clothes and toiletries.
2 You got taken out and the staff would buy you these
3 things.

4 'I went to school sometimes. They'd take you in the
5 minibus that the home owned. I was going to St
6 Columba's School in Perth by this stage. That was my
7 secondary school. None of the other kids in the home
8 were at my school.

9 'Religion didn't play a part in the children's home.

10 'Everybody had to do a chore of some sort. There
11 was a rota for doing the dishes.

12 'I remember we went to a staff member's house for
13 New Year. His name was RNF . He was one of
14 the ones who used to restrain me. He was a psycho and
15 he looked like a lunatic, but he could be really
16 pleasant as well. He tried to teach me to play guitar,
17 but when he got angry he went crazy. His mood would
18 flip very quickly. He took me and all of the kids in
19 the minibus to his house in Glenrothes at New Year.
20 There were another two members of staff there too.
21 There were no problems on that trip. All the kids drank
22 alcohol-free beer.

23 'We did activities in the home. They'd take you out
24 to the cinema and things like that. There was a pool
25 table and a TV inside. There wasn't facilities for

1 a kid like [he names his sister] who was in there at 5
2 or 6. She shouldn't have been in there.

3 'My cousins were shoplifters and I can remember
4 Christmas in Nimmo and I had black bags full of stuff
5 that my cousins had brought back from Oxford Street.
6 They felt sorry for me because of my dad dying.
7 I remember having an argument with a member of staff
8 about the stuff they gave me.

9 'I had a social worker when I was in Nimmo Place and
10 he was called Donald. I can't remember his second name.
11 He was really nice and I liked him. I saw him quite
12 regularly. He used to give me fags. I remember he
13 smoked Marlboro. He'd come into Nimmo Place to see me.
14 There was a conservatory in the home and I'd speak to
15 him in there. I got to have a chat with him by myself.

16 'I think it was when my dad died that I started
17 seeing him quite a lot. I don't think I told him about
18 the restraints in Nimmo because I thought they were
19 allowed to do them and there was no point in mentioning
20 them. It happened to everybody.

21 'I don't think anyone sat me down to speak about
22 what I'd been through before I came into the home.
23 Donald didn't do that. He never spent much time with
24 me. He'd ask me how I was doing and give me some fags.
25 I can't remember talking to him in great detail. He

1 never took me out on an activity.

2 'I'd see Donald if a panel was coming up and he'd
3 maybe come once a week. I went quite a lot to panel
4 hearings. I didn't speak at them. They were held in
5 Muirton in Perth. There were other places in the town
6 they could be held. I was never asked about restraints
7 in panel hearings. It never came up. I think a member
8 of staff would come to the hearings with me. My social
9 worker would be there. Sometimes, but not very often,
10 my mum would be there.

11 'I would see my mum in Nimmo Place sporadically.
12 After my dad died, she hit the drink badly. She was in
13 the home with us for a week or maybe two weeks, but they
14 realised it was making things worse. She couldn't stop
15 the arguing between me and my brother and my sister.
16 Our dad had just died and we were living in a place we
17 weren't happy in. After that, I didn't see her much.
18 I might bump into her if I ran away.

19 'I think [my brother] and [sister] only stayed
20 a couple of weeks before they left the home and went
21 into foster care. I can't remember how long they were
22 in there for. We were all lost without each other.
23 We'd not long lost our dad and we had a lot to deal
24 with.

25 'I didn't need to see a doctor. I don't remember

1 getting a medical check-up before I went into care.

2 'I ran away 129 times in 11 months. I know that
3 figure because I was told it at a panel. I'd stay at my
4 pals' houses. Their mums and dads would let me stay.
5 Where I grew up there was a small, close-knit community
6 in Muirton and everyone knew everybody else. My best
7 mate [who he names] mum would feed me and let me stay.
8 She treated me like one of the family and kind of
9 brought me up after my dad died.

10 'I'd get caught by the police and chased every time
11 I was seen. They knew my face by then. I'd be taken
12 back and staff would take my trainers off me. ITA
13 did that. Then I'd run away in my bare feet. When
14 I got taken back to Nimmo Place, I don't remember
15 getting any physical punishment. I hated the place, so
16 I was still going to run away when I got the
17 opportunity. I hated the restraints and the environment
18 in the place.

19 'The staff member ITA restrained me a lot. He
20 nearly suffocated me. He was a huge guy. I was put in
21 restraints pretty much from the day I went in because we
22 were all fighting, me and my wee brother and sister. If
23 you didn't do what they said, they would sit on top of
24 you. There could be four to six of them at a time.
25 There was one on each leg and one holding each arm.

1 When I was restrained I'd be put face down with my hands
2 behind my back and in a starfish shape with my legs flat
3 out. They'd put their knee on the back of your arm and
4 they'd be kneeling on your arm. There was never a free
5 leg or arm.

6 'The only thing I could move was my head and that's
7 why I used to bang my forehead on the floor. [REDACTED]
8 [REDACTED]. I didn't do it softly, and one of the staff
9 would put a pillow underneath my head. I'd be hitting
10 my head on the floor for ages to try and get them off
11 me. I couldn't breathe half the time. Someone would
12 sit on me and I couldn't move an inch.

13 'They were all big guys. ITA [REDACTED] and a man called
14 FJE [REDACTED] was big as well. FIZ [REDACTED] restrained me
15 too. They were the three main ones who restrained me.
16 There must have been at least five of them involved,
17 because someone would go to get a pillow for under my
18 forehead. I'd feel helpless while this was happening.
19 I can't really remember how I was feeling. I used to
20 panic if I felt I couldn't breathe because someone was
21 on top of me. I never broke any bones during
22 a restraint.

23 'I could be anywhere in the room or the home when
24 the restraint started. Usually it would happen in the
25 hall for some reason. It was driving me insane. There

1 was never any concrete floor or laminate floor I was put
2 down onto. There was always a carpet.

3 'The restraint could happen if I just didn't do what
4 they wanted me to do. For example, they might have been
5 telling me to go to bed. They never talked to me about
6 why I didn't want to go to bed. It was straight to
7 restraint if you didn't listen to them. If you were
8 standing and they wanted to get you in a restraint,
9 they'd just rush at you and overpower you. They were
10 big men and I was short and skinny, so it was easy to
11 do.

12 'I think the longest I've been down on the floor is
13 20 minutes. For them to end the restraint, I'd have to
14 agree with what they wanted me to do in the first place.
15 If I didn't want to go to bed, I'd have to say I agreed
16 to go to bed. You'd usually just do it after they were
17 lying on you for 20 minutes.

18 'I saw restraints like this happen to someone else.
19 There was a wee guy [and he names him] who used to get
20 them quite regularly. He was a year or two younger than
21 me. I think he was about 12 the first time I saw him
22 getting restrained. I think a restraint happened to
23 somebody every day. If it wasn't me, it was someone
24 else.

25 'Restraints didn't happen to [my brother] and

1 [sister], as they were there just a couple weeks.

2 'I can't think of any discipline they used other
3 than restraints.

4 'They had an office with bars on the windows and
5 they locked me in there for two weeks. I was kept in
6 the room because there wasn't any beds in the secure
7 unit. This was because I'd been caught after my pal had
8 picked me up in a stolen car and there was a high-speed
9 chase and he was driving. There was only one bed in the
10 secure unit and because he was driving, he got put in
11 it.

12 'They wouldn't let me out of the room. They didn't
13 let me get a shower. I could only leave the room to use
14 the toilet. I wasn't allowed to watch TV. They
15 wouldn't let me smoke. There was a member of staff
16 sitting with me for 14 days and 14 nights and sleeping
17 in the room with me. They brought two camp beds into
18 the room. I couldn't sleep anyway. I fought with them
19 eight or nine times a day to try to get out of the room.

20 'They locked me in that office for two weeks and
21 I was fighting them constantly until I had no breath
22 left in me. I was getting restrained eight to ten times
23 a day in those two weeks. After the two weeks I was
24 locked in the office, I got put in a secure unit.

25 'After the two-week period, this member of staff

1 took me away with him. It was so I couldn't run away.
2 I realised afterwards he suggested he'd take me away
3 because he was cheating on his wife. His name was
4 ITA . I can't remember his second name. He was a big
5 guy, like a rugby player. I actually liked him. He
6 took me up to Inverness and he'd been up there before to
7 see this woman. He took me to her house and he was
8 drinking. He was half steaming. I went to bed.
9 I could hear him having sex with this woman all night
10 and I heard her saying "[using his own name] is in the
11 other room". He just burst out laughing.

12 'The other boy I knew in the home [who he names]
13 must have done the same thing to him and ITA took him
14 to Inverness. [That boy] knew about it.'

15 He says that:

16 '[The boy] bumped into ITA in the town six
17 months afterwards and he was with the woman. He must
18 have left his wife for her.

19 'My sister got restrained. That FJE pulled my
20 sister's nightie up when she was six months' pregnant.
21 I remember he grabbed her and her nightie got lifted up
22 past her waist. I told him what he was doing wasn't
23 right. He was trying to restrain her. I told him to
24 get his hands off her. She didn't get put down on the
25 ground and I charged at him to get him off her. It

1 turned out I got restrained, but at least I got him off
2 her.

3 'I never reported the staff behaviour or the
4 restraints to anyone. I didn't think I could do
5 anything. I thought it must be legal and they were
6 allowed to do it. I was never violent to anybody. The
7 environment at Nimmo Place meant that restraints
8 happened and no one stopped it.

9 'I was at Nimmo Place for 11 months. After I came
10 back from Inverness with ITA [REDACTED], I got out of
11 Nimmo Place. It's possible I was then put into another
12 children's home but I don't know for certain.'

13 He then tells us about Woodside Children's Home
14 between paragraph 52 and 66 [REDACTED] Secondary Institutions - to be published later

15 [REDACTED] Secondary Institutions - to be published later
16 [REDACTED]
17 [REDACTED]

18 [REDACTED] Secondary In and says:

19 'In Nimmo, they were nuts.'

20 Going forward then in his statement to paragraph 67,
21 he talks about Balnacraig Residential School between
22 paragraph 67 and 77. He says he was only there for
23 about three weeks and the staff there were brilliant and
24 he liked them.

25 Moving forward then in his statement to

1 paragraph 78, 'Kevin' tells us about Rossie Farm between
2 paragraphs 78 and 97, and he says he went there because
3 a Children's Panel had placed him there because he'd run
4 away from Balnacraig and he spent six months there at
5 first and then a year after that.

6 And he says at paragraph 94:

7 'There was never any issues with discipline at
8 Rossie Farm. Everybody was chilled in there.'

9 And he tells us he was at Rossie until he turned 16.
10 Then he was released, and he tells us at paragraph 96
11 that he moved in with his uncle and that was the biggest
12 mistake he ever made, and that his uncle was a criminal
13 and he'd been in prison, and that uncle knew that
14 'Kevin's' dad used to send him and his brother out at
15 night to break into cars.

16 He goes on to tell us about life after care from
17 paragraph 98 and says that when he went to stay with his
18 uncle that he would have taken any benefits that he
19 received, and a few months after he started living with
20 him, he was in Perth jail. He was 16 and he was in
21 there with lifers and there was a few of them there at
22 16. He got out on probation and was given community
23 service. He says he thinks that was to give him
24 a fright. When he came out he ended up living at his
25 sister's and he says after he left care, social work

1 weren't really involved with him anymore. He went into
2 a place called independent living and they put him in
3 a room that had a cooker and fridge to teach him how to
4 shop, budget and look after himself, and he did that for
5 two weeks.

6 And he tells us at paragraph 100 that he passed
7 a parcel to a friend in Perth jail and that it must
8 have -- I think from what he says, it must have had
9 drugs in it or something, but the seal burst --

10 LADY SMITH: Sounds like it.

11 MS FORBES: -- he says, and he was expecting a long time in
12 jail. So he went off to Milton Keynes and worked the
13 whole time he was there, changed his life, and then came
14 back to Perth three years later and went to a court
15 hearing and told the judge that he'd changed his life,
16 and he was given probation.

17 His family then was all living in Milton Keynes and
18 he says he followed her down there -- he followed his
19 mum down there, and it was the best period of his life.
20 He worked in kitchens with his older brother. He did
21 landscape gardening and warehouse work.

22 He goes on to tell us that he travelled back and
23 forward between Perth and Milton Keynes for years, and
24 he tells us at paragraph 104 he's not able to work now
25 as he started taking seizures in his 20s. He's heavily

1 medicated because of the seizures, which can make him
2 sleepy.

3 He talks about impact from paragraph 105 and says:

4 'Being in care has messed me up. A lifetime of
5 addiction is probably the result. I don't know if I can
6 blame it on being in care or if it would have happened
7 anyway if I didn't spend all that time in care. I can't
8 be sure because I can't go back and live differently.
9 It had an impact on my education and maybe if I'd gone
10 to Balnacraig earlier and had a school on the grounds,
11 I would have had a better education. Instead, I was in
12 Nimmo Place for nearly a year and not going to school.
13 I'll never know.

14 'Being abused in Nimmo Place affected me and that's
15 how I ended up running away to London and developing
16 a drug habit and then a lifetime of addiction ever
17 since.'

18 At paragraph 109 then, 'Kevin' says:

19 'I do think about my experience in care. I don't
20 sit and stew over it every day, but something will jog
21 my memory and it will come back. Now I live in Perth
22 and I walk past Nimmo Place sometimes, as I've got pals
23 who live in that area, and that makes me think about it.
24 I still see members of staff about in Perth.

25 'I'm not in any survivor groups for people who have

1 been in care. I see a drugs counsellor and they ask how
2 I'm doing or if I've used any drugs recently. They
3 don't ask questions about things that happened to me in
4 the past. They have done that through the years, but
5 not now I'm older.'

6 In 'Lessons to be learned' at paragraph 112, 'Kevin'
7 says:

8 'It's not right putting a family like ours in a home
9 with juvenile delinquents, like happened to us in
10 Nimmo Place. They could have found us another solution,
11 even if they put my wee brother and sister somewhere
12 else at the start. I can understand they wanted to keep
13 us all together, but if they wanted to keep us together,
14 don't put us in a mental children's home where everyone
15 else has severe issues like self-harming. They were all
16 teenagers. I felt for my wee brother and sister who had
17 already been through trauma when our dad died. They
18 were total innocents and they'd never seen stuff like
19 the fighting and the restraining and the shouting. The
20 teenagers were self-harming. It shouldn't have happened
21 and I hope it doesn't happen again.

22 'Don't split families up either. If there's
23 a chance of keeping them together, do everything you
24 can. That messed me up more than anything. Shifting
25 kids about from foster home to foster home, from what my

1 wee brother and sister told me, really messed them up.
2 They would have gone to many different schools as well.
3 Stability is important for kids.

4 'Speak to young people before you start restraining
5 them. I'd been through a lot, and if they'd have spoken
6 to me in Nimmo, they might not have had to restrain me.
7 There's other ways of dealing with issues. They did
8 that in other places and I never had to be restrained.

9 'I hope no other young family gets put in
10 a children's home like Nimmo Place. We hadn't been in
11 an environment like that before and we'd just lost our
12 dad, and they should think of the bigger picture before
13 they do that again.'

14 'Kevin' then has made the usual declaration and he
15 has signed his statement and it's dated, I think that
16 might be 11 November 2023.

17 LADY SMITH: Possibly, yes.

18 MS FORBES: My Lady, that's the end of the read-ins and
19 I think now we have a live witness, so I wonder if it's
20 an opportunity to have a short break to swap over.

21 LADY SMITH: I think we should do that, yes, thank you very
22 much.

23 But before I rise, there are just some names I want
24 to catch up on and these are of people whose identities
25 are protected by my General Restriction Order. And

1 we've used the names RHR [REDACTED] and GKK [REDACTED]
2 GKK [REDACTED], also known as Auntie GKK [REDACTED] or GKK [REDACTED], RGG [REDACTED]
3 RGG [REDACTED], and then ITA [REDACTED], FJE [REDACTED] and FIZ [REDACTED] this
4 morning. And let me doublecheck if there's anybody
5 I've missed. No.

6 The usual instruction, because of the protection
7 they have from my General Restriction Order, they are
8 not to be identified as referred to in our evidence
9 outside this room.

10 Thank you very much.

11 (11.13 am)

12 (A short break)

13 (11.19 am)

14 LADY SMITH: Mr Peoples.

15 MR PEOPLES: My Lady, the next witness is from

16 Perth & Kinross Council and his name is Arun Singh.

17 LADY SMITH: Thank you.

18 Arun Singh (sworn)

19 LADY SMITH: How would you like me to address you?

20 I'm happy to use Mr Singh or your first name, whatever
21 you're comfortable with.

22 A. Yeah, Arun's absolutely fine.

23 LADY SMITH: Well, thank you, Arun, and thank you for coming
24 along to give evidence today. And I know you've been
25 paying attention to evidence before today and I hope

1 that's been helpful to you.

2 Can I say at the outset, I know from reading your CV
3 that you haven't worked for Perth & Kinross Council for
4 all that long, having started with them in 2024, and
5 I do appreciate that we're asking you to give evidence
6 in your current role in relation to matters that you
7 didn't have direct involvement with.

8 But you'll see that the detailed work that your
9 council has done for us, in terms of their responses to
10 our requirements for information, is all in the red file
11 that you've got there, and we'll bring up any parts of
12 it that we'd like to explore with you on the screen as
13 well.

14 I'll take a break in about 10/15 minutes because we
15 always do that at about that time in the morning, but if
16 you want a break at any other time, please just say.
17 You've probably heard me say that to other witnesses.
18 I do mean it, because it's tough giving evidence,
19 particularly when we're going to ask you about details;
20 it might be hard work.

21 If you've any questions at any time, do say. And if
22 we're not asking you things you think that we ought to
23 be asking you about, or there are things you want to
24 tell us you think are relevant, just speak up.

25 I'll hand over to Mr Peoples and he'll take it from

1 there.

2 Mr Peoples.

3 Questions from Mr Peoples

4 MR PEOPLES: My Lady.

5 Good morning, Arun.

6 Can I just begin by just briefly touching on your
7 CV. Your current position is Strategic Lead for
8 Children, Families and Justice and Chief Social Work
9 Officer with Perth & Kinross Council, and you've been in
10 that position since 2024, is that correct?

11 A. That is, yes.

12 Q. And I think that, just to run through briefly, you
13 before then were Senior Service Manager Children,
14 Families and Justice and Depute Chief Social Work
15 Officer with Falkirk Council between 2022 and 2024; is
16 that correct?

17 A. That's right.

18 Q. And if could I go back in time the other way, I think
19 that you began as a frontline social worker in about
20 1991 -- 1999, I'm sorry?

21 A. That's right.

22 Q. And I think that between then and 2003, you worked for
23 North Lanarkshire Council, first of all, and then with
24 Glasgow City Council in frontline social work posts; is
25 that right?

1 A. That's right.

2 Q. And then in 2003 you became a practice team leader with
3 Glasgow City Council, then dealing with services for the
4 elderly?

5 A. That's right, yes.

6 Q. And then you, I think, began to occupy a series of
7 managerial positions thereafter and I think that from
8 2009 to 2010, you were a fieldwork manager for Reception
9 and Justice Services with South Lanarkshire Council?

10 A. That's right.

11 Q. Then you became a Justice Service manager with the same
12 council in 2010?

13 A. That's right.

14 Q. And then you -- your last post with South Lanarkshire
15 was 2013 to 2022 as a children's family service manager?

16 A. That's right.

17 Q. So you've worked for a number of local authorities in
18 a number of different types of service, but latterly
19 I think your children and families services have been
20 the area that you've been closely involved in; is that
21 correct?

22 A. It is. I mean, I suppose just the role of Chief Social
23 Work Officer obviously takes me into areas of all social
24 work practice, even across adult services as well, so.

25 Q. And I suppose in your previous positions with justice

1 services, you would have come across people of all ages
2 involved in the justice system?

3 A. Yes, very much so.

4 Q. And just so far as your professional qualifications are
5 concerned, you, I think, hold the degree of Bachelor of
6 Arts with Honours in Applied Social Studies from Robert
7 Gordon University, as well as a Diploma in Social Work
8 from that university?

9 A. That's right.

10 Q. And you also have a Post Graduate Diploma in Advance
11 Social Work Studies and Management from Strathclyde
12 University?

13 A. That's right.

14 Q. You also have a Post Graduate Diploma in, is it Chief
15 Social Work Officer role?

16 A. That's right.

17 Q. From Glasgow Caledonian University and a Master of
18 Science in Health and Social Care?

19 A. That's right.

20 Q. With that introduction, I can perhaps move more directly
21 to your current position with Perth & Kinross, and
22 of course you'll be aware, in this particular set of
23 hearings, we're dealing in particular with two
24 children's homes, Colonsay House and Nimmo Place.

25 Perhaps the first thing I can do is put up on screen

1 a couple of photographs. The first one is
2 INQ-0000001300. That's our reference, you don't need to
3 worry about it. We think that that may be a photograph
4 of what once was Nimmo Place Children's Home. Now, are
5 we right?

6 A. Yes.

7 Q. And that would suggest that it's a relatively modern
8 structure. We think -- you've probably heard the
9 evidence yourself that was read in -- that it probably
10 was operational from the late 1960s. I think at one
11 point we thought it was 1972, but I think the evidence
12 would suggest it was opened around perhaps 1968 and
13 remained operational until I think officially 1996, but
14 I think it was actually -- ceased to take in children in
15 1995?

16 A. Yes.

17 Q. If I could show you another photograph at this stage --

18 A. Yes, I suppose just in relation to Nimmo Place, from my
19 understanding, when I look over to Sarah, I think the
20 building on the right-hand side was an addition -- is
21 that right, Sarah? Yep -- was an addition that was
22 added after the closure of Nimmo Place.

23 LADY SMITH: Yes I wondered about that, Arun, because it
24 looks newer and it looks as if it's a separate
25 building --

1 A. Yes.

2 LADY SMITH: -- from the longer block that we see with the
3 big opening in the middle of it.

4 A. Yes.

5 MR PEOPLES: But generally speaking, it's still -- that is
6 part of the original building.

7 A. Yes, absolutely.

8 Q. But with an addition, as you've said, on the right-hand
9 side.

10 Can we look at another photograph and can you tell
11 me -- it's INQ-000C001301. We think that that may be
12 what's now known as Colonsay Resource Centre, I think;
13 is that what it is?

14 A. Yes.

15 Q. Was that once Colonsay House?

16 A. Yes, it was, yes.

17 Q. I don't know if it's altered in character since the
18 closure of Colonsay House, but is that generally
19 speaking what it would have looked like?

20 A. Very much so, yes.

21 Q. And I think that particular building ceased to be
22 a children's home around 1989, I think that's the dates
23 I think we've been working on; is that correct?

24 A. Yes.

25 Q. So essentially, both children's homes ceased to be in

1 use as children's homes prior to the current local
2 authority coming into existence in 1996, as
3 Perth & Kinross Council. So we're really looking at
4 homes that were run principally by Tayside Regional
5 Council, although I suppose in the case of Nimmo Place,
6 it would have been its predecessor local authority,
7 which I think would be Perth Town Council and some --
8 and a joint combined county council of Perth & Kinross.
9 I think that's --

10 A. Yeah.

11 Q. I think that's in the response you gave?

12 A. Yes.

13 Q. So it would be the predecessor local authority of
14 Tayside.

15 A. It would, absolutely, yes.

16 Q. Tayside came into being in 1975, I think, with local
17 government reorganisation.

18 A. Yes.

19 Q. And I think, just to be clear, at the time that you
20 submitted what we call the A to D response that you have
21 in your red folder, you submitted the original response
22 in 2017, or rather your council did, and I think at that
23 time there were still residential units for children
24 within the Perth & Kinross local authority area run by
25 the local authority?

1 A. Yes, that's right.

2 Q. And I think the position now is, since then, as you tell
3 us in an updated version of the document, that you --
4 Perth & Kinross no longer run residential units for
5 children?

6 A. That's right.

7 Q. And that if they require accommodation for children from
8 Perth & Kinross, these are sourced through
9 an arrangement which you tell us about in your updated
10 document. I'll come to that arrangement in due course;
11 I'm not wanting to get into it just now.

12 A. That's fine.

13 Q. And I'll perhaps just ask one question, though. How
14 many Perth & Kinross children who were the
15 responsibility of Perth & Kinross are in residential
16 care at present, roughly? I don't need exact numbers.
17 Are we talking about a handful or tens or hundreds?

18 A. We are -- as of last week, we had 14 children in
19 external residential care.

20 Q. And these units, are they outwith the Perth & Kinross
21 local authority area, or are they in it and outwith it?

22 A. They're all outwith.

23 Q. All outwith?

24 A. Yes.

25 LADY SMITH: How far away?

1 A. West coast predominantly, kind of Kibble, kind of the
2 Ayrshires.

3 LADY SMITH: Thank you.

4 MR PEOPLES: I actually said I wouldn't do this, but perhaps
5 as you've raised the matter, or it's been asked --

6 A. Sorry.

7 Q. -- I think that you tell us in -- you could perhaps put
8 up the updated Part B, PKC-000000323, which I think
9 you've got a copy of in your file. It's probably the
10 only document I'm going to ask you about, but I'm not
11 going to go through it slavishly, by the way.

12 Within that document, and I don't think you need to
13 look at it at this stage, but you do tell us there that:

14 'A small number of looked-after children are placed
15 in residential units run by providers other than
16 Perth & Kinross Council.'

17 And I think you say these units are registered with
18 the Care Inspectorate, I think, as has to be done these
19 days?

20 A. Yes.

21 Q. You say:

22 'In most cases, these placements are commissioned
23 through framework agreements established by Scotland
24 Excel, which procures services on behalf of councils in
25 Scotland and that the quality of the provision is

1 therefore stipulated through nationally negotiated --'

2 LADY SMITH: Mr Peoples, can you give us the page number you

3 are reading from?

4 MR PEOPLES: Well, no, I'm sorry, I don't have it.

5 LADY SMITH: Oh, is it not -- which paragraph?

6 MR PEOPLES: Sorry, I'm just reading from my own notes,

7 actually.

8 LADY SMITH: Ah, right.

9 MR PEOPLES: If we just scroll down.

10 LADY SMITH: It'll be in this section, I think.

11 MR PEOPLES: If we just keep scrolling down. No, keep

12 going. Keep going.

13 LADY SMITH: Keep going a bit further.

14 MR PEOPLES: I think further down. Further.

15 LADY SMITH: Further again.

16 MR PEOPLES: Keep going. I think maybe towards the end of

17 this section. It's about nine pages.

18 I think it's in here, but I'll stand corrected.

19 No, just keep going. Yes, keep going. Yes, sorry,

20 stop.

21 You see that it says 'Changes' at 3.4 of this

22 document, and I think what you were seeking to do there

23 was to update the position of the closure of your own

24 units and therefore you don't require council policies

25 and procedures relating to residential units for

1 children. But you do say a small number are looked
2 after within residential units registered with the
3 Care Inspectorate and commissioned externally, and
4 that's where you refer to the commissioning through
5 framework agreements established by Scotland Excel:

6 '... which procures services on behalf of councils
7 in Scotland, and the quality of the provision is
8 stipulated through nationally negotiated contractual
9 arrangements as well as through registration of the
10 Care Inspectorate.'

11 I don't know if there's anything more about that, if
12 you just want to -- yes. And I think it just says that
13 this is a development since 2017.

14 But just on that matter, these -- this is a form of
15 effectively contracting out of services using
16 a procurement organisation that I think is essentially
17 a local authority procurement service; is that right,
18 Excel Scotland? And I know it does offer services for
19 other bodies as well, but it's the way in which external
20 services can be secured, is that right, using framework
21 agreements developed at a national level?

22 But what you do in practice is, using those national
23 frameworks, you individually negotiate with service
24 providers like Kibble? It's not Excel Scotland and
25 Kibble that have the services; it's Perth & Kinross and

1 Kibble. But the agreement you have with Kibble, for
2 example, is to an extent reflecting nationally
3 negotiated principles, expectations and provisions
4 across Scotland. Is that right?

5 A. Yes, that's right. So, you're absolutely right. It
6 just ensures consistency, I suppose, in terms of that
7 provision for children who are placed within
8 an establishment from different local authorities across
9 Scotland.

10 Q. And I think Excel Scotland, if I'm not mistaken, having
11 looked at its website, says that it does have a list of,
12 for example, residential care services for children or
13 care and education services --

14 A. Yes.

15 Q. -- which can be accessed by local authorities such as
16 Perth & Kinross, who may require residential placements
17 or places for children in residential care, and it's
18 done in that way and Kibble's on that list?

19 A. Yes.

20 Q. As are others?

21 A. As are others, yes.

22 Q. I mean, there's quite a number.

23 A. And there will be other providers who aren't on the list
24 as well that potentially local authorities will have
25 individual frameworks with.

1 Q. Yes, you're not obliged to use the ones on their lists?
2 A. No, that's right.
3 Q. But some of the well-known names are on the list, Rossie
4 I think had caught my eye as well.
5 A. Yes.
6 Q. And it provides a secure service --
7 A. Yep.
8 Q. -- for example, if that is required?
9 A. That's right.
10 Q. And so -- and just to be clear, perhaps before we have
11 a break, is that the Excel Scotland was established
12 I think in 2008, if I'm correct, under the Local
13 Government (Scotland) Act 1973 to carry out procurement
14 functions on behalf of councils and associate members,
15 and the associate members are people such as the --
16 A. Yeah.
17 Q. Like Kibble is an associate member, I'm sure, but
18 there's lots of others?
19 A. Mm-hmm.
20 Q. I think the Scottish Courts and Tribunal Services is
21 an associate member, for example?
22 A. Yes, that's right, yes.
23 Q. And the Excel Scotland is governed by joint committee,
24 which is made up largely of councillors from each of the
25 32 local authorities, but also some other represent --

1 some other bodies are represented on the joint
2 committee?

3 A. Mm-hmm.

4 Q. And then there's an executive subcommittee which meets
5 on a regular basis. There's a chief executive officer's
6 management group, which also gives strategic advice to
7 this body, which has six, I think, local authority chief
8 executives on its -- in its group. I don't know if
9 Perth & Kinross's chief executive is on the group or
10 not, but?

11 A. I'm not aware.

12 Q. No. And they have a chief executive as well and
13 a convener is -- I think the current convener is
14 Councillor John Shaw of Renfrewshire Council. Does
15 that -- that name will mean something to you?

16 A. Yes, I'm aware Renfrew --

17 LADY SMITH: Arun, can you remind me whether this is the
18 same system that you used to place children with foster
19 carers outwith your own region, your own area?

20 A. So I think the foster care landscape is probably a wee
21 bit more complex. So there are occasions that some
22 providers again are with Scot Excel, but then there will
23 be more that are probably outwith.

24 LADY SMITH: Of course. I just remembered hearing during
25 our Foster Care case study about Excel coming into

1 play --

2 A. Yes.

3 LADY SMITH: -- for a child to be placed outwith the local
4 authority area.

5 MR PEOPLES: Just before I finish --

6 LADY SMITH: Mr Peoples, I did promise a break.

7 MR PEOPLES: Yes, I know. I was just hoping to finish the
8 Excel bit with a couple of questions.

9 LADY SMITH: Certainly.

10 MR PEOPLES: So that I can just get that out of the way.

11 So far as Excel is concerned, they tell us that they
12 developed a children's residential care strategy, which
13 is reflected in the framework agreement for residential
14 care services for children, through engagement events
15 with providers, local authorities and other
16 stakeholders, including The Promise team, Education
17 Scotland, the Care Inspectorate and Scottish Government.

18 So this is an attempt, I think, to get
19 an across-the-board Scotland consensus, I suppose, on
20 what would be an appropriate general framework within
21 which local agreements can be entered into; is that
22 right?

23 A. Yes, that's right.

24 Q. The only other thing I just say in passing is that they
25 tell us that they can do various things, and indeed, as

1 an example, they have apparently developed, for use in
2 South Lanarkshire, a new social work case management
3 system to meet the health and social care partnership's
4 requirement in that area for a modern software solution
5 with what's called increased functionality. So they can
6 effectively create systems that will allow the various
7 agencies to talk together in a more effective and
8 efficient way.

9 I don't know if you were aware of that development?

10 A. No, I wasn't. I mean, I'm aware that, again, Scotland
11 Excel is looking at, so, for example, the use of AIEs
12 now coming into kind of social work and social care, and
13 there's a number of providers who are wanting to enter
14 the market.

15 So I'm aware that Scotland Excel are keen to be
16 involved in national commissioning around some of those
17 providers to ensure again that there's a level of
18 consistency that's applied.

19 Q. I think they're heavily involved in a lot of areas of
20 procurement --

21 A. Yes.

22 Q. -- not just for local authorities, and want to develop
23 other services, and it seems they have the blessing of
24 Scottish Government to some extent in that aim and
25 purpose to get consistency?

1 A. Yes, I think it does. I mean, I think one of the
2 challenges that we have around the frameworks is that,
3 even though Scot Excel will say: this is the framework
4 and these are the expectations, still we might have some
5 individual providers who, come the eleventh hour, will
6 decide their own terms and conditions in terms of what's
7 acceptable.

8 So, for example, we might place a child within
9 a residential establishment and have really clear terms
10 and conditions in terms of what that means in terms of
11 ending of a placement, for example. But there are known
12 occasions when sometimes those residential
13 establishments will call us and say: actually we want
14 the child removed and we want him removed today.

15 Q. Okay.

16 A. So although you've got a framework in place that says,
17 you need to give notice and you need to do this, that
18 and the rest, actually it is -- it's -- I suppose market
19 conditions can sometimes play their part in that.

20 Q. In other words, it's a flexible framework, but the local
21 authority and the provider have the means and power to
22 make their own arrangements?

23 A. Yes, very much so.

24 MR PEOPLES: Okay.

25 LADY SMITH: We'll take the morning break now. Thank you.

1 (11.41 am)

2 (A short break)

3 (12.00 pm)

4 LADY SMITH: Arun, welcome back. Are you ready for us to
5 carry on?

6 A. Yes, thank you, my Lady.

7 LADY SMITH: Thank you.

8 Mr Peoples.

9 MR PEOPLES: Arun, can I now go back to the Part B response.
10 Now, what I propose to do is not to go through it line
11 by line. In fact, I'm not going to go through it at
12 all, other than to perhaps draw from it what I think you
13 are telling us, and also trying to perhaps mix in to
14 some extent the applicant evidence that you've listened
15 to and the statements that you've been provided with, to
16 see if we can come to some sort of general position, so
17 far as the council's concerned.

18 And if I say anything that you don't think you agree
19 with, if I'm trying to summarise, or the gist of Part B,
20 just by all means say so.

21 So that's how I think it would be perhaps easier to
22 do, rather than go through it in great detail.

23 And I will perhaps draw out some particular --

24 A. Okay.

25 Q. -- examples of I think past failings, if I could put it

1 broadly, with you at this stage as well.

2 Just to be clear, the Part B response that
3 I referred to, PKC-000000323, was one which was
4 submitted in October of last year, so I think it's
5 a document you will be familiar with.

6 A. Yes.

7 Q. I know you weren't involved in the previous documents.

8 A. Mm-hmm.

9 Q. But that's one I think you no doubt had some input in --

10 A. Yes.

11 Q. -- or some consideration of.

12 So far as that is concerned, and bearing in mind the
13 applicant evidence, I think it's acknowledged and
14 accepted, is it not, by the council, that children in
15 care at Colonsay House and Nimmo Place were abused?
16 I don't think there's any dispute about that?

17 A. No.

18 Q. And I think, would it be fair to say that the full
19 extent of the abuse will probably never be known, but on
20 the evidence, I suggest it appears to have been
21 widespread and prolonged?

22 A. In terms of widespread, I'm not entirely sure, because
23 I suppose what our records continue to show is a real
24 absence, I suppose, of that recording. So there is
25 a real unknown entity in terms of the extent of the

1 abuse that occurred.

2 Q. I follow that, because I think you do say that the
3 records don't really disclose a lot about abuse or
4 allegations?

5 A. Yes.

6 Q. And I think that's a common thing that we've found over
7 the various case studies we've done. But bearing in
8 mind the applicant evidence you've heard, it does
9 appear, if one accepts that evidence, that really for
10 quite a large part of the existence of these
11 establishments, abuse of various kinds have been going
12 on, not just sexual abuse in the case of Peter Murray,
13 but also physical abuse, emotional abuse, inappropriate
14 or brutal restraints and so forth.

15 And that's really probably what I'm wondering,
16 whether in light of that evidence, you would agree with
17 me that on that evidence, certainly, in addition to what
18 your council has found from the records, that it does
19 appear that it wasn't just a small problem; it was quite
20 a widespread situation and quite a prolonged situation?

21 A. Yeah, I mean, we agree it was a systemic issue and
22 something, yes, that was somewhat ingrained, I suppose,
23 within the operations of both establishments.

24 Q. Yes. And I think indeed in the -- your Part -- updated
25 Part B, I think it's accepted it's highly probable that

1 there was abuse or ill-treatment at Colonsay House and
2 Nimmo Place which was never reported?

3 A. Yes, absolutely.

4 Q. And indeed, not everyone who may have been abused will
5 have come to our Inquiry either, so we have that issue
6 of there's perhaps -- there are people out there who
7 were abused but haven't come forward and indeed they
8 didn't come forward at the time?

9 A. Yes, absolutely.

10 Q. And I think we've heard some of the applicants saying
11 that was the position in their case, because, for
12 various reasons, some just felt they wouldn't be
13 believed, some felt it wasn't -- there was no point, and
14 indeed I think in one of the read-ins this morning
15 someone said:

16 'I actually thought they were allowed to engage in
17 this sort of restraint. I didn't know any better. So
18 I wouldn't have complained because I had nothing to
19 judge it by.'

20 So I think you heard that evidence this morning?

21 A. Yes, absolutely.

22 LADY SMITH: Just to explore that very briefly with you,
23 Arun, thinking of your background of children and family
24 work and I think your very first job as a social worker
25 was very much frontline face-to-face.

1 A. Yes.

2 LADY SMITH: Would you agree that as a generality, where
3 children are suffering bad times, abuse of
4 circumstances, neglect, they are likely to just think
5 life's like that, because they haven't known anything
6 different?

7 A. I think there's probably an element of that, but I think
8 it's much broader than that. I suppose there's the
9 belief that they won't be believed if they were to speak
10 up. And I suppose the kind of systems that were in
11 place, and probably continue to be in place, actually,
12 aren't as sympathetic, I suppose, to those voices of
13 children who are being abused. And I think that's
14 a real kind of potential barrier for young people to
15 speak up.

16 I mean, I think a number of the witness statements
17 also speak of that real -- I suppose, Mr Peoples, just
18 as you've described, that unknown quantity of what it
19 means to be in care and actually to speak up. Is that
20 going to mean a black mark against them? You know, when
21 the investigation, you know, of abuse is occurring,
22 actually what happens to them in that intervening
23 period. You know, are they going to be potentially
24 scapegoated? You know, where do they go and stay? They
25 are within, inverted commas, 'the care system', so

1 actually there isn't really anywhere for them to go.

2 So I think that vulnerability for them is real, and
3 their ability to speak up within that context I think is
4 really compromised.

5 LADY SMITH: Absolutely, and I think we've seen numerous
6 examples of children, and some of them as adults,
7 saying: 'I just knew I'd make things worse if I said
8 anything, so you just have to get on with it', 'thole'
9 it, to use a good old Scottish word, and anyway, maybe
10 life's just like that, in whatever this place was they
11 had to be in.

12 A. Yes, absolutely, my Lady, and I -- I remember from my
13 early days as a practitioner having a young person
14 disclose to me that they were being abused within
15 a residential establishment, but being totally
16 unprepared to make that statement outwith having told me
17 that statement. Which really kind of compromises,
18 I suppose, you as an individual, as a social worker, as
19 well, in terms of, well, what do you do with that? And
20 whilst I escalated it, in the absence of any, you know,
21 formal statement being made, it's a really difficult
22 ethical area in which to practise for social workers.

23 LADY SMITH: I can see that.

24 Mr Peoples.

25 MR PEOPLES: Obviously we do hear people who have come from

1 a background where they've been abused in the ways that
2 they're also abused when they go into care and they
3 sometimes say: well, I can't distinguish. I mean that
4 was the norm for me and it's continued to be the norm.
5 And they don't really -- they're not able to process
6 whether this is truly wrong until later on in life they
7 say: 'When I see something different and I learn about
8 what you should be doing, I now realise that it was
9 wrong and that's why I'm able to come to this Inquiry
10 and tell you that I now reflect and know it's wrong'.

11 You get that situation, but you also get the
12 situation where there's a genuine fear, I think we have
13 seen this in statements, a fear of the unknown, the
14 possible consequences of speaking up, because you just
15 don't know what's going to happen next.

16 And we've got a good example here of 'Scott' who
17 made the 1977 allegation. She spoke up. Yes, Murray
18 got a warning, but she left, he didn't. He carried on
19 working and he abused. That's what we learn.

20 So she lost out and she was quite angry about that,
21 because she said: 'I got put into a situation at home
22 with my mother in squalid conditions because of that,
23 because I spoke up'. And I think she felt rather
24 disappointed that she was the loser.

25 And you can just imagine that's perhaps a situation

1 that a young person might say: well, you know, what's
2 the point, if this is going to happen. Or as you say,
3 if they strongly suspect: 'If I say anything and it's
4 denied, I'll not be believed, I'll not be listened to,
5 I'll just have to stay where I am, this person will stay
6 where I am and the situation will continue as before'.

7 So it is quite a tricky situation and I suspect what
8 you're saying is it can be still tricky today?

9 A. Yes, absolutely. I mean, I think what we have now in
10 place, in terms of that real kind of governance and
11 assurance, I suppose, around those kind of, you know,
12 processes where disclosures are made and about what
13 action should be taken in terms of safeguarding children
14 and looking at kind of issues around protection for
15 them, I think it puts us in a better place for those
16 disclosures being made and for those to be addressed.

17 And you're absolutely right, I think one of the most
18 heartbreaking statements for a social worker to hear is,
19 you know, when parents in particular say, you know: 'We
20 entrusted our children into your care and actually
21 they've come out of this care system much more damaged
22 than they went in'. And I think that's a real
23 indictment I suppose in terms of the care system.

24 Q. I think it was 'Anthony' who said that he was badly
25 treated by his parents and he went into care to get

1 protection, and what he got was abuse.

2 A. Yes, absolutely. And he would have been better off at
3 home, I think is what he said.

4 Q. He suffered badly, he said.

5 A. Yes, absolutely, and I think that's -- yeah, that's not
6 why we come into social work, but that was the reality
7 of what young people experienced at that point in time.

8 Q. Just as to this question of fearing the consequences,
9 it's not just children that fear it, because one of the
10 issues often is that staff must have seen things and
11 they didn't speak up, and you ask yourself why. And
12 I think I have put this point to people before, that
13 whistleblowers very frequently are only blowing the
14 whistle when they leave an employment. They don't blow
15 the whistle when they're in an employment, because even
16 today, I think, there's a worry that if you rock the
17 boat, the consequences will be bad for yourself, not
18 necessarily better for the system and improve it.

19 And I think that's a real worry for some people: 'If
20 I speak up and raise concerns about a colleague, what is
21 going to happen? And if my concerns are to some extent
22 said to be groundless, I've got to go back and work with
23 these people'.

24 A. Absolutely. And the reality is, you know, organisations
25 can close ranks.

1 Q. Yes.

2 A. And by closing ranks, it really puts the employee at the
3 most significant disadvantage when that happens, and
4 you're right, you know, who are we looking to protect
5 under those circumstances?

6 Q. And going back to what's highly probable, apart from the
7 fact that abuse may have happened but was not reported
8 at the time or indeed since by children who were at
9 these establishments, I think it's also highly probable
10 that your council says that there was abuse that went
11 unnoticed?

12 A. Mm.

13 Q. Now, I would perhaps qualify that and say, is it
14 possible that it was noticed but was tolerated by staff
15 who witnessed it? Because it's hard to believe that
16 staff didn't, from time to time, see things that they
17 ought to have reported or raised concerns about.

18 I know people say: 'Well, no one said anything about
19 me'. Peter Murray was saying that yesterday: 'Well, no
20 one saw anything about me, no one raised any concerns'.
21 Well, maybe they didn't, but I'm just putting to you,
22 perhaps if one thinks about this just for a few moments,
23 it's hard to believe that in all of these places where
24 the staff never saw anything -- not just in
25 Perth & Kinross, across Scotland -- that they didn't see

1 something and didn't speak up, and I suppose the
2 question then is, if that's the case, why didn't they
3 speak up?

4 Whether it's to do with their position in the
5 hierarchy in the establishment, or just the worry about
6 grassing on colleagues, or the consequences for them, or
7 whatever, or the consequences for their colleagues.

8 There's a lot of things to think about in these
9 situations to try and encourage people that if they do
10 have genuine concerns, whether they're children or staff
11 or adults, that they don't feel that there's barriers to
12 raising them, and that appears to be still
13 a potential -- or a problem even today, I suspect?

14 A. Mm.

15 Q. Or do you agree?

16 A. I think when we look at this through the lens of the
17 kind of of 1970s and 1980s, I think there's -- you know,
18 we can kind of almost enter a bit of a kind of false
19 sense of security about saying: well, actually, that
20 was the prevailing culture within that environment.

21 You know, child protection hadn't really been kind
22 of introduced. You know, 1988, I think, were the first
23 child protection procedures that were launched in
24 Scotland by the Scottish Office. So actually, if you
25 think about it within that context, 1988 is actually

1 quite late, so anything prior to that potentially
2 wouldn't have been on people's radars.

3 But I think your point around, irrespective of, you
4 know, an awareness around, you know, child protection,
5 I think in one of the witness statements there was
6 reference to a young person referring to Mr Murray as
7 a pervert, for example.

8 Q. Yes.

9 A. So there was clearly recognition about the rights and
10 the wrongs and about, you know, the behaviour that he
11 was potentially kind of, you know, engaging in, and
12 you're absolutely right to say, actually it's highly
13 unlikely that staff wouldn't have been aware of some of
14 the kind of potential nicknames that, you know,
15 Mr Murray would have had within the children's houses,
16 and about how they then themselves were kind of
17 responding to that.

18 I think your point is fair, to say they probably
19 didn't feel as though the conditions within the work
20 environment would have protected them if they had spoken
21 up, and potentially not being able to articulate exactly
22 what it is that they were observing in the kind of
23 context in which we would speak about it today.

24 Q. And the other thing that is said to be highly probable
25 is that there was abuse which in some cases was raised

1 but not recorded, and, of course, we have got the
2 notable example of the 1980 complaint?

3 A. Yes.

4 Q. Of which I think I'll come back to, but that's one
5 classic example of -- well, it speaks volumes, doesn't
6 it?

7 A. Yes, I mean, the 1980 complaint was wrong on so many
8 levels, I suppose, and as you say, we'll come back to
9 that. But, yes, I mean, I think -- yeah, the lack of
10 recording clearly is a major issue, that we've not been
11 able to really substantiate the allegations that have
12 been made.

13 Q. And I said before, it had continuing consequences for
14 the 1993 trial.

15 A. More than likely.

16 Q. Well, I think it was a contributing factor --

17 A. Yeah.

18 Q. -- to the way that things played out. I'm not saying
19 it's the sole factor because one would have to weigh up
20 what the reasons were, although I think I've seen
21 a record to the effect that the depute, when he withdrew
22 the -- or accepted the not guilty pleas, in the case of
23 the former residents, that he went to see all of the
24 complainers who had been residents, to assure them that
25 it was nothing to do with the fact that they had formed

1 a different view of their credibility and reliability,
2 which I think was the correct thing to do. But it
3 wasn't necessarily a great consolation for them.

4 A. No, absolutely, and I think you're right, I think he was
5 reliant on an incident being -- or having been recorded,
6 and the absence of that, I think, kind of left
7 a significant gap for him.

8 Q. And I appreciate from the A to D document that was
9 provided to the Inquiry that it's been quite difficult
10 for your authority to get much in the way of clear
11 evidence of policies, procedures and processes pre-1989,
12 just to take, I think, the general point. I think you
13 found some things that might have applied to
14 Nimmo Place, but Colonsay House had closed by 1989?

15 A. Yes.

16 Q. And it does appear that the evidence of the applicants
17 strongly suggests that, in practice at least, at these
18 two establishments, there were really no child
19 protection and safeguarding arrangements in place to
20 protect children from abuse, ill-treatment or neglect.
21 That seems to be what the evidence is telling us, is it
22 not?

23 A. I mean, I think there's enough corroboration between the
24 witnesses to suggest that.

25 Q. Yes. And also that when abuse was alleged, when they

1 did speak up, the response was wholly inadequate,
2 because, as we've already said, if I see this complaint
3 by a resident that's not even recorded in 1980, that's
4 very damning?

5 A. Yes.

6 Q. And if allegations of sexual abuse by a member of staff
7 are not being reported to the police, which appears to
8 have been the situation in 1977, and in 1980, that again
9 speaks volumes, does it not?

10 A. Yes, although I think in the 1980s, I think there is
11 reference to the police were involved, although we
12 weren't able to get anything in relation to that.

13 Q. Yes. I mean, it's a bit vague?

14 A. Yes.

15 Q. I know that even 'Scott' thought the police were
16 involved in 1977, but the records clearly would suggest
17 otherwise. It was dealt with within a matter of days --

18 A. Mm-hmm.

19 Q. -- was it not?

20 A. Yes.

21 Q. Indeed, if we just look at that, Peter Murray starts in
22 1976. There's a complaint by 'Scott' in [REDACTED] 1977.

23 A. Mm-hmm.

24 Q. Peter Murray is not suspended pending investigation;
25 point 1.

1 A. Mm-hmm.

2 Q. The complaint doesn't, it would appear, trigger any full
3 investigation by the social work department. It's
4 just -- the person SNR [REDACTED] seems to be the
5 investigating officer, which is -- that wouldn't happen
6 these days, surely?

7 A. No.

8 Q. And the records at least suggest there was no police
9 involvement and the whole matter was concluded within
10 a matter of days, with Mr Murray receiving a verbal
11 warning for entering 'Scott's' bedroom unaccompanied,
12 contrary to standing instructions.

13 There seems to be no attempt to speak to all current
14 female residents to establish whether Murray had at any
15 time behaved inappropriately towards them.

16 A. No. It was just seen as an isolated incident.

17 Q. But actually we know that there was a short statement
18 provided at that time by 'Alison'.

19 A. Mm-hmm.

20 Q. Who was eventually one of the complainers in the 2025
21 trial. She wasn't asked about her dealings with Peter
22 Murray.

23 Now, we don't know what she would have said at the
24 time if she'd been asked. She was just asked about
25 an occasion when Murray's car was outside 'Scott's'

1 mother's house and that was it. There was no
2 suggestion: well, can you tell us anything about Peter
3 Murray? Is there anything you would like to say about
4 this?

5 There's nothing of that kind being done at that
6 stage.

7 A. No.

8 Q. And it could be said, I suppose, that that may have been
9 a missed opportunity to put an end to Murray's abuse of
10 care at Colonsay House, had the police been brought in,
11 had wider enquiries been made?

12 A. I think that's a fair point.

13 LADY SMITH: And it's interesting, of course, if you think
14 what Peter Murray said himself about the rule whereby no
15 member of staff should enter a girl's bedroom
16 unaccompanied. He said that was a 'red line'. So even
17 he got the impression that the way the place operated
18 was that was a serious matter. But nobody thought
19 further that they had a member of staff who had crossed
20 a red line and they should maybe just make some further
21 enquiries about his overall conduct and whether
22 everybody was comfortable with it or not.

23 A. Yes, absolutely, my Lady. And I think a number of
24 witness statements say that he was regularly on the top
25 floor, you know, whether it was in the laundry or

1 whether it was --

2 LADY SMITH: Whatever.

3 A. Whatever, absolutely.

4 LADY SMITH: Mr Peoples.

5 MR PEOPLES: Moving on to 1980, we have what appears to be

6 a similar type of complaint against the same person by

7 a different female resident. And the media reporting of

8 the trial suggests that the complaint was not recorded

9 by SNR [REDACTED] as it ought to have been. And

10 that unfortunately, the person who gave evidence,

11 Mrs Makin, could recall, I think, the girl being

12 distressed, not her normal self.

13 I referred yesterday to the trial judge being

14 rightly shocked and appalled that nothing had been

15 recorded at the time. And that failure may be all the

16 more surprising when the alleged abuser is someone who

17 was the subject of an allegation just three years

18 before. Was that another missed opportunity?

19 A. Yes, I think it was, and I think the way in which the

20 disclosure was made and who the disclosure was made to,

21 I think kind of further reinforced a culture, I suppose,

22 because I think the allegation had been made to

23 Mr Murray's wife, from memory.

24 Q. The 1980 one?

25 A. The 1980 one.

1 Q. Well, I think you may well be right. I think that,
2 while he didn't remember, and I did ask him, I think
3 that you're probably thinking of records that suggest
4 that the allegation came to the attention of [REDACTED]
5 [REDACTED]. She brought the girl in --
6 A. She did.
7 Q. -- for interview, and while it's not clear quite what
8 happened after that, the allegation was either withdrawn
9 or not proceeded with, there's something along those
10 lines, isn't there, in some way. Whether she was
11 distressed, upset at the girl for making these
12 suggestions; but somehow it just fizzled out, because
13 Murray carried on working?
14 A. Mm-hmm.
15 Q. If the police were brought in, they certainly didn't do
16 much.
17 A. Yes --
18 Q. If anything. If they were.
19 A. I think you're right, I think my recollection is that
20 I think that [REDACTED] was somewhat distressed at
21 that allegation being made in relation to her husband,
22 and I think the young girl became somewhat distressed at
23 [REDACTED]'s distress, who then felt bad about having made
24 the allegation, to which [REDACTED], I think, replied: 'Put
25 it in writing'. And obviously on the back of that,

1 nothing happened.

2 LADY SMITH: ██████████ shouldn't have had any

3 involvement --

4 A. No, 100 per cent she should not have.

5 LADY SMITH: -- at that stage at all, should she?

6 A. None.

7 MR PEOPLES: No, that was wholly inappropriate.

8 A. Yes.

9 Q. That she was involved in some form of investigation of

10 the matter.

11 I mean, I think I may have read somewhere that at

12 least it's possible that the girl who made this

13 allegation initially told some boys.

14 A. That's right.

15 Q. The boys invited the girl to Peter Murray's home. She

16 refused.

17 A. Mm-hmm.

18 Q. The reason she gave was he had done certain things to

19 her in a car.

20 A. Yes.

21 Q. They went to Murray's house. They told Murray.

22 A. Mm-hmm.

23 Q. Murray went storming into his office to tell his wife

24 that someone was making some sort of allegation,

25 something along those lines, as if he's indignant,

1 basically getting his defence in first. And then [REDACTED]
2 [REDACTED] speaks to the girl and I think you've probably
3 filled in the gap.

4 So that whole situation was appallingly handled.

5 A. Absolutely. Absolutely. And I mean, I think the whole,
6 you know, Mr Murray/Mrs [REDACTED] kind of scenario kind of
7 does beg the question actually in terms of whether or
8 not, you know, Mr Murray had actually groomed and
9 targeted his prospective wife to gain access to
10 children, knowing that she worked within a residential
11 establishment as well.

12 So there's a lot of potential scenarios at play
13 there, I suppose.

14 Q. Well, obviously we know the background and I put it to
15 him --

16 A. Yes.

17 Q. -- yesterday that he had the guilty secret.

18 A. Yes.

19 Q. And then he met someone who happened to be working in
20 a care home with children.

21 A. Mm-hmm.

22 Q. And I suppose if he was applying for a job, that might
23 have been seen as a good cover?

24 A. Absolutely.

25 Q. And I think there was some suggestion that one of her

1 relatives was within the social work department as well?

2 A. I'm not aware of that.

3 Q. You're not aware of that?

4 A. No.

5 Q. So it may have all looked very easy just to slip in --

6 because just on that matter, I mean, the references that

7 were provided were -- they weren't suitable to assess

8 someone's suitability for a care job, because he'd

9 worked in the bar trade or hotel trade and the other one

10 was from, I think, a local minister, which --

11 LADY SMITH: It was a minister in Glenrothes, was it?

12 MR PEOPLES: Yes. I did ask Mr Murray about that minister

13 and I think that he told us that he, the Reverend Shaw,

14 was someone that he did know, but I think the Reverend

15 Shaw's reference in 1976 said he didn't really know him

16 personally, but he knew a couple whom he held in highest

17 regard.

18 A. That's right.

19 Q. And that they had said something to him about how --

20 what a great person Mr Murray was --

21 A. Yes, he was helping out, wasn't he?

22 Q. -- and how caring he was for his brothers and sisters?

23 A. That's right.

24 Q. The sisters he knew he had abused. So that person knew

25 nothing?

1 A. Mm-hmm.

2 Q. The couple probably didn't know enough either and yet
3 they were the people that were being used by him as
4 dupes to get him a job --

5 A. Yeah.

6 Q. -- in a care home. And then if we look at -- I mean,
7 there are further references, I think, that were looked
8 at when he applied for other jobs and some of these
9 references were given by people who did know things?

10 A. Mm.

11 Q. LND [REDACTED] knew things. He gave a reference when he moved
12 to another care home.

13 A. Mm-hmm.

14 Q. MYJ [REDACTED] knew things. She gave a reference, but
15 there was nothing mentioned about any of these
16 matters --

17 A. No.

18 Q. -- when these references were provided. I mean, surely
19 that, again, is a serious concern about the -- what
20 people put in or don't put into references?

21 A. Mm-hmm. I think at that point in time it would have
22 been a major concern. I mean, clearly now we've got
23 Disclosure Scotland, we've got the PVG scheme, which,
24 I think, provides a greater level of assurance around
25 that. But I think in the 1970s and 1980s there was

1 absolutely nothing that provided that, other than the
2 reference by the employer.

3 Q. But even then, in the 1970s, if you hadn't got --
4 I mean, he knew the secret, but if no one else did,
5 apart from his sisters, who had said nothing by then,
6 even the checks that you could carry out now, what would
7 they have told you about him, other than his previous
8 incarnation was in the -- to be a chef and left school
9 at 15. And you might not have got a great deal of
10 information from that route. He didn't have, I think,
11 previous convictions at that stage?

12 A. No, I think that's right. I mean, I think the whole of
13 the kind of recruitment and selection process was, you
14 know, significantly lacking. I mean, you had a guy who
15 was a chef and who was in kind of, you know, living with
16 his dad and then, you know, applying for a job within
17 a residential establishment. Absolutely no experience
18 whatsoever. I think he was in his early 20s or 19 or
19 20.

20 LADY SMITH: Yes, he was young.

21 MR PEOPLES: He was 20, I think, when he applied.

22 A. Was he 20 at that stage? So very kind of young himself,
23 you know, applying to be a houseparent, you know, no
24 experience, no voluntary work with young people. No
25 qualifications of any description either and, you know,

1 maybe there was an element of nepotism of, you know,
2 it's who you know and not what you know in terms of
3 securing that job. So I think a lot of issues were left
4 wanting.

5 Q. But I think the local authority doesn't escape blame
6 either, because I think, as you -- as the council tell
7 us in the A to D response at one point, that prior to
8 1988 there was no requirement for any of staff working
9 in children's homes to have any qualifications or indeed
10 prior experience?

11 A. Mm-hmm.

12 Q. So it opened the door to him --

13 A. Yes.

14 Q. -- albeit he perhaps capitalised on that in the way that
15 he failed to tell relevant information, which he knew
16 about, not that he was going to, but the whole thing was
17 just leaving open that children could be exploited
18 within a care setting. He has easy targets. He doesn't
19 need to go out looking for them?

20 A. Yeah, and I think what we've heard and seen kind of
21 clearly provides a level of evidence of some of those
22 individuals who were working within that field, you
23 know, didn't have a background or even some of the kind
24 of most basic knowledge around child development. We've
25 heard about Nimmo Place/Avenue and about the

1 houseparents within that context and about how they were
2 caring for the children and, you know, you wouldn't
3 necessarily associate the word 'parent' with the way
4 they were parenting the children, I suppose. So there
5 was -- there were --

6 Q. I don't think I would want an uncle like Peter, would I?

7 A. No.

8 Q. Or perhaps LND?

9 A. Or LND.

10 Q. -- On the basis of the evidence we've heard?

11 A. Yes, or GKK --

12 Q. Or GKK.

13 A. -- Or RHR, absolutely.

14 Q. Yeah.

15 It is said in Part B that in the years prior to
16 1988, awareness and understanding of abuse was limited.
17 And I believe that's probably more in the context of
18 limited in the context of institutional abuse. Because
19 I think abuse in the community was probably
20 a well-enough known phenomenon. And it's said that
21 there's limited understanding nationally of child abuse
22 and lack of reliable systems for detecting and
23 responding to abuse prior to the mid-1980s.

24 Can I just put this point to you: even if that
25 was the position, and I'm not sure it was entirely the

1 case that institutional abuse was something unknown, it
2 certainly was known in approved schools, because we have
3 seen this in this Inquiry that there was knowledge in
4 the 1960s that things went on that shouldn't have gone
5 on, that there were unsuitable people at the very top of
6 schools and in the staff -- on the staff.

7 But let's accept, for the moment, it was the
8 position compared with the position post-1988 about
9 understanding and awareness, it cannot surely excuse or
10 be pled in mitigation of basic failings, such as
11 inadequate investigation of allegations of abuse,
12 failure to record allegations of sexual abuse of
13 children by staff, and failure to report allegations of
14 abuse of children by staff to the police.

15 These are pretty basic things. I mean, it didn't
16 need the changes in the 1980s in understanding to tell
17 someone that if you get an allegation, there should be
18 a proper process of investigation. Surely that can't be
19 the case? It might tell something about how you deal
20 with it in the sense of: well, it's a child in care
21 making an allegation. They're just making it up.
22 I accept that point, but the basic failings themselves
23 can't be attributed to a lack of understanding about
24 abuse?

25 A. I mean, I think what we recognise is that there was

1 a whole system, systemic failing right from recruitment
2 and selection all the way through the different parts of
3 a young person's kind of care journey, being cared for
4 by staff within that and the systems and processes,
5 whether or not around safeguarding or protection that
6 should have been in place for them. I think there are
7 much broader considerations that we have to give -- and
8 I absolutely accept your position, Mr Peoples, but
9 I'm -- I suppose I just sometimes struggle with whether
10 or not we are viewing that through today's lens or
11 through the lens of the kind of 1970s and 1980s. And
12 that's not as an excuse at all, and I want to make that
13 clear. But I think if we -- I think if we -- I think if
14 we look at it through the kind of cultural norms that
15 were in existence at that point in time, where, you
16 know, adult authority was everything, you know -- you
17 know, the kind of power imbalance. You know, children
18 were there to do as adults would say, you know, the
19 expectations that children were in care because of
20 something that had happened within their home
21 environment.

22 So almost kind of children were almost kind of
23 labelled right from the outset of being kind of
24 maladjusted or being a product of parenting that was
25 wrong and we see those same assertions being made

1 particularly within Nimmo Place about: well, actually,
2 you know, children are the same ilk, I suppose, of their
3 parents - not to be trusted.

4 Q. And if they're labelled as of the same ilk, maladjusted,
5 whatever term you use, then it seems to be quite an easy
6 step over to say if that child says something against
7 a member of staff --

8 A. You're not going to trust them.

9 Q. -- and the member of staff vehemently denies it, like
10 Mr Murray continues to do, then the member of staff's
11 word will clearly be accepted over the word of that
12 child?

13 A. Absolutely.

14 Q. Is that what you're really driving at?

15 A. Yes, absolutely, yes, and it was exactly that. I mean,
16 although we don't hold any credence I suppose to, you
17 know, to Mr Murray in the role that he held, I suppose
18 he inadvertently held a role of power.

19 Q. Oh, yeah -- well, yes, he did, over these children.

20 A. Yes.

21 Q. And as well as a position of trust?

22 A. Absolutely.

23 Q. It was abuse of power?

24 A. Yes.

25 Q. I see what you're saying and you're trying to explain,

1 I think, why -- you're not excusing, I know, you're
2 making that clear, but you're trying to explain how
3 things would be seen and looked at in that way and how
4 people would view allegations by children in care with
5 a dysfunctional, difficult background, that you almost
6 start with a presumption that they're not to be believed
7 and you'd need a lot of convincing to think otherwise?

8 A. Yes.

9 Q. You might not even think it's worthy of recording or
10 involving the police?

11 A. Yes.

12 Q. And even if you did, the police might well take the same
13 attitude?

14 A. Yeah. I mean, you know, children would have been
15 considered to, you know, be attention seeking, you know,
16 wanting to create mischief. You know, I suppose all the
17 labels that you would kind of, you know, associate would
18 have existed, I suppose, for children who were in care,
19 were absolutely, you know, thrown at these children.
20 And, I suppose, in a way to kind of almost diminish
21 anything they would have said, to silence them, to kind
22 of create a system around them, so that if actually
23 anything was said, then it was really quite easy just to
24 kind of, you know, disbelieve them or not take them
25 seriously or put the blame on them, opposed to the

1 potential kind of perpetrators and as we said, we saw
2 that in 'Scott's' kind of witness statement as well.

3 Q. Yes. I suppose we were in an era then, the 1970s and
4 1980s, when if we're looking at not just the culture but
5 the way in which children were -- I use this in
6 quotations -- 'cared for', just as 'Anthony' used the
7 word 'restraint', I'll put it in quotations, but we were
8 living in an era where it does appear -- and I think
9 we've found this from previous case studies, where there
10 was often too much control and punishment, not enough
11 care, compassion and understanding of individual needs
12 and the underlying causes of and reasons for certain
13 behaviours in the care setting. They just saw them as
14 bad children. They had to be controlled. If they said
15 something about ill-treatment, they were liars or making
16 up stories, fabricating and so forth.

17 That seems to have been a general kind of culture
18 and attitude towards children in those decades, borne
19 out by what we've heard from some of the evidence in
20 this particular chapter?

21 A. Yeah, and I think that almost kind of defines
22 institutional care, doesn't it, in many ways? In that,
23 you know, the kind of children were housed, you know,
24 together, you know, there was a kind of real, you know,
25 lack of kind of individual care planning in terms of

1 understanding what their individual needs were, you
2 know, the basic needs would be provided for them, you
3 know, whether that was a roof or, you know, food on the
4 table, but there was nothing relational about the care
5 that was provided to those young people.

6 We again saw quite a lot of statements being made in
7 terms of kind of regimented style of care that was
8 provided within those homes, you know, if you weren't up
9 in the morning then you'd potentially miss your
10 breakfast or, you know, there were a whole host of
11 examples where that kind of routinised, you know, by the
12 clock care wasn't what you would expect a child to have
13 at home.

14 Q. You don't get the impression that Mrs GKK had much
15 in the way of compassion and empathy for the children in
16 her care in giving them the emotional support that they
17 might need at important stages in their childhood?

18 A. No, absolutely, and I think there's clear evidence in
19 one of the statements where she was actively trying to
20 attribute -- and I think it was Kerry McDonald's case --
21 I think she was in Nimmo Place for seven years, you
22 know, if you read her statements or if you read the
23 records of the social workers who were in and amongst
24 Nimmo House, and the attempts that they were trying to
25 make to almost educate Mrs GKK into terms of what

1 it meant to care for a child, but she was so kind of
2 adamant, I suppose, and fixated, I suppose, in her mind
3 about what, you know, that care looked like to the point
4 where, you know, even, you know, a child who is, you
5 know, um, throughout the night and you would expect
6 through normal child development who was getting up
7 throughout the night had been labelled and we then had
8 a doctor who was giving her sedatives to calm her down.
9 So there was this whole kind of system that was really
10 kind of playing against any form of kind of care for
11 those children.

12 Q. Can we just look at the RHR-GKK then just as a notable
13 example of just exactly what children had to put up with
14 during their stewardship of Nimmo Place, which was quite
15 a long stewardship.

16 Can I put up on screen for you a document
17 PKC-000000328.

18 This is a case conference of 19 December 1979 and
19 it's one which concerns children who were placed at
20 Nimmo Place and it's attended by a senior manager, area
21 controller, assistant area controller, senior social
22 worker, a woman whose name has come up in this Inquiry
23 before and a couple of social workers, who I think are
24 social workers for the children that are being discussed
25 at this conference.

1 And we'll see that if we just scroll down to the
2 third paragraph, it says there, I think:

3 'It emerged that Mr and Mrs RHR-GKK's unsuitability
4 has not suddenly come to light, but over a number of
5 years various members of staff have expressed
6 misgivings. Reports expressing these misgivings were
7 submitted to Mr Wardrop, the area controller, and
8 Mr JD Burrowes, former divisional director, but it would
9 seem to no avail. This resulted in the social workers
10 being left in the invidious position of either leaving
11 the children at Nimmo Place and endeavouring to educate
12 Mr and Mrs RHR-GKK in childcare (with virtually no
13 success) or seek alternative placements with all the
14 trauma and upheaval and possible feelings of rejection.'

15 Then it says that regarding this particular family,
16 one of whom is being discussed was born in 1973,
17 I think, who was seen by Mrs GKK as mentally
18 handicapped. Have we got that? (Pause)

19 Mrs GKK, it says -- I think it's further down
20 that this is actually said. If we keep going. Well,
21 perhaps I can just -- we can find it. Mrs GKK is
22 labelling this child as mentally handicapped?

23 LADY SMITH: And there has been a referral to the Liff
24 Hospital?

25 MR PEOPLES: Yes, but the point being made is that she is

1 unable to distinguish between that term at that time and
2 'maladjustment', because she sees them as one and the
3 same. When it says there's no medical evidence to
4 support the view -- and that there appears to be medical
5 evidence to support the view that Mr and Mrs RHR-GKK
6 are psychologically damaging this family by no doubt the
7 attitudes they hold, and I think that indeed the
8 conference -- there's reference to an earlier conference
9 -- case conference at the Liff Hospital and looking to
10 remove the children to foster care placement possibly
11 after an interim period in another children's home.

12 And it says that appears to have led to discussion
13 about other children's homes, but to agreement that the
14 core of the problem was the care Mr and Mrs RHR-GKK are
15 failing to provide and that this is a problem that
16 should be tackled by the department.

17 And there's a discussion about another child and the
18 difficulties his social worker was experiencing with the
19 RHR-GKK, being in the main a lack of co-operation and
20 that they know best. And I think the note records, at
21 the end, that in light of the evidence over a number of
22 years, which strongly indicates that Mr and Mrs RHR-GKK
23 are incapable of meeting the children's emotional needs,
24 the members at this conference were unanimously of the
25 opinion that the department could not continue to turn

1 a blind eye and that positive steps must be taken.

2 And that the area controller would be asked to send
3 a letter to Mr Burrowes, the Deputy Director of
4 Fieldwork Services, expressing the group's misgivings
5 and requesting a meeting to take place and, well,
6 I suppose, we all ask ourselves what happened after
7 that.

8 LADY SMITH: You see a manuscript date on left, 21 December
9 1980. But this case conference was in 1979.

10 MR PEOPLES: Yes, well, perhaps the point I was going to
11 make is that nothing happened, as far as I can see,
12 because I think there are records I've come across which
13 show that there were conferences where the RHR-GKK
14 were present in 1982, many years after this matter was
15 raised, not for the first time.

16 A. Yes.

17 Q. So that again speaks a lot, does it not?

18 A. Yes, absolutely, and I think this particular kind of
19 reference was in relation to a young child who was
20 exhibiting quite -- well, according to Mr and
21 Mrs RHR-GKK -- quite kind of, you know, difficult
22 behaviour; but when she'd gone to Liff Hospital, I think
23 within three months a lot of the behaviours had actually
24 all kind of disappeared. And what the clinicians were
25 clearly indicating was actually there wasn't anything in

1 relation to the child's behaviour outwith kind of normal
2 development. It was actually potentially the care that
3 was being provided.

4 And in relation to Mrs GKK, what they were
5 almost doing was kind of creating a kind of level,
6 I suppose, of hysteria around the child, which was
7 almost kind of perpetuating and feeding that kind of
8 real sense of: something's wrong, something's wrong,
9 something's wrong. And I think there's references at
10 other parts of the record in terms of a real risk of
11 creating a self-fulfilling prophecy, and I think that's
12 what they're saying was happening --

13 Q. But they say the real problem were --

14 A. -- and what they were doing.

15 Q. -- the RHR-GKK ?

16 A. Yes.

17 Q. Not the child that can be dealt with and, if taken out
18 of this environment, can thrive?

19 A. Absolutely.

20 Q. And develop normally?

21 A. Yes.

22 Q. But what this record shows, if I am right that the
23 RHR-GKK were still around in 1982 at this place -- and
24 it might tie in with Mrs MYJ going in December 1983 to
25 become the new SNR.

1 A. Yes.

2 Q. But that shows, does it not, inexcusable inaction on the
3 part of the social work department to address a known
4 problem that was causing children unnecessary and
5 avoidable harm?

6 A. Yeah.

7 Q. Does it not?

8 A. Yes, and that's the whole system, systemic failing
9 I spoke about, from retention/recruitment to inaction by
10 senior managers in responding to concerns from their
11 staff.

12 Q. I mean, the management, senior management doesn't seem
13 to have been too interested. I mean, I'm assuming that
14 a letter was sent, but if it was sent, it didn't seem to
15 spur them into any action to remove the RHR-GKK from
16 Nimmo Place?

17 A. No, no.

18 Q. At least at that point. And this was after a long
19 history, I think, of concerns about how they were caring
20 for children, quite apart from what we now know that
21 people are saying they were doing in addition to failing
22 to provide the emotional support for children. You
23 heard some of the evidence about the various things that
24 have been attributed to them --

25 A. Yeah.

1 Q. -- during their period of stewardship.

2 A. Yeah.

3 Q. Physical abuse, cold baths and quite a number of
4 different forms of abuse by them, physical abuse. There
5 was quite a catalogue of things that they're being said
6 to have done?

7 A. Yeah. I think what this record clearly shows is that
8 their, you know, staff who were working with -- within
9 social work, with those young people, clearly knew there
10 were significant deficiencies in the care that was being
11 provided by the RHR-GKK .

12 Q. Yes.

13 A. And there was a real -- there was a real challenge for
14 them. You know, they didn't feel supported whatsoever
15 by managers that they were escalating concerns to. So
16 again, that whole conversation we've had around, you
17 know, if the staff member's not feeling, you know,
18 heard, what's the escalation process? And actually we
19 can see here, actually even that escalation process is
20 just --

21 Q. It's a bit like making allegations --

22 A. -- absent.

23 Q. It's a bit like a child for once having the courage to
24 speak up and it gets them nowhere?

25 A. Yes.

1 Q. Other than getting pushed out of the home, while the
2 person they are alleging was abusing them continues
3 working in the same place --

4 A. Yeah. Absolutely.

5 Q. -- with a verbal warning?

6 A. Yes, and we see a lot of that within the case records
7 that the social worker has made in relation specifically
8 to this case, in terms of how the RHR-GKK tried to
9 distract, I suppose, attention away from themselves and
10 tried to label the children on every occasion in terms
11 of deficiencies. Putting barriers up in place when the
12 social workers were trying to visit. Wanting to be
13 there all the time when the social workers were
14 visiting, and weren't happy about them visiting outwith,
15 you know, them not being there.

16 So there was a real, I suppose, sense of control
17 that they were trying to exercise.

18 Q. Well, there might have been another reason why they were
19 there, because as you know, 'Peter' and 'Colin', as
20 they're known to this Inquiry, spoke of abuse by
21 Auntie GKK and Uncle RHR.

22 A. Mm.

23 Q. The RHR-GKK. And speaking of force-feeding, cold
24 baths as punishment, physical abuse, salt being put in
25 children's mouths as punishment, making children stand

1 in a corner for long periods, punishing bed-wetters.

2 So perhaps the RHR-GKK knew it was wise to stay
3 around when social workers were visiting children, just
4 in case the children were brave enough to say the things
5 that 'Peter' and 'Colin' have told this Inquiry?

6 A. Yes, absolutely, and there's clearly a reference to the
7 RHR-GKK not wanting the children to speak to the
8 social worker on their own, and I think again that's
9 an element of control that they were trying to exercise,
10 in terms of what was said.

11 LADY SMITH: And that's a classic problem. It goes back
12 decades --

13 A. Yes.

14 LADY SMITH: -- and I heard of that in the early days of
15 places like Smyllum. If somebody came to see the
16 children, a nun would sit in the corner of the room.

17 A. Yes, absolutely, my Lady. And I suppose some of the
18 kind of witnesses -- you know, I suppose one of the kind
19 of key things for me was when one of the witnesses said:
20 'Actually, they weren't my social worker'.

21 LADY SMITH: Yes.

22 A. You know: 'They were either my parents' social worker,
23 but actually when they did come to visit, they just went
24 straight into the office'.

25 So again, you know, really wanting to understand the

1 experiences of what the children -- was just totally
2 absent.

3 LADY SMITH: But also, just rewinding to what we saw on
4 screen with the case conference note. We had the
5 picture of a group of people who were senior, with
6 responsibilities, including some social workers and
7 there were three of them who had senior roles, and they
8 review what's happening. They can see: actually, it
9 looks like the problem here may well not be child. The
10 child doesn't need anything done to the child. The
11 child doesn't need remove, but we've got to do something
12 about these people, the RHR-GKK .

13 So no doubt a fairly tactful written letter went up
14 the chain, because it's not their place to say: 'Look,
15 you have got to act fast to do something with these
16 people, the RHR-GKK . You've got to investigate. You
17 may have to suspend them'.

18 It's not their place do that.

19 A. No.

20 LADY SMITH: So you have this communication, fingers
21 crossed, something's got to be done by somebody, and
22 it's just left hanging. Something's got to be done by
23 somebody, and something and somebody don't do it.

24 A. Yes, absolutely, my Lady. And just that kind of sense
25 of total kind of powerlessness, I suppose, by those

1 attendees is really quite palpable in terms of what
2 they're wanting and actually what they -- what happens,
3 which is effectively nothing.

4 And I suppose there's that real -- I mean again, you
5 know, we're trying to surmise, I suppose, aren't we, in
6 terms of what the thinking would have been around that
7 time. And I know in this particular case that that
8 young child had been with the RHR-GKK for about six
9 years at that point in time. And Mrs GKK had taken
10 it upon herself to start to distance herself without
11 any, you know, consultation. She was totally -- a total
12 loose cannon by the sounds of the way she was behaving
13 and how she was kind of reacting to almost a kind of
14 sense of personal rejection on her behalf, and how she
15 wanted that to be viewed and to be seen by others.

16 But a real -- I suppose a real challenge for the
17 organisation about saying, well, actually this is the
18 main carer that this child has known for the last six
19 years. If she was to disappear in a puff of smoke, what
20 does that mean for this child?

21 So it's one of these kind of real ethical dilemmas
22 that you're always balancing, and we continue to balance
23 those today, my Lady, is what I would say to you.

24 LADY SMITH: Sure.

25 A. You know, some of these kind of real complex needs are

1 issues that go on, that we consider, hopefully consider,
2 in a much more broader perspective and recognise
3 actually that there are ethical challenges that we are
4 giving consideration to.

5 LADY SMITH: And recognise that primary consideration has to
6 be given to the welfare of the child. That comes first.

7 A. Yes. 100 per cent.

8 LADY SMITH: And everything else flows from that.

9 A. Yes.

10 LADY SMITH: Mr Peoples.

11 MR PEOPLES: Just on some other matters just of a general
12 systemic nature, including management failings, it seems
13 clear from a comparison of application forms completed
14 by Peter Murray for various residential care posts that
15 there are a number of factual inconsistencies in these
16 forms. I think that's something that's picked up in
17 your updated Part B and C -- or Part B. For example,
18 his qualifications on leaving school, his places of
19 employment before 1976 and the dates of these
20 employments -- these places, these employments.

21 No one seems to have picked up these inconsistencies
22 and queried them, did they? Because he actually told me
23 yesterday he left with no qualification.

24 A. Yes.

25 Q. I've seen applications where he says he does have

1 qualifications: O-Levels, Leaving Certificate or
2 whatever. So no one picks any of this up.

3 A. No.

4 Q. What's the point in having them and scrutinising them
5 unless someone says: 'Well, hang on, you said that this
6 time, you said something completely different, or
7 something certainly materially different in terms of
8 dates. Why is this? Why is he doing that?'.
9 A. I mean, I think clearly there would have been no
10 requirement to have produced any of your qualifications,
11 because clearly that would have been --

12 Q. No.

13 A. -- one of the mechanisms to do that. And I think each
14 application that he made was viewed in isolation. There
15 was no, you know, there was no -- you know, there was no
16 point that somebody said: 'Actually, let's just get all
17 the applications and see if there's any discrepancies'.
18 I think they were all looked at on an individual basis.

19 Q. Yeah, but if you've had a staff file on him, surely at
20 that stage someone might have had the good sense to say:
21 'Well, just let's see what his track record is and what
22 he's said and what he's applied for before and so forth,
23 just to see if there's anything that, if he's
24 interviewed for the post, might be worth raising with
25 him'.

1 Now, I'm not saying it would necessarily have
2 uncovered what we now know, but it's just another
3 example, it's pretty shoddy that no one picks it up.
4 Just as allegations, as you pointed out earlier, like
5 the 1977 one somehow is put to the back of everyone's
6 mind in 1980 when another allegation's made. There's no
7 connection made.

8 A. No.

9 Q. And of course, the other point that was made about that,
10 I think, is that very few people got to know about these
11 allegations and what happened and the warning. His line
12 managers didn't seem to know. I think that's what's
13 said in your council's response, that it was kept within
14 a very small circle, that allegations had been made,
15 that he'd received a warning, that another allegation
16 had been made and so forth.

17 I mean, surely when allegations of that nature come
18 up, they should have been, to use that dreadful
19 expression, 'escalated to a higher level'?

20 A. Yeah, absolutely, and I think, you know, your comment
21 earlier on, actually, that there was a consistency in
22 terms of his managers at that point in time, who should
23 have ensured that communication happened.

24 You know, there's always a challenge where you've
25 got new people coming into post and, you know, the kind

1 of organisational knowledge kind of goes with them. But
2 where you've got that consistency, you would have
3 expected that to have happened.

4 I think there was potentially something more about
5 the relationships and about the -- you know, we saw, you
6 know, LND's reference to -- you know, from
7 Mr Murray kind of going to college and saying, you know:
8 this will be, you know, a really good opportunity. You
9 know, anybody who knows anybody who doesn't have any
10 qualifications, he wasn't going to be able to produce
11 any work at college, which ultimately led to his
12 placements --

13 Q. I think he failed them, didn't he?

14 A. Well, he --

15 Q. He was a bit coy when I asked him yesterday --

16 A. He didn't submit any work. He didn't submit any of his
17 essays which is in this, you know, clear communication
18 from the college that says, you know, he's been given
19 ample opportunities and he's given, you know,
20 significant levels of assurance that his work will be
21 completed. But, ultimately, he never produced a single
22 piece of work, other than his statement for wanting to
23 go on the course, and whether or not he produced that
24 himself or not, we'll never know.

25 Q. Well, he did write a self-penned life story.

1 A. Yes.

2 Q. And of course the other thing that I think was pointed
3 out, quite interestingly, was that when he was
4 describing his life from childhood, he made very little
5 mention of his sisters?

6 A. Mm-hmm, yes.

7 Q. And that was picked up when their allegations came --
8 when they made the allegations in 1991.

9 A. Mm-hmm.

10 Q. I think the council -- there were various briefings and
11 someone has obviously then looked at this (inaudible)
12 and said: well, hang on, he's said a lot about his
13 life --

14 A. And his brothers.

15 Q. -- but he makes very little reference to his two
16 sisters, the ones that apparently he looked after so
17 well that the couple were able to say to the Reverend
18 Shaw that he was -- he could recommend him?

19 A. Yes.

20 Q. He could recommend Murray for the job.

21 A. That's right.

22 MR PEOPLES: Perhaps this is a good enough point --

23 LADY SMITH: Mr Peoples, would that be a good point to
24 break?

25 We'll stop now for the lunch break, Arun, and

1 I'll sit again at 2 o'clock.

2 (1.03 pm)

3 (The luncheon adjournment)

4 (2.00 pm)

5 LADY SMITH: Arun, welcome back. Are you ready for us to
6 carry on?

7 A. Yes, thank you, my Lady.

8 LADY SMITH: Thank you.

9 Mr Peoples.

10 MR PEOPLES: My Lady.

11 Arun, we've been discussing sort of a number of the
12 sort of past failings, if you like, the systemic issues
13 involved in those, and I think we've covered quite a lot
14 of ground, but there was one or two things I'll still
15 just pick up, because I'd like to ask you something
16 about the current position, as you probably well know.

17 A. Yes.

18 Q. So far as records are concerned, I think it's been
19 acknowledged in the Part B that we were looking at, that
20 recording practices were deficient in the past and
21 indeed that also important records, which would have
22 been useful to consult, are missing or incomplete and so
23 we don't always get the full picture, or as much of
24 a picture as we would like.

25 And I think it's accepted that, to some extent, that

1 isn't just down to the failure to record the 1980
2 complaint. It's probably evidence of a sort of wider
3 systemic failing in terms of record-keeping within the
4 authority. Is that the position really?

5 A. Yeah, I think that would be a fair point.

6 Q. And I suppose, when we look at Peter Murray, I mean it
7 was fortunate, at least to some extent, that there was
8 a file that contained some material from the 1977
9 allegation, which I think at least assisted, when the
10 police came to investigate, in identifying people that
11 might be able to shed light on how things were. And he
12 was still obviously employed by Tayside Regional Council
13 until 1991?

14 A. Mm-hmm.

15 Q. Would it have been the practice then to retain staff
16 files in their entirety for a period of time and then
17 destroy them? Was that -- are you able to help us on
18 that one or not?

19 A. I'm not 100 per cent sure. I think we would have held
20 HR records. I mean, clearly, in relation to Mr Murray's
21 case, again, they weren't where they were supposed to
22 be. We kind of came across them actually in a child's
23 file. So I think there was a real ambivalence,
24 I suppose, in terms of that record-keeping and about the
25 kind of due diligence.

1 Q. Because it wasn't as if he had left the Tayside
2 employment many years before. He left and then the
3 trial was about two years later --

4 A. That's right.

5 Q. -- and obviously the police were interested, as they
6 would be, in seeing his records and records of anyone
7 that may have been in contact with him, within the home.
8 So that clearly did create, as we've said,
9 difficulties --

10 A. Yes.

11 Q. -- apart from the failure to record the 1980 complaint
12 itself. So that's another --

13 A. Mm-hmm.

14 Q. I suppose it's another sort of aspect of systemic
15 failure that --

16 A. Yes.

17 Q. -- in the past.

18 Another matter which I think was identified after
19 Mr Murray was -- after his employment was terminated,
20 and I don't need to go to the report, but there was --
21 in 1992, the council were getting regular briefing
22 reports from, I think it was Mr **LTW**, and you'll have
23 seen those.

24 A. Yes.

25 Q. And there was a report on 4 September 1992. I'll give

1 the reference but I don't think we need to go to it, was
2 CFS-000017635. And it gives quite a lot of information
3 that's been ingathered at that stage, no doubt to inform
4 the council about what was known before the trial and
5 during the period when he was under investigation.

6 And what was said in that report was that, based on
7 interviews, it was said that formal staff supervision
8 was 'non-existent in Perth, especially for junior staff
9 in the period 1977 to 1983', which is obviously around
10 the period that Mr Murray was at Colonsay House.

11 And it says in his case, the first trace of
12 supervision for Mr Murray occurred around 1988 when he
13 was at Woodside Crescent as a team leader. That,
14 I think, was the final home that he worked at. Although
15 it was said that officers in charge appeared to be
16 receiving some staff supervision from residential
17 service managers from perhaps around 1984.

18 A. Mm-hmm.

19 Q. So he wasn't in that capacity, I don't think. Perhaps
20 latterly, the team leader position was somewhat
21 equivalent, I don't know, but he wasn't an officer in
22 charge and so he wouldn't have presumably been subject
23 to this staff supervision that was introduced in 1984,
24 or at least that was the -- I think it was said it
25 didn't seem to filter down --

1 A. Yes.

2 Q. -- to more junior staff. Maybe that's a better way of
3 putting it.

4 A. Yes, I think that's a better way, yes.

5 Q. Yes. So no staff supervision?

6 A. No.

7 Q. Which is not ideal.

8 A. No.

9 Q. We've already seen that there was no requirement prior
10 to 1987 to have qualifications or experience.

11 And it doesn't appear that Mr Murray at least
12 received much in the way of training between 1976 and
13 1990. I think there was reference to perhaps going to
14 a course, a one-day course on something, but not a great
15 deal of regular training. Is that the position so far
16 as the records disclose?

17 A. Yes, absolutely, and I think again that kind of
18 contributes to that whole system failing and, you know,
19 I suppose my reference a wee bit earlier on about, you
20 know, even understanding some of the basics around child
21 development and, you know, the impact of, you know,
22 trauma and -- and yeah, none of that -- none of that was
23 right.

24 Q. Yes, well, it looks like it wasn't just Mr Murray that
25 benefited. I mean, the RHR-GKK could have done

1 with --

2 A. Yes, absolutely.

3 Q. -- a fairly comprehensive course of training in
4 childcare, it would appear.

5 A. Yes.

6 Q. And so far as training is concerned then, more
7 generally, we have the evidence of 'Anthony' and 'Kevin'
8 about Nimmo Place in the early 1990s, obviously about
9 the -- they've described a situation where there was
10 quite brutal violent restraints, which in truth they
11 would say were just simple assaults by staff. You've
12 heard that evidence and you heard, I think, 'Anthony's'
13 evidence on Tuesday?

14 A. Mm-hmm.

15 Q. And he also spoke not just of what were coined
16 'restraints', but also a constant regime of physical and
17 mental abuse.

18 And there is an entry, and it was referred to,
19 I think, during his evidence, in 'Anthony's' records for
20 2 August 1993, recording that he was restrained for
21 approximately 25 minutes before the police arrived.
22 Again, I'll not take you to it, but I'll give the
23 reference for the transcript. It's PKC-000000104, at
24 page 5.

25 That's a long time to be restrained on the floor?

1 A. Yes, and I think it feeds into that whole perception
2 about children needed to be controlled.

3 Q. Yes.

4 A. And, you know: 'Children need to do as we say, and if we
5 don't, then actually this is the way we look to control
6 them'. And I think what we've heard from those two
7 witness statements is around how that became custom and
8 practice, in terms of how to control and exert a level
9 of influence over those young people within their care.

10 Q. Yes, because I think 'Kevin', the statement that was
11 read out this morning, was saying that he didn't
12 consider himself someone that was a problem in that
13 respect, but if staff wanted him to do something and he
14 didn't, then the way that they enforced compliance was
15 to restrain him until he agreed to do what they wanted
16 him. And that could also involve being held face down,
17 people sitting or kneeling on him, holding his arms and
18 legs, big guys, as he put it, and he was a short, skinny
19 lad, he said. And he saw others being restrained the
20 same way. And it wasn't a case of this was a last
21 resort. This was a first resort, it would appear from
22 'Kevin's' description, of how things were?

23 A. Yes, very much so, and, I mean, again, I suppose,
24 I'm not 100 per cent sure that the staff saw anything
25 wrong with it either, just as -- you know, we spoke

1 a wee bit earlier on about young people coming into
2 Nimmo and Colonsay and just thinking: actually, that's
3 just the way care is provided.

4 I don't think maybe the staff thought that's not the
5 way it should be done, and I think that absence of
6 training and understanding of the impact, it just
7 wasn't -- it just wasn't there for them.

8 Q. Yes, because I think 'Kevin' did speak about being held
9 down also as long as 20 minutes on occasions and
10 of course, in his case, he said: I never said anything
11 because I thought that was the norm.

12 A. That's right.

13 Q. That that was okay, they had lawful authority to do it.
14 So, who am I to sort of argue with that; I just had
15 to --

16 A. Yeah.

17 Q. He put up resistance, but he didn't necessarily see that
18 he had grounds for complaint.

19 A. No, that's right.

20 Q. And just on that matter, it does raise the question. It
21 doesn't appear that the people who were 'restraining',
22 and I use that in quotes, were doing it in any way that
23 was an authorised form of technique that may have been
24 around at that time. I mean, we've heard from other
25 places that some places introduced restraint training

1 perhaps in the 1990s.

2 A. Mm-hmm.

3 Q. I don't know whether Tayside had introduced such
4 training at that stage. I think they did introduce CALM
5 training at some point, physical intervention training.
6 But there's no evidence I think that that training had
7 been given to the staff who dealt with 'Kevin' or
8 'Anthony'. Is that your understanding?

9 A. Yeah, I mean clearly what the witnesses have described
10 in terms of how those restraints were undertaken, you
11 wouldn't think that would be any way sanctioned
12 restraint at all, which is why I'm saying I think it was
13 something that was, you know, done in-house and just
14 kind of perpetuated through staff turnover. That was
15 just the way they controlled children.

16 Q. Yes. And so far as inspection's concerned, I don't
17 think we were able to find any inspection reports for
18 either Nimmo Place or Colonsay House. I think there is
19 a reference in the A to D that Nimmo Place, there's some
20 evidence it was subject to only one inspection before it
21 closed in 1995 or 1996.

22 So on any view, there wasn't regular inspection of
23 these places, and I'm just trying to fit this in with
24 what we know from other evidence.

25 I think obviously there was a system of inspection

1 from central inspection, before 1968, but I think after
2 that, the intention was that local authorities would do
3 the inspecting. There was a period when I think there
4 was a bit of overlap.

5 A. Mm-hmm.

6 Q. But then it was left to local authorities and, if
7 I'm not mistaken, was there not some sort of
8 introduction in local authorities around the early 1990s
9 for local registration inspection units to inspect
10 residential establishments, including establishments for
11 children?

12 A. Yes.

13 Q. Was that --

14 A. Yes.

15 Q. But it doesn't appear --

16 A. No.

17 Q. That, to some extent, it was too late for Colonsay and,
18 really, not soon enough for Nimmo Place?

19 A. Yes.

20 Q. So that wasn't even a safeguard either?

21 A. No.

22 Q. And there's not a great deal of evidence from
23 certainly -- I think that you've been able to find -- of
24 any other form of general regular oversight of the homes
25 by external managers or the like. Is that the picture?

1 A. Yeah, I think that's -- that's accurate.

2 Q. And I think your updated A to D says at some point that
3 on the question of systemic failures, there was
4 at policy and strategic level, I think it said,
5 important developments and changes in Perth & Kinross in
6 relation to children in care and provision of
7 residential care. But I think the position is that,
8 largely speaking, when this matter's been considered,
9 the view was taken that, largely speaking, these
10 developments took place after the closure of
11 Colonsay House and indeed hadn't really bedded in before
12 Nimmo Place itself closed. Is that the picture?

13 A. Yes.

14 Q. I know there was an important document, 'Crisis in
15 Tayside' or something along these lines in 1987?

16 A. Yes.

17 Q. That was a strategy paper that was to be implemented and
18 rolled out in the years that followed. But the point,
19 I suppose, is that was too late for these two
20 establishments and the children in them to get the
21 benefit of that -- these developments?

22 A. Yeah. Yeah, I would agree.

23 Q. And so far as these developments are concerned, I think,
24 if I could put it broadly, and I think you've set them
25 out perhaps in more detail in your updated Part B, but

1 there were, broadly speaking, things like more explicit
2 policies and procedures --

3 A. Mm-hmm.

4 Q. -- within Tayside Regional Council and then subsequently
5 within Perth & Kinross, as well as, it's said, access to
6 levels of independent support. So I don't know whether
7 you were thinking of Children's Officers or Who Cares?
8 or both. And then things like regular review of
9 placements and obviously care planning, which, as we now
10 know, is a standard feature --

11 A. Yeah.

12 Q. -- or part of the care system.

13 So all these sort of things were happening, but too
14 late for Colonsay House and Nimmo Place. Is that what
15 it comes to?

16 A. Yes. Yes.

17 Q. Because -- well, we've talked about restraint training
18 and I was just trying to work out that -- your A to D
19 does give a list of quite a number of, I think, explicit
20 policies that were introduced over time?

21 A. Mm.

22 Q. Some by Perth & Kinross, perhaps some by Tayside?

23 A. Mm-hmm.

24 Q. For example, a whistleblowing policy could not have been
25 in force, I think, at the time that these two places

1 were open, because I think that would postdate the
2 Public Interest Disclosure Act of 1998 if I'm not
3 mistaken?

4 A. Okay.

5 Q. And then I think there was reference in your A to D to
6 a development in training policy of September 1997?

7 A. Mm.

8 Q. And so again, that would postdate --

9 A. Too late.

10 Q. -- the closures of the two establishments we're looking
11 at.

12 And then I think there's reference to what we know
13 is a sort of development that was required by statute,
14 a statement of functions and objectives for residential
15 units. I think the first statement, according to the
16 document you've produced --

17 A. Mm-hmm.

18 Q. -- was in September of 1992?

19 A. Mm-hmm.

20 Q. Which was a bit late for -- it was too late for Colonsay
21 and pretty late for Nimmo Place?

22 A. Yes.

23 Q. And then I think over time, there was a recruitment and
24 selection policy and guidance introduced, including some
25 guidance on references, which we've discussed. And

1 while I don't have -- I don't know if there's a date for
2 the first of these policies and the first of these
3 guidance notes, but I'm taking it they were introduced
4 post-closure?

5 A. Yes, more than likely.

6 Q. And if they weren't, they weren't complied with, I don't
7 think?

8 A. No.

9 Q. And then there was a social work complaints procedure
10 introduced in a formal sense, but again, what we get
11 from the evidence, I think, is that there wasn't
12 anything in the way of a formal process during the era
13 of Colonsay House and Nimmo Place. It seems as if they
14 were just dealt with in a sort of ad hoc way?

15 A. Yes. Yeah, there was no process of escalation of those
16 either.

17 Q. And of course I think that any records of management
18 policy may not have had any existence in those days.
19 There may have been certain practices about retention or
20 destruction, but there wasn't the sort of thing we would
21 see today?

22 A. No.

23 Q. And can you just help me: safeguards such as a Child
24 Protection Committee that would have some oversight
25 alongside the local authority, that would be

1 a development that's much later on, is it?

2 A. Yes, it was, yes.

3 Q. So none of these things were in place to benefit
4 children. I mean, I think you've indicated obviously
5 these are safeguards, but they're not necessarily
6 a guarantee, because we know that things have happened
7 since some of these things have been introduced. But at
8 least they're an attempt to improve protection and care
9 for young people who live away from home?

10 A. Yeah, absolutely.

11 Q. Now, so far as the past is concerned, I'm not wanting to
12 go into the applicant evidence in much more detail.
13 We've discussed --

14 A. Mm-hmm.

15 Q. -- a number of pieces of evidence that were given and
16 how they link in with some of the systemic failures that
17 have been identified. I mean, we spoke about the
18 RHR-GKK this morning and the allegations that were --
19 how they were dealt with in 1977 and 1980.

20 We have discussed the Nimmo Place situation as well.
21 There was some evidence from 'Christopher', who gave
22 evidence on Friday, and you'll know that he obviously
23 gave evidence about Colonsay House in the 1980s and we
24 talked about sexual abuse involving staff and other
25 children, and freezing cold baths, which he's not the

1 first person to mention that --

2 A. Mm, no.

3 Q. -- sort of -- as punishment for wetting the bed. And

4 physical abuse by the -- one of the members of staff

5 and, indeed, by other children?

6 A. Mm-hmm.

7 Q. And hearing screams at night, seeing his brother and

8 sister being beaten up by other children and so forth.

9 And you'll recall that evidence?

10 A. Mm-hmm.

11 Q. And while his mother didn't give oral evidence, you'll

12 know that there was a statement from her and indeed she

13 can confirm, I think, the person in question is PCE

14 PCE. Now, that's the name and I think --

15 A. Yes.

16 Q. -- the records show that that is the name I think we're

17 dealing with. And she recalls visiting 'Christopher'

18 and seeing PCE holding him by the scruff of

19 his collar and holding him against a wall with his feet

20 off the floor, and says that Mr PCE was threatening

21 to 'bounce 'Christopher' off the wall'. And obviously

22 she got some information from her other children about

23 the things that were happening, that 'Christopher' told

24 us about in his evidence.

25 And she also recalls the occasion when

1 'Christopher', during winter, left Colonsay House
2 without any coat or shoes on. I mean, that's -- he was
3 very young.

4 A. Very.

5 Q. So how that happened, other than through a lack of care
6 or some form of neglect, it's quite hard to defend that,
7 isn't it?

8 A. Absolutely. Absolutely.

9 Q. So again we have something, a pattern of, there is
10 various things happening, and of course we've also got
11 Uncle LND and Auntie MYJ who were at both -- well,
12 Auntie MYJ was at both Colonsay House and
13 Nimmo Place, and Uncle LND was at Colonsay.

14 There seems to be a mixture here of evidence of
15 physical abuse, emotional abuse and sexual abuse,
16 because you'll recall that 'Daniel', apart from saying
17 that he was hit by Peter Murray, was also hit on the
18 back of the head by Uncle LND?

19 A. Mm-hmm.

20 Q. You'll recall that 'Thomas' described Uncle LND as
21 overfamiliar, someone who fondled children over their
22 clothing and touched them in places he shouldn't have
23 done, and made inappropriate comments about girls'
24 chests and so forth. You heard all of that?

25 A. Yes.

1 Q. And then I think 'Frank' recalled seeing LND and MYJ,
2 on his first day at Colonsay House, dragging a female
3 resident by the hair?

4 A. Mm-hmm.

5 Q. And then -- so we have all of that to put in the mix, if
6 you like. So it is, I think, underlining what I put to
7 you earlier on, that this is evidence that there was
8 a lot of different forms of abuse going on over
9 a prolonged period of time, it would appear, from the
10 evidence we've been listening to and reading?

11 A. Absolutely, and staff at all different levels as well
12 within the home as well, from --

13 Q. Yes, it went from --

14 A. Yes.

15 Q. -- the very top down to --

16 A. Top to the very bottom, absolutely.

17 Q. To the frontline?

18 A. Yes. So there was no kind of, you know --

19 Q. And I suppose the danger of that is that if you see the
20 man SNR or the persons SNR doing something,
21 then you may well think: well, that's okay?

22 A. Yes, leadership by example, I suppose, was -- was --

23 Q. And I suppose at the end of the day, in terms of Peter
24 Murray, and I'm not going to go through everything that
25 we heard about him --

1 A. Mm.

2 Q. -- but the chilling reality is that Peter Murray,
3 a convicted abuser, and now serving ten years for
4 sexually abusing two residents at Colonsay House when he
5 worked there between 1976 and 1984, having previously
6 sexually abused his own sisters when he was
7 an adolescent, the reality is, or chilling reality is,
8 he worked in both establishments for a total of almost
9 13 years, using his position of trust to gain access to
10 vulnerable children, and did so, not to provide them
11 with care and protection -- in some cases, children who
12 had been abused in their own home -- but to abuse
13 children for his own pleasure and gratification.
14 I mean, that's an appalling state of affairs?

15 A. Absolutely.

16 Q. And there must be something wrong with the system if
17 that can continue for that length of time; do you not
18 agree? There has to be answers saying that system
19 clearly wasn't working, wasn't protecting children, and
20 perhaps some of the deficiencies we've spoken about may
21 have contributed to that state of affairs?

22 A. Yes. Yeah, I reiterate the point that it was a whole
23 system failure.

24 Q. Yes. Because all children, during his period of
25 employment, were at risk of abuse. We don't know how

1 many perhaps he did in the end abuse. He's denied
2 abusing even the people he's been convicted of abusing,
3 apart from his own sisters, but everyone -- if he's
4 an abuser, everyone's at risk?

5 A. Yes, his very presence presented a risk.

6 Q. And that's a long time --

7 A. A very long time.

8 Q. -- for children to be at that level of risk in a place
9 that's supposed to be a place of care and protection?

10 A. Absolutely. Absolutely. And I think it's also maybe
11 noteworthy to note that the investigation that was
12 conducted around 1991 only looked at females.

13 Q. Yes.

14 A. There was a total absence of consideration that actually
15 there potentially may be male victims as well. So
16 again, there was a lens that was put on to potential
17 victims and again, the thinking potentially was that,
18 you know --

19 Q. There may have been assumptions made which were --

20 A. Very much so.

21 Q. Because I think we do know from other case studies and
22 other convictions that there are some people who are
23 predatory where the gender doesn't seem to matter?

24 A. Yes.

25 Q. And they may well be, appear to be, normal within their

1 own family context --

2 A. Yeah.

3 Q. -- and do nothing to their own children, as Peter Murray

4 tried to use, I think, as an explanation for his

5 innocence, or his claimed innocence. But that's the

6 reality, we know that has happened, that people have

7 abused and they haven't necessarily targeted one

8 particular gender rather than the other.

9 A. Yes.

10 Q. They've just been opportunistic and targeted both at

11 times.

12 A. Yeah, whether it's opportunistic or whether it was

13 deliberately planned, I suppose, I mean, you would

14 expect somebody, you know, in Mr Murray's kind of

15 capacity -- you know, I mean, I think there was

16 potentially quite significant kind of premeditation

17 there, planning, in terms of how he was going to, you

18 know, offer a lift home, offer, you know, cigarettes,

19 offer £5, whatever it was, I think there was

20 a significant level of grooming activity that he was

21 engaged in to try and --

22 Q. He didn't seem to take up my suggestion that he might

23 have his favourites and that -- I mean, he did talk

24 about distributing sweets in the dark in the living room

25 watching television.

1 A. Yes.

2 Q. But he didn't seem to want to --

3 A. No.

4 Q. -- concede that he would take girls in cars, but that's
5 what's been said against him.

6 A. Yes.

7 Q. He seemed to be trying to minimise the number of
8 occasions that he entered girls' bedrooms.

9 A. Mm.

10 Q. Although he well knew that he shouldn't be doing so.

11 A. Yes.

12 Q. And so forth. So, yes.

13 But he does appear to have, to some extent, tried
14 to, to use the current expression, 'groom' them --

15 A. Yeah, and --

16 Q. -- and make them feel special initially, and then
17 progress from there to abuse them in various ways.

18 A. Yeah.

19 Q. Usually escalating to penetrative activity.

20 A. Yeah, and I still think there's potentially an
21 under-reporting of male victims as well --

22 Q. Yeah?

23 A. -- during his tenure as well.

24 I mean, clearly, we've still got, you know -- male
25 victims, you know, the taboo, I suppose, that's

1 associated with abuse for them and all the kind of
2 societal, you know, perceptions around kind of
3 masculinity et cetera, so it's much more difficult for
4 them to come forward. And maybe that was, you know, his
5 mechanism, I suppose, to ensure silence.

6 Q. I think he had other mechanisms. I think he did use
7 various threats, did he not?

8 A. Yes, he did, absolutely.

9 Q. Both of saying, well, what would happen if you said
10 something, you might get moved. Other children might
11 suffer in terms of loss of privileges?

12 A. Yes, that's right.

13 Q. Perhaps more serious threats of even violence. I don't
14 know if that -- that was perhaps not the general way he
15 did it.

16 A. Yes.

17 Q. He just seemed to use other forms of persuasion to keep
18 the children silent as the --

19 A. Yeah, I think he did have one child by the throat, from
20 memory, as well, I think.

21 Q. Well --

22 A. In terms of one of the siblings of one of his victims,
23 who, I think, referred to him as a pervert within the
24 home, and he then proceeded to grab her by the throat,
25 so.

1 Q. So he was capable --

2 A. Very much so.

3 Q. -- of giving a threat by using violence or threatened

4 violence.

5 A. Yes. That's right.

6 Q. Yes. And we do know that there is evidence that he

7 wasn't just a sexual abuser. He was capable of physical

8 abuse as well. That's what the evidence is telling us.

9 A. Yes. Absolutely.

10 Q. Although he denies almost everything, as far as

11 I understood from his evidence. You listened to it

12 yesterday as well.

13 A. Yes, absolutely.

14 Q. But he's, as I said, he's in a state of apparent denial.

15 A. Yeah, very much so.

16 Q. Even about the people he's been convicted of abusing.

17 A. Mm, yes.

18 Q. Before I leave that to go to the present then, is there

19 anything you would wish to add, or do you think we've

20 kind of covered the areas we've explored, the various

21 failings? Because I think people want answers in these

22 situations on why was this allowed to happen, what went

23 wrong. And I think we've covered a number of respects,

24 important respects, in which things went badly wrong in

25 these two establishments. But is there anything else

1 you wish to add before we move on?

2 A. I mean, I suppose just kind of reiterating, you know,
3 the kind of prevailing culture, I suppose, that was
4 around at that point in time, which was very kind of,
5 you know, adult-focused, you know, not questioning, you
6 know, adults who were caring for children. You know,
7 wanting to ensure the compliance, children will be seen
8 and not heard. A real culture of children not being
9 believed. You know, being in care because there was
10 something wrong with the children themselves, so
11 therefore anything that they would have said would have
12 been caveated with: well, you can't believe them, and
13 are they attention-seeking? Is there something more,
14 you know, in it, in terms of for the children to be
15 making those allegations? Particularly with respected
16 individuals, or who would have been considered to be
17 respected individuals.

18 So I think there was quite significant levels of
19 failings in terms of our own kind of, you know, key
20 processes, in terms of scrutiny, in terms of case
21 recording, and in terms of a real kind of transparency
22 of kind of contacting and engagement. You know, and as
23 I said right from outset, you know, from our selection
24 and interview processes, all the way through to
25 training, development, to supervision, again, all the

1 way through to frontline staff highlighting their
2 concerns to managers, those concerns not being
3 addressed, leaving frontline staff totally, you know,
4 bewildered in terms of where they would turn to as well.
5 I think all of that was kind of, you know, kind of
6 coming together and creating those conditions where
7 individuals like Mr Murray were able to kind of, you
8 know, undertake his abuse, as well as the RHR-GKK,
9 without too much question.

10 I mean, we've identified, and I think I've said, you
11 know, we've gone beyond the Part B expression of, you
12 know, systemic failures, to actually whole system
13 systemic failings, I think is probably more accurate, is
14 where we're standing.

15 And we've offered and continue to offer our
16 unreserved apology to those individuals who were
17 impacted by that.

18 And everything I'm saying today doesn't excuse
19 anything that's happened. I suppose what we're trying
20 to do is understand the context in which that was
21 allowed to happen.

22 Q. One thing that maybe comes out generally is that --
23 well, we found it, that we ask people to fill in these
24 A to Ds and they start looking at records and they can
25 find that, remarkably, the records contain more than you

1 would believe. They may not be very complete, they may
2 not have many allegations, but if you start to look at
3 them in a systematic way and review them and pull them
4 together, just like if you were to pull allegations
5 together when something transpires, you can sometimes
6 get quite a lot out of them.

7 There's no point in storing the stuff and then doing
8 nothing with it, but that seems to have been a feature,
9 that people have got records, not complete, some have
10 been destroyed, but when they actually search those
11 records, there's more in there than they've realised
12 before, and that's quite an important lesson.

13 I think your own council would agree with that, that
14 they've reviewed more files since 2017?

15 A. Yes.

16 Q. And the more that they've reviewed, perhaps the more
17 they've seen things and patterns, or things that should
18 have raised suspicion or concerns?

19 A. Absolutely, and I think compiling a chronology,
20 I suppose, of Mr Murray's time within our employment
21 clearly evidenced quite significant levels of overlap,
22 in terms of some of the allegations that were made and
23 how they were made.

24 And you're absolutely right, not looking at them in
25 isolation but looking at them in totality kind of gives

1 you that view about a potential pattern that was
2 emerging throughout.

3 Q. So that will probably take me to today and the future.

4 And I suppose one broad question is we've seen that,
5 say, a child makes an allegation in the 1970s --

6 A. Mm.

7 Q. -- or early 1980s and we've seen how it was dealt with.

8 But if the same sort of situation arose today, can we be
9 reassured that things would be done very differently and
10 more effectively, so that there wouldn't be at least any
11 criticism of the type that we've been discussing and
12 you've been accepting is valid criticism.

13 What would happen today if 'Scott' came along and
14 said: 'A person who is looking after me ...', and
15 I appreciate you don't have residential units, but you
16 have children in them.

17 A. Yes.

18 Q. If 'Scott' was in one of those units today and made the
19 same allegation, what would happen?

20 A. Yeah. I mean, you're absolutely right. I mean, what we
21 would expect is there to be a total transparency,
22 I suppose, in terms of that investigation that would be
23 undertaken, and we would look to ensure that
24 an appropriate level of distance, I suppose, or kind of
25 separation of those individuals undertaking the

1 investigation to those who were running the service
2 even.

3 So, you know, away from residential services and
4 asking maybe individuals from fieldwork services or,
5 depending on the type of case it would be, you would
6 even potentially ask another service, maybe from adult
7 social work, to come and actually undertake the
8 investigation.

9 Or actually, if the concerns were so great and
10 actually implicated more individuals, it's not unknown
11 for us to be contacting colleagues in other councils to
12 ask us to offer that level of independence, to ensure
13 that those appropriate checks and balances are in place
14 to look into the matter.

15 And what we would be ensuring actually is that the
16 child who's made the allegation isn't the one who's
17 actually being kind of penalised, I suppose, in terms of
18 having spoken up.

19 You know, we would always -- I mean, we have a duty
20 of care both to the young person but also to the
21 employee as well, I suppose, until the facts --

22 Q. Well, allegations are allegations --

23 A. Yes, until the facts have been established, absolutely,
24 and -- but what we would look to do is we would look to
25 try and minimise any kind of potential engagement that

1 the staff member would have within that front-faced
2 setting. So, you know, depending on the allegation that
3 was made, you would either look at potential suspension,
4 or you would look to move them away from a regulated
5 role into a backroom function whilst the fact-finding
6 was undertaken. And at that point in time, once the
7 report was completed, it would then be a senior manager
8 or a nominated manager who would decide whether or not
9 there was enough evidence within the fact-finding report
10 to move forward to a disciplinary hearing.

11 Q. And the child would remain where they are. It would be
12 the person accused that you would make arrangements for
13 at that stage?

14 A. Yes.

15 Q. Because you don't want to necessarily just have
16 a knee-jerk reaction and say: well, we'll just take the
17 child out of the -- because you're still leaving the
18 alleged abuser in situ if you do it that way.

19 A. Absolutely, and we need to remember that actually,
20 that's the child's home.

21 Q. Yeah.

22 A. You know, whereas for the employee, it's their place of
23 work.

24 Q. Yes.

25 A. So, yes, we would be very mindful of that.

1 Q. Obviously, you're in a different position from some
2 authorities because you don't run units at the moment,
3 but if one of the Perth & Kinross children made
4 an allegation about a unit they're in, in the west of
5 Scotland for example, would you expect the same process
6 to be carried through?

7 A. Yes. I mean, in my other posts, as service manager
8 within South Lanarkshire, we had, you know, a number of
9 residential establishments run by the council and we had
10 allegations made by young people within those
11 establishments, and we would always look to ensure that
12 the young person remained where they were and the member
13 of staff was either removed from their duties, whether
14 that was through suspension or whether that was kind of
15 removing them to a different part of the service, whilst
16 the investigation was undertaken.

17 Q. And in a situation where you as an authority are not
18 running the place?

19 A. Mm-hmm.

20 Q. -- and have direct day-to-day care, these arrangements
21 we talked about at the beginning of your evidence, using
22 the framework --

23 A. Yes.

24 Q. -- flexible framework and the local agreements, is there
25 anything built in there to ensure that the authority has

1 control, to ensure that the investigation meets their
2 requirements, such as the requirements you would have if
3 you ran your own unit?

4 A. Yeah --

5 Q. Is there a safeguard there that you can't be told:
6 'Well, we do it our way, not your way'.

7 Have you got that safeguard built into your
8 arrangements?

9 A. Yeah, I mean, we would be really clear right from the
10 outset and the frameworks do outline that in terms of,
11 you know -- you know, engagement with the local
12 authority at the point of the allegation being made, and
13 we would be part of that process in terms of ensuring
14 oversight, I suppose, in terms of how that allegation
15 was being managed now.

16 I suppose the safety for our young person, in and
17 around that.

18 Q. And I don't know if you can answer this, but the
19 flexible framework agreement is not itself a detailed
20 agreement, but it contains, it says, 'principles and
21 expectations' that have been discussed with
22 stakeholders, the people I mentioned this morning.

23 A. Yes.

24 Q. Does that, the relevant framework for residential
25 services for children, does that include provisions

1 about how complaints should be dealt with and
2 investigated, at least the principles, or does it not at
3 the moment, do you know?

4 A. I'm not sure. I could find that out for you if that
5 would be helpful.

6 Q. It sounds as if it should, though?

7 A. It should, absolutely.

8 Q. Because then you would get --

9 A. A consistency.

10 Q. -- an across-the-board consistency --

11 A. Absolutely.

12 Q. -- and agreement between relevant individuals,
13 providers, government --

14 A. Yes.

15 Q. -- The Promise, whoever, at the Care Inspectorate, to
16 say: 'Well, we're all agreed that these are the
17 principles that we should all be observing and all the
18 providers and the authorities should be complying
19 with --

20 A. Yes.

21 Q. -- in a particular situation'.

22 But maybe you could perhaps do that homework and
23 come back to us on it?

24 A. Yes, absolutely.

25 Q. Because it would be useful to know.

1 A. Yes. Absolutely.

2 Q. Because that is one way, I suppose, provided these
3 frameworks are used as the backdrop, to ensuring some
4 consistency in approach to allegations, and perhaps
5 ensuring that the approach is one that commands pretty
6 universal agreement that that's the best way to deal
7 with it?

8 A. Yes, absolutely. I mean, I suppose what I would
9 highlight is that in terms of the regulated workforce,
10 if there was allegations made in relation to the
11 employee, then it would be the employer's responsibility
12 to let the -- Scottish Social Services Council would be
13 notified that there was an ongoing investigation in
14 relation to the employee.

15 And also there would then potentially be
16 a responsibility on the employer, within the space of
17 three months, to let Disclosure Scotland know as well,
18 so those safeguards are built in.

19 Q. Don't go too fast.

20 A. Oh, sorry.

21 Q. I have some what-if questions --

22 A. Okay.

23 Q. -- and I was going to ask you about them --

24 A. Yes, sure.

25 Q. -- and I think you know I was going to --

1 A. Okay.

2 Q. -- try and follow up with, just on that very topic,
3 because we've had some evidence in recent studies about
4 the -- what happens where you're in the state of
5 an allegation being made, and there's various
6 possibilities that can happen after that. And I think
7 I tried in advance of today to give you some what-if
8 situations.

9 Well, perhaps I could just first of all start with
10 an issue, which must be a live issue today, is the issue
11 of retention of information about allegations and
12 complaints of abuse of children by staff and the
13 responses and outcomes, whether in favour of upholding
14 or not. And in what circumstances that information
15 would be taken into account and shared or disclosed with
16 persons, bodies other than the employer of the alleged
17 abuser.

18 I mean, the general question is, yes, you've got
19 an allegation, you might get an outcome, they might
20 leave before you get an outcome. And I'm just wanting
21 to follow that one through with you.

22 A. Yeah.

23 Q. You get an allegation. If it's an allegation against
24 a member of the social work department, say, and if it's
25 a sexual abuse allegation, just to take an example, you

1 notify the SSSC?

2 A. Yes.

3 Q. As a matter of course?

4 A. Yes.

5 Q. And did you say that within three months of the
6 allegation having been made, that you have to get in
7 touch with Disclosure Scotland?

8 A. Yes, so you've got a timeframe in which to advise
9 Disclosure Scotland. There's two areas I suppose that
10 Disclosure Scotland are kind of -- would, you know, need
11 notification: whether or not the individual was
12 dismissed, whether or not they left before the
13 investigation that was being completed concluded, or
14 whether or not the individual has been removed from
15 their regulated role.

16 And also the second bit would be in relation to --
17 he says, trying to think on his feet --

18 Q. If you've got some notes, then by all means consult
19 them.

20 A. Yeah, that's -- whether or not the individual has been
21 harmed or whether there was a risk of harm occurring.

22 So if those two conditions, I suppose, were met,
23 then there would be a notification to Disclosure
24 Scotland.

25 I think the one that sometimes local authorities

1 have struggled on has been the one where the individual
2 has left before the employment has finished, because
3 I suppose --

4 Q. Before the investigation?

5 A. Yeah, before, sorry, before the investigation has
6 concluded, because I suppose you're kind of, you know,
7 stuck in the middle of kind of a due process about
8 saying innocent until proven guilty. But I suppose also
9 recognising you have a duty of care as well to any kind
10 of potential kind of employer or young person that might
11 come into contact with that individual as well.

12 And I suppose, you know, Disclosure Scotland or the
13 PVG scheme in particular are quite keen to understand
14 that your notification isn't about, you know, guilt or
15 innocence or about, you know, involvement of police or
16 what have you, but it's based on the information
17 available to you on the balance of probabilities, what
18 would have been the likely outcome on that. And
19 I think --

20 Q. You will be expected to give them a kind of response --

21 A. Yes.

22 Q. -- as to what you think the outcome would have been had,
23 for example, that person left and it hadn't yet -- the
24 process of investigation or disciplinary process hadn't
25 been resolved or completed, if you like?

1 A. Yes. I've been asked that on two occasions.

2 Q. Is that asked by Disclosure Scotland?

3 A. It is asked by Disclosure Scotland.

4 Q. What does the SSSC do? You've notified them of the
5 allegation, so they know about it. Take both scenarios:
6 say you have an investigation and you reach an outcome
7 or a decision, is that notified to the SSSC as a matter
8 of course?

9 A. So, the SSSC are normally notified from the outset, to
10 say: the allegations have been made and this is our
11 response now as a local authority in terms of
12 undertaking a fact-finding investigation.

13 Ordinarily, what SSSC would do is that they would
14 open the case, but they would pause it pending the
15 investigation that the local authority was undertaking.

16 There would then be regular liaison between SSSC and
17 the local authority and once the report had been
18 concluded and the outcome had been reached, then they
19 would want to know what the outcome was.

20 They would then have the opportunity to then open
21 their, or to kind of, you know, re-open their kind of
22 investigation and then look into the matter
23 independently or take the investigation that's been
24 undertaken by the local authority and conclude it that
25 way.

1 Q. So it's not dependent on the local authority's decision
2 on the matter. That you, for example, could have
3 an investigation and process, fact-finding process and
4 disciplinary hearing, and the outcome might be that the
5 decision-maker says: 'I don't think that there's
6 a sufficiency to uphold this allegation or accusation'.
7 You would notify the SSSC of the outcome, but they could
8 say: 'Well, we want to know a bit more and in fact we
9 would want independently to do a bit more homework on
10 this one'.

11 I mean, they might have intelligence about the
12 individual anyway, for all you know, because if they've
13 been working in social work anyway --

14 A. Yes.

15 Q. But that's a possibility?

16 A. Absolutely.

17 Q. It's not just that if you decide there's no case to
18 answer or it's not been proved, it stops there?

19 A. No. No. We've had cases where SSSC have had open cases
20 for over a year, 18 months for individuals that the
21 local authority has concluded, yeah, within two or three
22 months.

23 Q. And so far as Disclosure Scotland's concerned, you've --
24 three months go by. Just remind me that in the
25 situation where you've gone through a process, you've

1 reached a decision, if the decision is that: 'We can't
2 find the allegations substantiated, we're not saying we
3 don't believe the person, but we ...', you know, you're
4 not making that judgment. You're just saying: 'We don't
5 have the ... ', a bit like in court perhaps, they might
6 say: 'Well, there's not a sufficiency to uphold the
7 allegation, but we're not saying positively we
8 disbelieve what's being said'.

9 What happens with Disclosure Scotland in that
10 situation?

11 A. Gosh, yes, that's a real -- I suppose that's a really
12 challenging one, isn't it? Because I suppose Disclosure
13 Scotland, who are basically managing the PVG scheme,
14 which is I suppose a kind of subsection of Disclosure
15 Scotland, they are clearly responsible for the
16 individuals being barred or not from working with
17 vulnerable either children or adults.

18 I suppose, thinking that one through, clearly the
19 PVG scheme has its own criteria in which it assesses
20 whether or not an individual is barred. I'm not sure
21 what that is. But it would be -- I suppose it would be
22 a really -- what's the word to use -- it would be
23 a really interesting scenario if the local authority
24 found there was no case to answer, but it met the
25 criteria for PVG, who then barred the individual from

1 working with vulnerable children.

2 LADY SMITH: But I suppose that might be possible, because
3 SSSC are a registration body, Disclosure Scotland
4 aren't.

5 A. Yes.

6 LADY SMITH: So they're providing a slightly different
7 function, although both of them with the protection of
8 children and vulnerable people, in the case of
9 Disclosure Scotland --

10 A. Yes. Yes, I mean, yes, 'cause you can sometimes go down
11 a bit of a rabbit hole with these scenarios, can't you?

12 LADY SMITH: Yes. Yes.

13 A. I mean, I've had an incident where, you know, I've kind
14 of dismissed a social worker because of conduct within
15 the workplace, and SSSC have felt his registration
16 should continue and it wasn't an issue at all.

17 So there is, I suppose there's that kind of
18 potential tension between the employer and the
19 registration -- or the regulator of the profession.

20 LADY SMITH: Yes.

21 MR PEOPLES: And just on the question of retention of
22 information, maybe I'm out of touch now, but if you get
23 a verbal warning, it can be -- for a period of time it
24 will be on your record and then it's expunged from your
25 record, and I suppose in theory it should be expunged

1 from your staff file, is it? But is it?

2 A. Well, I mean, that's a good question: is it? I mean, in
3 terms of everything that's now being held on electronic
4 files -- and you're right, I mean, you know, a verbal
5 warning was six months, a first written warning was, you
6 know, a year, et cetera, et cetera.

7 I mean, I would need to doublecheck in terms of to
8 what extent those are expunged from records in their
9 entirety or whether they are held in abeyance or
10 something because --

11 Q. I think I heard another witness tell us that, whatever
12 the law might be on the matter, if something was
13 important enough to keep a record of, a record would be
14 kept. Because clearly, take this scenario with Peter
15 Murray: if it's all just wiped away, and then another
16 allegation is made in 1980, for example, and maybe the
17 people aren't the same that were -- as the people who
18 were there in 1977, well, you might miss something or
19 you might feel that, well, actually, if we put the two
20 together, there might be a different outcome to the one
21 that we came to with just one allegation.

22 A. Yeah.

23 Q. I mean, you can see the benefit of holding a record of
24 allegations, even if they don't result in an outcome of:
25 'We find that the allegation has been substantiated by

1 the process of investigation'.

2 You might think: well, okay, it's a bit like what
3 the police do probably, or the Crown might do. They
4 might say: 'Well, we can't proceed just now to
5 a prosecution, but we'll kind of hold that information
6 and should someone come forward at a later date with
7 something similar, we'll use our Moorov doctrine, as
8 it's known, and put the two together if we can, and
9 perhaps mount a prosecution at that stage'.

10 So the earlier information is of value the same, as
11 it was in the case of the 20 -- 1993 prosecution. They
12 wanted to know whether people had said anything.

13 A. Mm, yeah.

14 Q. So I'm just wondering what the practical situation is,
15 because otherwise there's a danger that something
16 happens and it just disappears into the ether and no one
17 knows anything about it. Because the line managers
18 didn't know anything about Peter Murray. So, you know,
19 if LND goes away, or if there's no record, you're
20 in quite a --

21 LADY SMITH: It would also mean that an employer would
22 disable themselves from, for example, answering
23 a specific question as to whether a particular person
24 has ever had any warnings or disciplinary processes in
25 respect of their engagement with children whilst in your

1 employment, if it's not there anymore.

2 A. Mm. Yes.

3 LADY SMITH: And why shouldn't the potential new employer be
4 entitled to ask that, if it matters to them and that's
5 the way they run their processes.

6 A. Yeah.

7 LADY SMITH: You can't do it, because it's not there.

8 A. No. I think there's a real tension in that whole
9 process, my Lady, from a human rights perspective.

10 LADY SMITH: I know.

11 MR PEOPLES: And presumptions of innocence --

12 A. Yes.

13 Q. -- I think are sometimes used as a -- and data, no doubt
14 saying you can't keep --

15 A. Yes, from a GDPR perspective, absolutely, and so I think
16 there are some -- I think there are some -- and from
17 an employment tribunal perspective as well, I think
18 there are some real tensions there, and I think HR
19 departments can get quite nervous, I suppose, around
20 what those processes are like and, you know, who you can
21 and who you can't contact, and what any potential
22 implications would be around that contact as well.

23 Q. Well, I think that is a tension --

24 A. Yeah.

25 Q. -- because I think we've heard that tension before with

1 a previous witness, who -- no doubt the HR will give
2 certain advice on the basis of the law and presumptions
3 where the status is a mere allegation. But the risk, if
4 you're trying to protect children, is that if it's
5 a mere allegation, it may be true or it may not be true.
6 You don't know. And why ignore that or not let people
7 know that that allegation has been made, so that at
8 least if they're taking a decision, they're taking it on
9 the basis of the fullest information that may be
10 relevant to the matter in hand?

11 A. Yes.

12 Q. I'm just putting that to you for consideration.

13 A. No, absolutely, yeah, and I absolutely -- I absolutely
14 accept that.

15 Q. I mean, I've got a feeling, and I'm trying to find where
16 I must have recorded it, but I think one of the -- yes.
17 One of the Tayside Regional Council forms for
18 references, which was completed in 1984, I think, had
19 a specific question:

20 'Has the applicant for the job, to your knowledge,
21 been suspected of dishonesty? If "yes", give brief
22 details.'

23 What it didn't ask was: 'Has the applicant, to your
24 knowledge, ever been accused or suspected of abusing or
25 ill-treating children or behaving inappropriately

1 towards them? If "yes", give brief details'.

2 And I suppose if that question had been included
3 when LND gave his reference in August 1984, it
4 would have brought out the 1977 allegation and perhaps
5 the 1980 complaint. And then we would have had
6 an interesting decision to make about whether that
7 candidate should be selected for the job?

8 A. Yes, absolutely.

9 Q. I mean, I don't know what the thinking behind the
10 dishonesty question was, but not the allegation of
11 ill-treatment or abuse.

12 A. Yeah. I think it's about how you frame that without
13 being as obvious as you described, Mr Peoples, in that.

14 Q. Well, I know what you're thinking. You're thinking that
15 if someone goes for a job and that question is put to
16 the referee and the referee has some knowledge and that
17 is taken into account and they don't get the job, you
18 can be sure that they might be considering going to
19 a tribunal to say that, in some way, there was some
20 irregularity in terms of the process and they're seeking
21 some sort of redress?

22 A. Yes, because I think you can get your -- copies of your
23 references, can't you, from a freedom of information and
24 then clearly, if you have a legitimate concern that
25 what's been recorded there shouldn't have been shared

1 or, you know, has time-barred or what have you, then you
2 might have a legitimate case.

3 Q. And if it's a six-month warning that's supposedly
4 expunged and it's referred to --

5 A. Yes, seven years later.

6 Q. -- they might think that they're being prejudiced
7 unfairly by the inclusion of that information?

8 A. Yeah.

9 Q. But yet common sense, if you went walking down the high
10 street of Perth, might say: 'Well, I think I would want
11 them to know about it, especially if it was my child
12 that was in care'?

13 A. Mm-hmm.

14 Q. You can see the dilemma here?

15 A. Yes, absolutely. I mean, again, I think there'll be
16 varying views in terms of what's been potentially
17 alleged and, you know, found, of what somebody's had
18 a warning for and whether or not that's still relevant
19 seven years later or not, I suppose.

20 Q. Well, suppose that the alleged abuser, like the Murray
21 situation, had applied for a different post within the
22 local authority in 1981, having been the subject of two
23 allegations --

24 A. Mm-hmm.

25 Q. Would the information about the allegations have been

1 relevant to pass on to those making the decision about
2 whether that person should get the post they've applied
3 for? What would have been -- what is the answer?
4 A. Yeah, I mean, because I think he did move, didn't he --
5 Q. He did move, yes.
6 A. -- through to Anglesey or -- yeah, he did move, in 1974.
7 Q. And no one said anything --
8 A. And nobody said anything.
9 Q. -- about these matters.
10 A. Absolutely.
11 Q. I mean, LND wrote a reference.
12 A. He did.
13 Q. And he said nothing about: 'Oh, well, actually, he's had
14 a couple of allegations, but don't worry, he's applying
15 for a depute post as an officer in charge of another
16 children's home, I won't mention it'.
17 A. Yeah, I suppose it brings into question, what was he
18 still doing in employment, doesn't it, really?
19 Q. Well --
20 A. Yes.
21 Q. -- I mean, it may sound as if we're just going down
22 a rabbit hole.
23 A. No, not at all.
24 Q. But we're not.
25 A. No.

1 Q. I mean, these are quite practical things.

2 A. Absolutely.

3 Q. Because the other thing is, well, if a person leaves the
4 authority to avoid completion of a process, well,
5 I think you did say the SSSC would want to know that?

6 A. PVG Disclosure Scotland.

7 Q. Or PVG would want to know that.

8 A. Yes, Disclosure Scotland would want to know that.

9 Q. What about the SSSC?

10 A. Yeah, the SSSC would also be advised as well.

11 Q. And then, of course, the delicate question might come if
12 a new prospective employer asks for a reference from
13 you; what do you say? Do you say: 'Well, as a matter of
14 fact, there are two allegations that have never reached
15 the stage of determination, but I think you should at
16 least know about them and here they are'?

17 A. Yeah. I mean, I think that's a really interesting
18 question, because there's -- you know, more and more
19 employers don't even ask the question now. I think
20 there's such a level of nervousness from an HR
21 perspective about asking that question that they don't
22 even ask it. And whether or not there's now a view that
23 actually the safeguards that the SSSC and Disclosure now
24 have, so any prospective employer who would be, you
25 know, wanting to recruit to a registered role would need

1 to, you know, seek their checks, it would be highlighted
2 through that means, which is the kind of authorised
3 means as opposed to a local authority perspective,
4 which, again --

5 Q. I suppose you could always notify the police and it
6 could be in their police intelligence?

7 A. Yes.

8 Q. And would that be some way in which the intelligence
9 might be, if they ask for a disclosure check, they don't
10 necessarily just volunteer information about previous
11 convictions, they -- as I understand it, the --

12 LADY SMITH: If it's enhanced disclosure --

13 MR PEOPLES: If it's enhanced disclosure they can --

14 LADY SMITH: -- you will get the benefit of the soft
15 information.

16 MR PEOPLES: -- disclose relevant information.

17 LADY SMITH: Yes. Yes.

18 MR PEOPLES: Or potentially relevant information about known
19 allegations having been -- I mean, it would be
20 interesting for the police anyway for another reason.

21 A. Absolutely.

22 Q. But if you did it that way and said, 'Well, they've
23 left, the process has not been completed, or for some
24 reason the allegation came to naught because of
25 a sufficiency issue, rather than we disbelieved', then

1 MR PEOPLES: My Lady.

2 Just before I leave the questions I was asking,
3 I think I've probably asked all the questions that
4 I gave you some notice of about these things.

5 But -- and just in terms of these issues that we've
6 discussed and some of the tricky questions or
7 interesting questions, as you've described them, is
8 there a forum in which you and other Chief Social Work
9 Officers and any other relevant people can discuss these
10 matters, to see whether the existing system of
11 disclosure, checks and notifications to various people
12 and the issue of allegations which may or may not reach
13 a conclusion can be discussed and considered, and
14 whether there's any gaps or areas where the system or
15 process could be improved to ensure that the fullest
16 information is available, even if there are potential
17 legal obstacles, if you like, in the form of what we've
18 discussed about expunging records and perhaps
19 presumptions of innocence and so forth.

20 Is there any sort of forum that these matters can be
21 explored and --

22 A. So there's probably a couple of forums where that could
23 be explored. One is in terms of kind of HR directors
24 meet nationally in terms of issues around HR kind of
25 policies and procedures, and if this was to come up

1 I'm sure that they would be looking into that.

2 From a Chief Social Work Officer perspective,
3 clearly we have a national Chief Social Work Officer
4 forum where I think, if issues of this nature were
5 troubling one individual or a couple of individuals,
6 there would be an opportunity to put that on the table
7 in terms of our fortnightly discussions, to see whether
8 or not there was any place we would want to take that or
9 have a fuller discussion, or actually see the prevalence
10 of that issue from other areas as well.

11 So there would be a few areas that we could take
12 that.

13 Q. And are you willing to consider whether that's a matter
14 you want to --

15 A. Yeah, I mean --

16 Q. -- explore? I think we've had this discussion with
17 other people representing authorities about -- because
18 I have asked questions of others, and I think at times
19 I seem to have got answers that said there are -- there
20 seem to be some tensions and potential difficulties and
21 so forth. And I just do wonder if it's something that
22 the time is right to at least have a conversation about
23 it?

24 A. Yes, absolutely. I mean, I've already been in contact
25 with our head of HR before today's meeting and that's

1 identified a few gaps, I suppose, for us locally that
2 I said I'd want to explore, and then, I suppose along
3 with colleagues within our legal services, that would
4 definitely be an area that I've got on my things-to-do
5 list as of next week.

6 Q. It's just because I think it's of some importance in my
7 view.

8 A. Absolutely.

9 Q. And if there are gaps, or it's not -- if there isn't
10 sort of joined-up thinking and joined-up collaboration
11 to make sure relevant information is retained and shared
12 or disclosed in appropriate circumstances, then I think
13 that's something we need -- does need to be debated and
14 discussed.

15 A. Yes, absolutely.

16 Q. So if I can move from there just to a couple of other
17 things that I think I gave you some warning about.

18 You told us in your updated response, and we spoke
19 about this morning, that Perth & Kinross since 2017 took
20 the decision to close its own residential units for
21 children and young people, and you told us today
22 I think, last week there was about 14 children in
23 residential units outwith the Perth & Kinross local
24 authority area, mostly in the west of Scotland, I think.

25 Are any of these children -- and I don't need any

1 details, but are any of these children in secure care?

2 A. No, we have no children in secure care.

3 Q. But if you had the need for secure care, then I suppose
4 a place like Kibble does offer that, doesn't it?

5 A. Yes, it does.

6 Q. Rossie does?

7 A. Yes.

8 Q. There's not so many places these days, but they are
9 available, I suppose?

10 A. Yeah, I think there's four approved secure providers in
11 Scotland.

12 Q. Now, I think you tell us that the decision to close the
13 units was taken pursuant to the decision in August of
14 2017 to embark on a transformation programme to review
15 and remodel residential care for children and young
16 people.

17 The key object of the review was to reduce reliance
18 on external residential placements and it was recognised
19 that the council's own provision at Almondbank House --
20 and I think that was the last --

21 A. It was.

22 Q. -- residential unit -- while of good quality, was no
23 longer cost-effective as a model.

24 And so this decision -- because I'm going to ask you
25 probably finally about The Promise -- but this decision

1 pre-dated by some years the publication of The Promise?

2 A. Mm-hmm.

3 Q. Was there a particular context or background to that
4 decision to simply cease to run residential units within
5 Perth & Kinross? Was there a particular reason why that
6 was -- was it all on cost grounds or were there more
7 important considerations?

8 A. No, I mean, I think costs clearly came into it and the
9 report highlights that there were projections in terms
10 of what the additional costs were likely to be in 2020
11 in relation to the introduction of the 2015 legislation
12 around continuing care.

13 But I think overall we recognised that what we
14 needed to do was really stop -- stop the escalation of
15 care into residential establishments.

16 I suppose, for all the reasons we've spoken about
17 today, we recognise children who are often looked after
18 and away -- accommodated away from home often have
19 poorer backgrounds, and I suppose the reality is what we
20 also know is that when young people grow up, turn 16,
21 18, 21, the first place that they want to go is home.

22 So actually the approach was one of: well, what do
23 we need to do to ensure the sustainability of those
24 relationships at home? You know, time waits for nobody,
25 I suppose, and difficulties that families experience is

1 normally at a point in time, and what services can we
2 support.

3 Because I suppose there's a real risk that for
4 families who have large sibling groups, if the first
5 child ends up going into residential care, then we often
6 see a pattern that all subsequent children then actually
7 end up coming into residential care as well.

8 Whereas, if you can try and provide the early
9 intervention and family support right from outset and we
10 keep those -- keep that first child at home, there's
11 a higher likelihood of the remaining children also
12 remaining at home and outcomes being improved for the
13 family as a whole.

14 So there was a real understanding of the importance
15 of retaining family relationships as well, and so it
16 wasn't just about keeping children at home, but seeing:
17 actually, are there other suitable care opportunities,
18 whether within kinship placements for those children to
19 stay in, if they weren't going to be able to stay at
20 home, and how do we continue with those family
21 relationships that they want with their parents and
22 siblings as well.

23 Q. Okay, and I think then this will lead me on to the topic
24 of the REACH service. I think that decision, and for
25 the reasons perhaps you've given, to try and keep

1 children at home or at least some alternative that's not
2 residential care, this lead to the development of REACH
3 and I think it's described in your Part B as:

4 'A 24-hour, multi-disciplinary, intensive family
5 support service for children and families where children
6 are considered to be on the edge of care.'

7 And it says this -- I think the aim is 'to focus on
8 keeping children within their families through early
9 intervention and prevention, and give them access to
10 specialist services, for example, mental health services
11 if need be'. But it could be any other forms of service
12 that appear to be required.

13 A. Yes.

14 Q. So that's the concept?

15 A. Absolutely, yes.

16 Q. And does it seem to be paying dividends or is it too
17 early to say?

18 A. It's been in operation now for six years and what we
19 have seen is a reduction in children who are looked
20 after away from home within residential establishments.

21 Now, the reality is that we're always going to need
22 residential establishments for some children who have
23 been extremely traumatised in terms of their early child
24 experiences where a family placement is just no longer
25 available for them, and we just need to be honest about

1 some of those care arrangements, particularly for young
2 people who have had multiple foster care breakdowns, and
3 actually there's a real risk that further rejection in
4 more foster placements is actually going to end up
5 impacting on their emotional wellbeing.

6 So we are very mindful that the offer of support
7 that we try to offer is that wrap-around support, that
8 kind of 24/7 for families.

9 A lot of the work that the REACH team do is out of
10 office hours, you know, and I think there's
11 a recognition that families in crisis don't just happen
12 during office hours when we have our full complement of
13 staff, but actually it's when staff aren't there.

14 So we're able to provide family support workers who
15 are able to go in and support with routines when --
16 I suppose bedtimes, you know, those kind of pinch points
17 that some families really experience, particularly
18 around the teenage years. You know, 12 and above is
19 what REACH kind of specialises in about supporting
20 families, I suppose. Because what we see is
21 generational issues with a lot of the families that we
22 work with and how do we support not only the young
23 people but actually the parents themselves in terms of
24 the parenting techniques that they have, to support
25 those young people.

1 We're aware that schooling is a major issue for
2 a lot of these young people and their total
3 disenfranchisement, I suppose, with the education system
4 as a whole. So we have an in-house teacher as well.

5 We recognise that communication is a major issue for
6 some of these young children. You know, we have speech
7 and language therapists on site. So all information
8 that's provided to these young people is provided in
9 a way that's easily understood for them as well.

10 Q. When you say 'on site', sorry, is that a particular
11 location or do you mean at home?

12 A. No, we have the cottages where -- were the previous
13 residential establishments. That was -- significant
14 investment was made into that to make it the REACH
15 centre basically, so we have an on-site place where
16 young people can come.

17 Q. But what you've got -- I mean, obviously I've seen from
18 records and other cases that most authorities have --
19 used to have and probably still have in some cases
20 out-of-hour services, emergency standby services, people
21 pick up calls and maybe take action. But this is
22 a stage beyond that. This is actually providing a 24/7
23 service?

24 A. Yes, and we still have our out-of-hours emergency social
25 work service that sits on the side in terms of any, you

1 know, police contact in terms of child protection issue
2 or a family in crisis.

3 What the REACH team do is they will work on
4 a planned basis with families who have been referred to
5 them who are at real risk of escalation into the system.

6 Q. Is this a big team, or is it --

7 A. It's a team of circa 20/25 staff, so it's a fairly big
8 team for the size of Perth & Kinross.

9 Q. With different qualifications and --

10 A. Yes, we've social workers, we've got paraprofessionals,
11 as I said, we've got speech and language therapists,
12 we've got teachers as well, within that as well.

13 Q. If you want access to say, psychiatrist services or
14 psychologists, is that something that the REACH service
15 can provide, or at least arrange if need be?

16 A. Yes, we can commission that in and we've got budget to
17 do that.

18 Q. And it's said that the majority of the children who
19 would require residential placement are supported by the
20 REACH service. Now, I suppose the question that would
21 cross my mind: if they're in the west of Scotland, and
22 you're in Perth, how does that work in practice?

23 A. So, I mean, I went out to the REACH team last week to
24 have a chat with them, just to understand more fully in
25 terms of that operation. They were very clear that they

1 have young people who have moved into residential
2 accommodation on the west of Scotland and they have
3 visited them three times that week, if not that week, if
4 not for a fortnight, if not for a month.

5 What they see as absolutely pivotal and crucial to
6 their role is the relational aspect of their job, making
7 sure that they are there for the young person, that the
8 young person knows that they are there for them as well.

9 You know, I spoke about young people not wanting to
10 engage with them or not wanting to meet with them when
11 they visit, and they did not see that as a barrier at
12 all. They saw that as their opportunity to prove to the
13 young person that they weren't going anywhere, that they
14 would still continue to visit and, as I say, they
15 undertake regular visits to those young people.

16 Q. And do the team include, or in some way involve, former
17 care-experienced people in trying to build these
18 relationships with young people in residential care? Is
19 that an aspect of the service, or is that something that
20 might be considered in the future?

21 A. What we do have is -- because it's a relatively new
22 service and I would hope in due course that that would
23 be the case. But at the moment, what the REACH team
24 have done is they have spoken to young people who are
25 almost kind of coming out of the REACH service, and they

1 are fully engaged in providing kind of introductory
2 material for young people who are coming into the
3 system, to say: 'I know what it's like where you're at.
4 I know the kind of crisis, I know the turmoil that
5 you're experiencing. I have been there. This is my
6 advice to you'.

7 So there's something very kind of -- I suppose those
8 individuals are giving back to the REACH project to
9 support those younger ones coming through. So there's
10 a real investment. And it's easy-read materials as
11 well, is what they're providing for those young people.

12 Q. And I don't know whether it's possible to measure this,
13 but is it -- is there a confidence that if a young
14 person in one of these units was troubled by the conduct
15 of a member of staff, that they would have no difficulty
16 disclosing that to a REACH member, or is that a step too
17 far for some?

18 A. I mean, I suppose what we would want to ensure is that
19 it wasn't -- you didn't have a single point of failure,
20 I suppose, insofar as it was only one individual you
21 could report that to.

22 I know the Inquiry's also heard about, you know, the
23 importance of independent advocacy as well, and we
24 promote that in addition to the staff that we have at
25 REACH as well. We also have --

1 Q. Do you use a particular service like Who Cares?

2 A. It would depend on where the young person is at.

3 Sometimes the providers themselves will have independent
4 providers and where there's not, then we would look for
5 Perth & Kinross independent advocacy to be working
6 alongside us.

7 What we also have is -- we have independent
8 reviewing officers as well, who undertake all of our
9 looked-after reviews and you'll have the one review
10 officer from the point that the child is accommodated
11 all the way through to when they leave care. So that
12 could be a number of years. And what that ensures is
13 a level of kind of consistency in terms of ensuring the
14 quality of care and the care plans that are provided are
15 actually being worked on as well.

16 Q. When you say 'independent review officer', independent
17 of what or who?

18 A. Independent of the locality team, independent of REACH.
19 Not independent of the local authority because they're
20 employed by the local authority. But independent of the
21 social work teams and independent of REACH themselves.

22 Q. And I think one of the questions I asked you to consider
23 was whether the REACH service was unique to
24 Perth & Kinross or whether it was a service provided by
25 other local authorities and, if so, all, the majority or

1 few. Now, I don't know whether you were able to do
2 research on that one or not?

3 A. Few is what I would say.

4 Q. Few?

5 A. Few, very few, yeah.

6 Q. Is it an expensive service?

7 A. It is an expensive service and, you know, we did that in
8 2017. Whether we would be able to do that today in the
9 current financial climate, I'm not sure, is what I would
10 say to you. I think there is significant levels of
11 pressures within local government and our finances that
12 there was really -- there was a spend-to-save
13 opportunity that was taken in 2017, but whether or not
14 those opportunities exist for other local authorities in
15 the here and now I think is --

16 Q. I'm not sure of the relative size of Perth & Kinross
17 compared with other 31 councils, I think, in Scotland,
18 but it's a smaller authority, is it?

19 A. It's a mid-range. So it's probably about, kind of --
20 you know, population 150,000. Probably, you know, 14 or
21 15 out of 32, so we're right in the middle in terms of
22 population.

23 Q. That's the overall population, adult and children?

24 A. 150,000, give or take, yes.

25 Q. How many children?

1 A. How many children, oh, now you're asking, Mr Peoples --

2 Q. Don't worry. I'm probably pushing the boundaries here,

3 because I didn't give you warning of that.

4 Well, okay, can I put it another way: how many

5 looked-after children, not necessarily in residential

6 care, would Perth & Kinross have now approximately?

7 A. In Scotland, in terms of mainland Scotland, we have

8 probably one of the best balance of care across Scotland

9 in terms of our looked after away from home in

10 comparison to looked after --

11 Q. Yes, these are LAACs, CSEs, are they, rather than LACs?

12 A. Local authority -- sorry, looked after and accommodated

13 away from home.

14 Q. I mean, how many of those have you got at the moment,

15 roughly? You've got 14 people in residential units, I

16 mean --

17 A. Yes. So -- yeah, so in total -- so if we are including

18 all of our young people in foster care as well as kind

19 of kinship care as well, I'm hazarding a guess, if

20 I'm being brutally honest with you, but probably in the

21 region of about 250, maybe.

22 Q. Okay. And of look-after children, the broader category,

23 who might be under some form of local authority

24 supervision or whatever, how many people would we be

25 talking about there?

1 A. Sorry, Mr Peoples, my mistake.

2 If we're talking about the open cases to social
3 work, then we've probably got about circa 3,000 cases.
4 Of those 3,000 cases in terms of children who are looked
5 after through the 1995 Act, in terms of statutory
6 supervision, where they're looked after at home or away
7 from home, then circa 250 and of those who are looked
8 after away from home in residential establishments, 14.

9 Q. Yeah. So the 3,000 cases are involvement of the social
10 work in some degree, but not statutory?

11 A. Statutory voluntary. Not statutory compulsory. Because
12 you are still working under the 1995 Act.

13 Q. Yeah, yeah. And are they children that are in --
14 they're in care though?

15 A. No.

16 Q. They're on the edge of care?

17 A. Yes, effectively.

18 Q. No. I just want to make sure I understood the figures.

19 A. Absolutely.

20 Q. Yes. Okay.

21 But you've got very few looked after and
22 accommodated children, 14, is it?

23 A. Yes, away from home, in residential.

24 Q. If you don't count -- if you exclude foster care and
25 kinship care?

1 A. Yes.

2 Q. Okay. I think I've got that now.

3 Can I move on perhaps to, I think, it's the last
4 matter I want to talk to you about today, you'll be
5 pleased to hear.

6 I think I posed a question for you to consider
7 before today that whether within Perth & Kinross at
8 least, will keeping The Promise entails significant
9 further changes in the case of children who require
10 a residential placement to meet their needs and children
11 who are at risk of coming into residential care.

12 I suppose I start with that question. I've got
13 other sub-questions, but can I just start with that one?
14 Will it involve further significant changes for
15 Perth & Kinross or will things go on very much as they
16 are? Are you in line with or do you think you're in
17 line with The Promise or do you think there are matters
18 which they want that you haven't yet delivered?

19 A. I think the -- yes, so I think where we are in
20 Perth & Kinross in terms of delivering on The Promise,
21 I think we are working to the aspirations, I suppose, of
22 The Promise and we have tried to recalibrate our
23 services as best as we can to ensure that we are -- we
24 are delivering on that.

25 I mean, clearly there are five key areas that The

1 Promise is identifying. One around voice, making sure
2 that children have a greater say in terms of what
3 happens to them. Again, that needs to be caveated with,
4 you know, whilst the views of the child need to be taken
5 into consideration, that we still need to ensure that
6 the decisions that are being made, are being made with
7 the full understanding of what those risks and potential
8 implications are.

9 So, you know, sometimes young people will see the
10 world, I suppose, through their lens where we need to
11 kind of look at the much kind of broader implications.
12 You know, often children want to be at home.

13 Q. Because ultimately, I suppose, your overriding principle
14 is to make the decision that's in the best interests of
15 the child?

16 A. Yes.

17 Q. You have to listen to the voice of the child, but there
18 will come points where, on a proper consideration, the
19 best interests don't necessarily reflect the wishes of
20 the child?

21 A. Yes.

22 Q. That's got to be presumably the approach, is it?

23 A. Absolutely. And maybe kind of The Promise sometimes,
24 I suppose, maybe simplifies that intention to,
25 I suppose, to work on the basic principles. But we work

1 in a really kind of complex landscape, I suppose, and
2 again, recognising that family support and intervention
3 is really critical to that. Again, I wouldn't
4 necessarily agree with the intention or the contention
5 that The Promise has, which is that children are
6 accommodated too readily.

7 I don't think anybody in social work would agree
8 with that. We work tirelessly to try to keep children
9 at home. We recognise the implications that children
10 who come into our care can have, but I think there is
11 a recognition and understanding that we need to do more
12 around early intervention services.

13 Q. Okay. And then this is perhaps going to maybe
14 a slightly more controversial area, because I think
15 I asked the question of you: well, existing national
16 or -- I don't know if you'll have local guidance because
17 you don't have children in residential care, but you may
18 have, but would guidance anyway on the approach to
19 caring for children and young persons living away from
20 home in residential settings require to be revised in
21 any material respects from what they are at present?

22 Because I think I have referred you to some things
23 within The Promise that I think it's The Promise's
24 approach that the professional carers should be actively
25 encouraged to develop lasting relationships, going

1 beyond the period of care with children in their care.
2 That was advocated by The Promise.

3 And I think they were advocating that they be
4 permitted and, indeed, encouraged to build unique
5 relationships with children in their care according to
6 the needs and wants of each child. And I think it was
7 indicated in The Promise that there will need be
8 'a reassessment of professional guidelines and
9 boundaries to make kind and loving behaviour between
10 residential care workers and the children in their care
11 the norm'.

12 And that again seems to be an ambition or an aim of
13 The Promise. And what I wonder is there are existing
14 guidelines, I think, and boundaries and so forth in
15 relation to the approach of care workers to caring for
16 children in residential care.

17 Do you have any reservations about aspects of The
18 Promise? It has said the care system in Scotland
19 doesn't enable children to feel loved, safe and
20 respected and doesn't provide the context for 'loving
21 relationships to thrive'.

22 Now, I think I put it to you in advance: these, on
23 the face of it, are quite damning statements about the
24 care system and you're part of that system and I don't
25 know whether you agree or disagree with some of the

1 things I've just read out to you?

2 A. I suppose my position, Mr Peoples, would be again that
3 The Promise has looked at the issue maybe too
4 simplistically. I suppose there is a question mark in
5 terms of the assertion about loving relationships and
6 about actually what does that mean within the kind of
7 context of social work.

8 I suppose I did make a couple of notes, which if
9 you'll indulge me for a couple of minutes, I can just
10 maybe speak through that?

11 Q. By all means.

12 A. I think there is a real need for early intervention and
13 we continue to have a lack of early intervention and
14 that lack of early intervention results us in engaging
15 with families where they're at points of crisis and that
16 point of crisis can be quite an acrimonious position for
17 the workforce to begin with. So the hostility right
18 from the outset of intervention can really kind of set
19 the stage for us.

20 Crisis management in itself has resulted in the
21 sector really looking at risk management and compliance.
22 A really kind of challenging relationships and not
23 really focusing on the relational aspects of the
24 engagement that we need to have with those families.

25 We also recognise that there are significant

1 workforce challenges in terms of maintaining those
2 relationships with families. You know, we have a third
3 of our workforce across the sector want to exit the
4 profession. 25 per cent, we know, exit within six years
5 of graduating and we also know that the level of work
6 that the workforce are engaged in, in terms of direct
7 work is only 20 per cent of the time. 80 per cent of
8 the time is around administration.

9 So when you add all of that stuff in, that
10 practitioners are trying to juggle, it makes the ability
11 to have those sustaining, lasting relationships really
12 quite difficult.

13 There are also issues in terms of placement
14 availability. You know, I think there is a sentence
15 within The Promise that talks about we're more
16 interested in placement availability as opposed to the
17 needs of children. Unfortunately, we don't live in
18 a utopian world. That is a reality in which we are
19 experiencing the availability of resources is extremely,
20 extremely tight and when you need a resource on
21 a planned basis, that's okay.

22 You can almost try and match children, but actually
23 the vast majority of times when you're looking at
24 resource, it's in a crisis and then it really is any
25 port in a storm in terms of establishments that will

1 take children. And again, that adds to that churn in
2 terms of that ability to form those sustaining
3 relationships as well.

4 And I suppose for me the relationship bit of The
5 Promise and how we ended up for The Promise to make that
6 statement in the first place. I mean, I remember kind
7 of coming into the profession in the late 1990s and
8 early 2000s where there was a real narrative around the
9 need to maintain professional boundaries. And I think
10 that was on the back of all the scandals that we had
11 within residential care.

12 You know: don't hug a child, don't touch a child.
13 You know: you need to maintain your professional
14 boundaries, because there was a real sense of kind of
15 tension and worry and concern that an allegation could
16 be made about you as an individual at any point in time
17 and therefore your livelihood would be at risk.

18 So I think what happened inadvertently was that
19 there was a real hands-off approach that emerged on the
20 back of that and I don't think we have ever -- I don't
21 think at this point in time that we've been able to
22 square that peg and actually say it's now okay to do
23 that.

24 And I suppose my initial comment in terms of loving
25 relationships and whether or not any of my workforce

1 would be able to relate to the term 'loving' in the
2 sense of, you know, loving for, you know, your own child
3 or loving for your own family member, and I suppose the
4 privileged position that I've had in my role is
5 listening to those with lived experiences both within
6 a children and an adult setting and actually they don't
7 use the word 'love'. They use the word 'care'. They
8 want to know that they are cared for. They want to know
9 that even if you don't get it right as social workers,
10 they want to know that you tried your best for them.

11 They recognise we live in an imperfect world. They
12 know that from their experiences. So for them it isn't
13 about love, but it's about that kind of genuine
14 compassion and care and I suppose that's what I try to
15 nurture within my role for my workforce, to ensure
16 that's where we need to get to. Because I think that
17 is -- there is -- we have done a bit of a 180 and
18 I still think that, you know, we live in quite
19 a litigious environment. You know, social workers can't
20 do right for doing wrong unfortunately in terms of the
21 media as well.

22 So I think there is a real tension there for staff
23 in terms of how do they show that without being
24 overfamiliar, without a potential allegation being made
25 for them as well.

1 LADY SMITH: There's just one thing, if I can follow up on
2 there, because everything you say makes perfect sense,
3 if I may interject on that.

4 And you are, of course, talking about people who are
5 professionals here. And it has to be the case, doesn't
6 it, there is nothing wrong, and indeed everything right,
7 with training professionals to deliver the best service
8 they can professionally. And that involves caring about
9 their client, in the social work situation, it may be
10 a child, and in other professions it may be a member of
11 public who comes to them. Caring about them and also at
12 the same time caring as a professional in every piece of
13 work they do, they do the best that they can.

14 A. Yes.

15 LADY SMITH: I think I've got you right in saying that if
16 you can do that, that's what's needed instead of moving
17 into this somewhat tendentious area of imagining you can
18 say to a social worker or other people working with
19 children: part of your terms of employment is you have
20 to love the children that you're working with. Whereas
21 most honest adults would say: I can't promise to do
22 that.

23 A. No. Absolutely. Yes. And for me it's about that kind
24 of real genuine kind of compassion and understanding and
25 that relatability and that ability to really understand

1 and empathise, I suppose, with those individuals that
2 they're working with and that's -- and I think that's
3 different to -- I think that's different to love.

4 You know, our workforce is there, you know, but the
5 very definition of a workforce, you're there in gainful
6 employment at the end of the day. You know, it's not
7 the unconditional love that you have, or conditional
8 love, with family. I think there's a distinction there.

9 LADY SMITH: And I can think of applicants we have had in
10 this Inquiry where the picture you get about their life
11 at home before they went into care being one in which
12 they can say: 'I loved my mum. I knew she loved me, but
13 home was chaotic. And I can see how it couldn't go on'.

14 A. Yes, absolutely.

15 LADY SMITH: You can have love, but an inability to care --
16 to give the child safety.

17 A. Yes.

18 LADY SMITH: To give the child a sense of security and give
19 the child a feeling that the people who are responsible
20 for that child are utterly reliable.

21 A. Yes.

22 LADY SMITH: Isn't that right?

23 A. Yeah, consistency, absolutely, yep.

24 LADY SMITH: Sorry, Mr Peoples, I stopped you.

25 MR PEOPLES: Yes.

1 I think I was asking you -- I think you are trying
2 to get across that children want to feel that you're
3 doing your best. They want to feel cared for. They
4 want to feel safe in whatever environment they're being
5 cared for and these are all important to them. They're
6 not expecting necessarily, in your experience, for the
7 carer to say that they love that person in the sense
8 that a parent might love a child.

9 And that's not to say that the carer can't provide
10 the care and the safety that they want and didn't get
11 historically in many places?

12 A. Mm-hmm.

13 Q. But ultimately you, as an employer of social workers or
14 residential care workers, in particular, will recognise
15 that there's a need for boundaries and I suppose there
16 will be existing guidance in Scotland on boundaries.
17 I don't think it advocates: don't ever hug, don't ever
18 touch, but maybe at the moment, the practice is to be
19 defensive and to maybe avoid healthy, innocent,
20 appropriate hugs and maybe that's what you've said, that
21 there's still a hangover from maybe the 20 years ago and
22 beyond of what's happened and indeed what we're hearing
23 about today.

24 But I suppose what The Promise is saying, these
25 boundaries such as they are, rather than maybe just the

1 practice within them, have to change and I'm just
2 wondering whether you agree that any current guidance
3 needs to be redrawn to in some way to change the
4 boundaries and achieve the aims, the loving aims, that
5 The Promise is directed at.

6 I just wonder if that is realistic, because I think
7 people do want to be guided, don't they?

8 A. Yes, probably, but I'm not sure, as Lady Smith says,
9 I'm not sure you can put that in somebody's terms and
10 conditions --

11 Q. No, I don't mean in terms and conditions.

12 A. -- but I suppose the broader point is in terms of
13 whether or not we need -- I mean, is there a need for us
14 to nudge, I suppose, the sector to be more
15 compassionate?

16 Q. Well, for example, I remember looking up the sort of
17 Welsh equivalent have got published national guidance
18 that gives guidance on the boundaries. It's probably
19 difficult to express in an easy way and it probably has
20 to be, in some senses, interpreted in a certain spirit,
21 but they do have them.

22 And I do wonder if The Promise is trying to get
23 people to in some way redraw or redraft in a way that
24 will, they say, build these loving, unique
25 relationships.

1 Now, I get the impression you're uncomfortable with
2 that way of looking at things?

3 A. Well, I mean, I suppose what The Promise hasn't done is
4 it hasn't provided us with any -- I suppose, as you have
5 outlined, you know, kind of any broad principles about
6 what that should look like, you know, they've said this
7 is what should happen and each 32 local authorities go
8 away and try and make that happen and I think that's
9 a bit of a, you know, that's a recipe for inconsistency,
10 I suppose, you know, individual chief social work
11 officers or individual service managers or team managers
12 will interpret that differently.

13 And I suppose if there was a real commitment and
14 a real desire for kind of consistency across the sector
15 for that to happen then I would be arguing that maybe
16 Promise Scotland needs to play a much more active and
17 prominent role within that space.

18 MR PEOPLES: Okay. Well, I think I've probably pressed you
19 quite hard on these things, but these are really all the
20 questions I have for you today.

21 And all I would like to say is thank you very much
22 for being very patient with me today and answering all
23 my questions and also doing some background thought
24 before coming here as well as giving the evidence that
25 you've given today, so I thank you very much for coming.

1 A. Thank you.

2 LADY SMITH: Could I add my deep gratitude. You've really
3 allowed us to engage with you in a way that's been like
4 putting you through an oral examination and I hope it
5 hasn't felt like that, but it's been so good to air with
6 you the issues that we wanted to talk about and it's
7 certainly added to the value of what I'm doing here and
8 my own thought processes. Thank you so much.

9 You're now free to go and relax for the rest of
10 today.

11 A. Thank you, Lady Smith.

12 (The witness withdrew)

13 LADY SMITH: Before I forget -- I've mentioned all these
14 names already, but I'll do it once more just in case
15 anyone's forgotten -- people whose identities are
16 protected by my General Restriction Order and have been
17 referred to in the course of that witness's evidence and
18 are not to be identified as referred to in our evidence
19 outside this room.

20 Mrs GKK, Mr RHR, PCE,
21 MYJ and LND, also known as Uncle LND and
22 Auntie MYJ, I think. And that, I think, was it.
23 I haven't missed anybody.

24 Mr Peoples, would you like to just tell us what
25 happens next or what doesn't happen next?

1 MR PEOPLES: No, what doesn't happen, I think, is probably
2 the good news, that that concludes this particular block
3 of Phase 10. And so I think we'll be, at least there'll
4 be a further block towards the end of April.

5 LADY SMITH: The end of April, that's right.

6 MR PEOPLES: Block 4, of which I think we'll have evidence
7 of a number of establishments, but for now, I think, we
8 can at least have a break from hearings.

9 LADY SMITH: Take a breather and I hope as Easter hails
10 everyone is able to get something of a break, even if
11 the weather isn't going to be great for us. I'm sure
12 it'll be good to get a bit of time off when it's
13 lighter.

14 Thank you very much.

15 (3.55 pm)

16 (The Inquiry adjourned until 10.00 am
17 on Tuesday, 21 April 2026)

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