

1 Thursday, 28 March 2024

2 (10.00 am)

3 LADY SMITH: Good morning, and welcome back to Chapter 4 of
4 Phase 8 of our case study, looking into List D and other
5 similar institutions.

6 We return this morning to evidence in person, two
7 witnesses to be covered this morning. The first
8 I understand is ready, is that right?

9 MS FORBES: That's correct, my Lady, and it's Brian
10 Gallacher.

11 LADY SMITH: Thank you.

12 Brian Scott Gallacher (affirmed)

13 LADY SMITH: Do sit down and make yourself comfortable.

14 A. Thank you very much.

15 LADY SMITH: Brian, thank you so much for coming along to
16 assist us --

17 A. You're very welcome.

18 LADY SMITH: -- with your evidence this morning.

19 A couple of practicalities first. The red folder on
20 the desk there has your statement in it. That, of
21 course, is already evidence before me, and I have read
22 it, but we're going to explore some particular parts of
23 it with you this morning if we may, so it will be
24 available to you there if you want to refresh your
25 memory or look back at any other part of it.

1 We'll also bring the statement up on screen at the
2 points that we're looking at it when we're asking you
3 questions, so that might also be helpful. You don't
4 have to use them, but they're there if you want to.

5 Brian, separately from all that, I do understand
6 that, however well prepared you may think you are, and
7 ready to do this, it's a difficult thing that you've
8 agreed to do, speaking in public about your own personal
9 private life, particularly dating back to when you were
10 a child, and I know from having read your statement that
11 we're going to have to talk to you about some really
12 difficult things, tough to go back to.

13 A. Yes.

14 LADY SMITH: If at any time you want a break, or you just
15 feel the emotional impact is overwhelming you, don't
16 hesitate to let me know. You can have a break out of
17 the room, sitting where you are, or anything else that
18 we can do to help you give the best evidence you can as
19 comfortably as you can.

20 A. Thank you.

21 LADY SMITH: That's the key, all right.

22 If you're ready, I'll hand over to Ms Forbes, and
23 she'll take it from there.

24 Ms Forbes.

25 Questions from Ms Forbes

1 MS FORBES: Thank you, my Lady.

2 Good morning, Brian.

3 A. Good morning.

4 Q. In front of you you have your statement. If I could ask

5 you just to go to the last page of your statement, this

6 has a reference, for our purposes, a reference number,

7 so I'm just going to read it out. It's WIT-1-000001204.

8 You don't have to worry about that. That's just for our

9 records. But at the last paragraph of your statement

10 there, which is 143, you make a declaration which is:

11 'I have no objection to my witness statement being

12 published as part of the evidence to the Inquiry.

13 I believe the facts stated in this witness statement are

14 true.'

15 You've signed that and it's dated 16 February 2023;

16 is that right?

17 A. Yes, that's correct.

18 Q. Is that still the position, Brian?

19 A. That is still the position, yes.

20 Q. If we go back to the beginning of your statement, if you

21 want, or you can just put it to one side, it's up to

22 you.

23 I'm just going to talk a little bit about your life

24 before you went into care, Brian.

25 A. Sure.

1 Q. I think you tell us you were born in 1981; is that
2 right?

3 A. I was born in 1981, that's right, in [REDACTED].

4 Q. You were born in Irvine?

5 A. Irvine Central.

6 Q. That's where you lived with your parents --

7 A. Yes.

8 Q. [REDACTED]

9 A. [REDACTED]

10 Q. You tell us that both your mum and dad worked.

11 A. Yes.

12 Q. Your mum was a nurse and your dad was a toy sales
13 representative?

14 A. Yes.

15 Q. So he would sometimes be away, different parts of the
16 country?

17 A. Different parts of the country, in England, selling toys
18 to companies.

19 Q. I think you say that your early life was great with your
20 mum and dad?

21 A. It was fantastic. That fantastic that I moved back to
22 the hometown that I was from, my parents' ... in
23 Saltcoats, where I had my best childhood years.

24 Q. I think you say you went to Saltcoats, and you were
25 still in primary school then?

1 A. Yes.

2 Q. Is that right, primary 4?

3 A. Primary 4.

4 Q. I think you tell us that there was an incident at the
5 school, I think this is before --

6 A. This is before, [REDACTED] in Annick Primary it
7 happened when Mr Leeds was the headmaster of the school
8 at the time.

9 Q. This, I think, was an issue when you wanted to go to the
10 toilet, you were still quite young then.

11 A. Yes.

12 Q. And you were told that you couldn't, and so that meant
13 that you wet yourself?

14 A. I had to relief myself in the middle of the classroom,
15 yes.

16 Q. So your dad was unhappy about that?

17 A. Yes.

18 Q. And I think as a result you say you moved school --

19 A. I ended up moving to Saltcoats, yes.

20 Q. -- and moved house. So that's really what resulted in
21 the move to Saltcoats?

22 A. Yes, it was, the janitor in the school was my uncle's
23 dad, so I had family members in the school as well, so
24 I was quite settled there at the time as well.

25 Q. So there were family members in Saltcoats.

1 A. In Annick Primary around [REDACTED] it was, yes, before
2 we moved.

3 Q. When you moved then that meant that you went to
4 a different primary school. At this time you were about
5 eight or nine?

6 A. Yes.

7 Q. I think you tell us that you made new friends there and
8 you were well liked?

9 A. Yes.

10 Q. And because both of your parents were working you had
11 things like Sky TV?

12 A. And watched wrestling and such with my friends.

13 Q. They would come and watch that at your house?

14 A. Pretty much every day, yes.

15 Q. But I think, sadly, Brian you tell us that your mum had
16 an asthma attack when you were in primary 6 or 7 and she
17 passed away?

18 A. She passed away, yes.

19 Q. She was only 36 years old?

20 A. Only 36 years old.

21 Q. Did you find her Brian?

22 A. My dad was in the bathroom with her at the time, but
23 I got up in the middle of the night to come to the
24 toilet and she was lying there. Next thing the
25 ambulance came, it was John Steel, he was one of my

1 father's friends from Girdle, [REDACTED]
2 [REDACTED] so it was him that actually
3 took my mum to hospital that night.
4 Q. So that obviously came as a massive shock to everyone?
5 A. Yes.
6 Q. You tell us that after that your dad -- things changed
7 with him?
8 A. Yes.
9 Q. He turned into a gambler?
10 A. Yes, he was always a gambler. He gambled away our
11 mortgage to be honest with you in that house. [REDACTED]
12 locked in the car for four or five hours at a time while
13 he went in and played the pokies, I think it was his way
14 of coping and dealing with what happened, do you know
15 what I mean.
16 Q. I think you said he had some mental health problems
17 after the death of your mum and he ended up in hospital?
18 A. He tried to commit suicide, [REDACTED]
19 [REDACTED] and ended up in Ailsa Hospital.
20 Q. Aside from that, he was also behaving differently
21 towards you?
22 A. Yes [REDACTED]
23 Q. [REDACTED]
24 A. [REDACTED]
25 [REDACTED]

1 [REDACTED] but his attitude changed, [REDACTED] and
2 it was a totally different house.

3 Q. I think you comment there, it's at paragraph 5 of your
4 statement, I think you say that -- sorry, paragraph 6,
5 you say your dad was just a grieving guy, he didn't know
6 how to look after --

7 A. That's the way I feel about it, with him kind of growing
8 up and kind of make sense of everything, do you know
9 what I mean, because it would be hard losing your wife
10 at that age and having to deal with [REDACTED] when
11 you've never actually done it before, when you've worked
12 up and down the coast and stuff, selling stuff and you
13 have the [REDACTED] you don't know really much about,
14 do you know what I mean.

15 Q. This is you sort of looking back with the best positive
16 light on what was happening with your dad?

17 A. Trying to. Trying to.

18 Q. I think though there was one particular incident that
19 happened [REDACTED]
20 [REDACTED] that led to [REDACTED]
21 you to school and reporting what had happened to the
22 headmaster?

23 A. Yes.

24 Q. That's where [REDACTED]
25 you?

1 A. Yes.

2 Q. And you [REDACTED] as a result of that?

3 A. Yes.

4 Q. By this time you were in high school, is that right?

5 A. Yes, I'd just started in Auchenhavie, I think I'd be

6 about two or three months into my first year.

7 Q. This resulted then in you being taken to a children's

8 home straight from the school that day?

9 A. Yes.

10 Q. There had been no social work involvement before that;

11 is that right?

12 A. No, none at all. None at all. I didn't even know they

13 existed, really, do you know what I mean?

14 Q. Even when your dad had been in hospital, after having

15 tried to take his life --

16 A. We had family members, we had my mum's side of the

17 family, which I have always wondered why we never got

18 allowed to go to my mum's side of the family, but, yes,

19 we had a big family life.

20 Q. So they were involved then briefly, but at this point

21 you go to the children's home?

22 A. I go to the children's home, yes.

23 Q. [REDACTED] is that right?

24 A. Yes.

25 Q. [REDACTED]

1 A. [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 LADY SMITH: Brian, do you remember how old you were then?
5 A. Probably 11 by the time I went to the homes.
6 LADY SMITH: So that would be about primary 7.
7 A. In 1993.
8 LADY SMITH: 1993?
9 A. 1993 I went into the homes, yes.
10 MS FORBES: To clarify, Brian, had you just started high
11 school at that point?
12 A. I'd just started high school, yes.
13 Q. [REDACTED]
14 [REDACTED]
15 A. [REDACTED] up in Auchenharvie.
16 Q. The day you're taken there after the incident [REDACTED]
17 [REDACTED] it's [REDACTED] that speaks to the headmaster and
18 that's --
19 A. That's what I was led to believe, yes.
20 Q. We can get some idea about what age you might have been
21 from that.
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 A. [REDACTED]

1 Q. I think you tell us about that in your statement. Now,
2 that part of your statement, between sort of
3 paragraphs 8 and 37 is blacked out in front of you, it's
4 redacted. But we can see it. Her Ladyship can see it,
5 and we've been able to read it. I'm not going to go
6 through that in detail, because it's not part of this
7 case study, but I am just going to highlight some of the
8 things that happened just to understand the journey that
9 you had; okay, Brian?

10 A. Thank you.

11 Q. Secondary Institutions - to be published later

12

13 A.

14

15 Q.

16 A.

17 Q.

18

19 A.

20 Q.

21

22 A.

23

24

25

Secondary Institutions - to be published later

1
2 Q.
3
4 A.
5 Q.
6 A.
7 Q.
8 A.
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11
12
13 Q.
14
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16 A.
17 Q.
18
19 A.
20 Q.
21
22 A.
23 Q.
24
25

1 A. Secondary Institutions - to be published later

2 Q.

3

4 A.

5

6

7 Q.

8

9 A.

10 Q.

11

12 A.

13 Q.

14

15 A.

16 Q.

17

18

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20

21

22 A.

23 Q.

24

25 A.

1 Q. Then you're moved to another children's home?

2 A. Yes.

3 Q. [REDACTED]

4 A. [REDACTED]

5 Q. You tell us about that between paragraphs 39 and 81 of

6 your statement, but again I will just highlight what was

7 happening there. You were there I think for about six

8 to eight months altogether?

9 A. Mm-hm.

10 Q. You would have been in second year by this point?

11 A. I would have been, yes.

12 Q. But you'd already missed quite a lot of school?

13 A. I did.

14 Q. They were trying to, I think, send you to school from

15 this secondary school?

16 A. They sent me to Greenwood Academy, SP2 was my class, but

17 I couldn't settle and I ended up I was dogging it every

18 other day, round the back of the school or down the town

19 with my friend [REDACTED] from Burnside.

20 Q. I think when you were down the town there was also

21 issues with abusing some substances like deodorant,

22 hairspray?

23 A. Deodorant, hairspray, Tipp-Ex, anything we could get our

24 hands on to take our pain away for the day, yes.

25 Q. Is that about the time that you became addicted to those

1 sorts of substances?

2 A. Yes, I'd never really heard of drugs before I went in
3 the homes, around that time I thought I was taking it
4 easy by trying to get about my day.

5 Q. Because of not going to school and what was happening
6 with you going down the town I think you tell us you
7 were eventually put into Kerelaw day school?

8 A. Yes.

9 Q. So you were still staying at the second children's home
10 at that time but during the day you had to go to
11 Kerelaw?

12 A. I had to go to Kerelaw to school, yes.

13 Q. You tell us, Brian, this is at paragraph 55 of your
14 statement, that from your point of view there was no
15 education at Kerelaw either?

16 A. There would be none whatsoever. I actually had grades
17 from there for exams that I never sat. It would be
18 quite easy ... marking it down to fraud, really, because
19 they're illegal. And we never got the exams, we never
20 passed them, we never done a test. It's all illegal.

21 Q. You comment that this to you was just another place to
22 get bullied in?

23 A. It was. Yes.

24 Q. By this time, the time you're going to Kerelaw, were you
25 about 13?

1 A. Yes.

2 Q. You describe, I think, again at paragraph 55, that this

3 day school at Kerelaw really consisted of just two

4 female members of staff supervising you?

5 A. Mrs GXY and Sandra.

6 Q. You tell us a little bit about what happened the first

7 day you were there and you went to the smoke room to

8 have a cigarette?

9 A. Yes.

10 Q. What was that?

11 A. I was up the stairs to go for a cigarette and one of the

12 boys I got a taxi with from Dalry booted me down the

13 stairs and knocked out me two front teeth, he never

14 knocked them fully out, they were cracked and he had

15 snapped half at the top.

16 Q. So they were broken after that?

17 A. They were broken after that, yes.

18 Q. Did you eventually have to get those removed, or?

19 A. No, they were like that until I actually had to actually

20 pull them out myself.

21 Q. How old were you when that happened?

22 A. I was 13 when I was in Kerelaw as a day pupil and that

23 happened 13/14, that was my first day in.

24 Q. In relation to you removing your teeth, was that later

25 on?

1 A. I'd been doing that for the last couple of years.

2 Q. So it was at the time -- you would have just been left

3 with broken teeth?

4 A. Yes.

5 Q. You tell us that the female staff members didn't do

6 anything about that?

7 A. None of the staff done anything about anything. We were

8 teenage, we deserved to be there, we deserved to get

9 what we got, and hell mend you.

10 Q. Were you taken to a dentist or anything?

11 A. No.

12 Q. When you got back to the children's home that night was

13 there any talk about trying to take you for dental

14 treatment?

15 A. No. No. Nothing.

16 Q. You tell us at paragraph 56 about another time there was

17 an incident at the day school, and that involved another

18 boy who was there, from Ayr?

19 A. [REDACTED], he tried to gouge my eyes out. Sandra

20 used to bring in her brown leather gloves to work to

21 keep her wee hauns warm, and he had put them on and

22 tried to claw my eyes out my head and they just sat

23 there and watched and that's when I started running

24 away.

25 Q. You also say that you would be hit with things whilst

1 you were there?

2 A. Pool cues and pool balls, aye, I got bullied something

3 rotten.

4 Q. Was this by other boys who were at the day school?

5 A. Yes.

6 Q. I think you say that this happened daily?

7 A. Yes.

8 Q. And went on for about four or five months?

9 A. It would have been four months, but once I was in it

10 never stopped.

11 Q. You tell us a little bit in the next paragraph about the

12 age of these boys. They were your age or older?

13 A. Yes, my age or older, up to 16/18. It used to depend on

14 their circumstances.

15 Q. These were just people that you knew from the day

16 school?

17 A. Yes.

18 Q. They weren't people that were staying with you at the

19 children's home?

20 A. No.

21 Q. I think you tell us a little bit about the abuse that

22 went on at that second children's home when you would be

23 back there, and this is from paragraph 71. You tell us

24 that the staff were [REDACTED] abusive [REDACTED] Secondary Institutions - to be published

25 [REDACTED] Secondary Institutions - to be published later

1 A. Yes.

2 Q. -- and if they couldn't abuse you they would get one of
3 the older kids to do it for them?

4 A. Yes, because they would see it as boys fighting boys and
5 boys will be boys and they will fight. So it was the
6 likes of them who got ... that any sort of violence and
7 getting other people to do it for them.

8 Q. You comment that when you went to the Kerelaw day school
9 you were getting battered there and then when you came
10 back in the taxi to the children's home you would be
11 suffering from abuse there as well?

12 A. Yes. Yes.

13 Q. You talk about an incident where you were dragged by
14 a member of staff --

15 A. HRX [REDACTED], I was dragged into the hall and kicked up
16 and down outside the office, yes.

17 Q. You mentioned this term being 'rag dolled' to the floor?

18 A. It's one of my favourite sayings from my time in care,
19 because that's how you get treated, like a rag doll.

20 Q. Could you describe what would happen if you were rag
21 dolled?

22 A. They would grab you by the scruff of the neck, drag your
23 arms up your back, tie your legs up as well, so you are
24 tied up basically like a chicken, and most of them would
25 pull your hair up so you actually could listen to them

1 talking, they'd punch you, they'd slap you, kick you,
2 knee you, do anything to cause you pain.

3 Q. You say that you would be kicked, punched, kneed, and
4 slapped whilst there?

5 A. Yes.

6 Q. Was that by members of staff?

7 A. Yes.

8 Q. You talk about being dragged along the carpet face down
9 as well?

10 A. I had carpet burns all on my face, either side of my
11 face.

12 Q. You comment you were treated like an animal?

13 A. I was, yes. There was no duty of care.

14 Q. Altogether, I think you tell us, Brian, you were at that
15 second children's home for about a year and a half?

16 A. Yes.

17 Q. There was an incident where you ran away and broke into
18 your dad's house?

19 A. I did, yes.

20 Q. That was to get some of your stuff back?

21 A. To get my bike and my computer.

22 Q. You were told if you ran away one more time then you
23 wouldn't be allowed back?

24 A. Yes.

25 Q. But you did run away again, a couple of weeks later?

1 A. I ran away. I had no choice. One can't stay and live
2 in violence.

3 Q. Were you running away because of what was happening to
4 you there?

5 A. Yes, I was a scared wee boy. I wasn't born into the
6 world kind of in the roughest tough way, I was born into
7 a sheltered life, nice family, everything at your beck
8 and call --

9 LADY SMITH: Sorry, Brian, did you say you ran away because
10 you felt you had no choice?

11 A. I had no choice. Do I stay there and just keep getting
12 battered? That's not a very nice way to stay.

13 LADY SMITH: Yes, thank you.

14 MS FORBES: After that last time that you ran away from the
15 second children's home, I think you say you were taken
16 straight to Kerelaw.

17 A. Taken straight to Kerelaw School, yes.

18 Q. No longer going there for day school, this was you there
19 placed --

20 A. This is me there trapped, all the time.

21 Q. I think you tell us you were 14 years old at the time?

22 A. Yes.

23 Q. You tell us about Kerelaw from paragraph 80 of your
24 statement, Brian, and I'm just going to now ask you some
25 questions about your time there.

1 A. Yes. Can I turn this monitor off, please?

2 Q. Yes. I think -- are you able to do that?

3 A. Yes, thank you.

4 Q. The first thing you tell us Brian is Kerelaw was just

5 an awful place?

6 A. It was, yes.

7 Q. Then you comment it was like Barlinnie for kids?

8 A. Mm-hm.

9 Q. When you went there you went into Millerston?

10 A. Yes.

11 Q. Was that in the open part?

12 A. It was in the open part, yes, it was the last bottom

13 unit, the bottom on the right-hand side.

14 Q. I think you tell us there was the two units for boys in

15 the open part and two units for girls?

16 A. Two units for girls.

17 Q. Then was there a separate secure unit?

18 A. There was a separate secure unit as well.

19 Q. You tell us a little bit who was in charge at

20 paragraph 81, there was KAY [REDACTED] was unit manager,

21 and that was in relation to one unit, was it?

22 A. KBW [REDACTED] and KAY [REDACTED] was -- who was the

23 deputy manager.

24 Q. So KAY [REDACTED] and KBW [REDACTED]? Were they in

25 charge of --

1 A. They looked after the Millerston Unit.

2 Q. The Millerston Unit?

3 A. Yes.

4 Q. So they were the two unit managers?

5 A. Yes, they were.

6 Q. Then you mention Jim Hunter?

7 A. Jim Hunter was the -- the headteacher in the school.

8 Q. From your point of view at that time, at age 14, you

9 were under the impression that he was the headteacher?

10 A. Yes.

11 Q. Of the whole place?

12 A. Yes, he was in charge of the school.

13 LADY SMITH: Brian, I'm sorry to be a nuisance, was it

14 KBW [REDACTED]?

15 A. Yes, KBW [REDACTED].

16 LADY SMITH: So we have KBW [REDACTED] and Jim Hunter that

17 you've mentioned?

18 A. Yes.

19 LADY SMITH: They were people that came across as soon as

20 you went into Millerston?

21 A. Yes, well, Jim Hunter I never bumped into to actually --

22 I was on the school side of it, but I'd already met him

23 through the day unit when I was going there.

24 LADY SMITH: Okay. Thank you.

25 MS FORBES: You tell us, I think, that first of all you are

1 put into a room with another boy?

2 A. Yes, the same boy that broke my teeth on the first day

3 in the day unit.

4 Q. So this was that same boy you've told us about?

5 A. Yes.

6 Q. So he was a resident there at Kerelaw already?

7 A. Yes.

8 Q. I think you tell us that he was a bit territorial about

9 the room?

10 A. Yes, he put blue tack all the way up around the room and

11 said, 'That's your side, this is my side, don't come in

12 until the morning'.

13 Q. You were threatened by him that if you were to go to his

14 side you would get battered?

15 A. Yes.

16 Q. I think you say that he was just a bully?

17 A. He was, yes.

18 Q. I think you tell us you used to get the taxi with him to

19 Kerelaw?

20 A. Yes, I did, Springside Taxis used to come and pick me,

21 him, and a boy [REDACTED], pick us up and then take us to

22 Kerelaw School and then drop us back off after.

23 Q. Was he with you at that second children's home or was he

24 somewhere else --

25 A. No, it was the taxi was for the day unit at Kerelaw.

1 Q. So it would go and pick up people from different places?
2 A. Yes.
3 Q. You tell us a little bit about the routine, Brian, and
4 at paragraph 84 you tell us that the bedtime was
5 10 o'clock?
6 A. Round about that, yes.
7 Q. And it was quite strict?
8 A. Yes.
9 Q. You know, it was very strict, and if the lights were
10 out --
11 A. Yes.
12 Q. -- I think you'd tell us that you would get into bother
13 if you came out of your room?
14 A. We would, yes.
15 Q. And what would happen?
16 A. We would get battered and hit with a police torch.
17 Q. Who was it that did that?
18 A. It was a guy called Thomas Howe, he was an ex-police
19 officer, who never made you forget it, he walked about
20 with the shiniest of boots, must have shone them boots
21 for hours, and he had a foot-long mag torch that the
22 police have, and he used to batter the weans with it if
23 you caused any trouble.
24 Q. I think you say that you would get timed when you went
25 to the toilet?

1 A. We did, yes, we had a five-minute time, a couple of
2 minutes at a time. He'd sit at the top of the stairs in
3 Millerston unit, making sure that you were going back up
4 the stairs when you should have been.

5 Q. If you didn't get back in time what would happen?

6 A. We would get battered.

7 Q. Was that with this torch?

8 A. Yes, the torch, or the steel toecap boots or his
9 punches, he would slap your arm ...

10 Q. You also talk a little bit about the showers at
11 paragraph 87, you say that these were communal showers
12 but they had sort of cubicles?

13 A. Yes.

14 Q. Did that mean that you could close a door?

15 A. No, there was no doors on them. They were just like
16 a single partition. With space in between, underneath
17 and at the top.

18 Q. There was some sort of privacy, but it wasn't completely
19 closed?

20 A. It wasn't completely closed, no.

21 Q. I think you tell us, Brian, that privacy came at
22 a price?

23 A. Yes.

24 Q. You talk about the fact that there was a danger then of
25 being bullied, because you're out of staff view?

1 A. Yes.

2 Q. And that that happened to you all the time. What kind
3 of bullying went on in the showers?

4 A. Getting battered, getting punched, kicked, hit at with
5 the boys, abuse, just the general -- generalisation of
6 ...

7 Q. Was this by other boys?

8 A. Yes.

9 Q. You tell us, then, Brian, about some of the things that
10 you would do there, that there was TV, pool, table
11 tennis, and at the weekends --

12 A. We would go skating.

13 Q. Sorry?

14 A. We would go skating or whatever on a Friday or Saturday
15 night.

16 Q. So there were some trips?

17 A. Yes.

18 Q. You mentioned that. Particularly a couple of trips. If
19 we go to paragraph 90, this is where you talk about
20 going to the ice skating in Edinburgh and the Time
21 Capsule at the weekends.

22 A. Yes.

23 Q. There was a mini-bus at Kerelaw; is that right?

24 A. There was, yes.

25 Q. The staff would take you and other kids, of both sexes,

1 male and female?

2 A. Both sexes, mixed, it was boys and girls. A lot of

3 times boys would take a girlfriend, we were allowed to

4 take our girlfriends if we were behaving.

5 Q. These were girlfriends that you had who also were in

6 Kerelaw?

7 A. They were also in Kerelaw, yes.

8 Q. What would happen on these trips?

9 A. They would engage in sexual acts on the bus.

10 Q. This was boys and girls up the back of the bus?

11 A. Yes.

12 Q. Where were the staff when this was happening?

13 A. Well, you'd normally have **FSY** standing --

14 LADY SMITH: Brian, can I just ask you to keep in line with

15 the microphone.

16 A. Sorry.

17 LADY SMITH: No --

18 A. The sliding door to the side of the mini-bus, there

19 would always be a staff member sat in that left-hand

20 side opening the door and there would be one on the

21 front in either side, one driving and one in the

22 passenger seat.

23 MS FORBES: So there was stuff going on with boys and girls?

24 A. Yes.

25 Q. What was your impression as to whether or not the staff

1 knew what was happening?

2 A. Staff knew what was going on and didn't say anything,
3 unless you were being a cunt to them and they would take
4 your perks away from you.

5 Q. What makes you think that they knew about what was
6 happening?

7 A. They could smell it, they could see it, they could hear
8 it, do you know what I mean.

9 Q. And nobody said anything when that went on?

10 A. No.

11 Q. I think you tell us, then, about a trip to Blackpool on
12 the mini-bus?

13 A. Yes.

14 Q. You tell us about a couple of staff members who were
15 involved in taking you on that trip?

16 A. FSY [REDACTED] and FSL [REDACTED].

17 Q. Were they two residential care workers?

18 A. They were, yes. One was a [REDACTED]
19 goalkeeper and the other one used to model himself on
20 [REDACTED], always dripping [REDACTED] and the
21 collar held up.

22 Q. You mention [REDACTED], was that FSL [REDACTED]?

23 A. Yes.

24 Q. Did he have a nickname?

25 A. Yes, he was called FSL [REDACTED]

1 Q. Was it just those two staff members --
2 A. On that Blackpool trip, yes.
3 Q. Was it just boys or was there a mixture of boys and
4 girls there?
5 A. No, it was just boys, and there was about four or five
6 of us, I think.
7 Q. What was the plan? To go to Blackpool and to what?
8 A. Go to Blackpool and watch a Blackpool football game.
9 Q. So it was to see the football?
10 A. Yes.
11 Q. I think you tell us that on the way there, there was
12 a stop --
13 A. Yes, it stopped off at Safeways, which is now Morrisons
14 at the Stevenston roundabout, and went in and purchased
15 six litres of cider for us to drink on the way down and
16 told us not to tell anybody about it. One of their many
17 bribes they used to do.
18 LADY SMITH: Who bought the cider?
19 A. It was both FSL [REDACTED] and FSY [REDACTED] went in for the
20 cider. We were made to wait in the van.
21 LADY SMITH: So that's FSY [REDACTED] and FSL [REDACTED], the two
22 members of staff who were supervising you?
23 A. Yes, correct.
24 MS FORBES: You say, Brian, that was one of the bribes?
25 A. Yes.

1 Q. Can you just explain a little bit what you mean by that?

2 A. They would give us fags, they would give us drinks, just

3 like to hush us up. I think they used it as a way so we

4 would forget about the bad stuff and only remember the

5 actual good stuff that they done for us, as a way to

6 bribe us and maybe over the years we'd forget about what

7 actually happened in there.

8 That's the way I see it.

9 Q. You particularly remember them buying you this alcohol?

10 A. Oh yes. Yes.

11 Q. And did you all drink it?

12 A. I've never really been a drinker, but, yes, they were

13 all drinking it and it came out in van when we were down

14 there, spewing it all over the place.

15 Q. This was by the time you got to Blackpool, the other

16 boys were sick?

17 A. Six hours later, yes.

18 Q. Did you go to the football match?

19 A. Yes, we did, yes, we were lucky to get in because

20 IXK had been sick all outside the ground and

21 the thingies were not going to let him in, so we had to

22 take him a walk to kind of straighten him up before he

23 was were allowed into the football ground.

24 Q. Do you remember whether you were able to watch the game?

25 A. We were allowed to watch the game, yes. I can remember

1 sitting in the stands watching it.

2 Q. And did you stay there until the end?

3 A. We stayed there until the end, yes.

4 Q. Then what happened after the game finished?

5 A. I think we ended up going for something to eat and then

6 I think we went to a hotel that night.

7 Q. Brian, this won't come as a surprise to you, but there

8 has been a response from **FSY** in relation to

9 that and so I'm just going to let you know what that

10 response is, just so you can comment on it.

11 A. Sure.

12 Q. **FSY**'s account is that he and **FSL**

13 organised this trip to Blackpool and there was about

14 three or four boys, and you went down to watch the

15 Blackpool football match, and that he had managed to get

16 tickets from a friend of his who worked in the club. He

17 says that they left Kerelaw early that morning, and that

18 they stopped for about 45 minutes at some point to let

19 the boys go to the toilet. That you then arrived in

20 time to see the tail end of the warm-up and then the

21 teams came out and you watched the game.

22 But then towards the end of the match, he says that

23 **FSL** turned to him and told him that he suspected

24 the boys had been drinking, because they were going to

25 the toilet so often, and that because of those

1 suspicions you all left the ground before the end of the
2 match and headed back to Kerelaw.

3 Just to finish that part, he just says there's no
4 way that he would have bought drink for the boys or
5 encouraged them to drink.

6 A. I believe he would say that, yes.

7 Q. Okay. So is there anything, any other comment you want
8 to make in relation to that response?

9 A. We never on my nelly got 45 minutes to go to the toilet.
10 A journey to go down to Blackpool, we were on a strict
11 timetable. I think we were allowed to go to the toilet
12 twice and they had bought us the drink before we had
13 actually hit the bypass to go down.

14 Q. Just moving on from that, Brian, you tell us a little
15 bit about sort of education, or lack of education when
16 you were in Kerelaw, and this is at paragraph 92.
17 I think you say you were supposed to be taught history,
18 French and music, but you were never taught anything?

19 A. Never taught anything. We sat and watched films.

20 Q. Sitting and watching films is something you remember?

21 A. Oh, that's all we ever done.

22 Q. There was no education as far as you're concerned?

23 A. No, none. None whatsoever.

24 Q. You tell us about a maths teacher at paragraph 93,
25 that's a person who you say would do something

1 particular if you misbehaved, can you tell us about
2 that?

3 A. Yes, I believe that would be KBK I was
4 talking about, he would rap you with a set of cards to
5 take your knuckles off, and he would hit you with a big
6 six-foot -- I believe it was a six-foot, it may have
7 been a three-foot ruler, the ones where you can hold the
8 middle of it so you can get a straight line when you are
9 drawing ...

10 Q. So he would rap your knuckles?

11 A. Rap your knuckles with a set of cards.

12 Q. Then you mentioned a ruler as well, what would he do
13 with that?

14 A. He'd smacked us across -- make sure we bend across the
15 desk and he would smack across the backside with it.

16 Q. You mentioned a name there, Brian, I think you said --

17 A. KBK.

18 Q. I think just to be clear, just on your statement, just
19 so we know what the name is, I think you have said
20 KBK.

21 A. Aye, I have, I have got that mixed up, sorry, I was
22 just trying to get the names right, it has been a while,
23 do you know what I mean, but I got it in the end.

24 Q. So it's KBK is it, is the name?

25 A. KBK.

1 Q. Then you tell us at paragraph 95 about a gym teacher,
2 what was his name?

3 A. FSR .

4 Q. And what would he do?

5 A. He would lock you up in the gym and throw medicine balls
6 at you, or dodgeball, he would hit you with golf balls,
7 he would kick what we called a netball, it's the yellow
8 one with a kind of furrow in it and he would line you up
9 against the wall and boot that full blast or get the
10 boys to boot it full blast so it would hit you in the
11 face, and you weren't allowed to move.

12 Q. So you're getting lined up?

13 A. Yes.

14 Q. And this is in the gym hall?

15 A. This is in the gym hall. Normally down on the back
16 wall.

17 Q. Was this in the dark that you would be?

18 A. Yes, the only light that's coming in is obviously from
19 the windows up around the top.

20 Q. And this was volleyballs, you've said, and medicine
21 balls?

22 A. Yes, yes.

23 Q. Was there also golf balls?

24 A. There was also golf balls, yes, I had tried to deny that
25 at first, because it's still scary to see them hurtling

1 towards you.

2 Q. I think you tell us you were not allowed to move or run

3 away?

4 A. No, we weren't.

5 Q. So what was the point of what he was doing? Was that to

6 try and hit you with the balls?

7 A. It was just straight up terrorisation.

8 Q. Now, did he have a particular name for this?

9 A. Dodgeball.

10 Q. Dodgeball. I think you've said there's a particular

11 phrase, you've mentioned in your statement, and just to

12 see if this is the same thing we're talking about,

13 you're mentioning something called 'hunt the cunt'?

14 A. 'Hunt the cunt'. Sorry for my language, yes.

15 Q. That's okay. Is that what it was called or was it

16 called something else?

17 A. No, it was called 'hunt the cunt', yes.

18 Q. And who would call it that?

19 A. FSR .

20 Q. How often would that happen?

21 A. Every week. Sometimes twice and three times a week,

22 just depending if you'd pissed him off.

23 Q. If you told anybody, any other staff, about FSR ,

24 would anything happen?

25 A. Why would you tell the other staff, they were part of

1 this stage -- we would just get laughed at, really.

2 Q. I think you comment, though, that he wasn't seen hitting

3 you in public places?

4 A. No, he wasn't ever in public, he would get the other

5 boys to do it so people always thought boys will be boys

6 and fight, it was nothing really. But it was him that

7 instigated it though.

8 Q. From your point of view there would be times when other

9 boys would dish out punishments to you?

10 A. Yes.

11 Q. And it would be on his instructions?

12 A. Yes.

13 Q. So that's the impression you formed?

14 A. Yes.

15 Q. Then you tell us, Brian, that you threatened to actually

16 set fire to his car once?

17 A. I did. I did. It was a green car that he had, he

18 called it a space bus. It was a Renault Espace, one of

19 the old ones, like a people carrier type. I'd had

20 enough, we were going into the gym, I was scared to go

21 into the gym, and it was more in the line of defence and

22 I says, 'If you hit me one time I'll torch your car,

23 pal'. I've never done that before in my life. Do you

24 know what I mean. As I said he did torture [REDACTED], but,

25 again, it's the only line of defence that a wee boy of

1 my small size and stature could actually come up with at
2 that time.

3 Q. So you said that to FSR ?

4 A. Yes.

5 Q. Did anything happen as a result of that?

6 A. Yes, I was dragged into his gym hall, the door was
7 locked, I was dragged into the main gym, I was punched
8 and then I was dragged through his office, made to
9 apologise and then I got battered for it. Hit with
10 a belt and everything.

11 Q. Who did that?

12 A. FSR .

13 Q. Okay. I think you've said, just so we're clear, Brian,
14 about that incident, I think you've mentioned someone
15 called KBS ?

16 A. Yes, I believed it was him who took me in that day, but
17 in my other statement it was FSL and it was
18 probably on the violent incident report that it was
19 FSL that came in to the gym that day. I was
20 confused in the beginning of my statement.

21 LADY SMITH: Brian, you mentioned your size.

22 A. My size.

23 LADY SMITH: I was wondering about that.

24 A. I was small. I was a small wee tiny boy.

25 LADY SMITH: Were you smaller than other boys of your age?

1 A. I was, yes.

2 LADY SMITH: Thank you.

3 MS FORBES: Just so I'm clear, and it's my fault, Brian,

4 I just want to make sure I've got it right about what

5 happened to you after you threatened to torch

6 FSR [REDACTED]'s car. Who was it that took you into the --

7 A. It was FSL [REDACTED] that took me into there. It was

8 definitely FSL [REDACTED].

9 Q. So it wasn't FSR [REDACTED]?

10 A. It was FSR [REDACTED]'s car, it was FSR [REDACTED] in the gym, but

11 it was FSL [REDACTED] to took me into that gym hall to get

12 that doing.

13 Q. You've said that on that occasion you were punched and

14 kicked and hit with a belt?

15 A. Yes.

16 Q. I think you've said in paragraph 97, so just so we can

17 clarify this as well, Brian, after that incident you've

18 mentioned blaming KBS [REDACTED], threatening to torch

19 his car too and smash his windows?

20 A. Yes, that came after a different incident.

21 Q. Okay. So was there an incident, then, that resulted in

22 you threatening to torch KBS [REDACTED]'s car?

23 A. Yes, that was in Millerston unit.

24 Q. What happened in relation to that incident?

25 A. He broke my nose and knocked out two or three of my

1 teeth. I had to get fillings in them. And FSL
2 came down to the dentist with me and stood there with me
3 so I wouldn't say anything to the dentist about what
4 happened.

5 Q. You do mention there that you were beaten up and down
6 the unit so bad that you needed three fillings?

7 A. Yes.

8 Q. You talk about the fact that KBS was
9 an ex-boxer?

10 A. He was, yes.

11 Q. Did he have a nickname?

12 A. KBS.

13 Q. You also say that on that occasion that you were knocked
14 out?

15 A. Yes.

16 Q. And who --

17 A. KBS knocked me out. He punched me that hard
18 that he just knocked me out and I was out cold for five
19 minutes, down to the bottom of the stairwell.

20 Q. Do you remember what it was that led to that incident?

21 A. I was used to abuse, basically it was the only thing
22 that I had to really to use against people, do you know
23 what I mean. I wasn't a violent person. Never have
24 been really, do you know what I mean. But it was just
25 the only thing came out of me in a moment of anger.

1 Q. So these threats to torch the car?

2 A. All threats, do you know what I mean? He still lives in
3 the same house and I've never once went to his door,
4 I've seen him in shops and that and I had to stop my
5 mates from battering him because of what happened to me
6 in Kerelaw, and, again, if I was that really
7 a vindictive a person I would have done it, although
8 I never actually did anything.

9 Q. He is someone who still lives in the same area?

10 A. Yes, they all do. They all do. They all still stay in
11 the same houses.

12 Q. There was an incident, I think you say, a cycling trip
13 later on to Newcastle?

14 A. Yes, and that was FSR [REDACTED] and KBS [REDACTED] who took
15 us down to Once Brewed, Twice Brewed. It's in the
16 Northumbria neck of the woods.

17 Q. So this was a cycling holiday with you and some of the
18 staff?

19 A. Me, IXK [REDACTED], [REDACTED], FSR [REDACTED], and
20 KBS [REDACTED], yes.

21 Q. I think you tell us that he never forgot about what you
22 said --

23 A. No.

24 Q. -- because he treated you differently on that journey?

25 A. Yes.

1 Q. What happened?

2 A. I was made to carry up pots and pans and all the cooking
3 utensils on my back, made to go up maybe 25 to 35 of
4 those towels, in order to go to the countryside.

5 Q. Just moving forward a little bit, you were asked about
6 healthcare and I think you tell us about an incident
7 where you were hurt your head and there was a cut?

8 A. Yes, I was cut on my forehead down there running out of
9 KBN's classroom.

10 Q. This was an incident, I think you say, when you were
11 trying to run away, is that right?

12 A. Yes, I was getting bullied in class and I tried to run
13 away out of the class and he booted the door open, right
14 in my head. Matt George had to take me to get stitches
15 and then brought me back and HRW bought me
16 out for a McDonald's.

17 Q. You said was it KBN's class.

18 A. Yes.

19 Q. It was him who slammed the door in your face?

20 A. Basically, yes.

21 Q. But you mentioned Matt George there?

22 A. He came, he obviously -- I was knocked out and obviously
23 ... his classroom was just round the corridor, so
24 obviously there was commotion, he ran to see what had
25 happened and then seen me lying there with blood running

1 down my face.

2 Q. I think you say that after that you had an injury to

3 your head --

4 A. Yes.

5 Q. -- and you weren't taken anywhere particular to get

6 medical treatment?

7 A. Yes.

8 Q. But they just put some butterfly stitches?

9 A. I think they was, yes.

10 Q. You don't remember going and getting it properly sewn

11 up?

12 A. No, I never got it properly sewn up no.

13 Q. This is something you indicate today, Brian, that you

14 still have a mark there?

15 A. I have, I've still got the scars.

16 Q. Just moving further in your statement, Brian, you tell

17 us a little bit about running away at Kerelaw and you

18 say that boys and girls would run away together?

19 A. Yes.

20 Q. But also boys and girls would have sex in Kerelaw

21 together?

22 A. Yes.

23 Q. And that staff would let boys take girls up to their

24 room?

25 A. Yes.

1 Q. How old were you at that time?

2 A. I was probably about 16 year-old, part of it was
3 obviously going on before I got there and it was still
4 going on.

5 Q. So was it the older boys, then?

6 A. Aye, it was the older boys who normally stayed at the
7 end of the building in a flat to get perks and that,
8 because they were quiet and they behaved and they kind
9 of got the respect off the staff.

10 Q. I think you tell us that because of the bullying that
11 you suffered at Kerelaw you used to try and stand next
12 to the office door?

13 A. I did, yes.

14 Q. Did you think that that would stop?

15 A. I thought that would actually stop the bullying and
16 maybe give me a wee bit of protection for a while, and
17 probably give me a wee easy morning.

18 Q. When you tried to do that what would happen?

19 A. The staff would come in for their shifts and tell you to
20 straight fuck off away from their room so they could
21 have their cup of tea in peace.

22 Sorry for my language.

23 Q. Was there anyone in particular that you remember being
24 involved in that?

25 A. KBS [REDACTED], FSL [REDACTED], HRW [REDACTED], Callum,

1 KAY [REDACTED], KBW [REDACTED], they were all the exact
2 same. They all wanted to be left along to have their
3 cuppa and chat in peace.

4 Q. I think you say later on in life you were involved in
5 a car accident?

6 A. Yes.

7 Q. And as a result of that a doctor told you there was
8 an old injury?

9 A. Yes.

10 Q. And that was a fracture to your sternum?

11 A. Yes.

12 Q. Thinking back, you tell us the only thing you can think
13 about is an incident at Kerelaw?

14 A. When FSL [REDACTED] was punching us through the doors.

15 Q. You say punching you through the doors, where was that?

16 A. It was straight across from the office where we always
17 stand so we wouldn't get bullied and it was just behind
18 you was the actual shower cubicles next to the fish
19 tank.

20 Q. What was happening immediately before he did that to
21 you?

22 A. He says if you can take a punch off me, a wee bit of
23 respect, and then he'll take yous out for the day, so he
24 will say try and see if you can take this punch try and
25 get a wee bit of respect maybe it will ease you in, you

1 know what I mean? That was the normal thing, you know
2 what I mean?

3 Q. His thing was trying to see if you would take a punch?

4 A. Mm-hm.

5 Q. If you did, then you would get rewarded?

6 A. Yes, we thought he were trying to toughen us up for
7 later life.

8 Q. You say it was a punch in the chest that he would do?

9 A. Yes.

10 Q. You've already told us that he would sort of model
11 himself on [REDACTED]?

12 A. Yes, and he actually was the same sort of bulk and size
13 as [REDACTED], yes, hands like shovels.

14 Q. In relation to you, was there a big difference comparing
15 your sizes?

16 A. Yes, I was a lot smaller than I am today.

17 Q. [REDACTED]

18 A. [REDACTED]

19 [REDACTED]

20 Q. When he punched you [REDACTED]

21 A. Yes.

22 Q. I think you tell us, Brian, that your unit wasn't
23 fenced. Was that the Millerston?

24 A. Millerston, yes.

25 Q. So you would run away as often as you could?

1 A. Yes.

2 Q. Sometimes you were away for two or three weeks?

3 A. Sometimes away for months.

4 Q. I think you say that you were still there at 17; is that

5 right?

6 A. Yes, then I left on my 18th birthday.

7 Q. At that time I think you say when you were running away

8 you were sharing a room sometimes, well, getting a bed

9 from a boy you used to share a room with at Kerelaw?

10 A. Yes, KNM [REDACTED].

11 Q. So he was out by this point?

12 A. He was out. Me and him kept running away and to the

13 point where he never actually came back because of

14 FSY [REDACTED] and KBG [REDACTED] tortured him.

15 Q. If that wasn't available would you also have to sleep

16 in --

17 A. I had a lot of -- I had a good few friends in Kerelaw

18 that would protect me, because they knew I didn't belong

19 in a place like that and I fought with the system to be

20 fair and they would help me to take me away, look after

21 me, and make sure I was fed and that when I was ever

22 there, and trying to keep me away from the trouble.

23 Q. Were there times you would have to sleep in cars though

24 as well?

25 A. We slept in cars up the back, in Dumbarton, in the back

1 of petrol stations and that and we slept in old
2 farmhouses and stuff, yes.

3 Q. But inevitably you would be caught and then taken back?

4 A. We would always be caught and taken back.

5 Q. When you were taken back, what would happen?

6 A. We would get battered for running away in the first
7 place.

8 Q. Who would be doing that?

9 A. Night shift workers, if you ran away in their shift they
10 normally got us to do it as well.

11 Q. So the night shift workers?

12 A. Tom and KGH, yes, they were very violent.

13 Q. So they were called Tom and KGH?

14 A. Tom and KGH, you know what I mean?

15 Q. They were the ones you remember in particular --

16 A. Yes.

17 Q. -- who would punish you when you returned?

18 A. Yes. To the point where we never actually went back
19 until the new shifts came on.

20 Q. Then I think you tell us because of running away, you
21 were back and forward to Children's Panels during your
22 time in Kerelaw?

23 A. Yes.

24 Q. You comment at paragraph 108 at one point being told
25 that you were getting 18 months or something?

1 A. Mm-hm.

2 Q. Was that you were put on a sort of order to be at
3 Kerelaw?

4 A. Yes, it was just another, it was just another
5 alternative, I stopped listening at that point, but
6 I was to be there for another 18 months.

7 Q. You comment, Brian, that it was soul destroying because
8 you thought you would never get out the place?

9 A. Yes, I did. Thought I was trapped there for life.

10 Q. Then if we go to another part of your statement, Brian,
11 it's headed up, and I think this might be incorrect, it
12 says 'Abuse as Kerelaw Secure Unit', but what we've been
13 talking about is the open unit, is that right?

14 A. Yes, that's correct.

15 Q. Were you ever in the secure unit when you were in
16 Kerelaw?

17 A. I was never in the secure unit.

18 Q. That's fine.

19 What you're saying to us, Brian, is that there was
20 essentially in Kerelaw daily physical attacks --

21 A. Yes.

22 Q. -- from staff and other boys?

23 A. Yes.

24 Q. You were constantly getting abused?

25 A. Yes.

1 Q. From your point of view you didn't see any reason for it
2 at all?
3 A. No reason whatsoever.
4 Q. You were punched, kicked, hit with stuff, and dragged
5 through rooms?
6 A. Yes.
7 Q. Dragged down concrete stairs and carpets?
8 A. Yes.
9 Q. Hit with pool balls and pool cues --
10 A. Yes.
11 Q. -- and anything they could get their hands on?
12 A. Yes.
13 Q. You say it was one of the worst cases of bullying in
14 Kerelaw?
15 A. Yes, at my time.
16 Q. Just to be clear, when we're talking about what was
17 going on there with pool balls and pool cues, are you
18 saying that was in relation to other boys?
19 A. Not just other boys. Staff as well. And if the staff
20 couldn't do it they'd get the boys to do it for them.
21 Q. So it's not just other boys that you're talking about
22 there?
23 A. No.
24 Q. At paragraph 110 you talk about Matt George.
25 A. Yes.

1 Q. And he was the art teacher?

2 A. Yes.

3 Q. I think you tell us that the staff were involved in

4 assault on you daily?

5 A. Yes.

6 Q. You've mentioned already the fact that if you stood at

7 the office to try and get help from bullying the staff

8 would come out and they would either punch you in the

9 chest --

10 A. They would take a bolt.

11 Q. I think you have mentioned your face getting scraped

12 down the fish tank brickwork?

13 A. Yes, the fish tank used to sit up about that height and

14 then it was bricks underneath all the way round, and it

15 was those bricks with the ridges all the way round the

16 sides of them.

17 LADY SMITH: Sorry, you indicated your chest height sitting

18 down.

19 A. I know, but once I'm standing up it would be.

20 LADY SMITH: Okay. The fish tank was sitting on some

21 brickwork, was it?

22 A. Yes.

23 LADY SMITH: Right. Thank you.

24 MS FORBES: This was a fish tank that was in the Millerston

25 Unit?

1 A. Yes, in the hall in Millerston Unit across from the
2 office.
3 Q. That was near to the office?
4 A. Yes.
5 Q. Where the staff would sit?
6 A. Yes.
7 Q. Then you name some of the staff that you say assaulted
8 you regularly.
9 A. Yes.
10 Q. Are you able to -- now, it's not a memory test --
11 A. HRW [REDACTED], FSL [REDACTED], KBS [REDACTED], KBW [REDACTED],
12 FSR [REDACTED], Matt George, John Muldoon, we have got
13 KIG [REDACTED], KBK [REDACTED],
14 IWN [REDACTED], KBN [REDACTED].
15 I could sit here all day and reel them off. I'll
16 never forget a single one of them.
17 Q. We have all those names in your statement --
18 A. Yes.
19 Q. -- so I just want to ask you about a couple of incidents
20 and people that you tell us about in particular, Brian.
21 At paragraph 111 you talk about KBW [REDACTED], who
22 you've already mentioned?
23 A. Yes. He was one of my main abusers.
24 Q. So he was --
25 A. He was one of the main abusers.

1 Q. The main abusers?

2 A. Yes.

3 Q. I think you tell us he took a dislike to you?

4 A. He did.

5 Q. You describe where he came from in Glasgow?

6 A. Yes.

7 Q. And you say that was Mount Vernon

8 A. I'm positive it was Mount Vernon, yes.

9 Q. What is it that makes you think that?

10 A. Because he lived round the corner from the football

11 ground. It could well be Mount Florida, but it's Mount

12 something, isn't it?

13 Q. Was it because you had seen him there or had you heard

14 people talking about where he lived?

15 A. I'd been to his house. I could describe his house, when

16 you're walking up the stairs you've got a car collection

17 going all the way up his wall, right to the ceiling.

18 Q. You'd been to his house on one occasion, was that when

19 you were in Kerelaw?

20 A. I'd been to his house on ten occasions.

21 Q. Who was it who was taking you there?

22 A. Him himself. He took quite a few of us up there. And

23 then Orla took me up to try and bury the hatchet with

24 him, because there was a Belfast sink she wanted for her

25 farm, but I knew she was never fitting that thing in

1 that wee Fiesta of hers anyway.

2 Q. Was this when you were in Kerelaw?

3 A. Yes.

4 Q. So you were staying at Kerelaw --

5 A. Yes.

6 Q. And there were occasions when he would take you to his

7 house?

8 A. Yes.

9 Q. When you were at his house, what would happen?

10 A. Nothing, his wife and kids were there. There must have

11 been five or six of us there at the time. We were

12 always going up at Glasgow and he probably stop the car

13 for me to jump in and get some stuff, oh come up, we'll

14 get a quick cuppa and stuff, and that was up and down

15 his house.

16 Q. What was the purpose of you going there, as far as you

17 were concerned?

18 A. The purpose of me going there with Orla was just to try

19 and make sure that I buried the hatchet and think he was

20 an all right guy so I wouldn't report him anymore.

21 Q. You describe him a little bit in your statement, Brian.

22 You say that he wore kind of these brown cords?

23 A. Yes.

24 Q. Then the next thing you say is that he had some head of

25 hair?

1 A. Yes, he never combed it, he used to always hide it with
2 Russian hats.

3 Q. When you say he had some head of hair --

4 A. It was kind of bushy at the sides. He kind of never
5 combed it. It was a pure mess.

6 LADY SMITH: Brian, you mentioned Orla?

7 A. Orla. Orla was a wee Irish woman that worked in there.

8 LADY SMITH: She worked in there?

9 A. She worked in Kerelaw Unit.

10 LADY SMITH: What was her job?

11 A. I think she was -- she worked there in the day unit, but
12 I think she was just there to try and take some boys out
13 from time to time, so she would be a relief worker type
14 thing. I'm sure that was her role there.

15 LADY SMITH: Okay. Was she anything to do with the social
16 work?

17 A. She could have been, yes, I think she worked the social
18 work for some time.

19 LADY SMITH: Right, okay, thank you.

20 A. You're welcome.

21 MS FORBES: Would she be there on the occasions that you
22 went to --

23 A. She was there on one occasion, because me and her went
24 up in her wee green Fiesta.

25 Q. So just one occasion?

1 A. Just one occasion, yes.

2 Q. Again, just on that occasion when you went with her, did
3 she say why you were going?

4 A. No. She said she was going up for a Belfast sink, one
5 of the old troughs for a farm, but there was no way that
6 would fit inside that car. It was tiny.

7 Q. So it was to get a Belfast sink?

8 A. Yes.

9 Q. For her, or for --

10 A. For her.

11 Q. From your point of view, did she get the sink?

12 A. I can't remember if she got the sink, but I was there
13 with her at KBW [REDACTED]'s and the sink was out in the
14 back garden. I don't think we actually got it round to
15 the car because it was too heavy. I think she said we'd
16 come back for it another time, but I think that was just
17 an excuse to actually go up there to try and -- because
18 KBW [REDACTED] was under investigation at the time and
19 he ended up having to work in another unit somewhere
20 else, and after all the abuse that he was giving out
21 down there.

22 Q. You were aware at that time that KBW [REDACTED] was under
23 investigation?

24 A. Yes.

25 Q. Was that in relation to anything that you'd said?

1 A. I don't know, he used to batter me many times. I'd
2 brung it up at the panels many times.
3 Q. Had you told people about what was happening?
4 A. Yes, I was at the age where I started questioning
5 everything.
6 Q. In relation to KBW, what was it that he did to you?
7 A. KBW dragged my down to hit office, he'd
8 batter me, [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED] There's bits
13 I've not mentioned on my statement as to why I [REDACTED]
14 [REDACTED] tried to [REDACTED] kill
15 myself that night. But I've said that to police and
16 that all came out at court.
17 LADY SMITH: Brian, are you telling me that KBW had
18 written the piece [REDACTED]?
19 A. No, [REDACTED] It was an issue with [REDACTED]
20 [REDACTED]
21 [REDACTED] and posted it under my door.
22 LADY SMITH: Hang on. I'm sorry to interrupt you. It's
23 just important, I want to follow this correctly. There
24 was an article in [REDACTED] --
25 A. Yes.

1 LADY SMITH: -- that mentioned [REDACTED] ?
2 A. Yes, [REDACTED].
3 LADY SMITH: And KBW [REDACTED] you think found the article?
4 A. Found the article and brung it into Kerelaw and posted
5 it underneath my door.
6 LADY SMITH: He put it underneath your door in Kerelaw?
7 A. Yes, when it was open to that specific page and he says,
8 [REDACTED]
9 [REDACTED] that's why you are
10 in here'.
11 LADY SMITH: Thank you.
12 A. You're welcome.
13 MS FORBES: I think you tell us about that at paragraph 112
14 of your statement, that you say that the comment he made
15 to you was:
16 'That's just like you, no one wants you [REDACTED]
17 [REDACTED].'
18 A. Yes.
19 Q. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 A. It did, yes.
23 Q. You said, then, that that led to something. You said
24 you tried to kill yourself as a result of that?
25 A. Yes.

1 Q. What did you do in relation to that?

2 A. I tried to [REDACTED] and kill myself.

3 Q. That was [REDACTED] at Kerelaw?

4 A. [REDACTED] at Kerelaw, Millerston Unit, yes.

5 Q. So you went [REDACTED]?

6 A. Yes, and they had to call my girlfriend at the time,

7 [REDACTED], to talk me down.

8 Q. Thankfully you were talked down [REDACTED]?

9 A. Yes.

10 Q. You also tell us, Brian, about some of the things, the

11 physical things, that KBW [REDACTED] would do. I think you said

12 he would give you carpet burns?

13 A. Yes, scrape my face down the walls, down the fish tank

14 brickwork.

15 Q. He would bang your head off walls?

16 A. Bang my head off walls, yes.

17 Q. And he treated you like a dog?

18 A. He treated me like a dog.

19 Q. From your point of view you have said that he bullied

20 you really?

21 A. Yes.

22 Q. This incident with the [REDACTED] article was part of

23 that?

24 A. Yes.

25 Q. That he did that until you couldn't take it any more?

1 A. I couldn't take any more. I tried to kill myself, yes.

2 Q. These visits to his house, did they take place after

3 that?

4 A. Yes.

5 Q. So it was after you'd been [REDACTED] --

6 A. Yes.

7 Q. -- and talked down that you start getting visits up to

8 KBW's house?

9 A. Yes.

10 Q. Do you know how long after, roughly?

11 A. Couple of months, I think.

12 Q. You also tell us, Brian, about another boy in

13 particular, at paragraph 113, and that he was assaulted

14 in the TV room --

15 A. IXJ [REDACTED].

16 Q. And that he was someone you say you also saw on the

17 roof?

18 A. Yes.

19 Q. That was at Kerelaw?

20 A. Yes.

21 Q. Again what was he doing up there?

22 A. I couldn't tell you. Probably using it for an escape

23 route to get away.

24 Q. You recall the staff dragging him off the roof?

25 A. Yes, he was up the roof on another unit, he was on

1 a smaller section, a wee walkway when you come from
2 Fleming Unit into the canteen. He was up there, we were
3 playing football and LEJ [REDACTED] was telling him to get
4 down because he was going to die and IXJ [REDACTED] was telling
5 him to fuck off. Eventually brought him down, he was
6 dragged into Fleming Unit and battered.

7 And a couple of nights later he said to some of the
8 lassies that he had run away with he said, and I found
9 a few others, (inaudible) has passed away now, that he
10 was going to break into LEJ [REDACTED]'s house and then that
11 was the rumour that was going about Kerelaw School a few
12 days later.

13 They managed to catch IXJ [REDACTED] dragged him into the TV
14 room and battered him senseless. There was about five
15 or six big guys there. Then he came running into the
16 pool room, flew past me and [REDACTED], jumped out one of the
17 windows and was off. He never came back until he came
18 back with his mum and dad for Easter.

19 Q. After this incident on the roof he ran away with some
20 girls?

21 A. Some girls from Millerston Unit.

22 Q. Was this an occasion when he said he was going to break
23 into LEJ [REDACTED]'s house?

24 A. Yes.

25 Q. Do you know why he was particularly --

1 A. Because he hated him. Because he was just a big bully,
2 he wanted to get something back on him, you know what
3 I mean.

4 Q. Then you say when he came back he was in the TV room and
5 he was, you say, battered?

6 A. Yes.

7 Q. I think you tell us about the members of staff from your
8 point of view who were involved in that at
9 paragraph 114?

10 A. Yes.

11 Q. You say one of them was holding the door shut. Who was
12 that?

13 A. IAI [REDACTED], he is long passed away now. We used to call
14 him IAI [REDACTED], aye.

15 Q. Again, I know it's a long time ago, but just so we're
16 clear what your evidence is about that, Brian, I think
17 in your statement you say:

18 'I'm sure it was KBE [REDACTED] who was holding the
19 door shut'.

20 A. Aye, there was a few of them there, but it was either
21 KBE [REDACTED] and wee IAI [REDACTED], IAI [REDACTED], he was
22 definitely there, yes.

23 Q. I think you say then that there was KBS [REDACTED].
24 FSL [REDACTED], LEJ [REDACTED] and IAI [REDACTED] was there
25 too. Who was involved in assaulting IXJ [REDACTED] in the

1 TV room?

2 A. **KBS**, I had kind of seen it because I kind
3 of -- when you stand at the corner of the pool room
4 looking out you can see just barely see through the
5 glass. So there was **FSL**, **KBS** and
6 **LEJ** that was battering through it. He came out
7 with big black eyes and that.

8 Q. Did you see that for yourself?

9 A. Yes, I seen it through the corner through the door.

10 Q. You say that after that **IXJ** ran past and --

11 A. Ran past and straight through the window, yes.

12 Q. Was that him running away?

13 A. That was him running away.

14 Q. You didn't see him again until he came back about six
15 weeks later?

16 A. Yes, to get his stuff.

17 Q. I think you tell us in relation to reporting abuse at
18 Kerelaw, Brian, that you told your social worker about
19 it?

20 A. Yes.

21 Q. What did she say?

22 A. Nothing she could really do about it.

23 Q. Did she also say you could maybe tell the staff?

24 A. I think she did, aye, but by telling the staff you would
25 just get a battering from the other side, do you know

1 what I mean.

2 Q. From your point of view was there any point in telling

3 the staff?

4 A. No.

5 Q. Because it was the staff that were doing it?

6 A. It was the staff who were doing it -- you couldn't even

7 stay in one of the rooms, because they just didn't

8 really care, they had no duty of care.

9 Q. You say as well, Brian, you were still there when you

10 were about 17, but you were due to be leaving Kerelaw

11 soon?

12 A. Yes.

13 Q. But you went down to see your girlfriend in the day

14 school?

15 A. Yes.

16 Q. And Jim Hunter was there.

17 A. Yes.

18 Q. And he asked you to leave?

19 A. Yes. I was actually on the school premises, but --

20 Q. And what did you say to him at that time?

21 A. I questioned him to actually wonder why he had let all

22 this happen all these years and I ended up getting

23 barred from the school. So I was at that age when

24 I started to question absolutely everything.

25 Q. So you're asking him why did he let it happen?

1 A. Aye.

2 Q. Because from your point of view he was the headmaster?

3 A. He was the headmaster. He was the head of the school.

4 He stood outside his office and watched us all go to

5 every single class and made sure we were in our class

6 and if not he would tell us to get into class.

7 Q. Just so I understand, Brian, there would be the teaching

8 side of the school, the education side, and there would

9 also be the kind of residential care side?

10 A. Yes.

11 Q. When you say he was head of the school, do you mean he

12 was head of the education?

13 A. He was head of education, as I seen it.

14 Q. Again, Brian, this isn't a surprise to you, you've had

15 a response in relation to that from Jim Hunter, and his

16 position is that he didn't become principal until 2001,

17 which would have been after you left the school.

18 But from your point of view, you were under the

19 impression that he was in charge of something --

20 A. He was the head guy.

21 Q. I think you tell us that you went to the huts at

22 Millerston to see your girlfriend. Is that the same

23 incident with Jim Hunter?

24 A. That was not long after Jim Hunter. There was

25 a different guy in there. I can't remember the boy's

1 name. I think it was IWT or something. But I'd gone
2 to see my girlfriend and he opened the door and punched
3 me and broke my nose and shut the door and locked it.
4 I tried to kick the door to open it, but it wouldn't, so
5 I walked outside and I jumped up and put my arm through
6 the window. I've still got the scars to today.

7 Q. This was a teacher who was at the huts?

8 A. This was a teacher.

9 Q. This was part of the day school?

10 A. No, no, it's part of the school school.

11 Q. I think you say that he was a relief teacher, that
12 person?

13 A. Yes, he was, because HSY used to bring that
14 class, until he retired, or quit.

15 Q. It wasn't HSY though, it was somebody else?

16 A. It was somebody else, HSY had long gone.

17 Q. I think you say it was either a IWT or a IWT ?

18 A. Yes.

19 Q. You describe him, he was about five-foot-eight, had
20 brown hair and must have been in his 40s.

21 A. Aye.

22 Q. That incident where you are punched in the face, you say
23 your nose was broken?

24 A. Yes.

25 Q. Was that the last day --

1 A. That was my birthday, my 18th birthday. The same day as
2 my panel.

3 Q. You say you were going to be taken to your panel because
4 that was you 18, and you were to be released?

5 A. Mm-hm. I was released the next month.

6 Q. I think you tell us you went to the panel, and this is
7 at paragraph 114, and you say that your nose was broken
8 and you had blood dripping down your arm?

9 A. Yes.

10 Q. Did you tell the panel about what happened?

11 A. I did, I said, you have been putting me through this
12 abuse ever since I got here, you have done nothing about
13 it, and you've got to remember that we here, we remember
14 all this, and there was a big fuss and then I was
15 released next month. At the quickest opportunity.

16 Q. When you told the panel about that did anything happen
17 from your point of view?

18 A. No. It must have been all written down in the minutes
19 of the interview, the panel.

20 Q. I think you say that just before you left Kerelaw,
21 though, there was a kind of -- the way you've described
22 it is a sort of riot?

23 A. Yes. They smashed up the school. They smashed up the
24 school.

25 Q. This was after, I think, a lot of people from Kerelaw

1 had gone and were drinking in the park?

2 A. Were drinking in the football ground down at the

3 Sandylands Caravan Park, yes.

4 Q. And then the police came --

5 A. Yes.

6 Q. -- and chased people back?

7 A. Chased people back, they caught us all walking across

8 the road from the school.

9 Q. I think you say when you got back, this is when Kerelaw

10 was smashed up?

11 A. Yes, it was later on that day they smashed it up.

12 Q. The windows were smashed as well?

13 A. Yes, the music teachers mostly, you know what I mean?

14 Because there's where most of the abuse happened, in his

15 wee double-locked room.

16 Q. What did the staff do when that was happening?

17 A. They phoned the police. They couldn't control all the

18 drunk kids that was running about the school smashing

19 windows.

20 Q. I think you tell us that the staff got involved in

21 dragging you inside --

22 A. Yes.

23 Q. -- and there were physical assaults as well?

24 A. Yes, they battered [REDACTED], hogtied him, spun him

25 into the back of a police van, he was lifted that night.

1 Q. Who was it who did that?

2 A. I think it was FSL [REDACTED] and KBS [REDACTED], and the
3 night staff of course that came on as well, Tom and
4 KGH [REDACTED].

5 Q. You mention this Tom and KGH [REDACTED] again. Are they the
6 night staff?

7 A. They're the night staff, yes.

8 Q. I think you say that that day is sort of known as 'the
9 Kerelaw riots'?

10 A. The Kerelaw riots, aye, that's how they were known.

11 Q. That's what happened just before you then leave?

12 A. Yes, that was the kids, sick of the violence, sick of
13 the abuse, and were just rebelling against the whole
14 institution.

15 Q. Had everything just come to a head for you at that
16 point?

17 A. Aye, pretty much.

18 Q. Also at that point you knew you were leaving, because
19 you were going to be 18 soon?

20 A. I think it was six months before that panel, I didn't
21 actually know I was leaving at that time.

22 Q. If we're thinking about the timeline, this was before
23 the panel?

24 A. Yes.

25 Q. Before that one on your birthday?

1 A. Yes.

2 Q. Because was there a time then after the panel, your 18th
3 birthday, where you went back to Kerelaw at all or not?

4 A. I was still in Kerelaw for a month. I was staying in
5 a flat at the end of the day Millerston Unit, which is
6 sectioned off and locked and you wanted a key to get in.
7 Me, IXX [REDACTED], and I think it was [REDACTED] was
8 the other one that was left in those flats until we
9 actually got moved out.

10 Q. I think, Brian, then you tell us about what happened
11 after you got out of Kerelaw, that you got a flat at
12 Saltcoats?

13 A. I got a flat in [REDACTED] in Saltcoats, yes.

14 Q. Just before we leave this period in your life, Brian,
15 you tell us that there was a period at 16 where you went
16 for a short stay in foster care for about two or three
17 weeks?

18 A. Yes, I did.

19 Q. You started working and you were doing a college course?

20 A. I was working, I was up at Brodick Castle working, I was
21 at Oaktree College in Dundee, where I was supposed to be
22 going and sitting my exams and my college work, yes.

23 Q. I think you comment that at that time you just couldn't
24 integrate into family life?

25 A. I couldn't integrate into the world.

1 Q. But these were good people that you were staying with?

2 A. These were really good people.

3 Q. But you just couldn't settle?

4 A. No.

5 Q. And it resulted --

6 A. I remember going back and forcing Kerelaw to take me

7 back in.

8 Q. I think you tell us, Brian, at paragraph 121, that even

9 though it was so abusive that was all you were used to,

10 you could get your head down and not be homeless?

11 A. Yes, I suffered more abuse and violence just so I could

12 get my head down at night.

13 Q. So you ended up being back at Kerelaw again after that?

14 A. Yes.

15 Q. Just, then, to talk a little bit, Brian, about your life

16 after you left Kerelaw. You tell us about that from

17 paragraph 122. I think you ended up unfortunately going

18 to prison.

19 A. Yes.

20 Q. You were still in that sort of mindset where you were

21 stealing cars?

22 A. Yes, It was an escape route, what they call an escape.

23 Q. When you were in prison at one point you lost your flat

24 because somebody set it on fire?

25 A. Yes.

1 Q. Then you were ending up having to stay in bed and
2 breakfasts and things like that?

3 A. Yes.

4 Q. I think you are quite frank, Brian, saying you were
5 sometimes only out for about six hours and then you're
6 back in again, and that was really all you knew at that
7 time?

8 A. That was all I knew, yes.

9 Q. And it took you until 2001 to stop?

10 A. It did take, yes.

11 Q. That was the last time you were in a Scottish prison?

12 A. That's the last time I was in a Scottish prison, yes.

13 Q. I think though then you went down to Blackpool for
14 a while?

15 A. Yes.

16 Q. And you went down to Manchester and you ended up having
17 a prison sentence down there for drugs?

18 A. Yes.

19 Q. But life was up and down for you, I think?

20 A. Yes, it was all I knew.

21 Q. I think you've been back in Scotland now for maybe nine
22 years, is it?

23 A. Yes.

24 Q. But during that time you've had spells where you have
25 had to live on the streets sometimes?

1 A. Yes, I was homeless.

2 Q. But you've been in your current property now for, it
3 will be four years, will it?

4 A. No, it will be six years.

5 Q. Six years. Okay, so this is now something that you've
6 had for quite a while?

7 A. Yes.

8 Q. And it's yours. It's a space for you?

9 A. Yes.

10 Q. You tell us, Brian, about the impact of your time in
11 care from paragraph 126 onwards. You say that moving
12 around these different environments in care was really
13 unsettling and difficult for you?

14 A. It was, yes.

15 Q. I think you have explained today you'd come from this
16 childhood where everything else was great --

17 A. Yes.

18 Q. -- and then this tragedy happened with your mother and
19 everything changed?

20 A. Yes.

21 Q. I think you comment as well that you had been mentally
22 and physically abused by 90 per cent of the staff,
23 teachers, and pupils in your time in the care system.

24 A. Yes, I have people that can attest to that.

25 Q. And you really wish you had had a better start at life?

1 A. Yes.

2 Q. It's been a struggle at times, month to month, to get
3 by, because it's been difficult to get a job and hold it
4 down.

5 A. Difficult. I still suffer with post traumatic stress
6 disorder and it's kind of keeping me in the house most
7 of the time.

8 Q. At paragraph 129, Brian, you say that there was a period
9 over a decade ago where you were in a bad place.

10 A. Yes.

11 Q. You saw one of the staff from Kerelaw.

12 A. Mm-hm.

13 Q. You say that was **FSY**?

14 A. Aye, I seen him, he started offering me money of the
15 Social Work Department, I remember he worked in
16 Kilmarnock, round the back of my house, in .

17 Q. I think you tell us at paragraph 129 that he offered to
18 give you a bus ticket?

19 A. He offered to pay my travel down south, 'How do you not
20 go back down south? You must have seemed happier down
21 there, I'll even pay your fare, Brian'. He did say
22 that.

23 Q. I think you comment that you didn't realise at the time
24 that that's when Kerelaw was being investigated?

25 A. I didn't realise, aye, that was round about that time.

1 Q. Again, this is not a surprise to you Brian, we've spoken
2 about this. There's a response from [FSY], and
3 he does remember seeing you at a train station at one
4 point about 10 or so years ago.

5 A. The train station was like half a mile down the road.

6 Q. He doesn't say that he offered to give you any money to
7 go down south.

8 A. Yes.

9 Q. But what he says is that there was another time that he
10 saw you and that was on a bus a few years ago, and at
11 that time you told him that you'd been in prison for two
12 years, and that the CID had visited you in relation to
13 Kerelaw, and in particular about the boy [IXJ] and
14 that you had answered their questions and told them what
15 you knew about [IXJ]. But then he said you made
16 a comment to him.

17 I'm going to ask you about that, Brian, just to let
18 you comment on that. He says you said:

19 'If he's [meaning [IXJ]] getting money for fuck
20 all, then so am I.'.

21 And you went on to say that you didn't like a couple
22 of staff at Kerelaw, but that he, [FSY], was
23 all right.

24 I just want to ask you, Brian, what you want to say
25 about that?

1 A. He now knows what angle I'm getting at.

2 Q. So did you say that to him?

3 A. No.

4 Q. If we could just move on from that, I wanted to let you

5 comment on that, Brian, okay.

6 A. No.

7 Q. I think you go on to say that you have had issues as

8 a result of your time in care because you have had

9 insomnia, there's been nightmares and flashbacks?

10 A. Yes.

11 Q. And any medication you get you didn't want to take

12 because it would make you feel groggy?

13 A. Yes, it would make me feel as if I was on a boat.

14 Q. You've gone to the police to report abuse in care?

15 A. No, they came to me.

16 Q. Apologies, they came to you, but you've reported the

17 abuse?

18 A. Yes. I've not stopped reporting it. I have been in the

19 police station 14 to 16 times and I've given statements.

20 Q. And is there -- online, [REDACTED] is there a page

21 talking about people who were abused at Kerelaw?

22 A. It's a Kerelaw group with former members of Kerelaw,

23 yes.

24 Q. Have you put your story out there?

25 A. I put my story out there before I even spoke to the

1 police. It wasn't until a year, a year or something,
2 you can ask Mr Gaffney, he said well, let him read it,
3 (inaudible) and it wasn't until a year later that
4 I released that story and then I contacted the Child
5 Abuse Inquiry when I heard there was a new
6 investigation.

7 Q. You have been quite open about that?

8 A. Very open, yes.

9 Q. And you have waived your right to anonymity?

10 A. Yes, because I want people to know what happened.

11 Q. I think in relation to sort of what could be learned
12 from what happened to you, Brian, you tell us at
13 paragraph 141 that in your view care homes should have
14 an independent body there all the time.

15 A. Yes.

16 Q. That isn't affiliated with the staff?

17 A. Yes.

18 Q. And can't be friendly with them?

19 A. And make sure those weans are looked after.

20 Q. Thinking about hopes for this inquiry, you tell us at
21 paragraph 142, that you hope that every single person
22 who comes forward to this Inquiry can have their stories
23 heard and you hope that they are believed.

24 A. Yes.

25 Q. Is that important to you Brian?

1 A. Very important, yes.

2 MS FORBES: Brian, that's all the questions I have for you.

3 So thank you very much.

4 Is there anything you want to say that you have not

5 had a chance to say?

6 A. No, I'll leave that for another time. Thank you.

7 LADY SMITH: Brian, can I add my thanks before I let you go.

8 It's been really good having you here to give us

9 evidence in addition to the evidence I already have in

10 your written statement.

11 I'm really grateful to you for bearing with us and

12 answering questions for an hour and a half.

13 A. No problem at all.

14 LADY SMITH: I'm able to let you go now. Thank you.

15 A. Thank you very much.

16 (The witness withdrew)

17 LADY SMITH: Before I rise for the morning break, some names

18 I want to mention that have been used in the course of

19 Brian's evidence of people who have the protection of my

20 General Restriction Order, so they're not to be

21 identified outside this room.

22 Beginning with a couple of the boys who were at

23 Kerelaw with Brian, IXK [REDACTED] and IXJ [REDACTED]. But

24 then turning to staff, IAI [REDACTED], HRW [REDACTED],

25 KAY [REDACTED], Jim Hunter, FSL [REDACTED], KBE [REDACTED],

1 FSY [REDACTED], KBK [REDACTED]. He has also used the
2 word KBK [REDACTED], but I think they are one and the
3 same person when he is referring to them. KBN [REDACTED],
4 FSR [REDACTED], KBS [REDACTED], KBW [REDACTED], HRX [REDACTED]
5 and LEJ [REDACTED].
6 Thank you very much, I'll stop now for the break.
7 We'll sit again at about 11.45 am.
8 (11.27 am)
9 (A short break)
10 (11.47 am)
11 LADY SMITH: Mr Peoples, who is next?
12 MR PEOPLES: My Lady, the next witness giving evidence today
13 will be referred to as 'Joe'.
14 Can I just say this, that 'Joe' has previously given
15 evidence in the foster care case study on Day 327 on
16 27 September 2022.
17 LADY SMITH: Thank you very much.
18 'Joe' (affirmed)
19 LADY SMITH: 'Joe', do sit down and make yourself
20 comfortable.
21 'Joe', as before, your written statement is in the
22 red folder and, of course, I have already read it. That
23 is part of your evidence to the Inquiry. But thank you
24 for agreeing to come along today and expand where we
25 want you to do so in relation to some particular aspects

1 of it.

2 A. Sure.

3 LADY SMITH: I'm really grateful to you for doing that.

4 The statement can also be brought up on the screen,

5 and we'll go to the different parts of it that we're

6 using as we refer to them in evidence. So that will be

7 there if you want it. You don't have to use it, and if

8 you don't want it showing on the screen, just say and we

9 can switch it off.

10 Otherwise, 'Joe', as you may remember, I was keen to

11 make clear to you before that I want to do anything

12 I can to make giving evidence as comfortable for you as

13 possible so that you can give the best evidence you can

14 to help us with our work here.

15 So let me know if, for example, you want a break, or

16 if there's anything else that would be helpful.

17 A. Sure.

18 LADY SMITH: Of course I'll consider it and, if at all

19 possible, I'll do what you ask.

20 If you are ready, I'll hand over to Mr Peoples and

21 he'll take it from there. Is that all right?

22 A. Yes.

23 LADY SMITH: Thank you.

24 Mr Peoples.

25 Questions from Mr Peoples

1 MR PEOPLES: Good morning, 'Joe'. Can I start by giving,
2 for the benefit of the transcript, the reference that we
3 give to the statement you've provided to the Inquiry.
4 That reference is WIT.001.001.8429. It's in the red
5 folder in front of you, and perhaps I should just,
6 again, do as I think you probably were asked to do
7 before, just go to the final page of the statement on
8 page 31. Could you confirm that you state there that
9 you've no objection to your witness statement being
10 published as part of the evidence to the Inquiry, that
11 you believe the facts stated in your witness statement
12 are true, and you signed that on -- I think is it the
13 9th or the 4th.
14 A. I think it's the 4th.
15 Q. 4 May 2018?
16 A. Yes.
17 Q. As I indicated shortly before you came into the room
18 today, 'Joe', that you have previously come to the
19 Inquiry to give evidence in a case study dealing with
20 foster care.
21 A. Yes.
22 Q. For your benefit, I can perhaps remind you it was on
23 27 September 2022, which was Day 327 of our hearings.
24 I think you'll appreciate that because you did give
25 evidence, I'm not planning to go over too much of that.

1 I may recap a little bit so that we have the context for
2 the evidence you are giving today, which will mainly
3 concern Kerelaw. But I may mention some of the other
4 places that we're not looking at specifically, just to
5 get a degree of context to the evidence you are giving.

6 Can I start by just briefly looking at life before
7 care, and I don't intend to take this at length because,
8 as I say, I think it may have been canvassed. But
9 I think you know very little about your early childhood
10 other than what's been gleaned from records, because you
11 tell us at paragraph 2 that social work put you on
12 a vulnerable child list as soon as you were born. Your
13 parents, as you put it, led a chaotic lifestyle. Your
14 mother was a drug addict and your father a drinker and
15 at times quite abusive?

16 A. Yes.

17 Q. You have one older brother; is that right?

18 A. I do, yes.

19 Q. I think you tell us in the section, dealing with life
20 before care, that there was, from an early stage,
21 involvement of social services with you and your family?

22 A. Yes.

23 Q. Indeed, I think you have some difficulty in trying to
24 remember, perhaps, precisely the places you were in,
25 because you were in quite a number of places as a very

1 young child, and I'll just run through them to some
2 extent, because I think you have been able through
3 records --

4 A. To remember them all, yes.

5 Q. -- to work out where you were before you ended up in
6 Kerelaw, which is the place I'm going to ask you most
7 about today.

8 A. Yes.

9 Q. You tell us, starting at paragraph 7, that your first
10 care setting when you reckon you were under five years
11 of age was a children's home in Glasgow. Secondary Institutions - to
12 Secondary Institutions - to be published later
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15 A. Mm-hm.

16 Q. Okay.

17 Then I think you then had a spell, or quite --
18 perhaps a lengthy spell with being fostered in the
19 Falkirk area with foster carers. Is that right?

20 A. Yes.

21 Q. During the foster care case study you told us about some
22 abuse that occurred in the foster home, which I think
23 involved largely your foster father at the time. Is
24 that right?

25 A. Yes.

1 Q. I'll not rehearse that. We have that evidence before
2 us --
3 A. Yes.
4 Q. -- so I won't go back into that, if I may.
5 What you do say, although I should perhaps point out
6 is that while you tell us about the nature of the abuse,
7 I think you did indicate, both in your statement, at
8 least, and perhaps in your evidence, that while you were
9 shouted at and grounded if you were misbehaving, your
10 foster dad didn't resort to violence but there was
11 always this threat of violence and a threat that he
12 would take his belt off, and at times you were, I think,
13 placed on a chair in a room in the dark and not allowed
14 to move until he said so.
15 A. Yes.
16 Q. I think that's the broad picture, as well as certain
17 things he did, I think, when you were made to eat food
18 with salt in it, which you thought was sweet?
19 A. Tablet. Yes, tablet, instead of sugar it was salt.
20 Q. Having been caught smoking you and your brother were
21 made to smoke a large quantities of cigarettes and drink
22 beer with salt placed in the bottle?
23 A. Yes.
24 Q. I think that when you were 12 years of age that
25 placement ended in around 1999, or thereabouts.

1 Then, after a short stay with another foster family,
2 you went to stay for about two months with foster carers
3 in the Dunfermline area. I think you told the Inquiry
4 on a previous occasion that there were no issues there?

5 A. Yes.

6 Q. Then, after that placement, you were moved to another
7 children's unit in Glasgow, which you tell us about,
8 I think starting at paragraph 55 of your statement.
9 It's blacked out --

10 A. Yes.

11 Q. -- but you can take it we know what's behind it and it's
12 been read if I ask you any questions about it.

13 As far as that children's home is concerned, again
14 I'm not going to spend too much time in that section
15 today. Secondary Institutions - to be published later

16 Secondary Institutions - to be published later

21 A. Yes.

22 Q. Then your next placement was another children's home in
23 Glasgow, Secondary Institutions - to be published later

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15 LADY SMITH: 'Joe', I just want to see if we can get the
16 microphone adjusted so it's a bit closer to you. Maybe
17 you can get a little bit closer to it.

18 It might help if it's just bent down a wee bit and
19 you are speaking over the top of it.

20 A. Is that all right?

21 LADY SMITH: Mr Peoples, let's see how that is.

22 A. Is that better, yes?

23 LADY SMITH: I think that's coming over better.

24 MR PEOPLES: If you can keep your voice up if you can,
25 I know it's difficult.

1 A. I've got a cold, so I'm sorry.

2 LADY SMITH: I'm sorry to hear that.

3 MR PEOPLES: It's just that it's perhaps -- if you can, it
4 would obviously help if you're able to speak a little
5 louder. You may have a quiet voice generally and it may
6 not be easy. But if you can, that would be helpful.

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11 A.

12 Q.

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17 A.

18 Q.

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21 A.

22 Q.

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7 Q.

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15 A. Yes, but in hindsight, when I lived in Dunfermline

16 Secondary Institutions - to be published later. I was settled. It seemed to

17 be something that was working well. Secondary Institutions - to be published

18 Secondary Institutions - to be published later

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21 Q. In a sense, if you had had a foster placement, such as

22 the one in Dunfermline which didn't have some of the

23 problems that the earlier one had, that would have been

24 perhaps what you thought would have been best for you?

25 A. I think it had to be somebody that could adapt to my

needs, it had to be somebody who had to be specialised

1 to cope with my kind of certain behaviours, and that
2 worked. It worked in Dunfermline.

3 Q. I was going to say, the people in Dunfermline, it would
4 appear, managed to deal with that successfully. Is that
5 your recollection?

6 A. As far as -- my only recollection of it is before I left
7 they said they wanted to keep me. But they were not
8 allowed to, basically.

9 Q. Was there some talk -- maybe this explains it, I think
10 you may have told us this before, was there some
11 suggestion that social work felt that the best placement
12 was placing you with an Asian family?

13 A. Yes.

14 Q. In fact you had said to them that that's not what you
15 wanted, you wanted to stay in what I think you describe
16 as your comfort zone?

17 A. Well, I've never -- I hadn't been around any Asian
18 families my full life. Secondary Institutions - to be published later
19 Secondary Institutions - to be published later
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21 I didn't -- I didn't see my parents. I wasn't -- I was
22 completely Westernised. My mum, I've never seen family.

23 LADY SMITH: Of course, 'Joe', as you explained, you first
24 went into foster care when you were very small --

25 A. Five months old, so ...

1 LADY SMITH: -- so you had been away from your birth family
2 a long time --
3 A. Yes.
4 LADY SMITH: -- with other people, and for years in a home,
5 a family-type setting.
6 A. I think everywhere I've went, as I started to get a bit
7 older, maybe even from Garfield, I've tried to make
8 everywhere I have lived my home. Like even when going,
9 as you say, Maxton, I've tried to make it my home
10 because it's all I had.
11 MR PEOPLES: There may have been a well intentioned but
12 perhaps misguided assumption that what was best for you
13 was eventually to find an Asian family where you would
14 become a foster placement. I think you've explained to
15 us why you didn't consider that to be the best option
16 for you, given ...
17 A. I could understand if that was something that happened
18 at a very young age, but it didn't. You couldn't be
19 looking at something like that when I'm turning -- about
20 to become a teenager.
21 Q. In this children's unit that you went to after your stay
22 with the foster carers in Dunfermline, Secondary Institutions - to be published later
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5 A.

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13 Q.

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16 A.

17 Q.

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21 A.

22 Q.

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1 A. Secondary Institutions - to be published later

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17 Q.

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5 MR PEOPLES: Your next placement, and I think you say that

6 it was a -- I think it might be what we would have

7 called in the past a List G school, not a List D School,

8 but don't worry about that. It's maybe not for you to

9 worry about.

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4 A.

5 Q. So your next placement was Kerelaw; is that right?

6 A. That was -- yes, it was a strange one when that

7 happened. Secondary Institutions - to be published later

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1 Then I stayed there Monday to Friday again, so I was
2 there seven days, and then the following weekend I got
3 told that I'm going to -- basically just got told,
4 'You're going to a place called Kerelaw'.

5 Q. You're describing a situation where you really didn't
6 get a proper explanation why the current situation was
7 coming to an end and why you were going to a particular
8 place?

9 A. No. I just got told, 'That's not your house any more'.

10 Q. Did you know anything about Kerelaw before you went
11 there? Had anyone spoken to you about it or what
12 reputation it may have had?

13 A. No.

14 Q. You went there with no knowledge of what you were going
15 to?

16 A. Pretty much, yes.

17 Q. I think you tell us that you went to Kerelaw when you
18 were about 13 and you tell us about Kerelaw in your
19 statement at paragraphs 86 to I think around 107 of your
20 signed statement. I'll pick up some of the things you
21 say in that section of your written statement.

22 You tell us at paragraph 86 that you were placed in
23 one of the units there, called Millerston. You can take
24 it that we're familiar now with the fact that when you
25 went there there were, in what's called the open school,

1 four units, two for boys, two for girls?

2 A. Yes.

3 Q. And Millerston was a boys' unit?

4 A. Well, initially, my first weekend I was in Fleming Unit,

5 and then the next time I went back I was in Millerston

6 Unit.

7 Q. Fleming was another boys' unit?

8 A. Yes.

9 Q. Was there also a girls' unit called Wilson and another

10 called Baird?

11 A. Baird and Wilson.

12 Q. You reckon -- well, you say at 86, maybe I should just

13 ask you this first of all. You say:

14 'It was a horrible, minging place.'

15 Was that the first impression or was that

16 an impression after you had been there a while?

17 A. No, that was my first impression. It was an eyesore.

18 It was nothing I'd ever seen, especially --

19 Q. An eyesore and an eye-opener?

20 A. Yes, I mean like Falkland -- the way to comparison is

21 that Falkland looked like Hogwarts, that's what it

22 looked like, and then you're going to Kerelaw.

23 Q. You reckoned that there was maybe around 13 residents to

24 a unit ranging from perhaps around 12 to around 16.

25 A. Yes.

1 Q. You say at 86:
2 'I didn't get on well with the other residents
3 initially. I think I was the only Asian person ever to
4 have come into Kerelaw. I stuck out as a target. I was
5 made to feel unwelcome and was bullied and assaulted.'
6 When you say bullied and assaulted, do you mean by
7 staff or by --
8 A. By young people, by young people, actually.
9 Q. At that stage?
10 A. At the beginning it was all young people, yes.
11 Q. You say:
12 'I wasn't a pushover, but there were kids in there
13 you wouldn't answer back as they would wipe the floor
14 with you.'
15 I take it you would have quickly learned there were
16 people who had been there before or for particular
17 reasons that didn't apply to you?
18 A. Yes. It soon became that I was out my depth with it,
19 and questioned kind of why I was in there. It was
20 extreme -- don't get me wrong, I could have extreme
21 behaviours, some people might have thought. But
22 I didn't think my behaviours were like compared to other
23 young people there.
24 Q. I think other people have told us that they were like
25 a goldfish in a pool of sharks?

1 A. Yes.

2 Q. Would that be a way of describing it for you?

3 A. Yes.

4 Q. And you say in that part of your statement there was

5 a lot of intimidation and that the staff were aware of

6 it. The settling-in period really wasn't very nice for

7 you, but that gradually people started to take you under

8 their wing and it got a bit better for you.

9 Can I just ask you there, when you say that people

10 started to take you under their wing, are you talking

11 about other residents or staff or both?

12 A. Both.

13 Q. Both?

14 A. I think everywhere I've went I've tried to adapt the

15 best I can. Everywhere I've went I've got on more so

16 with adults than what I have with kind of young people.

17 So finding someone that I feel secure with is like

18 a sixth sense. It still happens now, I feel as if I can

19 kind of read people, read interactions with them. So

20 I found it kind of easy to kind of attach myself to

21 people I felt safe with. People that generally I felt

22 had a bit of liking for me.

23 Q. What you call 'interactions' worked for you, that if you

24 had these interactions then life got better and you felt

25 more comfortable?

1 A. Got better when they were on, yes.

2 Q. Yes, you're obviously going to tell us and we will find
3 out that the interactions weren't all good interactions.

4 A. Yes, it was good when they were on. Same with every
5 kind of children's house you were on. You have people
6 you enjoyed being on with, people that you can spend
7 your time, that you can talk to, you feel safe with.
8 You kind of realise, if you look back, you see the
9 pattern, nothing ever bad happened, you always had good
10 times and fun memories, and everywhere I've said I've
11 always had good memories, not all bad memories,
12 everywhere I've lived in my homes, there's great times
13 there as well.

14 LADY SMITH: When you say life got better when they were on,
15 are you talking about when particular members of staff
16 were on duty?

17 A. Yes. Yes.

18 LADY SMITH: Thank you.

19 MR PEOPLES: I'll come to why you are saying this, but just
20 to make the point at this stage and this doesn't just
21 apply to Kerelaw, that you're basically saying that
22 there were good and bad staff, there were good and bad
23 fellow residents, and you had some good times there and
24 you have had some bad times?

25 A. Yes.

1 Q. It was a mixture?
2 A. Yes, but it was home.
3 Q. But it was home?
4 A. It was home.
5 Q. For the time --
6 A. Yes.
7 Q. For the time being?
8 A. Yes.
9 Q. By then, because you had been in a children's unit as
10 well as a residential school, and now you were in
11 another residential unit, did your time in foster care
12 start to recede, or did you still think that's where you
13 wanted to go back to?
14 A. I think there's times where I enjoyed where I lived,
15 like everywhere I've lived there's been times that
16 I have enjoyed, but I think there would probably have
17 been darker times as well where I just wanted not to be
18 in there, just as everywhere I've stayed there's times
19 that I've not wanted to live there.
20 So it's again saying like the good, the bad, and the
21 ugly. You need to take it.
22 Q. What you say at paragraph 87, this is picking up on
23 things you've said, that your unit manager was a woman
24 called Shona Kelly?
25 A. Mm-hm.

1 Q. Your initial key worker was someone called
2 [REDACTED], and then it became another individual
3 called Robert McVey for the rest of your time at
4 Kerelaw. Is that right?

5 A. Yes.

6 Q. You say there were good and bad staff and you name
7 someone who is now a friend, who was one of the good
8 ones. You also say that because you were there for
9 a sufficiently long time, you learned who, in your
10 opinion, was really horrible, and who you could, as you
11 put it 'latch onto' and put your trust in, and if you
12 had problems these people were the ones who you would go
13 to and these were the people that you would spend your
14 time with if you could?

15 A. Yes.

16 Q. Okay.

17 Moving on to schooling, you tell us that you did
18 leave with some standard grades in cooking and art, but
19 you say there wasn't really any effort made to educate
20 you at Kerelaw:

21 'I would sit and watch The Simpsons at school.
22 Watching telly and being restrained became daily
23 occurrences.'

24 That's the broad general picture that stays with
25 you?

1 A. Yes. Pretty much. I can't remember doing any kind of
2 ...
3 Q. And was that the same for everyone, really?
4 A. Yes.
5 Q. That that was their life, their daily life?
6 A. There was no proper work getting done. That was --
7 I think kind of there might have been an offering of
8 work at some points, but most people would just sit and
9 watch a film, watch The Simpsons, or go on the
10 computers.
11 Q. Was there no encouragement to say maybe you could do
12 something more profitable than watch The Simpsons?
13 A. Well, we got -- when it came to exams we got -- if we
14 sat -- we didn't have to do any work, but if we sat and
15 done the exam and sat in the hall, we'd get a tenner for
16 each exam if we sat -- even if you never done anything.
17 So ...
18 Q. A financial incentive to sit there?
19 A. A financial incentive, yes.
20 Q. But you say that if you weren't cooperating in the
21 school, they'd phone staff -- that would be the care
22 staff, I take it -- to come in, and they would come in
23 and remove you from the classroom and do so, I think
24 your recollection is, generally speaking, in quite
25 a heavy-handed way, as you put it?

1 A. Yes, but again heavy-handed would be who was on.
2 Q. It would depend?
3 A. It would depend who was on.
4 Q. Yes. So although you can generalise, it's more just
5 generalising between the people who were heavy-handed
6 and the people that did it in a less heavy-handed way?
7 A. It's only as you got older you realise that. But if
8 I'm putting myself back in that position as a young boy
9 then, it was just normal. That's the best way to say
10 it, like it was just: we're going to come up team
11 handed, that's it, now, that's it. but there's a quiet
12 room, so you'd get whisked into the quiet room.
13 Q. So, yes, if I could just ask you about what would
14 happen. When you say you weren't cooperating, what you
15 mean isn't that you were watching The Simpsons rather
16 than learning something that was being taught in the
17 class. You mean if you're being disruptive in some way,
18 or perceived to be disruptive?
19 A. Yes.
20 Q. That was when you were removed?
21 A. Yes, you would be taken to the quiet room, or dragged to
22 the quiet room, whatever would be forced.
23 Q. It could be both?
24 A. It could be both, walk or drag, it was your choice. And
25 then you would either be getting restrained in the quiet

1 room or somebody from one of the houses would come up or
2 would radio on their walkie-talkies, like, somebody to
3 come.

4 Q. Just to be clear, if the teachers felt you were
5 requiring to be removed from the class, they wouldn't
6 tend to do any removing themselves; they would call care
7 staff to --

8 A. No, no, they could.

9 Q. Oh, they could.

10 A. They could. But just only certain ones would. You
11 would get some that just wouldn't get involved and other
12 teachers would come in and then they would take you out.
13 It was just -- again, it was who.

14 Q. Do you know why some of them didn't want to get
15 involved?

16 A. They're just genuinely nice people. You know, even
17 though -- I remember -- I can't remember her name, it
18 was a home ec woman, and she was lovely, but I think
19 I did give her a hard time. But we soon built up a good
20 wee relationship near the end. But many a time
21 I caused -- I done daft things, flinging about in the
22 kitchen, and she would never put me out but she would
23 call for somebody else to.

24 Q. When you say she would call, did they have
25 a walkie-talkie type thing, or a buzzer?

1 A. Pretty much. Not all of them had walkie-talkies, but
2 they rooms are kind of attached. All they had to do was
3 go around and there's another room there with somebody
4 in it.

5 Q. Could somebody maybe even hear a disturbance?

6 A. Yes, of course. Yes.

7 Q. Or see if they were walking past?

8 A. Yes.

9 Q. And they might come in and assist?

10 A. Yes.

11 Q. So there wasn't any one way of doing things?

12 A. Yes.

13 Q. Did some rooms have buzzers to call --

14 A. Not that I recall.

15 Q. But did they have some kind of means of communications?

16 A. Walkie-talkies. Some people had walkie-talkies.

17 Q. And was that teaching and care staff?

18 A. Yes.

19 Q. So they could communicate with each other as and when?

20 A. Yes.

21 Q. And you say that on some occasions when this happened
22 you would be taken to what you've called the quiet room.
23 Can you just tell me what was in the quiet room?

24 A. Initially it would be a couple of chairs. By the point
25 you were in the quiet room all the chairs were taken

1 out. Or upside down. Don't get me wrong, nine times
2 out of ten if you were in the quiet room you would start
3 to find stuff to fling about, anything that you could
4 find, because you didn't want to be in there.

5 Q. Was it just a place to take you away from other young
6 people?

7 A. Yes.

8 Q. And there was nothing much in it, and the idea was
9 through, if necessary, restraint, if I could put it
10 loosely, they were seeking to calm you down to a point
11 where you could either resume the class or go somewhere?

12 A. Yes. I mean, like not every time was I restrained in
13 the quiet room. There was times where it was like:
14 look, calm down for 10 minutes in here and you can go
15 back to class. Sometimes that happened but sometimes
16 you'd be, like, no, it's not happening.

17 Q. If you were still -- and I'll just use your
18 expression -- if you were a bit crazy on a particular
19 occasion and someone was called to take you away from
20 the classroom, could that sometimes involve you being
21 forcibly moved from the classroom to the quiet room or
22 elsewhere?

23 A. If you are being forcibly removed out the classroom, as
24 you're getting forcibly taken out you're resistant.
25 You're not getting marched, you're not getting escorted,

1 you're getting dragged out the classroom. So a normal
2 response would be to -- no, you're fighting back, you're
3 not wanting that to happen to you. So you're putting
4 all effort in to stop this person dragging you into
5 a room.

6 Q. So the differences between escorting you to the quiet
7 room or elsewhere and being dragged --

8 A. Dragging you.

9 Q. -- you used the word 'dragged'; do you literally mean
10 dragged?

11 A. I was dragged. Yes, you're dragged by the neck, pretty
12 much. Or you could be dragged -- at some point you
13 could be dragged by the ankles, do you know what I mean,
14 like?

15 Q. By any part of the body?

16 A. It was just whatever was there to get dragged.

17 LADY SMITH: 'Joe', could you give me an example of what
18 a young person might be doing that's disruptive to the
19 extent that the teacher gets on the walkie-talkie to get
20 somebody else to come and help?

21 A. It generally could just start from silliness in the
22 classroom, flinging stuff about, it could be horseplay
23 where a teacher, it's went too far, which I can accept
24 it shouldn't have happened, but it did.

25 LADY SMITH: Just going back to your home ec, which I think

1 you mean home economics class, would that be somewhere
2 that things would get flung about?

3 A. Could be, yes. Foods. Attention spans weren't great
4 with young people and classes, so anything to cause
5 a wee bit of -- boredom, boredom set in. That's the
6 best way to put it.

7 LADY SMITH: That's somewhere that there would be knives and
8 cutlery?

9 A. Yes, and I can understand why now if you look back it is
10 dangerous in the kitchen and stuff, but it also happened
11 in other classrooms, it could have happened in the gym
12 hall, it could have happened anywhere. So ...

13 LADY SMITH: Right. Thank you.

14 A. All it takes is for you to have a bit of a confrontation
15 with a teacher and then it depends how it escalates. It
16 either escalates one way or escalates another way. It's
17 going to escalate in a negative way or it's going to be
18 a way of, 'Right, okay, let's just calm down, let's go'.
19 It's who you get and how it's handled.

20 LADY SMITH: Yes, I can understand that.

21 Thank you.

22 MR PEOPLES: As far as the decision to have you removed,
23 again I take it it would very much depend on the
24 particular teacher and, maybe to some extent, their
25 level of tolerance, and also their judgment as to

1 whether the situation was such that they wanted you
2 removed or they would be prepared to deal with it in
3 class. Is that ...

4 A. I mean generally there was probably about four teachers
5 who were the main ones that would come in and do the
6 taking out of the classrooms and generally into
7 restraints. Not many -- in fact, I can't remember the
8 other ones being involved in any of the restraints.

9 Q. Who would they be?

10 A. So you had FSR was SNR at the time when
11 I was there. I think he used to be the PE teacher. But
12 when I was there he SNR . So he would
13 be one of the ones that would come in. You had
14 FSB , he would be one of the ones that came in.
15 You had KBN , he would be one of the ones that
16 would come in, and you had Matt George who would be one
17 of the ones that would come in as well.

18 Q. They were all on the teaching side?

19 A. They were on the teaching side.

20 Q. Although they would sometimes help out in shifts and
21 help the care staff, so they would get involved in
22 removing a young person from the class, if the teacher
23 wanted them removed they would come? They were the
24 people you remember most --

25 A. Yes.

1 Q. -- taking children away?

2 A. Well --

3 Q. Generally not escorting, is it, then?

4 A. I mean, on some occasions they could have been escorted

5 out. But on other occasions if you're out, you're out.

6 Like if you refuse to go out, you're going out no matter

7 what. If you are not leaving that classroom, you're

8 getting dragged out of that classroom.

9 Q. You said something earlier about the situation which

10 could give rise to a removal could be something that was

11 preceded by what, you used the term 'horseplay'?

12 A. Yes.

13 Q. Can you just tell us a little bit about what -- examples

14 of what you mean by horseplay that could maybe escalate

15 into a situation where a young person was removed?

16 A. It could be having a joke with a teacher by tripping

17 them up, and they do it back to you and it ends up quite

18 a bit of ruckus around about the classroom, flinging

19 stuff at them, and it just goes overboard.

20 Again, I don't know why I'm laughing because it's

21 not even funny. Like there was a thing they would do,

22 and as a kid it was sore and funny at the same time.

23 A teacher would come up behind you and go 'kidney punch'

24 and punch you in the kidneys, and you'd drop to the

25 floor, and you'd shake it off and laugh and try and get

1 them.

2 Q. At the time -- you may have a different view now -- did
3 you see this as loosely horseplay?

4 A. I seen it as fun, even though it was sore, I seen it as
5 fun. At the time it was probably, yes, that's --

6 Q. Is that how the other boys generally saw it?

7 A. Yes. I mean, like, yes, I think so. I think it started
8 off as fun, and it could end up getting serious, and it
9 would all depend who is doing it.

10 Q. Well, who wanted to -- just take the example you've
11 given, that there's, say, a punch, and then there's
12 a response in the same way, and then perhaps it
13 escalates to a bit more physical contact. Was the
14 person involved, the member of staff, was there
15 an attitude that 'I have to win in this situation'?

16 A. That was most of the case. You'd never be able to do --
17 unless it was somebody that genuinely cared about you,
18 you would never be able to outdo somebody. If you
19 showed a bit of pain on somebody and it hurt them, you
20 were getting it back five times worse, ten times worse.

21 Q. The point I'm saying is did they want to make sure that
22 they didn't come off second best?

23 A. Yes.

24 Q. If necessary that could mean the force would get
25 greater, or that there might be -- it might be a sort

1 of -- they go over the top, even if you --

2 A. That would be the exact same for restraints. If you are

3 getting dragged out a room and I'm not wanting to get

4 dragged out a room, if I'm nudging him out of the road

5 you are getting put in pain to get taken out, it's like,

6 you're not ...

7 Q. Even in these horseplay situations or during

8 a restraint, the staff wanted to make sure that you knew

9 who was boss, is that right? Or have I got that wrong?

10 A. There was two -- out of most of the teachers there were

11 two who knew where the pressure points were in your

12 body?

13 Q. Who were they?

14 A. That was FSR and FSB. Matt George as

15 well. Very heavy-handed.

16 Secondary Institutions - to be published later

17

18 Secondary In Basically, my leg touching my neck, like up one

19 way, and my arm touching another way. Like it was sore.

20 If you were wriggling, they were grabbing parts of your

21 body, like grabbing the inside of your thighs to make

22 you comply. You know, you were screaming in pain, like

23 it was sore.

24 Q. There were at least some members of staff -- you've

25 named some -- who were able to use pressure points,

1 which would presumably involve pain?

2 A. Yes.

3 Q. Pain-inducing restraints, and they would do this as part

4 of a restraint?

5 A. Yes. And that's when we talk about like the carpet

6 burns in, especially in the school, because it was the

7 carpets, when you were getting restrained, their hands

8 were pushing into your head to push you onto the carpet.

9 Your face was like -- Secondary Institutions - to be published later

10 Secondary Institutions - to be published later

11 Secondary Institutions - I was getting pushed onto the floor, it

12 wasn't like ...

13 Q. Secondary Institutions - to be published later

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 A. [REDACTED]

18 [REDACTED]

19 Secondary Institutions - to be published whereas in Kerelaw I am getting

20 somebody like grabbing my head and pushing it into the

21 carpet, my face, and you're left with big scars all over

22 your face.

23 Q. I suppose the issue then becomes in any given situation

24 is that being done intentionally to injury or is it

25 being done just as a by product of a situation where

1 maybe all hell has broken loose?

2 A. Well, back then I wouldn't know. To me that's just me
3 getting restrained. I don't know any better. To me,
4 once you go from that kind of restraint into a kind of
5 recovery and done, it's kind of done and dusted with.

6 Q. If I go back to your pushing to the floor, just to take
7 that, because I suppose it could be open to two
8 interpretations.

9 One could be, well, that's just what they did, they
10 thought it was the most effective way of dealing with
11 the situation.

12 Or, alternatively, it could be a situation: well,
13 this is a good opportunity to injury someone
14 deliberately.

15 When your face was being pushed or rubbed towards
16 the floor, was there any reason, and I know this is
17 going back and it's difficult to think about the heat of
18 the moment, was there any reason why they needed to go
19 that far to bring you under control?

20 A. Probably because I had a mouth on me. Going back, like
21 if I was getting -- if I was going a bit higher I'd
22 start flinging insults, I would start pushing by.
23 I think -- I was young. I think I did assault staff at
24 points. But in Kerelaw it was different. I don't think
25 I did. Actually I saw it more as like shoving and

1 pushing. There wasn't an attempt to, like ...

2 Q. If someone was to come along and say: yes, there were

3 times when probably the young persons, whether you,

4 'Joe', or someone else, where their head was pushed

5 towards the floor, just in a restraint situation, but

6 I didn't set out to deliberately push them down to

7 injure them or leave them with injuries. Would you have

8 problems with that explanation, and why?

9 A. Say that again, sorry?

10 Q. If someone comes to us and says: yes, that did sometimes

11 happen, I understand why he's saying that, yes, in the

12 heat of the situation these things sometimes happen, the

13 person was kicking off, it was difficult, was

14 struggling.

15 I am just saying, if they just said, 'But I didn't

16 deliberately set out to cause them injury by pushing

17 them to the floor in an intentional way to effectively

18 assault them'.

19 A. I think if you look at it as you get into adulthood, as

20 I started to look at it into my early 20s, once is

21 a mistake, twice is not a mistake. Three times, four

22 times, five times, that becomes a pattern. It's

23 something you become used to, so you know that when this

24 person is going to go into a hold with you, but you know

25 oh -- sorry about my language here, but, 'Oh shit, this

1 is going to be sore'.

2 Like, so you go in prepared, that's why you are
3 going into that fight mode where you are like, 'This is
4 not happening to me, it's not happening'.

5 Q. Therefore in broad terms there would be situations, not
6 infrequent, where you would probably say they went over
7 the score, went over the top in terms of how they tried
8 to deal with the situation?

9 A. Yes.

10 Q. But there will be situations where staff, where you will
11 be behaving in just the same way but they did it in
12 a way that you found acceptable?

13 A. Yes, and that's not just on me, that's like you witness
14 people taking other people out and girls out, you know,
15 you see it happening on a daily basis.

16 Q. So it was a bit of both, perhaps. Sometimes it was done
17 in a way that you wouldn't have made a complaint about,
18 but other times you might have said, 'This is
19 heavy-handed and over the top'?

20 A. In all honesty, if it was me in a classroom watching
21 someone else getting dragged out we would all be
22 laughing. Back then you were like, haha, that's just
23 how it was. But if it was happening to you, obviously
24 you are going into a -- and you have all your peers
25 round about you as well, so you're not going to go down

1 easy, you know.

2 Q. You're not going to break ranks and start ...

3 A. Pretty much, yes.

4 Q. You have told us about the quiet room. How long might

5 you remain in a quiet room?

6 A. As far as I remember I've been in more like an hour, on

7 and off sporadically as well.

8 Q. Would you ever be kept in overnight?

9 A. No. Not to me, anyway.

10 Q. There wasn't anything like in some institutions

11 historically there were what might be called cells,

12 which were locked and people were left on their own

13 overnight. There was nothing like that?

14 A. I knew -- we weren't secure, but I knew the secure had

15 a cell, but we didn't have anything ... not that I'd

16 ever witnessed, no.

17 Q. Would there have been times when you would be taken

18 directly from the classroom not to the quiet room but

19 straight down to your room in your unit, and your room?

20 A. Like normally when you're put into a physical holds they

21 have radioed for somebody from your house to come up.

22 This is another bad part. Sometimes people would

23 come up and genuinely want to help and intervene and try

24 and get you up and gone. Other people would come up and

25 just walk away and let the carers or teachers or whoever

1 was restraining you continue.

2 Or you would hear, again, if it was somebody you've

3 got that good relationship with, if they came up, you

4 would be could you just go, it's fine, and then it's up

5 to the other person, no I'm going to stay or I'm going,

6 you know.

7 Q. If you saw what you might consider a friendly face,

8 could that deescalate the whole situation?

9 A. Oh yes, 100 per cent.

10 Q. They might be instrumental in you calming down and the

11 whole thing ending at that point?

12 A. Yes. Yes.

13 Q. If they weren't there, it might not end so happily?

14 A. It could go on and on or somebody could come up from

15 a house that you don't get on with and they would end up

16 intervening as well, so, you know ...

17 Q. If you were in a situation where, generally speaking,

18 you would be dragged from the classroom and taken to the

19 quiet room, within the quiet room, what I'd call the

20 restraint exercise, would continue, would it?

21 A. Yes.

22 Q. Until they felt that you could be released?

23 A. Yes.

24 Q. Is that what ...

25 A. Yes.

1 Q. How long could that last?

2 A. Ages. Like I've -- I could be lying about my times
3 here, but in that moment you could feel as if you were
4 on the floor for 45 minutes to an hour. Maybe more. It
5 all just depends.

6 Q. Generally speaking, when these were happening, you would
7 be put on the floor --

8 A. Yes.

9 Q. -- face down?

10 A. Yes.

11 Q. On some occasions with your arms up your back, your legs
12 up your back?

13 A. Yes.

14 Q. How many people were generally involved in this?

15 A. I have had four people on me before, you know.

16 Q. Four?

17 A. Four, yes.

18 It generally starts off by getting your legs swept
19 away from you or your arm twisted round and then up your
20 back. It could go either way.

21 Q. If you went either from the quiet -- well, you wouldn't
22 normally go from the quiet room until you've calmed down
23 to go to your unit or back to your class. But let's
24 take the situation where, as sometimes happened, I think
25 you said you would go straight from the classroom back

1 to your unit and towards your room. Would that involve
2 having to take someone along corridors, up stairs, and
3 so forth?

4 A. No, there's no stairs.

5 Q. No stairs.

6 A. It was all kind of -- until you get to your house.

7 Q. But you would have to go up to the stairs to get to your
8 room?

9 A. Yes.

10 Q. If you were still struggling and being dragged, the
11 people who were restraining would use some degree of
12 force to take you up the stairs?

13 A. A lot of times, like the time -- I had not been somebody
14 intervened and you're getting a bit of recovery in and
15 taking you down into the house, normally as soon as the
16 restraint is over you would get up and storm out and run
17 away and you would disappear into the local community.
18 Like you are just not bothered --

19 Q. Yes, you wouldn't give them the chance to take you --

20 A. No, so you would be away straightaway, whereas if
21 someone come up and was like, go and go back down and
22 what's happened, and go and get this, go and have
23 a cigarette, go and like chill out. That's, like ...

24 Q. The sort of restraints you were talking about
25 involving -- because there were classes during the day,

1 at least on the face of it. Would these restraints be
2 happening on a daily basis?

3 A. Yes. In all honesty, I would say it wasn't Kerelaw
4 unless a restraint was happening every day. Somebody,
5 somebody was getting restrained somewhere. That's how
6 it felt.

7 Q. Just at this stage can we go back to the statement and
8 just deal with another matter that you tell us about,
9 about your leisure time. It's headed 'Leisure time' at
10 paragraphs 91 and 92. You tell us in your statement:

11 'I was never allowed out. I was kind of confined to
12 the school and the different houses in Kerelaw. I don't
13 know the reason why. I think they thought there was
14 more of a safety risk with me, just with being of
15 a different colour and living in a rough area. I ran
16 away loads of times, and the staff would always try to
17 find me first. It was always the staff I had latched
18 onto that would come looking for me, so it was probably
19 because they cared about me. I didn't self-harm as much
20 in Kerelaw. Secondary Institutions - to be published later

21 Secondary Institutions - to be published later

22 You say in the same vein, at 92:

23 'I think I was the only one in the two boys' units
24 that never had anywhere else to go. I was in that place
25 24/7.'

1 Is that literally correct? Were there times when
2 you did go out?

3 A. No, I wasn't allowed out initially at all.

4 Q. Okay.

5 A. So generally when I remember when I first went in,
6 normally what would happen is at the weekend all the
7 kids would go back on family leave. There wasn't many
8 children that stayed in, and I was like one of the very
9 few, especially in the boys' houses, that was just in
10 all the time.

11 Initially you're not allowed your kind of rec money
12 and your pocket money in your hand. There came a point
13 that I was allowed out and I did get to go into the
14 community, but I seemed to just get targeted when I was
15 out in the community, and it didn't really change until
16 I got a bit bigger, before I left to go to college and
17 stuff.

18 Q. Why were you being targeted?

19 A. It was just a rough area. Secondary Institutions - to be published later

20 I could say it's because of my colour of my skin, but
21 again, it's in the top of a rough end of an estate,
22 people know you're not from there, like no matter where
23 you go, you're kind of targeted.

24 And it wasn't just me, other people who had went out
25 into the community had been targeted as well: they're

1 from Kerelaw, get them.

2 Q. It wasn't necessarily because of your skin colour?

3 A. There could have been elements of it as well --

4 Q. But if you were a Kerelaw boy, you were a target for the

5 local youths?

6 A. Yes, and even though I was quite feisty, I wasn't the

7 biggest of boys, I was quite small for my age. I think,

8 yes, there was just the general risk that I was not

9 going to manage out in the community.

10 Q. Can I move on to the section that's headed 'Abuse at

11 Kerelaw' and can we maybe move on to that at this stage.

12 First of all, you are telling us about a particular

13 individual that you had dealings with, FSY.

14 A. Ah-ha.

15 Q. I'll maybe ask you about him, if I may, at this stage.

16 You say that pretty early into your time at Kerelaw,

17 which would maybe be around early 2000.

18 A. Yes.

19 Q. You tell us that you had some argument with him, and you

20 say he was tall and well built. I suppose certainly in

21 comparison to you, would that be the case? Or was he

22 just tall anyway?

23 A. He was an ex-goalkeeper, so he was big. To me he was

24 huge.

25 Q. When you say well built, do you mean just tall?

1 A. Broad.

2 Q. He was broad?

3 You say you remember this well because you had never

4 experienced any member of staff being racist to me:

5 'He said to me that I was "nothing but a wee, black

6 bastard". I hit the roof and ran about telling

7 everybody what he'd said. It never came to anything.

8 I think he was spoken to and denied it. I have never

9 lied about a member of staff in my life, so I didn't

10 just make it up.'

11 Can I just ask you a few questions on that. You say

12 'an argument', can you recall what specifically may have

13 triggered this racist comment that you told us about?

14 A. I can't specifically remember the environment of what

15 was happening at the time, but we locked horns quite

16 a lot. It was one of the shifts that I didn't get on

17 with that I didn't feel safe with at all. It was

18 a shift that generally I got bullied on other young

19 people as well, we didn't see eye to eye and I vaguely

20 remember at one point we were having an argument and

21 I vividly remember the words him saying it. And I lost

22 the plot, I just burst, and I was shouting and screaming

23 and I said to management as well, you know.

24 Q. Did FSY, was he -- he was within Millerston

25 Unit at the time?

1 A. Yes.

2 Q. Which shifts did he work?

3 A. He worked with HQQ [REDACTED]. It was him and

4 HQQ [REDACTED] --

5 Q. Sorry, it's a bad question.

6 A. It was a day shift.

7 Q. He was a day shift worker?

8 A. Yes.

9 Q. Because I think we know, or at least we've heard, and

10 you maybe can confirm it or tell us if it's incorrect,

11 that there was a day shift staff that would do the early

12 shift and the back shift, and then there was a --

13 A. Yes, a night shift.

14 Q. -- separate night shift. I'm not going to say never the

15 twain met, I think there was a changeover, but there was

16 very much a separate set of staff for each of these two,

17 the day and the night shifts?

18 A. Yes.

19 Q. Is that what you recall?

20 A. Yes.

21 Q. FSY [REDACTED] -- was he FSY [REDACTED] or FSY [REDACTED]?

22 A. FSY [REDACTED]

23 Q. He was on the day shifts?

24 A. Yes.

25 Q. Can you recall where you were when the comment was made?

1 Were you in Kerelaw, or could you have been elsewhere?

2 A. My memory is that it happened within Kerelaw. Yes.

3 Q. Is it possible that you were elsewhere on some form of

4 day trip?

5 A. Not that I believe, no.

6 Q. I think you'll know why I'm asking this --

7 A. Yes.

8 Q. -- because I'm going to tell you at some point what

9 Mr **FSY** 's response is to this and I think he puts

10 you on a trip when he gives his response to what you've

11 said here.

12 A. Mm-hm.

13 Q. But you don't remember that being --

14 A. I don't remember being out on a trip, no.

15 Q. At any point shortly after you say the comment was made

16 that you have told us about, did you and **FSY**

17 meet with, or meet, I should say, Shona Kelly, the unit

18 manager?

19 A. No.

20 Q. You don't remember that happening?

21 A. No.

22 Q. Although I think you said at some point you went to see

23 her, did you?

24 A. I went to see, it was Shona and **KBS** at the

25 time.

1 Q. How long after this comment?

2 A. It would have been the next time I'd seen them that

3 I told them.

4 Q. But you don't know how long after?

5 A. No. No.

6 Q. But you wanted to see them?

7 A. Yes.

8 Q. Why did you want to see them?

9 A. I'd been done wrong. In my mind I'd been done wrong.

10 It was a member of staff being racist to me. I've

11 never -- I can understand a young person doing it, but

12 I couldnae -- I'd never really contemplated a member of

13 staff doing it. Even everywhere I've lived previously,

14 I've never experienced that. As I say, I've never

15 accused anybody previously in places I've been to being

16 racist to me, so ...

17 Q. Were you -- I mean, maybe, your age at that stage would

18 be what, then, just over -- just turned 13?

19 A. 12/13.

20 Q. Were you going to see her to make what might be termed

21 a complaint or you were just going to report what had

22 happened?

23 A. I would say take away that incident, any bad incident

24 that happened you always said, 'I'm going to make

25 a complaint'. You always said, 'I'm going to get you

1 done, I'm going to get you sacked'. Like any bad thing
2 at Kerelaw that happened, that was your go-to, until
3 everything calmed down and it was forgotten about. Like
4 you just went it's done.

5 Q. It wasn't uncommon for people to say they were going to
6 complain about something the staff had done or said or
7 whatever?

8 A. Ah-ha, yes. Normally you'd get a response, and this is
9 true, they would say:

10 'Do you want 20 pence to go and phone somebody that
11 gives a fuck?'

12 That was the response you got.

13 Q. But on this occasion you felt that it was something that
14 you had to see the manager about?

15 A. Yes.

16 Q. And also was -- did you say **KBS** ?

17 A. **KBS** .

18 Q. Was he **SNR** ?

19 A. He was **SNR** .

20 Q. Unit manager?

21 A. Yes, and I had a good relationship with both of them,
22 so --

23 Q. Did he have a nickname?

24 A. Me?

25 Q. No, did he?

1 A. [REDACTED]
2 Q. Do you know his background at all?
3 A. I know a bit of background, but [REDACTED] is still a constant
4 figure in my life just now. I'm 37. He's stood by me.
5 Q. What did you think of him?
6 A. I can only take people face value and I had a genuine
7 relationship. I considered him family, like now.
8 Q. Did you have any difficulties with him when you were at
9 Kerelaw?
10 A. Absolutely not, no.
11 Q. Did he like boxing?
12 A. Loved boxing.
13 Q. Was he one of the people that you've described that
14 might engage in horseplay at any stage?
15 A. I had horseplay with nearly every member of staff.
16 Q. Could he have been one?
17 A. Yes. Yes. Of course. Yes.
18 Q. Could that horseplay, for example, involve the type of
19 situation you mentioned earlier, such as giving someone
20 a dig or a punch in the kidneys area?
21 A. Probably could have at some point, but not as bad as
22 what ...
23 Q. Okay. As bad as?
24 A. As bad as others.
25 LADY SMITH: 'Joe', it may not particularly matter, did you

1 tell me that **KBS** liked boxing?

2 A. Yes. I think he was a **[REDACTED]** boxer.

3 LADY SMITH: All right, thank you.

4 MR PEOPLES: Yes, because I think Kerelaw had at least

5 a number of staff who either had been good footballers

6 in their past life, and perhaps even in their present

7 life at Kerelaw, and also people such as **KBS** who had

8 a background in boxing **[REDACTED]**.

9 A. Yes.

10 Q. Quite sporting types?

11 A. Most of the staff were quite sporty and had some level

12 of fitness or sport behind them.

13 Q. Just going back to -- I asked you whether, shortly after

14 the comment was made, whether you and **FSY** **[REDACTED]**

15 encountered or met Shona Kelly, that's not your

16 recollection of happening?

17 A. No.

18 Q. Again, you know why I'm asking this?

19 A. Yes.

20 Q. Just to be absolutely clear, 'Joe', are you telling us

21 that you never reported racist comments in either foster

22 care or in the previous institutions we've looked at?

23 That wasn't something you'd ever done?

24 A. Not that I remember. I think, I think going back to

25 when I was in Comely Park, I had mentioned that my

1 teacher had said something. I had been called a 'Paki'
2 in school and I was only in -- it must have been
3 primary 5, and I said to my primary teacher at the time
4 he called me that, and she had said, 'Well, you are,
5 aren't you?' And I was like err, but that was the only
6 other instance I can remember.

7 Q. If I ask you this following question, and again I think
8 you'll know why I'm asking it, were any staff in the
9 institutions you had previously been in ever dismissed
10 for making racist comments to you, 'Joe', or about you,
11 'Joe'?

12 A. No.

13 Q. No. You tell us that you did speak to Shona Kelly, you
14 went to see her --

15 A. Yes.

16 Q. -- at some point after this comment. Can you remember
17 her response?

18 A. I can't remember her response. I can't remember
19 an after conclusion or anything, I can't ...

20 Q. You have a clear recollection you did go and tell her?

21 A. Yes.

22 Q. And was **KBS** there as well?

23 A. I think they both were. I think they were both around
24 the house at the point when I had asked to take them.

25 Q. Do you know whether this matter was the subject of

1 investigation by Glasgow City Council?

2 A. No.

3 Q. You don't know?

4 A. No.

5 Q. If there was any investigation into it, I take it, then,

6 you weren't told what the outcome of that investigation

7 was at the time?

8 A. No. No.

9 Q. Okay. But was there a time when you were interviewed --

10 I'm not saying necessarily in context of this -- by what

11 I think has been referred to as a joint investigation

12 team looking at a wide range of allegations about

13 Kerelaw. It was set up in 2004.

14 A. Yes, so I must have been 16 and a half, 17.

15 Q. Do you recall being interviewed by them?

16 A. Yes.

17 Q. Do you know whether you mentioned this at all, or were

18 you asked about it?

19 A. No, I was very dismissive of that interview, just

20 because when I'd left Kerelaw, I was still just out of

21 Kerelaw, that was my home. I put everything down to

22 horseplay. Everything they asked me I was just saying:

23 it's horseplay, it's horseplay.

24 Q. That was the sorts of things you've told us about?

25 A. Yes, but I also told them that there were some bad

1 people as well, I mentioned a list of names, 'Look,
2 these weren't nice people'.
3 Q. Why were you interviewed by the team?
4 A. They said they had multiple VIs of me being restrained.
5 Q. Now, and just for the benefit of those who are not
6 familiar with this, this was a system where when there
7 was a violent incident of some kind, which could be
8 a restraint, for example, a physical restraint, that the
9 process involved staff having to complete what was
10 called a violent incident, or VI-1 form?
11 A. Yes.
12 Q. That would be completed and submitted to the unit
13 manager -- you may or may not know this -- then I think
14 the process was that it was supposed to go further to be
15 dealt with at a higher level?
16 A. Yes.
17 Q. You were told, or you understood at that time, that your
18 name appeared in a number of VI forms?
19 A. There was that and also that people, other young people,
20 had made allegations that they had seen members of staff
21 hurting me.
22 Q. Yes. So you were being asked about that as well?
23 A. Yes, I'd been asked quite a lot. I'd been told at that
24 point there was a lawyer wanting to speak -- I think his
25 name was Cameron Fyfe, this man wanted to talk to me as

1 well. I was young.

2 Q. Did you actually say at that point that staff had done

3 anything to you that might involve physical abuse --

4 A. I had said they were heavy-handed.

5 Q. Is that how you would have told it to them?

6 A. Pretty much, yes.

7 Q. You wouldn't have necessarily put it as abusive. The

8 expression you would have used was 'heavy-handed'?

9 A. Heavy-handed.

10 Q. But heavy-handed meant what you told us earlier?

11 A. Yes.

12 Q. Because there was restraints and heavy-handed

13 restraints?

14 A. Yes, because that's how you looked at it back then.

15 I can remember just heavy-handed.

16 MR PEOPLES: Okay, I get that.

17 I'm conscious of time. Maybe this is a good point

18 to stop.

19 LADY SMITH: I think we should probably have the lunch break

20 at this point, 'Joe', and finish your evidence after the

21 lunch break if that's okay.

22 A. Of course.

23 LADY SMITH: I'll sit again at 2 o'clock.

24 (1.04 pm)

25 (The short adjournment)

1 (2.05 pm)

2 LADY SMITH: 'Joe', are you ready for us to carry on?

3 A. Yes.

4 LADY SMITH: Thank you very much.

5 Yes, Mr Peoples.

6 MR PEOPLES: 'Joe', we were dealing with the section of your

7 statement dealing with abuse at Kerelaw before lunch,

8 and I'd been asking you about the occasion when you tell

9 us that a comment was made, a racist comment was made,

10 by **FSY**. Just to finish off that particular

11 matter, while you were in Kerelaw, was that the only

12 time you were called 'a wee, black bastard' by anyone?

13 A. Yes, apart from young people in places. But it was only

14 by a member of staff, yes.

15 Q. So from time to time -- well, we'll come to another

16 thing you tell us about.

17 A. Yes.

18 Q. I'm going to come to that. But so far as the staff were

19 concerned, that's the only occasion?

20 A. Any kind of arguments or fights with young people, I can

21 handle that, you know, that's ...

22 Q. There might be a bit of name-calling that had

23 a racial --

24 A. Yes, I'm used to it, that was people's go-to, especially

25 if I was maybe getting the better of arguments or fights

1 with them, that was the kind of go-to.

2 Q. Okay. Can I ask you this. We can take out the
3 description, but did staff at times call other young
4 people 'bastards' to their face, or in their presence?

5 A. Probably, yes. Swearing was normal within that
6 environment.

7 Q. Okay. So someone might have been called a bastard just
8 to their face, or ...?

9 A. Yes.

10 Q. You know a person called HJG, who I think was
11 a night shift worker?

12 A. Mm-hm, night worker.

13 Q. Did you ever say to HJG that you would report
14 him for making a racist comment?

15 A. Not that I know of, no.

16 Q. Just on this matter, we have a response from
17 FSY, which I would just like to maybe put to
18 you just now for comment, if I may. He has
19 a recollection that after dinner time on one occasion
20 that you and he -- and I think probably some other
21 boys -- went on a trip to Kilmarnock, and that the boys
22 had a cigarette as they headed there. Some boys, he
23 tells us, had received their clothing allowance and
24 wanted to go to a place called Sports Direct to get some
25 gear, and he says that on the way, 'Joe', you asked

1 FSY for a cigarette, whereupon he replied
2 that you had just had one, and in any case there was no
3 smoking allowed in the vehicle, so you weren't going to
4 get another one.

5 His position is that you started swearing at that
6 point, demanding a cigarette, and then said that if you
7 didn't give him a fag, he would tell everyone that
8 FSY had racially abused you.

9 A. Mm-hm.

10 Q. If I could carry on just before you comment, what he
11 says is around the time this happened, Shona Kelly, who
12 we've spoken about this morning, one of the house unit
13 managers, came out from a shop, and FSY says
14 he told her what you, 'Joe', had been saying about the
15 racial stuff. In other words, he's telling her, he
16 says, according to his version?

17 A. Yes.

18 Q. He says you said during this conversation that you
19 weren't joking, and you said something along the lines
20 that you had done it before in a previous placement and
21 two members of staff had been sacked.

22 Then, according to FSY 's account, there
23 were a few moments of silence, and then Shona told,
24 I think, you, 'Joe', to behave yourself, and then
25 FSY says that when he went back to the unit

1 he recorded everything in the unit logbook.

2 Finally, he says when the night shift came on that
3 night, and he was giving a handover, briefing,
4 HJG [REDACTED] was on the night shift, and he said he,
5 FSY [REDACTED], told HJG [REDACTED] what you, 'Joe', had
6 said, and that HJG [REDACTED] then said that you, 'Joe',
7 had done the same thing to him the week before and that
8 he had recorded it and he says he felt a bit more
9 relaxed when he heard that from HJG [REDACTED]

10 So have you any comments to make on that?

11 A. I think that's him deflecting away. I don't recall it
12 being like that at all. HJG [REDACTED] -- although HJG [REDACTED] was quite
13 a heavy-handed person in holds, I never had that bad
14 relationship with HJG [REDACTED] I don't recall in any other
15 placement making an excuse like that. I've asked many
16 people as a young person for cigarettes, and they've
17 said no, and I've never went to that extreme to do.

18 Thinking back to that kind of time, I think I had
19 a grudge with FSY [REDACTED] for days over it. I think a lot of
20 carers knew about it, Shona, KBS [REDACTED], and [REDACTED] was
21 a member of staff and he knew about it. I made it very
22 clear. Like, it's not -- if I had ever said to anybody
23 'I'm going to get you the sack', there would have been
24 cause for me to say 'I'm going to get you the sack'
25 because something bad would have been happening.

1 I wouldn't have said it out of jokingness for not
2 getting a cigarette. It wasn't my style.

3 I would only have said things like that if I was
4 distressed.

5 Q. Okay. So is that all?

6 A. Yes.

7 Q. Okay, thanks. Then if we go on to another matter you
8 tell us about, an occasion. You tell us that there was
9 a boy who bullied you a lot, this is paragraph 96 on
10 page 20 of your written statement, calling you every
11 name under the sun. I wonder if that's one of the boys
12 that might have said things -- when you say every name
13 under the sun, do you mean including names that had
14 a racist element?

15 A. It was a boy from Kirkcudbright, I don't know if I'm
16 allowed to say, his name was [REDACTED], he gave me a
17 torrid time when I first started and when I first went
18 into Kerelaw, loads of names under the sun, and the
19 moment, one of the times I recall generally when things
20 weren't going well in Kerelaw, if there was a bit of
21 a disturbance or nuisance or carry on or instance it
22 seemed to be on FSY [REDACTED] and HQQ [REDACTED]'s shift, they would
23 march us into like a room, whether it would be the
24 bottom room where the pool tables are, and we all had to
25 take our shoes off and just sit in silence with no

1 telly.

2 Or as I recall you would go into the office and in
3 the back of the office there would be another door and
4 it would be like a conference kind of mini room, with
5 a big table and next to it would be the manager's
6 office. At this point FSY [REDACTED] had taken myself, [REDACTED],
7 [REDACTED], [REDACTED], and I want to say
8 [REDACTED], I think it was [REDACTED], and we were
9 told just to sit at this table and be quiet.

10 At this point there was a Budweiser advert on at
11 this point and it was like 'Bud', 'Weis', 'Er' and
12 [REDACTED] had started -- I think it was a -- [REDACTED]
13 [REDACTED] was quite a, he was a boy I was scared of, he
14 was a big boy and he was quite violent, he was kind of
15 egging him on, and they started saying 'Ni', 'Ger', 'Er'
16 so it was like 'nigger' they were all saying round the
17 table, and they were all sitting giggling and laughing,
18 and FSY [REDACTED] was smirking and laughing as well,
19 never really put a stop to it. It was ... it wasn't
20 nice.

21 Q. What do you say, though, you joined in in terms of --

22 A. I joined in? No, no.

23 Q. You said they were sniggering and laughing. Were you
24 sniggering and laughing?

25 A. No, no, I was upset. I was upset this was happening.

1 Q. Is it the other boys were doing this but you sat there
2 and were upset, did you make it known or make your
3 feelings known that you were upset or did you just sit
4 in silence?

5 A. I sat in silence, I think I was close to crying because
6 it was quite -- it's ganging up on you, isn't it.

7 Q. Just so I'm clear, I suppose most people will know
8 there's a famous Budweiser advert with three frogs?

9 A. That's the one.

10 Q. And they break the name Budweiser into three bits and
11 eventually join it up?

12 A. That's what they were doing.

13 Q. What this boy did, one of them egged on by the others,
14 was to change it from 'Budweiser' to 'nigger', but to
15 break it into three parts?

16 A. It wasn't -- in fact, if I can recall right, it wasn't
17 until [REDACTED] had told him to wrap it in, and
18 [REDACTED] was probably, if not, if I remember, one
19 of the as you would call it the top boy in one of the
20 houses. Him and [REDACTED] were the two oldest, the ones
21 that everyone were kind of scared of, and from that
22 point onwards [REDACTED] kind of took me under his wing.

23 Q. Do you think it was because of this occasion that in
24 some way he did see that it had got to you?

25 A. I don't know. I've never actually known why [REDACTED]

1 took me under his wing because I didn't seem the kind of
2 person that he would take under his wing. But he always
3 looked out for me after that. I did have to stand up
4 for myself and the boy used to bully me and be racist
5 all the time. I fought with him in the kitchen, in the
6 canteen area and after that it stopped. I never got
7 anything after it.

8 Q. I think we know that sometimes for whatever reason if
9 something's happening to you, whether it's a racist
10 comment or otherwise, that if you stand up you've got
11 more chance of it stopping. Whereas if you do nothing,
12 there's more chance it's going to happen again and
13 again?

14 A. But I think once I started to have somebody under my --
15 somebody like take me on board.

16 Q. Who was a big player?

17 A. I was a bit more confident.

18 Q. But he was a big player in the unit, because he was
19 a top boy?

20 A. Whereas at that point it felt as if everybody was
21 against me, like I never really had anybody to turn to.

22 Q. Just so if I finish with this one, this episode, can
23 I just be clear, did **FSY** at any point join in
24 the song?

25 A. No.

1 Q. Right. Did he say anything -- you've said he smirked
2 and laughed --
3 A. Smirked and laughed.
4 Q. -- did he say anything at the time?
5 A. No.
6 Q. Can I just ask you, in terms of what would you normally
7 be called by staff when you were there? I don't need
8 your name, but just was it your first name? Would they
9 refer to you by your first name?
10 A. Yes.
11 Q. Did [FSY] normally call you by your first name?
12 A. Uh-huh.
13 Q. Okay.
14 Can I move on to another thing you tell us about,
15 about [FSY], in your statement at paragraph 97.
16 This, you tell us, was when new kids were coming into
17 the unit, or the house, [FSY] you say would
18 hold residents' meetings and tell us about the kids who
19 were coming in, and he'd say things along the lines, 'He
20 thinks he's a wee ticket. If you boys want to have
21 a quiet, wee word with him, you'll not see us.'
22 You tell us that new kids got kickings because of
23 this sort of thing being said, and you say you have
24 a clear memory that [FSY] was someone who said
25 this, and you describe him as, 'Just a horrible guy and

1 it was always bad when he was on shift'.
2 You add, and I'll just deal with this, because you
3 say:
4 'There was never money available for activities on
5 his shifts either.'
6 You say you were later told that he had been
7 stealing, but you don't know if that's true. I don't
8 want to make too much of that, but that's something you
9 were told, the last bit?
10 A. Yes.
11 Q. Can I put this possibility, if someone had said that to
12 you, was it another boy?
13 A. No, it was my old key worker.
14 Q. Right. Okay.
15 But you don't know on what basis the key worker said
16 that?
17 A. We were talking -- this was years later. I must have
18 been in my 20s. We were talking. I went down to visit
19 him in Stevenson and we were just reminiscing about
20 Kerelaw and stuff and, again, I would say how much
21 I disliked this person and he would tell me some stories
22 about how he actually was. I don't know if they are
23 true, I can only take at face value what he told me.
24 Q. At paragraph 98, and I'm not going to spend too much
25 time here, but you're talking about his aggression when

1 restraining you, and you've described people who engaged
2 in heavy-handed restraint, and I think would he be in
3 that camp so far as you're concerned?

4 A. He was, yes.

5 Q. So I'm not going to maybe repeat what you told us, but
6 can we take it that the descriptions you gave of the
7 sort of restraints you either experienced or saw, he
8 would be one of the heavy-handed brigade?

9 A. Yes.

10 Q. And he would put arms up your back, legs up your back,
11 and so forth?

12 A. It felt as if he would -- if things weren't going right
13 in the house, it was as if he planned to restrain you
14 anyway.

15 Q. Okay.

16 A. It was like ... that's the best way to describe it, is
17 if you knew you were on a high, like anxiety levels on
18 that shift were always quite high I would say on my own
19 experience, and it was like just to get them out
20 the road, let's get them over and done with, because
21 after restraint you come right back down, and things
22 kind of get back on track.

23 Q. You're suggesting it's almost a case of they were
24 looking to restrain you to calm you down and then they
25 would have an easy life after that?

1 A. It felt like it. And I witnessed it. I witnessed him
2 antagonising other young people, just to restrain them.
3 I mean, going back to the kids meeting ones, another
4 Asian boy came in for a short period of time. I think,
5 I don't mind, his name was [REDACTED], he came in for
6 a short period, and we all got sat in the lounge and
7 FSY [REDACTED] came in and told us about this boy, how was in
8 gangs, and he was doing this and doing that and he
9 thought he was a bit of a ticket and he needs to go to
10 secure and things like that, and again he says it ended
11 with:
12 'Look, if you want to have a wee quiet word with
13 him, on you go.'
14 The boy got a kicking. He got all his jewellery
15 stole off him. He got an absolute doing.
16 Q. Did you see the kicking or did you see the evidence of
17 it?
18 A. I had seen the evidence of it, but I seen the kicking
19 happened as he went to the train station off another
20 young person, and it was generally the case, if -- even
21 if I was being a wind-up on a night with another couple
22 of young people, we'd get taken in and the older ones
23 would be there, like the ones that you know: oh, sorry.
24 It was like, 'These guys have ruined your night, you
25 need to have a word with them'. And he would leave. It

1 was vindictive, it was horrible.

2 Q. Just on the question of restraint, so for the avoidance
3 of doubt, did FSY [REDACTED] restrain you at times?

4 A. Yes.

5 Q. Can you recall how often? Was he a regular person to do
6 that or was --

7 A. It would have been a few. I couldn't tell you off the
8 top of my head, but he has been involved in a few.

9 Q. Okay. You say at the end of paragraph 98 that you have
10 a memory that a time came where he was awfully nice to
11 you when things were starting to come out about Kerelaw
12 and that he invited you to his daughter's wedding and
13 said that you had always been one of his favourites.

14 Can I just ask you about that. When was this
15 invitation extended to you? Were you in Kerelaw still?

16 A. No, so I had left Kerelaw at this point. I was 16. And
17 I was still quite attached and like I would always come
18 up when I knew, like maybe [REDACTED] or KBS [REDACTED] or people
19 I liked were on, and some of the young people that I
20 still talked to were still in, so I used to come in
21 every like two days by train and come up, and there was
22 all these kind of whispers that police were involved.
23 This must have been about 2004 at some point.

24 Q. Was the open school still open?

25 A. The open school was still there.

1 Q. Because we know it closed in 2004, so --

2 A. So, it would have been in 2004.

3 Q. You weren't in the school.

4 A. No, I wasn't in the school.

5 Q. You were just going back?

6 A. I think I was visiting some of the teachers and I was

7 walking back down towards Millerston Unit and he put his

8 arm round me and goes: you know what -- I don't know if

9 it was his daughter or son, either his daughter or son

10 was getting married, and he was like, 'You were always

11 my favourite, and you know what, you are going to be at

12 a table with me watching them get married', and I was

13 like, 'All right, okay'.

14 Q. Did you ever go to a wedding --

15 A. No.

16 Q. -- of someone in the FSY family?

17 A. No.

18 LADY SMITH: Did he invite you?

19 A. No. It was what he said. It was a kind of arm wrapped

20 round walking back down towards the house and just said:

21 you're always one of my favourites, and you'll come to

22 this wedding with me, basically.

23 MR PEOPLES: Can I put to you some of the things that have

24 been said in response to some of the matters we've just

25 been discussing.

1 A. Yes.

2 Q. That so far as the meetings of residents and saying
3 things about new boys and having quiet words with them
4 and so forth, FSY [REDACTED]'s position is that what
5 you've said is total fabrication, and he questions your
6 motivation for doing it, and says he would never dream
7 of encouraging boys to beat up other boys.

8 I'll leave aside the accusation about stealing
9 money, because I think you fairly say you don't have any
10 idea whether it's true or not --

11 A. The only thing I can say about money was any kind of rec
12 trip we were on, it always seemed to be the same rec
13 trip with FSY [REDACTED] and it was down to the amusements to
14 play the puggy machines in Saltcoats and whenever we
15 went we'd always get £1.50 or £2, he would say:

16 'Listen boys, there's not a lot of money tonight,
17 but there you go, there's a wee couple of quid to go and
18 play.'

19 Q. What he said is that he can visualise perhaps you wanted
20 to go out and someone saying in jest that there was no
21 money because FSY [REDACTED] had stolen it and you may
22 have heard that and at the time believed it. But he
23 says that never in his time at Millerston did any money
24 go missing. So I'm just saying that's how he responded.

25 A. I didn't hear that until I was an adult, so ...

1 Q. No. Okay.

2 He says that the passage of time hasn't affected his
3 recollection of events and he can only assume that your
4 motivation for saying that sort of thing is financial.

5 What do you say to that?

6 A. I think it's -- if I wanted it to be all about
7 financial, I'd have fabricated a bit more, and I'm very
8 fair with kind of the things that I say.

9 Q. So far as restraints are concerned, you've told us about
10 restraints and you've named various people that were
11 involved in restraints including FSY [REDACTED] and
12 I think you name a number of people at paragraph 99 of
13 your statement.

14 [REDACTED]'s response is that he was not the
15 sort of person who needed to use restraints very often,
16 would you agree or disagree?

17 A. I'd agree but his -- the size of him, a lot of younger
18 ones wouldn't even bother to get into it. But he has
19 been involved in restraints --

20 Q. I don't think he is suggesting he never --

21 A. -- he didn't really get involved in a lot of the older
22 ones, because it just felt like the older ones were in
23 his back pocket. It was more so to frighten the younger
24 ones.

25 Q. He says that that could be proved by looking at the

1 number of VI forms that would be completed that would
2 have his name on them, and you wouldn't know how many
3 times his name appears --
4 A. I wouldn't know.
5 Q. -- or whether he is one of the ones that appears more
6 often than others.
7 He says he doesn't recall ever having to restrain
8 you, 'Joe', but would stand corrected if there's
9 evidence to the contrary. Did he restrain you very
10 often?
11 A. He has restrained me a few times and he's joined in with
12 part restraints as well.
13 Q. Indeed he says he doesn't recall there even being a need
14 to restrain you, and so far as how you described what he
15 would do during a restraint, his position is that what
16 you say about where **FSY** put your arms and
17 legs, he says:
18 'I would have to have been a contortionist to manage
19 this.'
20 So I think he's trying to suggest the body position
21 you're describing, being trussed up, was something that
22 would have needed a contortionist to --
23 A. I'm sure another five or six young people would disagree
24 on that one.
25 Q. Yes, you are in no doubt that at times, whether from

1 FSY or others --

2 A. Yes.

3 Q. -- staff put your hand and arms up your back, towards

4 your neck and your legs were also forced up towards the

5 top of your body?

6 A. Yes.

7 Q. When you were face down on the ground?

8 A. Yes. Like right up, as if your hand was touching your

9 neck, and as if you're trying to get your feet to touch

10 the back of your back, that's how bad it was. And it

11 was at that point that the pressure points started to

12 get used. If you weren't complying to that then it was

13 like the inside of your hand going underneath your

14 calves and squeezing right in, on the inside of there,

15 or it would be like your hand getting twisted right

16 round.

17 Q. Then so far as the wedding invitation is concerned, when

18 you gave this statement about the wedding, or the matter

19 of the wedding, his response was that you, based on your

20 age, would have left Kerelaw around about 2002. Maybe

21 that's not correct, I think, but you would have gone by

22 ...?

23 A. Just into 2004, end of 2003/start of 2004.

24 Q. Okay, but what he says is:

25 'My daughter didn't meet her future husband until

1 2005, so we couldn't have invited 'Joe' to her wedding.
2 The dates just don't stand up. The only time I saw
3 'Joe' after he left Kerelaw was very briefly, when I was
4 giving evidence to Glasgow City Council inquiry.'

5 I think that's the joint investigation probably he's
6 talking about:

7 'He just made pleasantries and that was it.

8 I really cannot see how he can call me a horrible
9 person. When he latched onto me I was always kind to
10 him and never judged him. Out of all the allegations
11 I've heard, this one from 'Joe' hurts me the most
12 because I know how good I was to that boy and did a lot
13 more than I would normally have done even in my own
14 time.'

15 He tells us, I think in amplification of that, that
16 in response to, I think, you saying you were never taken
17 out, that he would take you to football training on
18 a Monday and Wednesday and then on an Saturday -- sorry,
19 on a Monday and Wednesday and he would take you to
20 a football match on a Saturday, sometimes in his own
21 time. You would also be out playing snooker a couple of
22 nights a week, and he thinks that you were probably out
23 of the unit more than any other boy.

24 What do you have to say to that? Did he take you to
25 football matches?

1 A. He took me -- I'm not going to deny he took me to --
2 FSY [REDACTED] was at one point a manager for [REDACTED]
3 [REDACTED] down in Ardrossan and because at weekends that he
4 would work he had to take a young person with him, and
5 I was in, so it was me, I had to go. Most times there
6 would be a pack of fags involved for me to come down if
7 I didn't want to go, but it just meant he could do his
8 football.

9 Probably at times he did take me to training during
10 the week, because if he was managing [REDACTED] at the
11 weekend there would have been times that he probably did
12 take me. Snooker was a big part. It wasn't just FSY [REDACTED]
13 that took snooker. I am not saying FSY [REDACTED] never took me
14 anywhere, I'm just saying there wasn't any exaggerated
15 activities like other members of staff would do and take
16 you ...

17 Q. Was it a reasonably regular thing at some point?

18 A. Well, he had to. It was part of his job to take me out.
19 I'm not saying he didn't take me out anywhere.

20 Q. Did you enjoy going to the football matches? Did you
21 like football?

22 A. No, I liked playing football but I didn't like going
23 down to the football.

24 Q. I suppose, would these be good times when FSY [REDACTED]
25 was around, at least, or certainly not bad times?

1 A. You'd have to call it good times, because -- if you're
2 out and you're -- being out and about is just good
3 anyway. I'm not saying 100 per cent of the time FSY
4 was a bad person, there was times when, aye, I probably
5 did have jokes and laugh with FSY at points.

6 To deny the wedding one, that's not something that
7 I would just deliberately make up. How am I going to
8 know that somebody was getting married. It's silly,
9 I think.

10 Q. I think the point he's making 'Joe', is in the statement
11 it says his daughter's wedding, and obviously he'll know
12 when his daughter got married and when she met her
13 future husband and he's saying if she first met him in
14 2005 and you were invited in 2004 it just doesn't stack
15 up, that particular wedding, and you are thinking --

16 A. There was a wedding --

17 Q. There was a wedding --

18 A. -- it could have been --

19 Q. A family --

20 A. -- a daughter, a son, but there was a wedding that he
21 was inviting me to because apparently I was his
22 favourite person.

23 Q. Okay.

24 A. And I -- I didn't latch on to FSY at all. Like
25 I don't know where he's seen that from.

1 See if there was times I did latch onto him I'd be
2 honest and say there was times I really liked this
3 person, but I was not. I'll always be very honest and
4 transparent with people and try and give a fair
5 judgment.

6 Q. Can I just finally say what else he says, just to give
7 you a chance to comment.

8 FSY [REDACTED] says he really liked you, 'Joe', and
9 he thought that you were just a frightened boy that was
10 putting barriers up and testing boundaries, as all
11 children do. He says he doesn't feel that he should --
12 he has to deny this allegation. This is, I think, more
13 to do with the racist comment. But he says:

14 'I would never make any racial comments to anyone.
15 There are members of my family who are of colour.
16 Throughout my life I've become friends with different
17 people who are from lots of different persuasions, they
18 are still my friends to this day so what 'Joe' has said
19 is quite hurtful. I am surprised that 'Joe' has said
20 these things because we had a brilliant relationship.
21 On the day he left Kerelaw 'Joe' waited until I was on
22 duty to come and say goodbye to me. My wife had got him
23 a good luck card and we gave him a small bottle of
24 aftershave. My wife knew how fond I was of 'Joe'.'

25 Does that ring a bell for you, or any of it?

1 A. I can't remember it, it possibly could have happened,
2 I went round everybody, whether I liked them or not, and
3 I said goodbye to everybody, and literally I mean
4 everybody. I made a big deal of it that I was leaving,
5 so that possibly could have happened.

6 Q. Okay. If I can move on, then, from **FSY**, and
7 the general evidence about restraints by staff, some of
8 whom you've named, and you've told us about the carpet
9 burns so I'm not going to go back to that.

10 You tell us about another occasion on paragraph 101,
11 where you say that you found out that two staff members
12 had been sleeping with each other and you told the other
13 children who found this hilarious.

14 A. Yes. I start laughing, because ...

15 Q. You say stuff, and you said the woman in question would
16 get upset and angry and you tell us that one morning
17 your bedroom door flew open and **FSL**, who we've
18 heard about, came in:

19 '... and literally picked me up out of my bed by the
20 throat. I thought he was going to punch me, but he
21 punched the wall behind me and put a dent in it. He
22 called me all the names under the sun for spreading
23 rumours. That was quite frightening, but again you
24 don't make a formal complaint about it. You just moan
25 and shout and nothing gets done.'

1 So that was something that you can remember
2 happening?

3 A. Yes.

4 Q. Maybe to some extent you had provoked the situation to
5 a degree?

6 A. I provoked it, but I didn't deserve that. Like,
7 I'm a young boy. Any kind of rumour, anything that we
8 can use to wind up carers, you would use.

9 Q. But at least he stopped himself punching you, at
10 least --

11 A. Yes.

12 Q. -- he grabbed you, you say, by the throat, but he didn't
13 follow through with a punch or anything of that nature?

14 A. No.

15 Q. But he did punch the wall?

16 A. He did punch the wall, yes.

17 Q. Was that the end of it after that?

18 A. Pretty much. I still wound the person up. I didn't
19 stop winding them up, it was an ongoing kind of thing.
20 All young people would kind of make fun of it. But,
21 yes, it was -- again it's one of the things I never
22 experienced, somebody flying into my room and
23 threatening me like that, so ...

24 Q. Okay. Then I don't suppose anybody was there though
25 apart from the two of you when this happened?

1 A. No, just us two.

2 Q. Then you tell us about a trip to Southport where a few
3 of, would it be boys, taken on this trip, or was it boys
4 and girls?

5 A. Boys.

6 Q. Boys. This was after the incident you've just told us
7 about, and the woman in question was on the trip?

8 A. Yes.

9 Q. And some of you got drunk on the trip and ended up being
10 chased, you say, by local neds, and that one of the boys
11 on the trip blamed it all on you and gave you the worst
12 kicking you tell us you've ever had in your whole life,
13 and you say the woman member of staff just sat outside
14 in the car and didn't bother coming in until this boy
15 had stopped giving you the kicking, and you had a badly
16 injured face as if you had been in a car accident. You
17 think you were about 15 at the time, and didn't get any
18 medical treatment.

19 You then went back to the unit, got washed and was
20 asked whether you were okay. You say the boy in
21 question apologised the following day and that was it
22 all settled and done and dusted. And you say you'd just
23 accept the apology because you know you had to carry on
24 living with that person.

25 Was that what it came to?

1 A. Pretty much, yes. The boy in question had a really
2 short fuse. He was quite -- fairly new. I think his
3 name was [REDACTED], and it was [REDACTED].
4 Both of us went to Southport, close to Liverpool. We
5 met up with a group of girls who we were getting talking
6 to with vodka and we all started drinking it. Ended up
7 getting into a confrontation with these girls' friends,
8 boys in the area, and we did, we literally got chased
9 back to the car.

10 Q. So you were chatting up the local girls and the local
11 boys took exception to it and chased you?

12 A. Pretty much, yes.

13 Q. Then you got blamed for creating a situation and this
14 boy gave you a kicking?

15 A. We were driving and then at one point he snapped and
16 turned round and just started laying into me.

17 Q. Do you think you did more than anyone else to create the
18 situation? Was it your idea?

19 A. No, I think going back, we were all shouting obscenities
20 at the boys.

21 Q. No but was it your idea to associate with the local
22 girls, and maybe --

23 A. Possibly, that's what you done when you're out on rec
24 trips with the boys. You were always trying to --

25 Q. I'm not making judgments. I'm just trying to see if --

1 A. Probably, many times, we went ice skating, swimming, you
2 were always trying to find girls.
3 LADY SMITH: 'Joe', you mentioned drinking vodka, was that
4 vodka that you boys had got hold of?
5 A. The girls had it.
6 LADY SMITH: They let you have some of their vodka?
7 A. Yes.
8 MR PEOPLES: So you didn't have to find a way to get some
9 vodka?
10 A. No.
11 Q. When you were heading to Southport on that particular
12 occasion, it's a long way from Kerelaw, south, near
13 Liverpool, as you say. Did you have stops?
14 A. I can't remember.
15 Q. Did anyone buy alcohol on the way?
16 A. No.
17 Q. No?
18 A. No.
19 Q. Would that have been something that ever happened on
20 trips that you went?
21 A. No. Not with me, anyway. Most of the alcohol was when
22 we absconded and we would have money or we would steal.
23 Q. Yes.
24 A. Not -- I don't recall anybody on an activity going out
25 and buying it whilst on activity.

1 Q. Then moving on, at 103 you tell us about another member
2 of staff, you mentioned him earlier, FSB ,
3 I think in the context of what I'd call heavy-handed
4 restraints, he was one of the people that you remember
5 being engaged in that type of restraint. But you also
6 describe him as a big bully and say he would kick you up
7 and down the pitch when you were playing football?

8 A. Yes.

9 Q. So on a regular football game do you mean literally he
10 would be kicking you?

11 A. He'd take the legs off you. He was -- there was no --
12 me standing next to him was like that (indicates).
13 There's so much a difference. He was probably the worst
14 for the pressure points, just because he knew where
15 everything was, and it was sore, like, it was pretty
16 bad.

17 Q. Was he a competent footballer?

18 A. He was decent, like he was good.

19 Q. So he would know how to make a heavy tackle if he
20 needed?

21 A. He would, yes.

22 There were parts of him that were decent as well, he
23 would take us out to the driving range and stuff and
24 there were some good times, but when he went it was ...

25 Q. Can you explain why some of these staff members were at

1 one time apparently very nice and then the next minute
2 they're completely different? Do you have
3 an explanation?

4 A. To give you an example, FSB [REDACTED], this is me
5 witnessing something. We were out and it was snowing
6 out in the garden -- not the garden, there's like a path
7 going between all of the houses and one of the boys
8 [REDACTED] had flung a snowball at FSB [REDACTED] and the snowball
9 must have had some dirt or stones in it, and FSB [REDACTED] was
10 flinging snowballs back, but when this particular
11 snowball that [REDACTED] had flung must have hurt FSB [REDACTED] and
12 FSB [REDACTED] just snapped and totally went for [REDACTED] and put
13 him on the floor, out onto the concrete and ripped his
14 face all up into shreds and it was literally horrible,
15 a horrible thing to witness.

16 Q. Again, from what you're describing there and from what
17 you said this morning, that to an extent the staff were
18 quite happy to have this engagement, the horseplay as we
19 might call it, or as it might have been called then.
20 But if something happened that they didn't like in the
21 course of it, or if someone seemed to be getting the
22 better of them or whatever, they would react in quite
23 a violent and aggressive way?

24 A. Pretty much.

25 Q. Would that be a good way of looking at it?

1 A. Yes.

2 Q. So it wasn't as if, if you ever touch a teacher, in
3 terms of throwing a snowball or giving a punch in
4 retaliation that it would necessarily be visited by
5 violence and aggression, but it could do?

6 A. It could do, yes.

7 Q. You tell us that this same individual would sometimes
8 whack golf balls at you for a laugh and would aim them
9 at you and people would get hit and it was treated by
10 him as a joke, and I think indeed the boys treated it as
11 a joke, did they, at the time?

12 A. At the time, yes, we thought it was fun. It wasn't just
13 him. It was FSR as well.

14 Q. Was this in the gym mainly?

15 A. This was the gym hall, and as I said it could start off
16 with a game of football, kicking a ball about, and next
17 it would be the golf balls out, and then the next minute
18 a driver would be out and we would just getting pinged
19 about the hall and you are running about just trying to
20 dodge them.

21 Q. You are saying when he whacked them he's using a golf
22 club?

23 A. Yes.

24 Q. Is he using a standard golf ball?

25 A. A driver, normally. A driver.

1 Q. Yes, I know what a driver is. But was it a normal golf
2 ball as well?
3 A. A normal golf ball.
4 Q. Because you know how you can get golf balls to practice
5 with --
6 A. No, it wasn't the wee plastic ones, it was definitely.
7 Q. A proper golf ball.
8 A. We took it as fun at the time --
9 Q. Did you get hit sometimes?
10 A. It would hit me, if it hit your leg or something or your
11 back it was sore. I was never been hit in the face with
12 one, so that's good.
13 Q. Did you see other boys get hit?
14 A. Yes. Yes. It was an ongoing thing. It was ...
15 Q. When you were taken to the gym and this happened, had
16 any of the boys done anything wrong?
17 A. No, no.
18 Q. It was just done?
19 A. It was just a bit of, as we thought, fun. I would dare
20 to say that sometimes maybe we had asked as well to say:
21 get the club out. Like that's how it was, and ...
22 Q. Did it have a name? Because we've heard names of some
23 things like dodgeball and --
24 A. No, it would be something like 'Have you got my keys?'
25 That was one that FSB and stuff used to use,

1 like, 'Have you got my keys?' And he would fling the
2 keys at you and if you caught them they would run and
3 rugby tackle you to the ground.

4 But I can't remember an actual game for the golf
5 ball one.

6 Q. Do you ever remember anyone using the expression 'Hunt
7 the cunt'?

8 A. Yes. That was ... that's when you're in Ayr, down in
9 Ayr, I'm sure it was, and you're running about and when
10 you were Ayr Park, down where the beach is and they were
11 chasing you trying to get you into Ayr Park. I think,
12 I might be wrong.

13 Q. When you say they were chasing you, is this staff?

14 A. Staff, yes.

15 Q. How were they chasing you. Were they running or were
16 they in a vehicle?

17 A. Running and in a vehicle.

18 Q. Have you heard of a game calling 'Hanging man' or
19 'Running man'?

20 A. 'Running man'.

21 Q. What was that?

22 A. Again, we thought it was funny. We would get out the
23 car and they would chase you and you would try and get
24 away from the car.

25 Q. So you would be chased by a vehicle?

1 A. Yes.

2 Q. On a normal road?

3 A. Generally not -- generally not a busy road, but it was

4 like, it could be out in the countryside.

5 Q. A country road?

6 A. On a country road, if you are parked at a car park or

7 something, that was generally something that happened,

8 yes.

9 Q. And what speed was the vehicle travelling at?

10 A. It could vary, it has never hit me, like it would never

11 come up and whack you, it was always right behind you or

12 nudging you.

13 Q. Did you ever see anyone get hit?

14 A. No.

15 Q. What was the object of this game?

16 A. To run away from the van, basically. Don't get caught

17 by the van. It was either that or the wave run.

18 Q. What was the wave run?

19 A. When it was windy and wavy they'd take you down to like

20 the walkway bit in Saltcoats and the waves were coming

21 crashing over and you would get out of the car and try

22 and run all the way along where the waves were coming

23 and try not to get hit by the waves to hit you.

24 Q. To try and run under the waves as they lapped over the

25 front?

1 A. These waves were crazy, like they smashed against --
2 smashed against the wall, basically.

3 Q. And did anyone ever get hurt?

4 A. No. Not, again, not that I seen, no. But again, we
5 thought that was fun.

6 Q. But could they have done?

7 A. You could have died. If you think about it now, if you
8 got swept in there, you were not coming back.

9 Q. Okay, and then can I move on to something else you tell
10 us about if I can. You recall an occasion when I think,
11 as you tell us at 104, you were winding up two members
12 of staff in the Baird Unit one day and the two in
13 question, one of whom was John Muldoon and another who
14 was known as FST [REDACTED], is that right?

15 A. Yes.

16 Q. Chased you to the pool room where they both got hold of
17 you, pinned you down on the pool table, lobbed pool
18 balls at you, and then held them above your genitals,
19 and then dropped them on you. You say you were in agony
20 and you think they realised they had taken things too
21 far as you were nearly in tears. They gave you
22 a cigarette, sent you back to your unit. And you said
23 you left sort of happy because you got a second
24 cigarette out of it.

25 Would this have been seen as a form of horseplay by

1 them at the time?

2 A. I think so, yes. I was given a bit more freedom round
3 about the houses than most others I think because I was
4 in all the time. I got to go out on trips with the
5 girls sometimes and do different things, and I used to
6 just wander into houses. Like if I was bored I would
7 just either wander into Fleming, I could wander into
8 Baird, and I would noise the carers up. And at this one
9 point it was -- definitely, I'm sure it was FST . It
10 was a Liverpool accent, so I'm pretty sure that was
11 FST , and I just kept winding him up.

12 So it was the whole chase him, and I darted down and
13 I got to the pool room and I have run around the pool
14 table and they have eventually got hold of me and pinned
15 me up on the pool table and just started flinging the
16 pool balls up in the air.

17 Q. Can I ask you this: did you expect what did happen on
18 this occasion or did you just think it was a bit of
19 a game that they were chasing you because you had noised
20 them up?

21 A. I knew I was going to get caught. Like there was no
22 denying it. I went to a dead end, I was all for --
23 I was mischievous, I just liked a joke.

24 Q. You knew that something would happen. Did this ever
25 happen on any other occasion?

1 A. I mean like I've been hurt with pool balls and stuff,
2 but not to that extent, like we have had jokes I have
3 been tripped up with the pool cues and that for a joke
4 and stuff as well.

5 Q. Have you been hit by pool cues?

6 A. Tripped up as I'm walking round the pool tables, stuff
7 like that, like tripped up by young people or even young
8 people flinging pool balls at you.

9 Q. What about the staff? Did they ever do that?

10 A. Not really. Apart --

11 Q. It was more the boys?

12 A. More the boys, but on that occasion it was two members
13 of staff.

14 Q. Lastly if I can just, on this section, you move on to
15 tell us about the technology teacher's class, where the
16 teacher in question would make boys and girls make them
17 bend over and would then hit them with a set of keys,
18 and you say he laughed about it at the time, but you
19 say -- is this a reflection, perhaps, that it was quite
20 sexual?

21 A. In a reflection it seemed it. At the time it was just,
22 again, laughing and joking. And there was two ways you
23 would leave his class. One way was you had to answer
24 a question and if you never got the question right he
25 would have a big plank of wood and he would smack you on

1 the hand until you got a question right and then you
2 could leave the classroom.

3 Then the other way was that you bend over and let
4 him hit you with the keys. Happened a few times. More
5 so you see him doing it more with the girls. But it
6 happened with the boys as well.

7 Q. When you say he would laugh, did he appear to get any
8 personal gratification out of what he was doing?

9 A. I don't know. I didn't look at it like that.

10 Q. You didn't see it that way at the time?

11 A. I didn't see it that way, I just seen it as --

12 Q. But was this a regular thing he did?

13 A. Yes, like nearly every class.

14 Q. Then can I move on now, then, just to maybe finish off
15 some of the things you've told us, that you say around
16 16, as you turned 16, you had some options to move on,
17 but you had no preparation for moving on and you were
18 just given a couple of options or presented with --
19 options?

20 A. I didn't want to leave Kerelaw. Even though, like --
21 I made it my home. I got to -- I had the carers that
22 I really liked and I didn't want to leave, I was
23 attached to them and I genuinely didn't want to leave.
24 But I only got presented with -- like the options I was
25 given was your own kind of place or supported carers,

1 and me and carers, to me just never worked out. It
2 seemed to be a bad omen in my head.

3 So I thought I'll take, I'd like my own place then,
4 I was in college, trying to do the best I could at that
5 point, I think I was doing pretty well the point I had
6 ever been doing, going to college.

7 And that was fine.

8 Q. You went to something, you say, that was a form of
9 independent living in a housing association house, is
10 that what you got?

11 A. A young homeless flat, a young person Blue Triangle flat
12 is what I got.

13 Q. Were you sharing or on your own?

14 A. It was basically like a children's home for under 21s.

15 Q. Was it like a youth hostel type situation?

16 A. Pretty much, yes, it was a hostel.

17 Q. Did you have your own room?

18 A. I had my own room, yes.

19 Q. Did you have your own facilities or was it communal?

20 A. I had my own facilities.

21 Q. As you say at 108, you hadn't really been prepared for
22 independent living?

23 A. No. I wasn't prepared for that. I thought I was
24 getting something, like my own living.

25 Q. You say you were there about four months. It didn't

1 last very long?

2 A. As soon as I went, I just went straight back downhill
3 again.

4 Q. I think you tell us that you didn't really have much
5 contact with your assigned social worker after that and
6 it was really through another organisation, Throughcare,
7 that you got some assistance, is that right?

8 A. I started heavily drinking when I moved to
9 Dorothy McCall House and I started self-harming again,
10 just with all the incidents I would getting myself into,
11 I started picking up charges that I hadn't picked up
12 before.

13 Q. And you lost jobs?

14 A. I lost my college course, I lost jobs.

15 Q. So you kind of fell into a bad way of life for a time?

16 A. Pretty much, yes.

17 Q. You've told us that apart from -- I think you tell us at
18 115 of your statement, on page 24, you had an occasion
19 when you were so drunk that your friend put his hand
20 through a window and then blamed it on you. There was
21 a bit of aggression, you were arrested, you spent
22 a weekend in the cells and you say you started
23 self-harming during this period of time.

24 You were given a few options again, is that right,
25 and you decided to go to what you termed supported

1 carers and you met a couple, which I think made a big
2 difference to your life?

3 A. Yes, as far as my own mind, I could be wrong, I remember
4 Throughcare social work visiting me in the police
5 station saying they can't find me anywhere to stay.
6 I was in the cells until the very last minute and they
7 presented me with two options, I am positive, I could be
8 wrong, but I am sure one of the options is as a place of
9 safety you could go to Polmont, but that's only because
10 there's nowhere else to house you if you don't accept
11 this offer.

12 Q. Polmont was offered as a place of safety?

13 A. Polmont, yes.

14 Q. Right.

15 A. Which I'm pretty sure was said, because I don't know
16 where I would get Polmont from. Or it was to go with
17 a supported carer in the Balornock area.

18 Q. That's what you did, you took that option at the time?

19 A. Yes.

20 Q. And that turned out to be a good option?

21 A. It turned out probably to be the best decision that
22 I ever made.

23 Q. You tell us, and this is maybe happier times, that you
24 got on great with the couple that were your carers.
25 They brought you on leaps and bounds. You say they

1 guided you to where you are now and you still have
2 a very good relationship with them?

3 A. They're like family. They still treat me like my
4 family, like I am part of their family, treat my kids as
5 their family still. It's like an open door policy.

6 Q. I think you say there were difficult times when they
7 were your supported carers, but they stuck with you?

8 A. They stuck by me.

9 Q. And helped you deal with various issues going on in your
10 life, either with family or otherwise?

11 A. Yes, my mum had died and my dad had tried to get back in
12 contact and it was stuff that I wasn't used to dealing
13 with and they done well with me.

14 Q. That kind of set off a chain of events, did it, that you
15 moved into your own flat, you went back to college, you
16 made new friends, you controlled your drinking, and you
17 say that you were in England for a while but then you
18 met your wife as well, and things changed for the
19 better?

20 A. At that time, yes. Things seemed to be getting better.

21 Q. So far as more recent times are concerned, you say at
22 127 that some years back you were annoyed that your
23 education had been so poor, and you tried to perhaps get
24 some answers to that, with limited success --

25 A. Yes.

1 Q. -- but things have improved, have they not, since then?

2 A. It took a long time. What I was finding is, any

3 practical side of college, like hands on, I was doing

4 well. But when it came to any kind of theory, written

5 based, I just, like, put into context, I failed every

6 college course I was at because I failed the theory.

7 I couldn't do it. But I was passing the practical. And

8 I think it took me up until I was 26 to finish an HNC,

9 which is probably one of the hardest things I've ever

10 done in my whole life. But I done it, and ...

11 Q. You got through that, and you tell us that at 140,

12 page 29, and at the time you gave your statement, which

13 was a time ago, in 2018, you had been a young person's

14 care worker for three years. Are you doing similar work

15 now?

16 A. Still am. I've been a residential worker for nearly

17 nine years now.

18 Q. You tell us that when you were about 28 years old, which

19 I think, 2014 or thereabouts, you started a course and

20 you did struggle but you got through it, and that

21 allowed you to get to do the sort of things you're doing

22 now; is that right?

23 A. I think I always knew from the age of 16/17, I always

24 wanted to do what I do, but it was always trying to find

25 that time of my life it was time to do it. I dipped my

1 feet into it when I was 18/19. I wasn't ready. The
2 kind of psychology part took it out me and I struggled.
3 So I went away and done stuff like music, which I still
4 do, I love my music, I play in bands and stuff. I done
5 a barbering course, so I was a qualified hairdresser for
6 like 19 years to the point I went: right, I'm ready,
7 I'm a bit more settled, I'm more mature, I think I can
8 try and do this.

9 It was hard, but I managed to get there in the end.

10 Q. Are you in a good place now?

11 A. No.

12 Q. You're still not in a good place?

13 A. I was to a point, but I think when you deal with stuff
14 like this, it's like opening a Pandora's box.

15 Q. But you felt, you've come to this Inquiry to tell us
16 about it, so you obviously feel that was important?

17 A. Yes, definitely.

18 I think, as I said before, I would have been
19 a hypocrite if I didn't, I can't advocate for young
20 people if I'm not doing the same for my past, to make --
21 hopefully things progress a bit better.

22 Q. Because of your experiences, and that you do advocate
23 for young people now in the jobs you do, does that give
24 you some advantage in trying to get through to them and
25 getting them to listen and hear it straight from someone

1 who has got the direct experience?

2 A. No, sometimes I only tell them if I think it's relevant.

3 I use it more as a tool box. I've kind of taken all of

4 my practice that I use in my line of work from people

5 that I've got on with when I was younger, and I've taken

6 wee bits of practice off them and I liked what they done

7 with me there and I like what he did with me there, and

8 I've kind of made my own kind of style. And sometimes

9 it works and sometimes it doesn't, but ...

10 Q. But I suppose you've got, because of your experience,

11 you're able to maybe read situations of whether people

12 are not willing to say something or how you can find

13 a way to get them to talk and open up.

14 A. Well, that's like with self-harm, bullying and stuff,

15 I can put myself there, I can empathise, I can put

16 myself in their position. That's what I mean, I've got

17 my tool bag I can delve into and say: how did I handle

18 this, how did I do this, what can I bring here? How can

19 I make this situation a bit better.

20 Q. I suspect you have a number of different tools that you

21 try to use?

22 A. Lots. Lots, yes.

23 Q. That maybe -- just if I can finish off by going to the

24 final page of your statement -- chimes with what you

25 tell us there, that some of the key things that you

1 think need to happen. That you say when you were in
2 care every child was treated the same way, which was
3 a wrong approach:

4 'Children and young people need to be treated as
5 individuals.'

6 That's the first thing you say.

7 Then I think you say also that more work needs to be
8 done to prepare kids for leaving care, and I think
9 that's something you didn't have the benefit of.

10 Thirdly, and perhaps just as important as any,
11 perhaps more so, that there needs to be more done to
12 make sure that children in care get a good education as
13 well. So that they come out --

14 A. It's never going to be perfect. No matter how many
15 things you put in place, it will never be perfect.

16 Q. Do you consider it's a lot better today than it was in
17 your day?

18 A. 100 per cent. Like it's all nurture based now, which is
19 great, hands on, like, is the last thing you'd ever do.

20 I do -- there's still lots to change, whether it be
21 going to leaving care or education, education is huge,
22 you know. But still a lot of work still has to be done.
23 It's not a thing that I can change or like yous guys can
24 change. It's things that has to be done collectively,
25 just by whole solution agencies.

1 MR PEOPLES: Right, 'Joe', these are all the questions
2 I have for you today, and I would just like to thank you
3 again for coming here today, for the second time, to
4 speak about your experiences.
5 A. No problem.
6 MR PEOPLES: And I wish you well for the future.
7 A. Thank you.
8 LADY SMITH: 'Joe', can I add my thanks once more.
9 I explored everything you could tell us that helped with
10 foster care, and now we've explored everything I think
11 you can tell us that will help with this chapter of this
12 particular case study.
13 It's been really valuable having your evidence on
14 this, so I'm very grateful to you and I'm now able to
15 let you go.
16 But remember, you do so with my grateful thanks.
17 A. Thank you very much. Cheers.
18 (The witness withdrew)
19 LADY SMITH: We'll stop for the afternoon break just now,
20 but before I rise, some names that were used during
21 'Joe's' evidence of people who are not to be identified
22 outside this room because their identities are protected
23 by my General Restriction Order.
24 Some boys, [REDACTED], [REDACTED],
25 [REDACTED], [REDACTED] and IXQ [REDACTED], and

1 fosterers, FSQ-SPO, FSQ was one of them
2 and then members of staff at Kerelaw, including
3 FSB, FSY, FSR, KBS
4 and KBN.
5 Thank you very much.
6 MR PEOPLES: I think it's time for a break. Thank you.
7 (3.03 pm)
8 (A short break)
9 (3.13 pm)
10 LADY SMITH: Ms Forbes.
11 MS FORBES: My Lady, good afternoon.
12 The next thing is a read-in, and it's a statement
13 from an applicant who is anonymous and known as
14 'Richard'. The reference for his statement is
15 WIT-1-000001242.
16 'Richard' (read)
17 MS FORBES: 'Richard' was born in 1976, and he lived in Ayr
18 and was born there. He lived with his parents, and he
19 had a sister who was two years older than him.
20 His mum and dad were both drinkers and there was
21 never any food in the house and he tells us about his
22 life before going into care between paragraphs 2 and 5.
23 His dad was a party animal and never at home, and he
24 describes him as 'a bad man'. 'Richard' says:
25 'He shot my dog and he used to beat [me]. He spat

1 in my face. He had a really sick sense of humour. He
2 used to make me drink his urine.'

3 At about five or six years old 'Richard's' parents
4 split up and he and his sister lived with their mum in
5 Ayr for a while, but his mum was never really in.
6 Eventually they moved to Irvine and his mum couldn't
7 cope.

8 'Richard' describes himself as being a bit disturbed
9 when he was a child and had a psychologist when he was
10 about eight. And then social workers became involved
11 when they lived in Irvine and he was about six or seven
12 at that time.

13 He doesn't remember much about how it came to be,
14 but he and his sister went into a children's home. His
15 sister was then taken back to live with his mum, but he
16 was left in the home.

17 He was about eight when he went to the children's
18 home and he tells us about that in his statement **Secondary Institution**

19 **Secondary Institutions - to be published later**

20
21 **Secondary Institutions - to be published** and he thinks he was in Burnside,
22 if we go to paragraph 24, for about a year and a half or
23 two years. He doesn't really remember how he came to
24 leave, but by then his mum was in the Mormon church and
25 there were foster parents who were Mormons as well. He

1 doesn't remember whether he went to a children's home
2 again first or straight to foster parents but ultimately
3 he was with a Mormon family, fostered out, and he tells
4 us about that from paragraph 25.

5 If we go forward in his statement he talks about the
6 fact that there was abuse there from foster parents, and
7 this was physical, emotional, and psychological. He was
8 running away because of this abuse, and a couple of
9 times he went to his mum's. When he went to his mum's
10 he told her what was happening and she phoned the
11 police. He got another physical assault from his foster
12 father and refused to go back to their house again after
13 going to school. He had to go to the headmistress'
14 office and said he didn't want to go back and she
15 contacted social work or police.

16 He told social work that he had bruises all over him
17 and the social worker had a look at the bruises and he
18 was taken to a children's home. He thinks he was with
19 the foster parents for about a year and a half, possibly
20 two years, and that he was about 12 years old when he
21 went to another children's home, and he tells us about
22 that place from paragraph 62 to 76.

23 Secondary Institutions - to be published later

24 Secondary Institutions - to be published later

25 but he says he
was there for about two years. He thinks that he left

1 there because of his behaviour, and them not knowing
2 what to do with him, and it was decided that he was
3 going to go to Kerelaw.

4 He thinks he was about 14 when he went to Kerelaw,
5 and he talks about that from paragraph 77 onwards.

6 At paragraph 79, about the staff at Kerelaw, he
7 says:

8 'They were quite openly violent with us. They would
9 regularly slap us, hit us, put us in "full nelson",
10 which is a wrestling hold, punch, pummel, subdue, and
11 kick us. They just generally beat the boys a lot.'

12 Paragraph 80 he says:

13 'It was just like the staff had to show their
14 bravado, and they did that with violence.'

15 At paragraph 81 he talks about the names of some of
16 the staff and he says:

17 'I can remember the names of some of the staff who
18 were mean, there was Matt George, John Muldoon,
19 LEJ [REDACTED], IHG [REDACTED], and IHF [REDACTED], they were
20 not good guys.'

21 He then tells us about abuse at Kerelaw from
22 paragraph 91 and he starts off by talking about
23 Matt George, who was an art teacher at the school. He
24 says that Matt George didn't even work in the unit he
25 was in, but he would come from his classroom and hang

1 around with the staff in the Fleming Unit. He would
2 just hit kids randomly. That was something he saw
3 a lot. He would also give Chinese burns by twisting the
4 skin on your arm, and thought he was a kung fu guy.

5 'Richard' says:

6 'I don't know if he was, but he would do pressure
7 holds on people and put them in headlocks.'

8 He gives an example of a time at paragraph 92 when
9 he was in Matt George's classroom on his own and
10 describes a Pac Man puggy that he had and he was playing
11 it and he says:

12 'He came up behind me and took me by the neck in
13 a headlock. He dragged me off the chair and backwards
14 along the floor. He was really angry. He was choking
15 me until I almost passed out. That was him in
16 a nutshell. He would do random things like that a lot.
17 I saw him karate chop kids. He would wind kids by
18 punching them in the stomach.'

19 He goes on:

20 'Matt George and another guy, an ex-footballer who
21 I think played for [then he names a football team] took
22 myself and four or five other boys into the games hall.
23 They had golf clubs and golf balls. We were made to
24 face the wall and take down our shorts and pants. They
25 struck golf balls at us from a distance. I can't

1 remember the ex-footballer's name. He was a bit older
2 than the others. The thing with the golf balls happened
3 to me once but it was something that was known to
4 happen. Other boys in there would regularly show us the
5 bruises on their ass where the golf balls hit them. It
6 was just normal there.

7 There were a couple of incidents where Matt George
8 was sexually abusive to me. The showers at Kerelaw were
9 open at the front. There was a wall at the side
10 separating the showers, so you had a bit of privacy from
11 the side but not from the front. Matt George was often
12 in the shower room. One time, I was in the shower and
13 there were other boys in the shower room. Matt George
14 stood in front of where I was showering. I was
15 completely naked. He was talking about the size of my
16 penis. He was making comments about it. Then, he got
17 a bar of soap and threw that at me. It hit me and he
18 was laughing. He went on to harass other kids.'

19 He then talks about a section, it's headed
20 'Matt George and John Muldoon'. At paragraph 95 he
21 says:

22 'Another time, I was taken to Matt George's flat in
23 Largs. A lot of the boys had home leave from Kerelaw at
24 weekends. Some kids didn't get home leave and I was one
25 of those kids. One weekend, when there were only two or

1 three of us in the unit. Matt George asked me if
2 I wanted to go for a run in his van. That was fairly
3 normal behaviour for him but he took me to his flat.
4 When I went into the flat, John Muldoon was already
5 there. I remember thinking, at the time, that this was
6 a bit weird. We used to call John Muldoon "Mouldy." He
7 worked in the unit next to mine and he was generally
8 a creepy guy. I was actually friends with his son while
9 I was at Kerelaw, which he knew.

10 John was sitting on the edge of the sofa to the
11 left. I was sat down on the sofa to the right and
12 Matt George sat in the middle. Matt and John were
13 talking about me. I don't know what exactly they were
14 saying. Matt George asked me about girls. He asked me
15 who I liked in the girls' units. I used to fancy a girl
16 in there [and he names her] so I told them that. They
17 started asking me sexually orientated questions.
18 Matt George started to touch me and rub my legs. He
19 rubbed my crotch area. John Muldoon could see all of
20 this. At some point later, I was outside the living
21 room. Matt George grabbed me by the neck, pushed me
22 against the wall and he grabbed me by the crotch.
23 I think I might have said something to him and he was
24 really angry. He was squeezing my private parts with
25 his hand, really hard, while he had me by the neck.

1 I couldn't speak and it was difficult to breathe with
2 his hand round my neck.'

3 He then goes on to talk about LEJ [REDACTED],
4 paragraph 97:

5 'LEJ [REDACTED] was another teacher who would slap you
6 randomly. He would also pummel you on the arm really
7 hard and give you dead legs. If he was walking past,
8 he'd punch your leg really hard, say "dead leg" and keep
9 on walking. He would do that if you maybe gave him a
10 bit of lip, that was enough to warrant violence

11 He put me in a cupboard once. I had been sleeping
12 and was woken up by LEJ [REDACTED] and another staff member
13 coming into my bedroom. I used to share with a guy [he
14 then names him] they came in and they were angry about
15 something. LEJ [REDACTED] put me in my clothes cupboard and
16 shut the door. Then, he and this other staff member
17 lifted up the cupboard and moved it towards the window.
18 They told me they were going to open the doors and let
19 me fall out the second-floor window. They threatened to
20 do it, but they didn't. I don't know why they did that.
21 I guess it must have been retribution for something
22 I had said in the unit.'

23 There's then a section titled 'The Running man',
24 paragraph 99:

25 'Sometimes at night the staff would drive us to

1 Fairlie moors. I remember the old guy who had played
2 for [and he mentions the football team] being involved.
3 It would be night time. The van would be full of boys.
4 The roads were really thin, it was dark and we were in
5 the moors. The staff would play a game called "the
6 running man". It meant that a boy had to stand in front
7 of the van. He was told to run to a certain point.
8 While he ran, the staff told the other kids to throw
9 things at the person running. They riled everybody up.
10 The van was driving immediately behind the boy who was
11 running. The headlights were facing front and the van
12 would be bumping into you. It was crazy. You weren't
13 allowed to leave the road. You were threatened that you
14 couldn't leave the road. You had to run while the boys
15 in the van threw things like shoes and other objects.
16 The door of the van was slid open while it was moving
17 and boys were hanging out the side. It was incredibly
18 unsafe and irresponsible. This happened to me and other
19 boys.'

20 He says he can remember it happening to another boy,
21 and gives his nickname:

22 'I can remember it happening a few times, I think
23 that sums up the culture at Kerelaw.'

24 He then talks about IHG at paragraph 100,
25 and he says:

1 [REDACTED] was an amateur footballer who worked
2 at Kerelaw ...'.

3 He started there after he had been there a while, he
4 says that they went on a trip to Kendal in the Lake
5 District once and [REDACTED] was there and they
6 stayed for a few nights in a cabin.

7 At paragraph 101 he says:

8 'He came out of the shower with just a towel round
9 his waist. I think it was just me and [REDACTED] in the
10 cabin. He started talking about his sex life. He was
11 telling me that his penis was bent to the side like
12 a banana. That was the word he used. He opened his
13 towel and exposed himself to me. Then, he took me by
14 the arm or the wrist and pulled me towards him. He made
15 me do an act on him with my hand. I stopped but I can't
16 remember what I said. He was angry and he took
17 a lightbulb from a fitting and stuck it in my chest.
18 The lightbulb had been on, so it burned my chest.
19 I remember mentioning the chest burn in the van on the
20 way back to Kerelaw but I didn't mention the other act.
21 There were other boys in the van and a member of staff
22 driving, but violence was such a normal occurrence that
23 no one reacted.'

24 He then comments that the hair on that part of his
25 chest would only grow in white for a while after that

1 and he had a circular scar that faded over time.

2 He then talks about IHF [REDACTED] in paragraph 103:

3 'IHF [REDACTED] was one of the staff who would put
4 boys in a "full nelson" hold. It could be in response
5 to absolutely nothing, it was like the law of the
6 jungle. It seemed that these men, in a group, would
7 lose all sense of how they should be acting and it was
8 like tribal behaviour. They didn't need a reason to hit
9 you or hurt you or grab you. IHF [REDACTED] just seemed like
10 a very angry man. I remember one occasion where I was
11 in an area where the boys used to sit. IHF [REDACTED] came in and
12 put me in a "full nelson". From behind, he would put
13 his arms under both my arms and round the back of my
14 neck. It was like something out of WWF. It wasn't like
15 he was doing this for fun. It was to hurt me, dominate
16 me and totally incapacitate me. It was humiliating,
17 controlling behaviour. I suppose it was all about power
18 for him. That's the only time I remember him doing it
19 to me specifically, but I saw him do it to others.'

20 He then talks about an occasion when he was playing
21 football at paragraph 104, and he says:

22 'I nutmegged IHF [REDACTED] one day and he got really
23 angry. He started shouting and screaming at me. He was
24 facing down at me and kicked me to the ground. He
25 continued to kick me when I was down. No one really

1 batted an eyelid, not even the other staff. They
2 stopped what they were doing when it happened, but then
3 they just continued with the game.'

4 He then talks about IHD [REDACTED], paragraph 105:

5 'There was a female member of staff called
6 IHD [REDACTED]. She was the daughter of [REDACTED]
7 [REDACTED]. I was in her apartment
8 somewhere in Irvine and we kissed. I was in her bedroom
9 in her home. I can't remember whether we had sex, but
10 we definitely kissed in a sexual manner. I was about 15
11 and a half at the time and she was in her early 20s.'

12 Secondary Institutions - to be published later
13 [REDACTED]

14 At paragraph 106 he says:

15 'The abuse at Kerelaw was constant, punching,
16 hitting, and bullying. I regularly saw all of the staff
17 I've mentioned, apart from the [ex-football player]
18 being abusive to other kids. LEJ [REDACTED] in particular
19 was pummelling boys all the time and he was a big strong
20 man.'

21 He says also that there were other staff members
22 that were abusive too, but he can't remember their faces
23 or names.

24 He was at Kerelaw for about a year and a half.
25 During that time he left for some kind of supported

1 housing, but ended up going back. He wasn't back at
2 Kerelaw very long before he left the care system. He
3 didn't have anywhere to go and was homeless for a while
4 and he was put into a hotel in Irvine for a couple of
5 weeks after he turned 16. That was really the last
6 intervention from social work.

7 He talks about his life after leaving care from
8 paragraph 109 to 112. He says that he had to leave the
9 hotel after a couple of weeks. His mum found him
10 a place on a guy's sofa to sleep for a week and then
11 after that his life just went completely crazy.

12 Between the ages of 16 and 19 he was mainly involved
13 in drugs and fighting. He caused a lot of trouble but
14 never really got in trouble with the police. He was
15 attacked by some local guys with a hammer and his skull
16 was fractured, and when he was around 21 he jumped on
17 a bus and moved to London. Then he became homeless in
18 London a few times but then saw an advert for a ticket
19 to Holland and went to Holland and then hitchhiked
20 through Europe. He ended up in Spain and lived there
21 for about 10 years. He worked as a DJ or bartender
22 during the summer and then in the winter he would travel
23 India, Malaysia, Indonesia, and South East Asia for
24 months at a time. He ended up in China and tried to get
25 a job teaching English but couldn't because he didn't

1 have a degree, but then he went to Thailand and bought
2 a fake degree and then went back to China and got some
3 real teaching qualifications and lived and taught in
4 China for 11 years and only got back to Scotland a month
5 before he gave this statement.

6 In relation to reporting abuse, at paragraph 113, he
7 said that he thought it was about time to bury this
8 whole thing and make a point of talking to people about
9 what had happened to him, and he says:

10 'That's why I contacted the Inquiry. I've travelled
11 all over, but you can't run from yourself. I've tried
12 but it doesn't work like that.'

13 In relation to impact, he says at paragraph 114, the
14 impact of his time in care is hard to explain. He has
15 a habit of ending friendships. He has had huge anger
16 issues and has mental health issues. But he has been in
17 touch with Future Pathways and they say they will help
18 him find a counsellor, and he thinks that he would like
19 to work in residential childcare.

20 In respect of lessons to be learned, he says at
21 paragraph 117:

22 'People who work with kids need to be trained and
23 vetted very well. There's a lot of bad people out there
24 who get into jobs they shouldn't.

25 Paragraph 118 he says:

1 'Social work need to make sure that kids who are
2 leaving the system at 16 years old have a plan in
3 place.'

4 In relation to hopes for the Inquiry, he says at
5 paragraph 120:

6 'For me, I just needed to let the right people know
7 what happened to me. It's really the first time I've
8 talked about it.'

9 Then he has made the usual declaration at
10 paragraph 121, and he has signed that, and it's dated
11 3 May 2023.

12 LADY SMITH: Thank you very much.

13 MS FORBES: My Lady, the next statement is from an applicant
14 who is anonymous and known as 'Rob'.

15 The reference for his statement is WIT.001.001.1377.

16 LADY SMITH: Thank you.

17 'Rob' (read)

18 MS FORBES: 'Rob' was born in 1980 and he was born and
19 brought up in Drumchapel in Glasgow. He has two younger
20 brothers and he tells us a bit about his mother.

21 He also says he has very poor recollection for
22 dates, times, and names. He was in care at four or five
23 different institutions on the whole, but says he has no
24 problems until he went to Kerelaw, and he was in Kerelaw
25 between 1992 and 1997.

1 'Rob' says he was living with his family in
2 Drumchapel and he went with them to Easterhouse in
3 Glasgow for the weekend but then they never went back to
4 Drumchapel and started living in Easterhouse.

5 He says he was about 12 when he stopped going to
6 school. He had just started secondary school in
7 Easterhouse and local boys from that school held him
8 down and were threatening him with an open razor because
9 he was from Drumchapel and he was now living in
10 Easterhouse and those boys from those estates were sworn
11 enemies. He decided he wasn't going to go back to that
12 school.

13 He does remember a time before he went into care of
14 being in foster care, but has very little memory of
15 being there. He knows that there was then involvement
16 by the Children's Panel and the Social Work Department,
17 and remembers being at meetings with his mother.

18 He says that he was actually getting on with his
19 mother until one day he jumped off the veranda at the
20 house and was also missing at school and he was sent to
21 a children's home so that an assessment could be carried
22 out on him.

23 He went to a children's home, he thinks for the
24 first time at about 11 or 12, and he was in two other
25 institutions around about the same time. There was

1 Newfield Assessment Centre and St Mary's Children's
2 Home, he says, in Glasgow, but he was only there for
3 an assessment until the correct institution could be
4 found for him.

5 He tells us about St Mary's from paragraph 11 to 15.

6 Then he says that he was in Newfield, and he tells
7 us about that from paragraphs 16 to 19, but doesn't
8 remember much about Newfield, but assumes he had no
9 problems there as there's nothing really that sticks in
10 his mind.

11 He said he was made to attend school, but he just
12 mucked about and didn't really do any schoolwork whilst
13 he was there.

14 He was starting to settle into Newfield when the
15 residential order was invoked and he was sent to
16 Kerelaw. He says he was disappointed to leave there and
17 wasn't consulted and would have liked to stay there.

18 At paragraph 20 he starts telling us about his time
19 at Kerelaw. He says that his social worker, and her
20 boss, took him on day visit there first of all and his
21 first impression was that it was full of older boys,
22 which worried him. He remembers how nice the staff were
23 being to him at that time and the good impression they
24 were making. The staff seemed great until the rest of
25 the boys came back from school, and then he changed his

1 mind and he didn't want to stay there. But that's where
2 he went.

3 He tells us a little bit about routine, the food,
4 and the schooling there. He says in the section of
5 'Running away', from paragraph 41, that his class at the
6 school was known as the 'A Team', as they were always
7 running away, but they didn't get very far as you had to
8 cross fields, and by the time you got to the train
9 station you would be filthy and covered in mud. The
10 staff were always chasing them across fields and they
11 usually ran away as a group.

12 Punishment for that would be having some of their
13 clothes taken away or their right to TV removed. Staff
14 would also blame them in front of other boys for them
15 losing their privileges, and then that would result in
16 those boys attacking you.

17 He says that they used the other boys to punish you,
18 and it was all planned out by the staff, but he didn't
19 spot that until he was older and looking back on the
20 incidents.

21 He tells us about some of the staff who were there
22 at paragraph 46 onwards, and names some of them. The
23 night shift staff were Tam, KGH, and KGN, and
24 these were scary people you didn't want to fall out
25 with.

1 There was a unit manager there called KBU
2 and he talks about his key worker and some other members
3 of staff.

4 He mentions also the art teacher, Matt George, and
5 says that he was okay with him.

6 He then mentions some of the other members of staff
7 at paragraph 47: LEJ ; FSR , the physical
8 education teacher; KBS , who worked at one of
9 the other units, who was a boxer; KBE , a
10 unit manager; and a woodwork teacher called FRB . And
11 he also mentions John Muldoon as a duty officer in his
12 unit, who was known as 'Mouldy'.

13 He talks about the fact that the staff would have
14 to, on occasion, restrain you by pinning you to the
15 floor. This is at paragraph 48. He says they were all
16 big rugby players, and on one occasion he ended up with
17 carpet burns on his face and a member of staff told him
18 not to go to school. He thinks that that member of
19 staff realised he had gone over the top.

20 He says it felt like you were restrained until the
21 staff member calmed down, and not the other way.
22 He said it was painful but he never suffered any serious
23 injury.

24 He talks about the fact you would always need to
25 read the mood that a staff member was in to decide how

1 you would address them or interact with them, and a lot
2 of the violence was dictated by what sort of mood the
3 staff were in. He does say some of the staff were nice
4 and treated you fairly.

5 At paragraph 55 of his statement he talks about
6 abuse at Kerelaw, and at paragraph 55 he says:

7 'I remember on one occasion being in a room with
8 a lot of other boys. I watched a member of staff speak
9 to one of the boys and then all the staff left the room.
10 I could see what was going to happen. About 13 boys
11 then set about attacking one of the boys. There is no
12 doubt in my mind that the staff had ordered the other
13 boys to assault this individual. A lot of the bullying
14 was done in front of the staff so you knew that there
15 was no one to report it to and you weren't going to get
16 help.'

17 He says that he had been there for three weeks when
18 he went home to his mother's on weekend leave, and his
19 mother noted that there were a lot of bruises on his
20 back. She asked him what had happened and he told her
21 that one of the night shift staff called KGN had
22 attacked him with a chair for calling him KGN.
23 It turned out that that was his nickname and he had been
24 given that by the boys and he didn't like it. And he
25 says:

1 "He would be doing his rounds at night checking the
2 doors. The boys knew this and used to put things on the
3 door handles. To avoid this, KGN [REDACTED]
4 [REDACTED]. He did not like the nickname but
5 I didn't know that and thought it was his surname.'

6 His mother then lodged an official complaint.
7 However, he was returned to the home and the
8 investigation of that complaint went on for some time
9 and he doesn't think that anything happened to KGN
10 KGN as he continued to work, but KGN didn't
11 speak to him. He was approached by KGN
12 colleagues, called Tam and KGH, and they told him that
13 in no uncertain terms that making complaints and telling
14 tales was not a sensible thing to do. They also told
15 him that running away was not allowed as they didn't
16 like doing paperwork, and he comments that:

17 'These were scary guys.'

18 Paragraph 59 he says that he was finally told that
19 the complaint had been investigated against KGN
20 and it was his word against his and no further action
21 was to be taken, and then KGN started speaking
22 to him again. But he says:

23 'He still gave me the odd dig.'

24 Paragraph 60, he says he was constantly being
25 bullied at the home by other boys who were much older,

1 and he was told when he was on home leave by one of his
2 mother's friends to fight back and attack the biggest of
3 the boys. He says that once the bullies realised that
4 he was going to fight back they laid off him and
5 targeted someone else, but they still had the odd go at
6 him.

7 Paragraph 61 he says:

8 'The staff were constantly playing boys against
9 boys. They encouraged the bullies to work for them to
10 keep discipline in the home.'

11 He then talks about an incident where they were
12 living in a flat, and this is at paragraph 62. This was
13 in the unit, and he'd decorated it, but he and some of
14 the other boys had run out of cigarettes. It was night
15 time so they decided to go to the garage to get more.
16 They knew that the night staff were on duty. When they
17 were out, one of the other boys met some friends and
18 they had some alcohol and they stayed and drank with
19 them. The police came and they ran, but they ducked
20 into a door and hid but were found.

21 Paragraph 63 he talks about the fact they were taken
22 back to the home and Tam and KGH met with the police,
23 and Tam and KGH were very nice as they could be and
24 put them back into the rooms.

25 However, a short while later he says that:

1 "Tam came to my room and set about me with a torch.
2 As it happened, the door that we had gone in was an old
3 folks home and Tam had a mother in an old folks home.
4 He thought that we were breaking in to steal. Tam went
5 over the top and came back to apologise to me, as he had
6 not realised that we were not breaking in. I was
7 battered and bruised and the day shift staff must have
8 seen it but nothing was said.'

9 He then comments that this Tam used to be a polis.

10 There was another occasion at paragraph 64 where he
11 says that KGH came up behind him. He grabbed him by
12 the testicles and pulled him to the railings, and he was
13 only prevented from falling by KGH holding on to his
14 testicles. KGH then had to get another member of
15 staff to help get him down as he was struggling to hold
16 on to him. He comments that he would have fallen a good
17 distance into the hallway below, and it was very painful
18 and unnecessary.

19 Paragraph 65 he says that:

20 'The night staff would waken you up at two in the
21 morning to go out and play football outside on the
22 pitches in the grounds. They would let you have
23 a cigarette, but you had to complete challenges like
24 running to the burn in your night clothes and getting
25 some water. They would make you play football when it

1 was raining and they sometimes took you to the gym, but
2 that stopped when CCTV was installed.'

3 At paragraph 66 he says:

4 'One day KGH was on duty during the day. One of
5 the boys I had been playing football with called [and he
6 names him] had jumped on my back and stabbed me a dozen
7 times in the head with a pen. KGH took me to the unit
8 and suggested to the other staff that they put [the boy]
9 and I in a room and close the door to let us settle our
10 differences. The other staff told him that was not how
11 things happened now. KGH then pushed for a boxing
12 ring to be built in the gym where differences could be
13 settled but again he was told that it was not going to
14 happen.'

15 At paragraph 68 he talks about the fact that
16 KBU came to him one day and asked him how he
17 was getting on with the bullying and then took him up to
18 the office block where the laundry was. They went into
19 a small room which had a table and chair and he thought
20 he was there to sort out the socks. He was asked how he
21 was coping with the bullies, and then he says -- this is
22 at paragraph 68:

23 'He told me that he could be my friend and he could
24 stop the bullies. He put his hand on my leg and started
25 rubbing it. I jumped up from the chair. He then just

1 took me back to the unit. A short time later I was
2 shouted to go to the smoking room. The member of staff
3 produced a packet of 20 Silk Cut cigarettes which had my
4 name on them. That was the type that KBU
5 smoked. I had never asked for them as I was too young
6 to smoke and I can't be sure where they came from, but
7 I suspect it was him buying my silence. He tried to get
8 me alone a couple of times but I told him to "fuck off"
9 so he left me alone for a few years and wouldn't talk to
10 me.'

11 He then talks at paragraph 69 about a cycling
12 holiday that he went on with staff members KGI
13 KGI and KGJ, and at the last minute KBU
14 decided to come too. And he says at night on the
15 holiday, staff would have a drink around the camp fire
16 and there was a lot of messing about, and at one stage
17 the staff dropped their trousers and were naked and
18 chased them round the camp fire. He says that was a bit
19 of fun and he thought it was a laugh. They also let
20 them have a few swigs of their beer.

21 That particular night they were supposed to be
22 sleeping rough but it was so cold that he came back to
23 the camp fire on his own. He went to bed that night and
24 woke up with KBU sitting on the end of his bed. He
25 was very drunk. He freaked out and then KBU left his

1 room.

2 At paragraph 70 he says that one day he was playing
3 chess with KBU when his key worker came into
4 the room and they asked to have a word with him. They
5 asked him if he had ever been sexually assaulted while
6 in Kerelaw.

7 They asked him about another one of the boys being
8 sexually assaulted, and he said he thought at the time
9 it was strange that KBU should be looking into sexual
10 assault allegations.

11 I'm not sure if that's the right way around,
12 my Lady.

13 LADY SMITH: It doesn't quite make sense, does it?

14 MS FORBES: No. I don't know if he was playing chess with
15 his key worker when KBU came in, because it
16 seems as though KBU was the one looking into the
17 allegations.

18 LADY SMITH: So if he was playing chess with his key worker
19 and then KBU came in and they ...

20 MS FORBES: It might be both of them. Maybe he was playing
21 chess with someone else and both of them came in,
22 because he does say the plural there.

23 LADY SMITH: True. And then whether he knew anything about
24 a boy being sexually assaulted, and it was a boy he had
25 shared a room with.

1 MS FORBES: Yes.

2 LADY SMITH: So it's two adults asking him?

3 MS FORBES: Yes, yes.

4 He then says that KBU was moved after that

5 to the secure unit and didn't see much of him.

6 He says that he was 14 or 15 when he was washing one

7 of the staff's car for some extra money and whilst doing

8 that he accidentally soaked the trainers of the one of

9 the girls from the female unit. She ran off to tell the

10 staff. LEJ chased him then until he caught him

11 in the pool room. He comments:

12 'You didn't argue with LEJ.'

13 Then he says:

14 'He offered me either the "fist of fury" or the

15 "hand of friendship". I selected the hand of friendship

16 and he told me that it came with a challenge. He

17 produced a full kettle of water and told me that I was

18 to drink it all quickly. I managed to do this and he

19 punched me in the stomach causing me to vomit.'

20 Paragraph 73 he says:

21 FSR was a PE teacher at Kerelaw. He used to

22 make us play dodgeball while he yielded a golf driver

23 and hit [golf] balls at you. There were holes in the

24 wall of the gym caused by the golf balls. I saw him

25 attack a boy who was sticking up for a new boy at the

1 school. He swung this boy about but realised that he
2 had gone too far with him. After that, the boy who
3 stuck up for the new boy was treated very well and used
4 to get to go on all the good trips out.'

5 Paragraph 74, he says there was a thing at the time
6 they did called 'spamming' where you hit someone on the
7 forehead, and he says:

8 "KBE [REDACTED] was the unit manager and he told me
9 to go and 'spam' one of the other members of staff
10 called KBS [REDACTED], it was a mistake on my behalf as
11 KBS [REDACTED] was a boxer. He chased me round the pool table
12 with a pool cue. He hit me with it on a number of
13 occasions until the cue broke. He went totally over the
14 top. KBS [REDACTED] came to apologise but I didn't want to
15 communicate with him in any way. It was
16 KBE [REDACTED]'s way of having fun.

17 KBE [REDACTED] was the unit manager at the home.
18 He was the one who orchestrated a lot of the abuse. He
19 had a bunch of about 40 keys and he used to hit you with
20 them.'

21 He then says at paragraph 76 there was a woodwork
22 teacher called FRB [REDACTED] who lived in the secure unit, and he
23 describes him as being nuts. He says:

24 'He used to have a stick which had a smiley face and
25 a happy face. He would twirl the stick in his hands and

1 if it ended up on the smiley face you would be able to
2 sit down. If it was the sad face you got hit with it.
3 There was definitely something not right with him.'

4 And he says he thinks he got sacked.

5 Paragraph 77 he says:

6 'John Muldoon who was also known as "mouldy" was
7 a duty officer in the home. He watched all the abuse
8 going on but did nothing to stop it and allowed the
9 bullying to go on without preventing it.'

10 He then says that he reported the abuse to his
11 mother and his social worker when he was assaulted by
12 KGN, and they in turn reported it to the home
13 and nothing came of that investigation.

14 He then talks about being told about Matt George
15 later when he was in Glenochil, and he says that he was
16 spoken to and asked about Matt George, and what he says
17 at paragraph 79 is:

18 'In all honesty I could only say that Matt George
19 was one of the better teachers at Kerelaw and I had no
20 problem with him. He used to take me to his house and
21 on outings to the seaside. On reflection I don't think
22 that was normal behaviour.'

23 He then says that he didn't want to leave Kerelaw
24 because he didn't want to go back to his mother's, but
25 they didn't want him to stay much longer as he had

1 outgrown it and he was nearly 17 by this point.

2 He talks about life after being in care from
3 paragraph 84, and says that when he left Kerelaw he was
4 taken to an independent living unit in Springburn, and
5 this reality was that he was free for the first time in
6 five years and didn't know how to cope. It lasted about
7 a week before he was arrested and put into Longriggend.

8 He was persuaded to sit two exams at Kerelaw and so
9 he left with two passes in maths and English. And he
10 says that he only studied for two days prior to the exam
11 and managed to pass, and then on leaving he was offered
12 a job with the council, which he took despite the fact
13 that it was suggested he should do some training with
14 the Prince's Trust and with an organisation called Who
15 Cares?, but he said he just needed to get away. But he
16 got into trouble after being drugged and got arrested by
17 the police and lost the job, and he got in with the
18 wrong crowd and ended up in prison and he spent most of
19 his 20s in prison.

20 Later then he moved into a flat in Glasgow and after
21 some time there he then left Glasgow and moved to the
22 Highlands, and he spent a lot of time there and then
23 moved back to Glasgow about three years ago. At the
24 time of this statement -- this was, he says, in 2013 --
25 he moved back. There was no work in the Highlands, and

1 that was the reason for doing that.

2 In relation to impact, he talks about that from
3 paragraph 90 and he says his life hasn't been very good,
4 but those were his choices. He spent a lot of time in
5 prison until he met his wife and he stopped drinking and
6 taking drugs when he met her.

7 At paragraph 91 he says he got married and it was
8 four years ago before giving this statement so I think
9 it was in 2014 -- 2013, sorry. He says that since then
10 he has managed to stay out of trouble and away from
11 prison sentences. He has had the odd job but nothing
12 permanent.

13 He has had to take medication to help with heroin
14 addiction and anti-depressants to assist with sleeping.
15 He has had flashbacks to his time in Kerelaw and he has
16 no doubt that his time there has badly affected his
17 life. He finds it difficult to sleep and he thinks
18 he suffers from PTSD.

19 In relation to lessons to be learned, I think this
20 is a paragraph that isn't numbered between 95 and 96.

21 LADY SMITH: Mm-hm.

22 MS FORBES: He says:

23 'There should be a different system set up for
24 looking after children. The staff should be properly
25 trained and not just selected because they have someone

1 in the know to offer them a job.'

2 And he comments:

3 'It was all friends of friends who lived locally.'

4 He has then signed that and it's dated

5 28 March 2017.

6 LADY SMITH: Thank you very much.

7 Well, I think that's it for today, and just before

8 we look to next week, some names again, people whose

9 identities are protected by my General Restriction

10 Order: LEJ [REDACTED], IHF [REDACTED], IHG [REDACTED],

11 IHD [REDACTED], night staff called Tam and KGH [REDACTED] and

12 KGN [REDACTED], KBU [REDACTED], KGI [REDACTED], FSR [REDACTED],

13 a teacher called FRB [REDACTED], KBE [REDACTED], KBS [REDACTED]

14 and one boy called [REDACTED]. They're not to be

15 identified outside this room.

16 Tomorrow, of course, is a public holiday, being Good

17 Friday, as Monday is also a public holiday for Easter

18 Monday, and I hope everybody manages to have a good

19 Easter weekend.

20 But just thinking ahead to Tuesday, Ms Forbes,

21 what's the plan?

22 MS FORBES: Yes, my Lady, there is a live witness from

23 10 o'clock.

24 LADY SMITH: Thank you very much.

25 Well, I look forward to seeing you all on Tuesday,

1 and meanwhile I hope you manage to get a rest.

2 Thank you.

3 (3.57 pm)

4 (The Inquiry adjourned until 10.00 am

5 on Tuesday, 2 April 2024)

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