

Thursday, 25 August 2022

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(10.00 am)

Phase 8: Further information announcement

LADY SMITH: Good morning.

Now, before we return to our evidence in the foster care and boarding-out case study, there's something I'd like to say about another case study, if we can just turn our thoughts to that for a moment, and it's in relation to our case study that's looking into the abuse of children in residential accommodation for young offenders and children and young persons in need of care and protection.

It's an area of residential care that requires investigation as part of our wide-ranging terms of reference. Our investigation has in fact been ongoing throughout the life of the Inquiry so far and we have many relevant statements that have already been provided by applicants.

The focus of the case study is residential accommodation provided or used by the state between 1930 and 2014 in relation to the state's responsibility to accommodate, on the one hand, young offenders under the age of 18 and children and young persons under 18 awaiting trial, and on the other hand children and young persons under 18 in need of care and protection, and

1 that being so, the case study will look at residential
2 establishments used as approved schools, List D Schools,
3 secure accommodation, remand homes and assessment
4 centres, and borstal institutions, remand institutions,
5 detention centres and young offenders institutions run
6 by the Scottish Prison Service.

7 We've added seven institutions to the list that I've
8 already given notification of at an earlier stage and
9 these are Burnside, that was a Dundee City Council
10 place; Calder House, that's South Lanarkshire Council;
11 Newfield, also known as Rowanlea, at Renfrewshire
12 Council; Beechwood, that's Glasgow City Council; Kibble,
13 and that was the Kibble Education Centre;
14 Balgay/Parkview, and we haven't yet identified who that
15 provider was but no doubt time will tell and we may be
16 able to do so; and finally Tynepark has been added to
17 the list, and Tynepark was the responsibility of the
18 Church of Scotland through their division called
19 Crossreach.

20 As I've already said, many people have already come
21 forward and we are making good progress with all our
22 investigations and analysis, but I'd encourage anybody
23 who has relevant information about these places to get
24 in touch with our witness support team as soon as
25 possible. We're particularly keen to hear from, as I've

1 indicated before, not only former residents but former
2 staff, managers, and anybody who was involved in
3 inspections.

4 We're going to be exploring and have already been
5 exploring the nature and extent of physical, sexual and
6 emotional abuse and that will include consideration of
7 the use of corporal punishment, restraint and
8 segregation. The reporting of abuse, the impact of
9 abuse, as ever, are matters in which we have a keen
10 interest, and as does staff recruitment, training and
11 the culture. These will all be explored in the case
12 study.

13 Now, notwithstanding the fact that I have before
14 today and today named particular places where this type
15 of residential care was provided, we still want to hear
16 from any person who has evidence or information about
17 abuse between 1930 and 2014 at any Approved School or
18 former Approved School in Scotland, any List D School or
19 former List D School, any place used as secure
20 accommodation for children and young persons under the
21 age of 18, any remand homes for children and young
22 persons under the age of 18, any assessment centre for
23 children and young persons under the age of 18 and any
24 borstal institutions, remand institutions, detention
25 centres and young offenders institutions or other

1 institutions used to accommodate children and young
2 persons under 18 that were run by the Scottish Prison
3 Service.

4 I've already mentioned that the witness support team
5 can be contacted. Their contact details are on the
6 website. The telephone number is 0800 0929300. The
7 email address is talktous@childabuseinquiry.scot and
8 of course we can also be written to at our postal
9 address, which is SCAI, PO Box 24202, Edinburgh,
10 EH7 9EA.

11 Thank you very much and I'd now like to return to
12 the foster care evidence that we're hearing at the
13 moment.

14 Ms Innes.

15 MS INNES: Thank you, my Lady.

16 The first witness this morning remains anonymous and
17 has chosen the pseudonym 'Peggy'.

18 LADY SMITH: Thank you.

19 MS INNES: 'Peggy' and her husband, who is using the
20 pseudonym 'John', were foster carers, I think first for
21 Edinburgh Corporation and then Lothian Regional Council.

22 On Day 316, 17 August 2022, an applicant using the
23 pseudonym 'Anna' gave evidence. She was in the care of
24 Lothian Regional Council. She was placed with 'Peggy'
25 and 'John' in Dalkeith on [REDACTED] 1975. She remained

1 there for the rest of her childhood, ceasing to be in
2 care on [REDACTED] 1992, when she turned 18.

3 'Anna' was from Edinburgh and it appears that
4 officers in Edinburgh dealt with both her and with the
5 foster carers, although, as we'll see when we look at
6 some records, social workers from the Dalkeith office
7 may also have been involved.

8 City of Edinburgh Council are a relevant successor
9 and Midlothian may also have an interest.

10 LADY SMITH: Thank you very much.

11 'Peggy' (sworn)

12 LADY SMITH: 'Peggy', if you change your mind and you do
13 want some water, just help yourself. We've got the top
14 off. Don't worry. That's fine.

15 If you can keep in a good position for that
16 microphone, you'll find it helps you and it will help us
17 to hear you, which is very important. It'll help the
18 stenographers as well, because they listen to your
19 evidence through the sound system.

20 A. Okay.

21 LADY SMITH: That red folder that's there in front of you
22 has a typed copy of your statement in it and it's the
23 one you've signed, you'll be taken to that in a moment.
24 You'll also see your statement coming up on the screen,
25 which you might find helpful. We'll go to the different

1 parts of it we want to discuss as we take you through
2 your evidence.

3 But 'Peggy', let me say this before I hand you over
4 to Ms Innes. A couple of things. First, I do know that
5 it's a big ask and quite challenging to come here, as
6 you've done, to a public place to talk about things that
7 happened a long time ago and things that may be
8 stressful for you to talk about and upsetting.
9 I understand that and I understand that your emotions
10 could take you by surprise at some points and that's
11 quite okay.

12 If you need a break, either just sitting and pausing
13 or leaving the room, you just let me know, or if there's
14 anything else I can do to assist you to give the
15 clearest and best evidence that you can do, because
16 that's what we all want you to be able to do while
17 you're here giving evidence. So do let me know. If it
18 works for you it'll work for me, whatever it is,
19 I promise.

20 But one other thing, 'Peggy'. During your evidence
21 you may be asked questions the answers to which could
22 potentially incriminate you. This is a public inquiry,
23 it's not a courtroom, but you have all the protections
24 that you would have if it was a courtroom and that means
25 that you don't have to answer any question that could

1 incriminate you, you have a choice, but if you do choose
2 to answer, you must answer the question fully.

3 A. Okay.

4 LADY SMITH: I hope that all makes sense. I've given you
5 a lot of information, I get that. If you have any
6 queries or doubts, just let me know as it's important
7 that you're as clear in your own mind about what we're
8 doing here and how we're doing it as you can be, all
9 right?

10 A. All right.

11 LADY SMITH: If you're ready, I'll hand over to Ms Innes and
12 she'll take it from there.

13 Ms Innes.

14 MS INNES: Thank you, my Lady.

15 Questions from Ms Innes

16 MS INNES: 'Peggy', we understand that you were born in
17 1950?

18 A. Yes.

19 Q. I'm going to refer first of all to your witness
20 statement. We give it the reference WIT-1-000000943.
21 If we can look to the final page of that statement and
22 paragraph 149 you say there:

23 "I have no objection to my witness statement being
24 published as part of the evidence to the Inquiry.

25 I believe the facts stated in this witness statement are

1 true."

2 And I understand that you signed this statement on
3 17 March of this year, 2022?

4 A. Yes.

5 Q. Is that right? Okay. If we go back to the start of
6 your statement, you tell us at paragraph 2 that you got
7 married and then at paragraph 3 you mention some of the
8 jobs that you had and you say, I think, that there was
9 a time that you didn't work, perhaps when you had
10 children living with you, foster care children and then
11 your own children; is that right?

12 A. Yes.

13 Q. Okay. We may come back to that. And then you tell us
14 a little bit about your husband.

15 If we go on over the page, at the top of page 2 you
16 tell us about becoming a foster carer and you say that
17 you became a foster carer when you were around 23 or 24.

18 A. Yes.

19 Q. Why did you and your husband decide to become foster
20 carers?

21 A. Well, I had lost a few babies. My second one had to be
22 buried and it had anencephaly and we were dealing with
23 a doctor at Western, Dr Scrimgeour, and they said I only
24 had a 1 in 200 chances of having a baby that was going
25 to be okay and everybody else would have like 199 out of

1 200. So that made it quite scary, quite sort of
2 upsetting. So we spoke about it and we decided to apply
3 to adopt.

4 Q. Okay.

5 A. And when they came out, they thought we were quite young
6 and they said why did we not try and foster -- try
7 fostering and see how we got on doing that. And that
8 was how it ...

9 Q. Okay. So you talk about that at paragraph 7. You say
10 that social work came out to see you and was that from
11 Edinburgh?

12 A. It was Edinburgh Corporation, yeah.

13 Q. They suggested trying fostering and you say you went
14 with that idea?

15 A. Yes. We discussed it and then we got back to them
16 and -- yeah.

17 Q. Okay. And you then say that there must have been
18 an application process and then at paragraph 9 you were
19 answering a question there I think about training. Did
20 you have any training before you became a foster parent?

21 A. No. No. Not that I can remember, anyway. Just that
22 they did checks, I think.

23 Q. And during the time that you were a foster parent, did
24 you have any training?

25 A. No. Not that I can remember.

1 Q. Do you think it might have been helpful to have some
2 training?

3 A. It may well have been. I mean, I don't really know
4 because ... we wanted the kids to be part of our family
5 and brought up as ours and I don't know if training
6 makes it more a job than -- but that's just my opinion.
7 I'm not sure. It may well be that, yeah, there maybe
8 should be some form of training. But that's -- that's
9 my opinion. That's just how I felt -- feel, that, you
10 know, if you were getting training then it becomes a job
11 rather than a ... bringing them up and looking after
12 them.

13 Q. Okay. So how did you see it then? Did you see it as
14 a job or did you see it just bringing the children up?

15 A. Bringing the children up as part of your family. Family
16 unit.

17 Q. Now, if we go on over the page, please, to page 3 and
18 paragraph 11, you say there that you always had a choice
19 as to whether you took on children.

20 A. Yeah.

21 Q. And the way in which you would be asked is the social
22 work department would phone you up?

23 A. Yes.

24 Q. Would they tell you anything about the children?

25 A. Yes. They would say, you know, what ages or what the

1 reason was, if their mum or dad had been -- or the mum
2 had been ill or -- you know, whatever. The situation
3 the children were having, ken.

4 Q. And you say that you didn't think that you had the
5 option to tell social work that you wanted particular
6 age groups, it was just --

7 A. Nah.

8 Q. -- open?

9 A. It was just open. As far as I can remember, anyway,
10 that's ...

11 Q. Okay. And we'll come on in a moment to the foster
12 children that came to live with you. You talk at the
13 bottom of this page about financial support at
14 paragraph 16 and you say that you don't really remember
15 what you got but you don't think it was very much?

16 A. No, I really -- I'd be telling a lie if I said --
17 I really don't know.

18 Q. Okay. If you go on to the top of the next page at
19 paragraph 18, you say that nine times out of ten you
20 wouldn't ask the social work for extra money for things.
21 Did you know if you were able to do that?

22 A. I'm really not sure.

23 Q. Okay.

24 A. I really can't remember.

25 Q. Right, if we move to this paragraph 20 at the bottom or

1 towards the second half of this page and you talk about
2 your first house and then you talk about having your own
3 baby at that point. So I think after you started
4 fostering, you tell us that you had two children of your
5 own?

6 A. After -- yes, after I'd --

7 Q. After you'd started fostering, okay. And I think you
8 had a daughter born in 1976?

9 A. Yes.

10 Q. Is that right? And then a son born in 1978?

11 A. Yes.

12 Q. Okay. And before then you had foster children living
13 with you and we know that you had a child living with
14 you who is using the pseudonym 'Anna'.

15 A. Yes.

16 Q. And I think she came to you as a baby?

17 A. Yes.

18 Q. Is that right?

19 A. Yes.

20 Q. And when she came to you, did you already have foster
21 children living with you?

22 A. No.

23 Q. Okay.

24 A. We had foster kids before her but not when she was
25 there, it was just ...

1 Q. Okay. You tell us at this paragraph that by the time
2 that your daughter was born you had 'Anna' and you had
3 another two children living with you?
4 A. Yes.
5 Q. So did they come after 'Anna'?
6 A. Yes.
7 Q. Okay. Were they a bit older?
8 A. Yes.
9 Q. Roughly how old were they when they came to live with
10 you?
11 A. Could be eight and ten, something like that.
12 Q. Okay. And it was a girl and a boy?
13 A. Yeah.
14 Q. Can you remember how long after 'Anna' came to live with
15 you that they came?
16 A. Well, 'Anna' came in the [REDACTED] and they were the [REDACTED]
17 and it was really because we had booked a holiday for
18 two other kids that had come sort of temporary for a few
19 weeks and I had booked a holiday and they were going
20 home so we asked the social worker if they knew anybody
21 that would like to have a holiday with us and that was
22 how the two other kids came and ended up staying with
23 us.
24 Q. Okay. So I think we know that 'Anna' came in the spring
25 of 1975?

1 A. Yes.

2 Q. And then the other two children came in the summer of
3 1975?

4 A. Yes.

5 Q. And then your own daughter was born in 1976?

6 A. 1976, yes.

7 Q. Okay.

8 When 'Anna' came to live with you to begin with, did
9 you understand how long she was going to be staying with
10 you?

11 A. No. I just -- we just thought it was maybe for a short
12 period of time. I think we thought the mum wasn't
13 coping so -- but we really didn't know.

14 Q. Okay. And then the other two children that came,
15 initially it was for a short period but then it turned
16 out to be long term?

17 A. Yes.

18 Q. Okay. At paragraph 20 you're talking about you lived in
19 one house I think when 'Anna' came to live with you and
20 you stayed there maybe until your daughter was born; is
21 that right?

22 A. Yes.

23 Q. And then after she was born but before your son arrived
24 you moved house?

25 A. Yes.

1 Q. Is that right?

2 A. That's right.

3 Q. Okay. And it was to a bigger house that you moved?

4 A. Yes.

5 Q. But in the same place?

6 A. In the same area, yes.

7 Q. In the same area, okay.

8 You say that you had to do quite a lot of work to

9 the new house?

10 A. Oh, yes. It wasn't very nice at all, but because we

11 needed it and we were Edinburgh -- Midlothian, you know,

12 wouldn't give you a bigger house for that reason, but --

13 so we got the chance for an exchange and we took it.

14 Q. Okay, so were you renting your house from Midlothian

15 Council?

16 A. From the council, yeah.

17 Q. Okay. If we move on to the next page, you talk a bit

18 more there about the children that came to live with you

19 and you talk about having the children that you've

20 mentioned on a short-term basis and then at paragraph 24

21 you mention the two children that came to live with you

22 and at paragraph 25 you tell us about 'Anna' coming and

23 I think there you say that you thought they came after

24 the two children but having thought about it, it was

25 maybe the other way around?

1 A. Yes.

2 Q. That she came first?

3 A. She was definitely first, yes.

4 Q. Okay.

5 After the two children came to live with you, did
6 you carry on taking other foster children?

7 A. We had one or two that were temporary and we took two
8 girls that their foster -- they were fostered but their
9 foster parents were going to be on holiday and they
10 didn't want to move them too far out the area so they
11 came, and we had one or two other -- but just -- it was
12 quite an emergency, if you like, from hospital or
13 whatever.

14 Q. Okay. And after your son was born, were you still
15 taking foster children on a short-term basis or not?

16 A. Yes, just -- just odd -- not a -- we didn't have a lot
17 but we just did take some odd ones where they were -- as
18 I say, it was if they phoned us and said it was
19 an emergency.

20 Q. Okay. By the time your son was born, you obviously had
21 'Anna', the two foster children and then two of your
22 own, so you had five children in the house?

23 A. Yes.

24 Q. And then you were taking other children on an emergency
25 basis. How were you able to accommodate all of them?

1 A. Now, I've got to think about this.

2 In the room down the stairs there was one -- which
3 is a bedroom, and there was a set of bunk beds. And
4 then we had another room which had two divan beds in and
5 then another bedroom which had two sets of bunk beds in
6 it, which was quite a big room. And my youngest, when
7 I had my son, he had a few things wrong with him to
8 start so he was in beside us till he was over a year
9 old.

10 Q. Okay.

11 A. So that's ...

12 Q. So you were able to fit them all into the house.

13 A. Yeah.

14 Q. Okay, if we can go on, please, to paragraph 34 -- sorry,
15 if we just look at the top of this page, paragraph 33,
16 sorry, on page 8, it'll come up in a moment.
17 Paragraph 33, you say that you got to a stage where you
18 thought that you should concentrate on your own family?

19 A. I mean, the kids that were there as well. Family unit
20 as such, yeah.

21 Q. And you say that you would think that you would have
22 told social work although you don't remember whether you
23 told them that you were stopping taking foster children?

24 A. I really cannot remember. I don't know.

25 LADY SMITH: So 'Peggy', when you talk about the family

1 unit, who does that encompass?

2 A. That would be the three long-term foster children --

3 LADY SMITH: 'Anna' and then the two that stayed on after --

4 A. And my son and daughter.

5 LADY SMITH: Okay, thanks. So three foster children.

6 A. Yes.

7 LADY SMITH: And your son and daughter.

8 MS INNES: Then at paragraph 34 you talk about 'Anna' and

9 you say that when she went to school, she went to school

10 using your surname and before she went to school, had

11 she been using your surname, for example registered at

12 the doctor or anything like that?

13 A. No, it would be their own names if they were registered

14 with the doctor.

15 Q. Okay. And how did it come about that when she went to

16 school she was signed up with your surname?

17 A. I think it was because we were hoping to adopt and we

18 didn't want her to feel any different.

19 Q. Okay.

20 A. I mean, that was the reason. There wasn't -- and the

21 school knew that she was fostered, you know, that we

22 were hoping to adopt her.

23 Q. Okay. And did you speak to the social work department

24 about registering her with your surname, can you

25 remember?

1 A. I'm sure we would, yeah. I mean, I can't remember
2 exactly, but I can't see that we would do it without
3 speaking to somebody even on the phone or something.
4 You know. There would be some -- something said.

5 Q. Okay.

6 LADY SMITH: Did you explain it to 'Anna'?

7 A. Yes. Well, I think it was her that actually wanted it
8 as well, you know, to be our name -- to be our
9 surname --

10 LADY SMITH: Hang on, 'Peggy'. Do you think or do you have
11 a memory of that?

12 A. I have a memory of talking to -- about it to us and we
13 discussed it with her.

14 LADY SMITH: What did you explain to her?

15 A. That we hoped that one day she would become one of our
16 family and, you know, permanently, I think, and that she
17 would be -- did she want to use our name? And she had
18 said yes.

19 LADY SMITH: And at that stage, had any adoption procedure
20 been started?

21 A. I'm sure the social worker had took her out and was
22 doing a life book or something with her about everybody
23 in the family. Not just our family, her family as well.

24 LADY SMITH: But had you applied to adopt her by then?

25 A. No, no. No. They had asked if we were interested in

1 adopting.

2 LADY SMITH: Hm. Do you not think it was a bit premature to
3 change her name?

4 A. Well, maybe it was, but I just didn't want her to feel
5 any different, you know, if she had to change it halfway
6 through and -- maybe I'm wrong. I don't know.

7 LADY SMITH: Okay. Thank you.

8 MS INNES: At paragraph 34, 'Peggy', you also talk about
9 'Anna's' name. And you say that her mother insisted
10 that she was called by her first name and her middle
11 name.

12 A. Yes.

13 Q. And that was all used. And we've heard evidence from
14 'Anna' that her mum didn't insist on that and her mum
15 called her only by her first name, which was her
16 grandmother's name.

17 A. Well, when her mum first came to visit, we were told
18 that she was to have -- that was her name. And if
19 I remember rightly, it was that the middle name was
20 after her sister.

21 Q. Okay.

22 A. I don't know about the first name because she didn't
23 say.

24 Q. Okay. If we move on a little in your statement, you
25 talk about being contacted by the social worker and at

1 paragraph 35 you say that you feel that you got enough
2 information about each child?

3 A. Yes.

4 Q. What sort of things would you be told by the social
5 worker?

6 A. Well, what type of home they were coming from or what
7 was the reason they were coming to stay with us. I'm
8 trying to think. If they had any problems. Like 'Anna'
9 when she first came couldn't -- didn't play with toys or
10 anything and they sort of thought she might need therapy
11 to learn how to play with things but social work was
12 giving us some ideas and we did it ourselves. The next
13 time she came out she found out she was walking and
14 had -- could build bricks and roll balls together and
15 things like that, so they were quite happy with that,
16 that she was improving and she was very clever.

17 Q. If we go on over the page to page 9 and paragraph 41,
18 you mention a sheet that came with the child?

19 A. Yeah.

20 Q. Can you tell us about that?

21 A. I think it was like the -- I really -- I mean -- it was
22 like we got a copy and -- to me it was like they had
23 a top copy and we had a bottom copy about what age they
24 were and name and really not much more. I really cannot
25 remember exactly. I mean, it's a long time ago, but

1 that's what I can remember, that it felt like -- I'm
2 sure it was a sheet they had and then a sheet we got,
3 but what was on it, I couldn't really say what was on
4 it.

5 Q. Okay. Then you go on to talk about some of the routine
6 in the house, but before we do that can I just ask you
7 about the social workers. You mentioned them in your
8 evidence a moment ago. Did you have your own social
9 worker, can you remember?

10 A. I really can't remember. I remember when we first
11 started and somebody came out, but I really cannot
12 remember if we had one or no.

13 Q. Can you remember somebody called a Henry Kinloch?

14 A. Kinross?

15 Q. Kinloch.

16 A. Oh, Kinloch? No.

17 Q. Okay. We'll look at the records in due course and
18 I think it looks like he was a person that was called
19 your liaison social worker.

20 A. Oh right, right.

21 Q. So a person that might be working with you. And then
22 were there social workers for the children?

23 A. Yes.

24 Q. And can you remember if 'Anna' had a social worker who
25 came out to see her?

1 A. Yes. Aye, she did.

2 Q. And was it always the same social worker or did it
3 change over the years that she was with you?

4 A. Oh, now, I really -- I really couldn't say if it was --
5 I couldn't tell you if it was different or not. It's
6 a long, long time ago so I'm -- I'm really not sure, but
7 she did have a social worker.

8 Q. Do you have any idea of how often they would come out to
9 visit?

10 A. I'm not sure if it was monthly or ... I really can't
11 remember. But they did come out.

12 Q. Okay. Where would they see 'Anna'? Would they see her
13 in the house or --

14 A. They did see her in the -- in the sitting room. I think
15 some -- when they were doing that book of life they took
16 her away out, and I don't know if she went to Edinburgh
17 or somewhere, but -- to talk about all different things,
18 so they had taken her out then. But not -- other than
19 that, I think it was mostly they came to the house.

20 Q. Okay. And would you always be there at the visits or
21 would it be your husband who would be there?

22 A. It would be me or **FKZ** or both of us.

23 Q. Okay, okay.

24 A. Oh.

25 Q. And do you have any sense of whether it was more one of

1 you than the other or not?

2 A. Oh, I couldn't tell you.

3 Q. Okay. If we look on in your statement to some things

4 that you say about the routine, and if we go to page 10,

5 please, and paragraph 45, you talk there about washing

6 and bathing and you talk about 'Anna' and your own

7 children getting a bath and 'Anna's' given evidence to

8 the Inquiry that she recollects being bathed together

9 with your son and daughter up till about maybe

10 Primary 5, 6, that sort of age.

11 A. Well, I always thought the girls got the bath and --

12 I mean, if she was -- did you say she was five or six?

13 Q. Up to Primary 5 or 6.

14 A. Oh, Primary 5 or 6, right. That her and my daughter got

15 bathed together and my son was bathed separately,

16 but ... that's my recollection of it.

17 Q. Okay. And she also says that there were occasions where

18 they, I think, had a wash at the kitchen sink. Can you

19 remember that happening?

20 A. No. No. No, I can't remember anybody having a wash at

21 the -- at the kitchen sink?

22 Q. Mm-hmm.

23 A. No.

24 Q. Is it possible that it happened and you've forgotten?

25 A. I don't think so. I don't think anybody would have had

1 a -- especially when we had a bath and a shower on the
2 taps, you know, the thing -- it wasn't a proper shower,
3 it was like a --

4 Q. Attached to the --

5 A. To the taps, yes.

6 Q. Okay.

7 If we can move on to page 11 and paragraph 51, you
8 talk there about 'Anna' doing ballroom and disco
9 dancing.

10 A. Yes.

11 Q. You say it was something that you arranged and paid for?

12 A. Yeah.

13 Q. And then I think you talk perhaps in another part of
14 your statement about a dress being purchased?

15 A. Yes, she got ballroom dresses, yes.

16 Q. I think we've heard evidence from 'Anna' that she
17 believes that they were paid for with assistance from
18 a welfare fund, from the [REDACTED] Miners' Club?

19 A. No. No.

20 Q. So who paid for them?

21 A. No -- we paid for them, yeah. And there isn't actually
22 a [REDACTED] Miners' Club.

23 Q. Okay.

24 LADY SMITH: Is there a welfare fund run --

25 A. Not that I know of.

1 LADY SMITH: Hang on.

2 A. Sorry.

3 LADY SMITH: Can I just say one thing at this point,
4 'Peggy'. If you speak at the same time as I speak or
5 Ms Innes speaks, it's a nightmare for the stenographers.

6 A. I'm sorry.

7 LADY SMITH: Because they can't record two voices at once.

8 A. Sorry.

9 LADY SMITH: What I was going to ask you was whether there
10 was a welfare fund for the benefit of miners and their
11 families.

12 A. No.

13 LADY SMITH: None at all?

14 A. Not that I know of.

15 LADY SMITH: Might there have been?

16 A. I -- well, I've never heard of there being a miners'
17 welfare fund.

18 LADY SMITH: Is it something that somebody who is a miner
19 might know more about?

20 A. Well, maybe, but I've certainly never heard of it.

21 LADY SMITH: You haven't heard of there being such funds in
22 other mining --

23 A. I've never heard of it.

24 LADY SMITH: You're doing it again, 'Peggy'. Please don't
25 interrupt. I can cope with it, I'm not saying you're

1 being rude to me, but it is really difficult for the
2 stenographers. Have you ever heard of any miners'
3 communities having welfare funds?

4 A. No, I've never heard of any miners' communities having
5 welfare funds. I don't know what they would be for if
6 they did have, but I certainly have never heard of them.

7 LADY SMITH: Okay. Thank you.

8 MS INNES: Okay, in terms of the dancing that she did, did
9 she do competitions?

10 A. Yes.

11 Q. And did you go to watch her at these competitions?

12 A. Well, we didn't drive and it would have been in the bus
13 for us, but she went with the woman up the road and --
14 who was her dance partner's mum and she used to take
15 them to the competitions. We always got to know how
16 they went and whatever, but we didn't go. I don't think
17 she wanted everybody to see her.

18 Q. Okay. Now, if we can move on, please, to -- just bear
19 with me a moment -- page 16 and paragraph 72. You talk
20 there about chores that had to be done. What sort of
21 things would 'Anna' have done in terms of chores that
22 you can remember?

23 A. The only thing I would have said, if I had done the
24 ironing, if they were maybe putting their own ironing
25 away. It would depend on if it was a weekend or a ...

1 if it was a weekday I would just do it myself. Maybe
2 holidays they helped. And just to try and get them to
3 keep their rooms tidy if they could, but ...

4 Q. Okay. Again 'Anna' has given evidence to the Inquiry
5 about the amount of housework and chores that she and
6 I think her foster sister, the older girl, had to do,
7 and she talked about cleaning bathrooms, scrubbing
8 stairs, large amounts of ironing, lots of work to be
9 done.

10 A. Definitely not true.

11 Q. Okay. And she also told the Inquiry that it wasn't just
12 the chores themselves, that they were either taking too
13 long or you weren't doing it well enough and that you
14 were shouting at her.

15 A. I -- I -- I didn't because it never happened. It
16 just -- she -- it just didn't happen.

17 Q. Okay. Can you remember anyone complaining to the social
18 work department about the amount of chores that the
19 foster children were having to do?

20 A. No, I can't remember, no.

21 Q. Okay. If we move on, please, to page 17 and
22 paragraph 75, you talk there about 'Anna' asking you if
23 she could call you mum and dad. Now, she obviously came
24 to you when she was a baby --

25 A. Yeah.

1 Q. -- so she presumably learned to talk when she was
2 living with you. What did she call you?

3 A. I think she did call us mum and dad just because the
4 other kids were calling us mum and dad as well. You
5 know, when she was able to speak.

6 Q. Okay. Well, normally when a child's learning to speak,
7 a parent might suggest, you know, different words for
8 them to try. Would you not have said to her at that
9 stage --

10 A. I can't remember, I really can't remember, but she did
11 call us mum and dad.

12 Q. Okay. And in terms of what she called her own parents,
13 you say there that she used to call her parents by their
14 first names.

15 A. Yes.

16 Q. And again 'Anna's' given evidence to the Inquiry that
17 you used to insist that she referred to her parents as
18 "my lady" and "my man". Is that something --

19 A. Not true. Don't remember it. Never heard of it.

20 Q. Okay. And I think she said that she felt that she
21 couldn't really speak about them or acknowledge that
22 they were a part of her life.

23 A. Well, we always used to ask her how she got on and where
24 she was -- you know, where they were or whatever was
25 happening, because sometimes it was just her dad that

1 was there. They weren't always there together because
2 they didn't really have a good relationship together,
3 the mum and dad sometimes didn't speak. And we did ask
4 her and sometimes she would tell us but I think she
5 thought that was her own personal thing. So she would
6 say if she had been to somewhere in Edinburgh or
7 whatever, but not in a big -- what's the word I'm
8 looking for? Not in ... you know, she would maybe just
9 mention kind of being there or whatever. A couple of
10 times she had came home and hadn't had anything to eat
11 and she didn't tell us till later on. You know,
12 obviously we made her something to eat. I mean, her dad
13 was the one we had the most dealings with, he came to
14 the house and he was a lovely man, really nice man.

15 Q. Were you ever given any support or advice or guidance by
16 social work about how a child who is living with you and
17 is calling you mum and dad but then is also seeing their
18 birth parents, so what issues that might give rise to
19 for them?

20 A. No.

21 Q. No?

22 A. No.

23 Q. Okay.

24 A. I mean, the social work were good with us. We did help
25 where we could. There were some kids whose mum and dad

1 came out and stayed and had tea and different things and
2 they asked us if they could see how a family life would
3 work, so there was some kids whose mum and dad did come
4 out, but it was the social worker asking us if we would
5 do that. You know, we didn't take it off our own back.
6 We did do it in some way, we went and visited aunts and
7 took all the kids and went to visit aunts as well of
8 some of the foster kids.

9 Q. Okay.

10 A. But we asked first if it was okay.

11 LADY SMITH: 'Peggy', how old was 'Anna' when you felt that
12 you wanted to adopt her?

13 A. Oh, well, we didn't think it would ever happen till the
14 mum and dad stopped coming, so I thought it was -- maybe
15 be about four. I think. I'm just not --

16 LADY SMITH: I don't expect you to have a clear memory of
17 exactly when it was.

18 A. Yeah.

19 LADY SMITH: How did you feel about 'Anna' continuing to
20 have the contact that she did have with her own parents,
21 and I think that was quite frequent contact, wasn't it?

22 A. It was, but I think they maybe stopped coming for about
23 a year, nobody heard from them and that was, I think,
24 when it started.

25 LADY SMITH: Okay. When it was happening, how did you feel

1 about?

2 A. It was -- it was fine. It was part of her upbringing.
3 It was still her mum and dad so it was just the same as
4 the other kids seeing their dad as well.

5 LADY SMITH: But if you were hoping to adopt her, how was
6 that going to work?

7 A. Well, then if we were going to adopt her, then I don't
8 know if she would see her own mum and dad. Is that what
9 you mean?

10 LADY SMITH: I'm just wondering how you were feeling about
11 it at the time.

12 A. Feeling about ...

13 LADY SMITH: Let me put it this way. Feeling about 'Anna'
14 having a continuing relationship with her birth parents
15 at the same time as you were hoping to become her
16 adoptive parents.

17 A. Mm-hmm? It was fine as long as they were okay --
18 I mean, we really did -- would have loved to have
19 adopted her. But we just had to be guided by what was
20 happening. If that was the case that she had to see
21 them and if we felt that she had to go, she went with
22 them and it was -- it was fine. I don't know if that
23 answers your question or not.

24 LADY SMITH: Did you do anything to reassure 'Anna' that it
25 was not just okay but absolutely right that she carry on

1 having a relationship with her own parents?

2 A. Yes, yes, aye. We always spoke to -- her dad always
3 came to the house and we had a conversation with him,
4 you know, what she had been doing and thingummy, and he
5 would take her out. So yeah, we never ever made it
6 that, oh, no, you can't go, we don't want you to go. We
7 always encouraged all of the kids, if we had them, to
8 see their mum and dads.

9 LADY SMITH: Did you try to reassure her that it was
10 perfectly okay if she didn't want to tell you about what
11 she'd been doing with her parents?

12 A. I -- well I -- we just used to ask her how she got on.
13 We didn't reassure her that it was -- if she didn't want
14 to tell us. It was -- she was just part of the family
15 unit. We just said, "How are you" -- you know, "Where
16 were you today?" or something, but we didn't -- we
17 didn't quiz her on it. It was up to her what she told
18 us.

19 LADY SMITH: Right. Thank you.

20 MS INNES: And 'Peggy', what's your understanding of the
21 reason why the adoption didn't proceed?

22 A. Well, my understanding was that we thought that the mum
23 and dad had said no.

24 Q. Okay.

25 A. But ...

1 Q. And so you don't think it was anything to do with any
2 financial difficulties that you had?

3 A. Well, we didn't till Tuesday.

4 Q. Okay. We'll have a look at the records in relation to
5 that in a moment.

6 If we can just look on, please, to page 20 of your
7 statement and paragraph 89, you're talking there about
8 social work visits. It's at the very end of the page.

9 A. All right.

10 Q. And it says that the social workers never came
11 unannounced.

12 A. I don't think so. I can't remember, but I think they
13 always phoned or -- yeah.

14 Q. They phoned to make an arrangement to come and see you?

15 A. Yeah.

16 Q. Okay. If we move on, please, to paragraph 99 on
17 page 22, you talk there about how it came to be that
18 'Anna' left your care, and I think she left perhaps once
19 she'd turned 18?

20 A. Yes.

21 Q. Is that right?

22 A. Yes.

23 Q. And you say at paragraph 99 that I think essentially she
24 decided to leave and go and live with her dad.

25 A. I was a wee bit of -- in the morning I had -- my

1 daughter was working and she paid £5, which they got
2 back for, like, lunches and different things, you know,
3 but she paid £5. We always thought that was something
4 -- the way they should be brought up, that was what we
5 did when we were kids. So I had says to her in the
6 morning about being -- you know, if she could maybe pay
7 £5 too because she worked four days in a shop, in
8 a chemist shop, and she had a book of some monetary
9 value from the social work because she was finished with
10 the social work and we had said to her, you know, we
11 think because my daughter's paying £5, you should pay --
12 I didn't say it like that, but I think because your wee
13 sister's paying £5, you should pay £5 too. She just
14 went crazy and she was ranting and raving about it, but
15 anyway, I says, "Well, your dad's coming for you, we'll
16 speak when you come home", and when she came home her
17 dad was with her and she just was ranting and raving,
18 packed her bags, said, "I'm going away to live with my
19 dad", and he was apologising for her behaviour and said,
20 "Thank you for how you've brought her up", that was what
21 he said to us.

22 Q. Okay. So we've heard evidence from 'Anna' that she
23 returned home with her father and your husband, I think,
24 told her to pack her bags and leave. Did that happen?

25 A. No.

1 Q. Okay. I think at that time, although she'd turned 18,
2 she was due to be going to university later the same
3 year?

4 A. Yes, I think so, yeah.

5 Q. And did you know how she was going to be funding her
6 accommodation or university studies?

7 A. Well, I think she was going to be going to Edinburgh,
8 but I think she was going to do it from home, you know,
9 live with us and travel to -- but, I mean, I may be
10 wrong, but that was the impression we got at the
11 beginning, but I really can't remember her telling --
12 I -- because I was really upset, obviously, and I really
13 can't remember what happened, why she -- you know.
14 After she left, obviously that was it. We didn't hear
15 from her.

16 Q. And you say that she left and that you've only seen her
17 once since?

18 A. I've only seen her at my niece's funeral.

19 Q. And you say you didn't speak to her?

20 A. No, I didn't speak to her.

21 Q. And she would have been about 22 then?

22 A. I think so, yeah. She would have been -- yeah.

23 Q. Okay. So she had lived with you for all of her
24 childhood --

25 A. Yeah.

1 Q. -- and you didn't try to --
2 A. I couldn't.
3 Q. -- reach out to her?
4 A. I couldn't.
5 Q. Speak to her at all?
6 A. I just -- I was so upset when she left and in the way
7 she left, what she'd done, I -- no. And, I mean, as far
8 as I was concerned, she was still staying with her
9 father so I just -- we just left it.
10 LADY SMITH: Well, 'Peggy', you say you were so upset at
11 what she had done, what was it she'd done?
12 A. I was so upset that she had left us. If you -- you know
13 what I mean? She stayed with us all that time and ...
14 LADY SMITH: Right.
15 A. She was really spoilt --
16 LADY SMITH: Hang on. She left you after this disagreement,
17 I take it.
18 A. Yeah.
19 LADY SMITH: About whether she should be giving you
20 something from her holiday earnings or not?
21 A. Yeah. A £5, yeah.
22 LADY SMITH: And you and your husband told her that that was
23 something you expected her to do, did you?
24 A. Well, I had says to her, "If your little sister's doing
25 it and she doesn't have as much money as you have, then

1 I think you should do it too", I didn't think it would
2 be fair that one would pay something and one didn't.
3 LADY SMITH: And she was still in education, this was
4 a holiday job, and it wasn't going to last?
5 A. I think she was finished her education. She wasn't
6 going to university --
7 LADY SMITH: She was going on to university.
8 A. Yes.
9 LADY SMITH: Yes.
10 A. Yes. That would have been different because she
11 wouldn't have been working then, but while she was
12 working, it was only fair to ask -- you know, if you
13 were asking one person to pay £5, then -- well, I --
14 that was my feeling about it, that she should have paid
15 something. And she had some monetary book value from
16 the social work too. I don't know what it was, I didn't
17 know she had it. The social work obviously gave her it
18 and she had that as well. But I don't know anything
19 about it.
20 LADY SMITH: Okay, so you made your views clear to her and
21 she no doubt thought you weren't being fair?
22 A. Well, she said that we weren't getting any of her money,
23 it was her money.
24 LADY SMITH: Right.
25 A. That was the ...

1 LADY SMITH: So what she did was she didn't agree with you?
2 A. Yes, she didn't agree with us.
3 LADY SMITH: And that was enough to have no further contact
4 with her?
5 A. It was her that left us. We -- I mean, we knew she was
6 staying with her dad. We didn't know where her dad
7 stayed. If she wanted to come back and see us ... that
8 would have been different. But, I mean, I -- I was so
9 upset for a long time after she left because she was
10 part of our family. She was brought up as part of my
11 family. Our ... they all played together, my son, my
12 daughter and her, they were -- you know, they were near
13 each other's ages. But we just thought, yeah, while
14 you're working you should pay something towards ... your
15 lunch or piece or whatever you call it.
16 LADY SMITH: Okay.
17 MS INNES: Okay, if we can move back now in your statement,
18 please, to page 16 and paragraph 73, you talk there
19 about discipline in your home. What methods of
20 discipline would you use with the children?
21 A. Well, if they were naughty or cheeky they would get sent
22 to their room or to come back when they could speak
23 better or -- or be grounded.
24 Q. So what --
25 A. But a lot -- you know, maybe for the day or whatever,

1 not allowed out that night or something. Whatever it
2 would be, it would depend on what it was, but we -- we
3 tried to have family discussions on things, why they
4 were doing -- you know, why were they behaving like
5 that, why were they being cheeky, and that was for my
6 own family as well. You know, because they were all my
7 family.

8 Q. Okay.

9 A. As a unit, they were all my family. Sorry.

10 Q. Yes, in this paragraph at the end you say that you
11 always felt you:

12 " ... were a forward thinking family, more modern
13 than others."

14 A. Yes.

15 Q. What do you mean by that?

16 A. Just that we wanted to try and be ... how we were
17 looking at it was helpful with the kids. Do things that
18 we could to make their life better and help them and not
19 punish them as such. I mean, there was little things
20 with some of them, like one of the foster kids who were
21 with us took money out my purse and they still had it
22 and our thing was they went to give us it back and we
23 says, "No, if it means so much to you, you keep that
24 money, but any time you want money you have to ask for
25 it". You know, you would get it but you would have to

1 ask for it, but they had took money out of my purse.

2 But that was our sort of way of trying to be different

3 because other people might have said, "Oh well, that's

4 it and you're grounded". We tried to do it in

5 a different way, I don't know if it was right or wrong.

6 That was how we ... did things.

7 Q. Okay. And then you say in this paragraph that:

8 "Never once was any of the children ever hit."

9 A. No.

10 Q. So no smacking?

11 A. No.

12 Q. They were never punished with a belt or anything like

13 that?

14 A. No.

15 Q. By you or by your husband?

16 A. No.

17 Q. 'Anna's' told us that you would slap her in the face.

18 Did you do that?

19 A. No.

20 Q. And that you would threaten her that when your husband

21 got home she would get the belt or she would be smacked?

22 A. I can assure you she's never ever been hit.

23 Q. Okay.

24 Now, another thing that 'Anna' tells us about in her

25 statement is that, if we go on to page 32 and

1 paragraph 127, she talks there about having to go to
2 neighbours' houses with a note to get things or a loan
3 of money, that sort of thing. Did that happen?
4 A. No. We were a community and people would say kind of
5 have you got a cup of sugar and things like that, but it
6 was never anything like that and it was more them coming
7 to us than anything else.
8 Q. Okay.
9 LADY SMITH: Was money tight, 'Peggy'?
10 A. It was tight sometimes, yes.
11 LADY SMITH: You had a lot of children in the house.
12 A. Yes. And they never suffered. They all got what they
13 wanted. Maybe that was what was wrong. Maybe we spent
14 it all on the kids and not ourselves. You know?
15 LADY SMITH: And you weren't working full time most of
16 the --
17 A. I wasn't working. Not till -- I think I was about 30 or
18 40 or something like that, and I just worked two days
19 a week.
20 LADY SMITH: Right. So you just had your husband's income
21 and nothing else?
22 A. Yes.
23 LADY SMITH: And, well, the fostering allowance.
24 A. Yes.
25 LADY SMITH: Which you've told us you don't remember being

1 very much.

2 A. I don't think it was very much but I really can't

3 remember.

4 LADY SMITH: Yes. Thank you.

5 MS INNES: Okay. And if we can move to page 34 and

6 paragraph 135 of your statement, you refer there to

7 'Anna' saying that your husband was a heavy drinker and

8 that she witnessed lots of incidents of domestic abuse

9 when he assaulted you.

10 A. No, that's not true. No. I don't know where she's

11 getting that from but it's just not true. And he's

12 never been a heavy drinker. He doesn't -- I mean, even

13 if we go on holiday, if it's two drinks, you were lucky.

14 He's just never been a heavy drinker at all.

15 Q. Okay. And she also told us in her evidence that you

16 also drank and I think particularly on a Monday morning

17 she had memories of you being hungover and not able to

18 get up to help her get ready for school.

19 A. Well, that's not true either. If we did go out, it was

20 a Saturday, if we did, and we always had -- it was

21 an older woman who babysat for us. But I'm not

22 a drinker as such. I'd maybe have, say, a vodka and it

23 would be filled up to the top. I don't drink very much.

24 I still don't drink, really. Once a year on a holiday

25 I maybe have a couple of drinks. That's how we are.

1 Q. Okay. And then at paragraph 136, 'Anna' talks here
2 about an occasion when your husband came home drunk and
3 kicked a glass coffee table and it smashed everywhere.
4 Can you remember a coffee table ever being smashed?
5 A. No, I can't. But -- I mean, she's -- "wore steel toecap
6 boots" -- I take it that was when he worked in the pit.
7 Everything was left -- you had your shower at the pit,
8 you had your clothes for changing into. I wouldn't be
9 letting anybody in, not even the kids, with steel toecap
10 boots in the house. I mean, kind of if they had their
11 wellies or whatever on, they would take them off at the
12 door, ken, I have a big mat where they used to change,
13 ken, if it had been raining or anything. But no, it
14 didn't happen.
15 Q. And when she gave evidence to the Inquiry she referred
16 to this occasion when he smashed the glass coffee table
17 and in this incident she described him essentially going
18 for you and she attempted to stand in the way to protect
19 you and then he turned on her.
20 A. No. No. It didn't happen. I mean ...
21 Q. Has your husband ever hit you or --
22 A. No. No, no. I'm not saying we didn't fall out because
23 it would be -- we've been together for 56 years, I mean,
24 married for 53, ken if we didn't fall out, but everybody
25 falls out. But not to an extent where anybody would

1 lift their hands. He's one of the most kind, caring
2 people of everybody.

3 Q. Okay.

4 A. Family and neighbours.

5 Q. Okay. I'm now going to move on to look at some of the
6 records with you, 'Peggy'.

7 A. Yes.

8 Q. Just bear with me a moment. I'll just get the
9 reference. So if we start at EDI-000000805 and page 17.

10 This is a case conference from [REDACTED] 1978 and it's
11 in relation to your family. Essentially you'll see it's
12 social workers that are present at this case conference,
13 so it's social workers having a discussion about your
14 family.

15 A. Mm-hmm.

16 Q. And it says here:

17 "The case conference was called in view of
18 complaints from a neighbour in March 1978 concerning
19 [you and your husband's] treatment of the two oldest
20 foster children. These complaints centred on the fact
21 that these two children were being asked to do excessive
22 housework, had been left unattended with younger
23 children and that they had been hit by a belt."

24 Okay?

25 A. Right. No.

1 Q. Can you remember these allegations being made?

2 A. Never had any of these allegations put to us at all.

3 Q. Okay.

4 A. But I can never remember anything about anybody being
5 hit with a belt. Was that -- were we present there when
6 they had that or -- I mean --

7 Q. I'm going to read on in the document.

8 A. All right, yes.

9 Q. So we'll see what the social workers say. So at the end
10 of this paragraph it says:

11 "The social workers from area 4 attended the case
12 conference as there is another foster child, aged 3,
13 placed in the home and dealt with by that team."

14 That would be 'Anna'.

15 So it then goes on to say:

16 "Since then, Mrs Paterson and Mrs Colledge have
17 interviewed [you and your husband] and the foster
18 children on approximately five occasions. Initially the
19 children, especially the girl, were tearful and said
20 that they wanted to leave the foster home. They
21 substantiated by and large the complaints made but added
22 that they wanted to move from the foster home to the
23 complainers ..."

24 So the people that had made the complaint against
25 you.

1 "It was felt by both social workers that there was
2 therefore an element of manipulation in the affair."

3 And then it goes on to talk about the interview with
4 you and your husband:

5 "When [you and your husband] were interviewed they
6 admitted to possibly overburdening the children with
7 housework ..."

8 So it looks as though the social work have noted
9 that you admitted to them that you were giving the
10 children too much housework to do.

11 A. Well, it was more a little chore -- hm -- I can't
12 remember this.

13 Q. Okay. And then it says that your husband admitted using
14 the belt on two occasions.

15 A. Well, I can't remember that either. Definitely not.

16 Q. And then it says:

17 "[You] had given birth to a rather unhealthy baby
18 about five weeks ago prior to the complaints ..."

19 So I think that would with your son?

20 A. Well, it was [REDACTED] so that was [REDACTED], so he'd just be
21 born.

22 Q. " ... and as they also have a natural child of 18 months
23 [that's your daughter] and another foster child of three
24 years ['Anna'], it seems that the treatment of the
25 oldest fostering children is related to these changes in

1 the family's size, functioning and needs."

2 And then it says:

3 "The current situation is that the two older
4 children now appear to have settled down again in the
5 foster home. There is no evidence, as far as Pauline
6 Hoggan [so a social worker] can ascertain of concern for
7 the welfare of 'Anna'. However, she has found that [you
8 and your husband] are now denying that any blame
9 attaches to them in respect of the complaints and see
10 the foster girl as the initiator. This is particularly
11 true of [your husband], who seems quite rigid in his
12 views in general."

13 It says.

14 A. Yeah.

15 Q. Okay. So having looked at that, do you have any
16 recollection of any issue with [REDACTED], the older foster
17 girl?

18 A. The only thing we ever had was when she had went to that
19 neighbour saying I had hit her but I had the baby in my
20 arms and I hadn't hit her. I pushed her because she was
21 shouting in my face and I pushed her back. But the
22 social work came out and it was all discussed and they
23 said they didn't -- didn't want to leave. [REDACTED] --
24 well, he didn't want to leave. And she didn't want to
25 leave. But it was -- they spoke to them first and then

1 spoke to us and ... I never said -- because I thought
2 that was the end of it. I just never thought it was
3 anything because it was dealt with.

4 Q. Okay. You mentioned that you pushed [REDACTED] when you had
5 a baby. Was that your daughter or your son?

6 A. I think it was my daughter.

7 Q. Okay. So it looks like this is another complaint that
8 was made and was dealt with by the social work
9 department.

10 A. Well, I really dinna ken anything about none of this.

11 Q. If we just scroll down to the decisions, the first
12 decision is that the three foster children remain with
13 you. There was then number 2:

14 " ... work continues with [you and your husband]
15 about the reality of the complaints and how their
16 feelings for their natural children compare to their
17 feelings for the older foster children."

18 And then at point 5 it says:

19 "The position of 'Anna' is not jeopardised as she
20 fits into the natural span of parenting for [you and
21 your husband]."

22 So it seems to be that social work department were
23 keen that 'Anna' remained with you. And at paragraph 6
24 it says:

25 "... no further foster children are placed."

1 So it looks like the social work department in 1978
2 were saying they were going to stop placing other
3 children with you.

4 A. I'm really not sure because I can't remember, we had
5 a wee boy who came to hospital who had been abused.
6 Now, my husband didn't drive at the time so ... I'm not
7 sure what year it was. But it was when we were in that
8 house and I'm sure all the kids were there.

9 Q. Okay.

10 A. And we had another set of kids twice, one while the
11 foster parents were going on holiday, we took the kids
12 in, and the other one ... I'm just trying to think ...
13 was a wee girl we had who came to stay with us a couple
14 of times but I'm not sure what year it was. I'm really
15 not sure.

16 Q. Okay.

17 A. But we still see our oldest foster son, he comes up once
18 a fortnight. He still calls us mum and dad. We have
19 a really good relationship. His children are my
20 grandchildren, great grandchildren.

21 Q. Okay.

22 A. His daughter was a flower girl at my daughter's wedding
23 and we see him -- I seen him on Tuesday night. He comes
24 up once a fortnight to see us and we do things for him
25 and he does things for us.

1 Q. Okay. And what about the girl that you fostered, not
2 'Anna', [REDACTED]? Do you still have a relationship with
3 her?
4 A. No.
5 MS INNES: Okay. We normally take a break about this time
6 in the morning and I do still have some records to look
7 through, so if now would be an appropriate time,
8 my Lady?
9 LADY SMITH: Would that work for you, 'Peggy', if we have
10 a brief pause now, take a break out of the room and come
11 back in about quarter of an hour or so?
12 A. Right.
13 LADY SMITH: Very well, let's do that.
14 (11.36 am)
15 (A short break)
16 (11.54 am)
17 LADY SMITH: Are you ready for us to carry on with your
18 evidence?
19 A. Yes.
20 LADY SMITH: Thank you. Ms Innes.
21 MS INNES: Thank you, my Lady.
22 Now, I'd like to go back to the records and to
23 EDI-000000805 and to page 15.
24 And this is a case conference on 24 October 1978, so
25 the one that we looked at before the break was in [REDACTED]

1 1978 and this is now in the October. And this is a case
2 conference again in relation to your family and we can
3 see from the people present that it was again social
4 workers that were present at this meeting.

5 It then begins:

6 "The case conference was called to review the
7 decision of the previous meeting on [REDACTED] 1978 [that's
8 the one we've looked at] in view of the fact that there
9 have been further allegations about [you and your
10 husband's] standard of care, ie leaving the children
11 unattended while the parents go out to work in the
12 evenings. These complaints were made by [a person who's
13 a] longstanding foster parent via [somebody else who's]
14 the chairwoman of the Foster Parent Association."

15 And then there's reference in the next paragraph to
16 people being interviewed and it says:

17 "Despite expressing concern, they were unable to
18 come up with precise information on which the social
19 work department could act."

20 And then the person, I think, who'd made the
21 original complaints said she didn't want to take matters
22 any further, and they say:

23 "We, therefore, are left having doubts about her
24 motives for her actions ..."

25 And it looks like she was making complaints about

1 the social work department. It says:

2 "However, the network of intrigue in Mayfield is
3 a complicating factor. It was agreed that there is not
4 a basis to proceed to bring complaints directly to the
5 attention of [you and your husband], especially as [the
6 person] had not agreed to her name being used as
7 a complainer."

8 And then it goes on to discuss your own home and it
9 says:

10 "As far as you and your husband are concerned, both
11 Aileen Colledge and Pauline Hoggan consider that
12 generally the atmosphere in the home is much more
13 relaxed and both social workers feel confident that the
14 situation has improved since [REDACTED]. [The older foster
15 girl] is no longer the focus of their anger, instead
16 they now seem to project most of this on to MMP ..."

17 Now, I think that's the initials of one of the
18 social workers, the M Patterson.

19 " ... who had to take a hard line with them
20 in April. However, when Aileen Colledge visited on
21 20 October 1978, [you] told her that [you] had been
22 working 3 nights per week since July at the [REDACTED]
23 [REDACTED]."

24 Is that something that you were doing?

25 A. Yes, I did -- it wasn't always three nights, it was just

1 if they needed me I went in. But it was actually

2

3 Q. So your son was born in 1978 and what month was he born
4 in?

5 A. [REDACTED].

6 Q. Okay. And then it goes on to say:

7 "But [your husband] has also done so from time to
8 time but intends to work some 3 nights per week as from
9 23 October 1978 until Christmas. [You and your husband]
10 maintain that you are able to make adequate babysitting
11 arrangements, ie 2 local 16-year-old girls, in whom they
12 have every confidence."

13 So can you remember those girls --

14 A. Yeah.

15 Q. -- babysitting?

16 A. Yeah. [REDACTED] was one. I still -- I dinna see her very
17 often because she's moved away but I do see her. She
18 was a lovely lassie. But we didn't -- it wasn't always
19 three days a week, it was -- it depended on when you
20 were needed, if you know what I mean.

21 Q. Okay.

22 A. But yeah, I forgot all about it. Yeah, I did.

23 Q. And then it goes on to say:

24 "This seemed to be somewhat in the nature of
25 a 'confession' from [you], who went on to say that [you]

1 felt much happier and more confident since [you] had
2 been working and that [you] 'would not give it up for
3 anybody'."

4 Was that your feeling about your work at the time?

5 A. If I've said that, I've said that, but I can't remember,
6 but I did enjoy doing it, but it was only when I was
7 needed. You know, it wasn't every -- I'm saying three
8 days a week. I don't even know if it was three days all
9 the time.

10 LADY SMITH: But it seems fair to say, 'Peggy', you were
11 working on a part-time basis?

12 A. Yes.

13 LADY SMITH: Yes?

14 A. I think it was something like you started at 8 till
15 10.30 or something like -- something like that, you
16 know.

17 MS INNES: At night?

18 A. At night. But we always had a babysitter. Always.

19 Q. Okay. And then it says:

20 "Anxiety was expressed by all about these
21 arrangements, although it was recognised that other than
22 closely monitoring the situation, there are no grounds
23 for removal of the children. It was felt that our
24 anxiety should be raised in a formal way at the foster
25 parent review on 1 November 1978."

1 A. Right.

2 Q. Now that you've seen this, can you remember any concerns
3 being expressed by the social work department about
4 that, you working in the evenings?

5 A. I really -- I really can't, but obviously there was
6 a review, but I really can't remember anything about it.

7 Q. Okay. If we go over the page to page 16 and decisions,
8 if we look at (3)(b), one of the things mentioned there
9 was that there would be a discussion with you and your
10 husband:

11 " ... whether or not the introduction of a liaison
12 social worker would help the situation to clearly
13 separate out the needs of the foster children from the
14 needs of the foster parents."

15 So we'll come on in a moment to mention of
16 Mr Kinloch, but I think that --

17 A. Ah, you had said that name, aye.

18 Q. -- he might have come on in that basis after this. At
19 (c) it says:

20 "Discussing the fact that you and your husband who
21 were accepted as short-term foster parents now have 3
22 long-term children and that they should not be taking
23 any more children."

24 So that's what was noted at the time by the social
25 workers.

1 Now, can I go on, please, or go back in this
2 document, please, to page 13. And this is a case
3 conference on 2 March 1979 and again present are social
4 workers, one of whom is the H Kinloch.

5 A. Mm-hmm.

6 Q. And it begins:

7 "This is the third case conference in this family in
8 10 months. The problem precipitating the present
9 discussion is the fact that [you and your husband] are
10 in rent arrears of £262 and your case is being
11 considered at the subhousing committee on 2 March 1979
12 to consider whether or not they should be evicted. This
13 is obviously extremely worrying: even more worrying is
14 the fact that [you and your husband] did not tell the
15 department about the arrears and it only came to light
16 from the Midlothian Divisional Director of Social Work."

17 And then it refers to the older children, their case
18 had been unallocated since Aileen Colledge left
19 in January 1979, so it looks like she was their social
20 worker, and despite what we saw in the previous memo,
21 you hadn't been allocated a liaison social worker.

22 A. Right.

23 Q. And then it says:

24 "H Kinloch outlined the concerns that has brought
25 the situation to our attention over the past year."

1 And then it refers back to the two previous case
2 conferences that we've looked at.

3 Then if we go down, there's a paragraph that begins:

4 "The current concern about rent arrears turns out,
5 in fact, to be longstanding, as H Kinloch has now been
6 informed that over the past 3 years, there have been 8
7 decrees of eviction, 3 in the past 18 months. [You and
8 your husband] have not ever discussed this problem with
9 Gilmerton social workers or Pauline Hoggan."

10 And then it says that since they were informed,
11 E Bartlett and H Kinloch have twice visited [you and
12 your husband] who maintained that (a) they had never
13 received any notification of impending eviction other
14 than a standard letter from the Dalkeith social work
15 department and (b) that they can pay off the arrears at
16 £10 per week and that this arrangement has been accepted
17 by the housing department."

18 A. Yes.

19 Q. Then it goes on to say:

20 "Their explanation for the arrears was the fact that
21 [your husband] had been off work with a hand injury for
22 7 months and only recommenced 2 weeks ago. They were
23 receiving very low benefits when he was off sick and
24 that they have always spent quite lavishly on the
25 children (for example, £70 being spent on each child at

1 Christmas time), irrespective of their financial
2 circumstances. [You and your husband] admitted that
3 they could only have told the social work department
4 about the eviction more or less at the last minute, as
5 they are clearly used to living on the verge of eviction
6 and therefore do not take it particularly seriously and
7 they were afraid that we would remove the children from
8 them. It now seems likely that the housing subcommittee
9 will accept the offer of £10 per week to pay off the
10 arrears; in addition, Dalkeith office has offered to
11 involve a social work assistant in helping [you and your
12 husband] to budget."

13 And then I think at the top of the next page it says
14 that your husband has grudgingly accepted that proposal
15 "as he does not really admit to having a problem".

16 So looking at that, can you remember that there were
17 issues with rent arrears back in about 1978?

18 A. Yes. I do, and I remember that we made a payment to ...
19 to pay it off, and when he got his money for his
20 accident he had, then we just cleared it.

21 Q. Okay. So you entered into a payment arrangement, as
22 this has noted.

23 A. Yeah.

24 Q. And we do know from other documents that those arrears
25 were cleared in 1980 when your husband got a lump sum in

1 respect of the injury that he had suffered.

2 A. Yeah.

3 Q. Okay. Is it correct that you'd had other decrees of
4 eviction before?

5 A. I don't know if we'd had a decree of eviction before.
6 I do know that when he was on strike, you know, we had
7 to pay the money back and then he had an accident after
8 that as well, somebody had dropped a metal thing on his
9 foot and he was off for 10 months and again the money
10 was very poor. But we never made the kids -- you know,
11 we made sure they got their money and we lived off what
12 we had and tried to pay our stuff, but it was paid,
13 everything was paid off. And we now, as I say, we have
14 bought our house. We're in the same house. We have
15 bought it.

16 Q. Okay, so we'll come back to what happened later on
17 during the strike and when your husband was injured
18 again later on.

19 A. Mm-hmm.

20 Q. But at this time the social work department seems to
21 think that you're used to living on the verge of
22 eviction and that you don't take it seriously. Is that
23 right?

24 A. Well, I -- I really didn't think that at all, but ...

25 Q. You hadn't told the social work department about it?

1 A. No, because we were trying to deal with it ourself.

2 Q. Okay. Now, if we can move on a little, please, if we
3 can go to page 6, so that was in 1979 and we'll see in
4 a moment that those were cleared in 1980.

5 This is a memo from 16 March 1982, okay? And it's
6 from Henry Kinloch to a Gus Campbell and it's about your
7 family and it says:

8 "This memorandum is an attempt to clarify some of
9 the issues regarding [you and your husband] ..."

10 And there's reference to some other meeting. They
11 give some history of your involvement in foster care.

12 If we go down to the bottom of the page, it says
13 there:

14 "Serious problems in relation to rent arrears were
15 first brought to our attention in February 1979 at which
16 time rent arrears were about £260 and it seemed to be
17 the case that these problems had been quite serious for
18 a few years."

19 And over the next page it says:

20 "It was difficult to establish the root of these
21 difficulties although [you and your husband] attributed
22 the problems to a period of 7 months when [your husband]
23 had been off work with a hand injury but the most
24 worrying aspect was their reluctance to share
25 difficulties with this department. The problems at this

1 period were eventually resolved in May 1980 when the
2 arrears were cleared with the aid of a lump sum which
3 [you and your husband] received due to an industrial
4 injury sustained by [your husband]."

5 So that's what you mentioned a moment ago.

6 It then goes on:

7 "At the beginning of last year we began to focus on
8 plans for the permanent care of 'Anna' involving the
9 department in an assumption of parental rights with
10 a view to [you and your husband] being considered as
11 adoptive parents. Problems with rent arrears again
12 became apparent in February of last year [so that would
13 be February 1981] and these have continued in a very
14 chronic fashion since then.

15 "Throughout that time I have been in regular contact
16 with [you and your husband] and with Midlothian District
17 Council finance department in an attempt to monitor and
18 keep on top of the situation. While I think I have been
19 able to put across to [you and your husband] that our
20 concerns are purely about the rent arrears and the
21 insecurity that this causes for the children and that we
22 are happy about the actual care that the children are
23 receiving, there has been no real progress in resolving
24 the situation and evictions have really only been
25 averted by last minute payment by [your husband]

1 combined with him enlisting the support of a local
2 councillor."

3 So can you remember that happening, that your
4 husband was calling on the support of a local
5 councillor?

6 A. I can't really remember that.

7 Q. Okay. It then goes on:

8 "[You and your husband] are still not very open
9 about the reasons for their difficulties."

10 And it says:

11 "[Your husband] tends, it seems, to shield [you]
12 from outside contacts and she invariably makes herself
13 unavailable when I call."

14 Is that correct?

15 A. It's maybe just embarrassed, but, I mean, I just can't
16 think of anything that ... I don't know.

17 Q. And then it says:

18 "Reasons given by [your husband] for the problems
19 usually centre on periods of illness but it is also
20 clear that his wages are sometimes arrested for other
21 debts which makes it difficult for him to sustain
22 agreement he has made with the housing department. This
23 undoubtedly puts him into a vicious spiral of anxiety,
24 illness, rent arrears and periods of excessive overtime
25 working which could well be leading to more poor

1 health."

2 So did you have those issues at that time?

3 A. I didn't have issues, no.

4 Q. In the family. Where your husband was maybe working
5 overtime to make more money to clear debts?

6 A. Yes, he did work extra to -- weekends or -- or I think
7 it -- the call that I -- I can't remember, but it was
8 something a bit extra -- maybe after his shift should
9 finish, maybe an extra few hours or something like that.
10 I do remember him doing something like that, but.

11 LADY SMITH: Did you know there were other debts in addition
12 to the rent arrears?

13 A. Yeah, I knew everything, yeah. I mean, we don't hide
14 anything from each other. Yeah.

15 LADY SMITH: It must have been very stressful. Was it?

16 A. It -- yes, it was stressful. But we got there.

17 LADY SMITH: Okay. Ms Innes.

18 MS INNES: And then it says:

19 "The present situation is that an eviction date for
20 10 March was postponed for 4 weeks to give this
21 department the opportunity to look at whether or not we
22 would be willing to make direct payments from the
23 boarding-out payments made to [you and your husband] in
24 respect of ..."

25 And at that stage it was the foster girl and 'Anna'.

1 It then says:

2 "[Your husband] would be agreeable to any plan which
3 would avert eviction, although he would not want such
4 direct payment to continue once arrears have been
5 cleared. What he would want to happen, once arrears are
6 cleared, is for him to be able to make direct debits
7 from his bank account to the rent. The problem with
8 this of course would be if there was irregular working
9 or arrestment of wages."

10 And it then goes on to say that the social workers
11 are of the opinion that despite the financial
12 problems -- sorry, it's the end of this page

13 A. I think I've lost that. Yeah. Oh aye.

14 Q. "Social workers concerned [mentions their names] are of
15 the opinion that despite the financial problems this is
16 a family unit which offers a lot to the children and
17 ought to be continued to be supported as a family unit."

18 And it refers to the older children being made aware
19 of the seriousness of the situation and at that time
20 they were determined that they would stay with you, and
21 then it refers to 'Anna' being very much a part of your
22 family and more like your oldest child.

23 So there was a discussion at that time about part of
24 the boarding-out allowance being paid directly to
25 Midlothian.

1 A. Yeah, I can't remember it, but ...

2 Q. But that's something -- well, if we go on to page 5, we
3 see a letter dated 5 April 1982, it's a letter to your
4 husband and it says in the first paragraph:

5 "I am writing further to our recent meeting and the
6 agreement which was made regarding our paying some of
7 the money you received in boarding out payment to
8 Midlothian District Council on your behalf."

9 So it looks as though Lothian were paying part of
10 the boarding-out allowance directly to Midlothian
11 District Council.

12 And then he goes on:

13 "As you know in my discussions with you I expressed
14 some concern that these payments might leave you in
15 a position where you would be unable to fulfil your
16 obligations in terms of day-to-day care of the children.
17 You reassured me that this would not be a problem. I am
18 therefore disturbed to hear subsequent to this that
19 a complaint has been received by our Dalkeith office
20 about approaches made by you to borrow money from
21 a neighbour in order to buy food and also for
22 an electricity bill. It may be that this complaint is
23 malicious but as you can understand this does cause us
24 some concern in view of the anxieties I expressed to you
25 about the consequences of the boarding-out payment being

1 paid to Midlothian District Council rather than to
2 yourself for maintenance of the children."

3 Is it correct that you had to approach neighbours to
4 borrow money?

5 A. No. I mean, I've had my neighbours next to me for
6 years, but they're older than me and I certainly would
7 never -- I mean, if I ever needed anything, I would go
8 to my mum, my dad, my gran, if I ever needed anything
9 I know they would help us. But no.

10 Q. Okay.

11 A. It may have been malicious, but I don't remember
12 anything like that.

13 Q. Okay. I'm just going to move on to another page in this
14 document, page 1, so this is -- it's in chronological
15 order, so this is -- we were looking at March/April 1982
16 and this is -- I think if we go to page -- maybe page 3
17 gives us the date. This is in October 1982. So
18 starting at page 1, it's an incident report regarding
19 'Anna':

20 "Following an anonymous allegation from a neighbour
21 that she had been bruised by foster parents."

22 And it says:

23 "The neighbour telephoned Irene Fuller on 21 October
24 1982. The neighbour alleged that when 'Anna' was in her
25 house yesterday evening playing with her daughter she

1 noticed adult hand marks on the child's face and neck.
2 She also alleged that a boy of the household, who she
3 thought was also fostered, had been kicked by [your
4 husband]."

5 And this was passed on.

6 Then under "Action" -- sorry, just pausing there,
7 can you remember this allegation being made?

8 A. No. Did the person give their name or --

9 Q. It's an anonymous report.

10 A. Anonymous, right.

11 Q. And it says "Action":

12 "Informed Henry Kinloch (senior social worker to
13 [you and your husband]) of the situation. As it
14 happened, [your husband] was in Henry's office at this
15 time. Henry explained the allegation to him and it was
16 agreed that I should collect [your husband] from the
17 Gilmerton office in my car and take him home so the
18 matter could be investigated. This I did ..."

19 With another social worker accompanying him.

20 "When we arrived at [your house] at about 5 pm, we
21 first saw the foster parents alone. I outlined the
22 allegation made against them and explained the necessity
23 to investigate this fully. [You and your husband] were
24 both very angry about the allegation and in addition
25 [you] were distressed and tearful. They immediately

1 denied having struck 'Anna' in the way alleged, but
2 appreciated the need to follow up the allegation."

3 It then goes on:

4 "They could not recall having struck 'Anna' within
5 the last few days, although they admitted that on
6 occasions 'Anna' is given a smacked bottom when she is
7 naughty. They are quite open about this and felt this
8 to be a controlled and reasonable use of punishment."

9 Now, just pausing there --

10 A. Yeah.

11 Q. -- in your statement and in your evidence earlier, you
12 told us that the children were never smacked.

13 A. Well, I can never remember smacking them. I really
14 can't. It's a long time ago but I can't remember doing
15 that.

16 Q. Okay. So it looks as though this was noted by the
17 social worker at the time.

18 A. Yeah, I can see, yeah.

19 Q. So are you saying that you've forgotten and that you did
20 smack the children?

21 A. Well, I'm saying I can't remembering smacking the
22 children.

23 Q. Okay.

24 A. But ...

25 Q. It then goes on that:

1 "[You and your husband] maintained that they have
2 never struck 'Anna' about the face or neck."

3 Then it says:

4 "On Tuesday, 'Anna' was sent to bed during the
5 afternoon after being cheeky to [you]. She remained
6 there for only a short time and according to [you and
7 your husband] no other form of punishment was used.
8 [You and your husband] said that you hadn't noticed
9 marks on 'Anna' such as those described by the anonymous
10 caller and could not think of anyone else, such as
11 playmates or foster siblings, who would be likely to
12 have struck her in the way described. They did mention
13 that 'Anna' had a scratch on her right cheek and that
14 they noticed this when she had her hair cut recently.
15 They did not know the origin of this and said that
16 'Anna' herself had been unable to recall how it had
17 happened."

18 And then over the page there's reference to the
19 children having measles, not remember having contact.
20 And then it says:

21 "'Anna' joined us at this point. There were no
22 signs of bruising or hand marks on her cheek or neck,
23 though there were traces of a minor scratch on her right
24 cheek, probably some days old. Had a general chat about
25 what she had been doing during the school holidays and

1 this led on to talking about whether she had been good or
2 naughty. She recalled the incident on Tuesday and said
3 she had been given a smacked bottom and put to bed for
4 a short time."

5 So she seems to have said to the social workers that
6 she'd been smacked, although I think you and your
7 husband had said that she hadn't been on that occasion.

8 A. Mm.

9 Q. "She said she thought the punishment was fair. She said
10 she had not been hit across the face or neck.

11 I mentioned the scratch on her face and she said she
12 didn't know how it happened. Throughout the discussion
13 she was at ease in the company of [you and your husband]
14 and showed no fear of them. She then left us and I had
15 a further talk with [you and your husband] alone."

16 So it looks as though social workers spoke to the
17 two of you, you and your husband. 'Anna' was called
18 into the room, spoken to when you were all there, and
19 then sent away again.

20 And then it goes on to note:

21 "No issues in terms of the relationship."

22 It says at the end of the paragraph that we see on
23 the screen there, the top one:

24 "I could find no evidence of any alcohol abuse or
25 other factor which would give concern about 'Anna's'

1 welfare."

2 And then it notes that:

3 "Although [your husband] had initially denied
4 striking 'Anna' on Tuesday, he afterwards admitted that
5 he may well have given her a smacked bottom as she
6 described. I did not feel he was trying to cover up the
7 facts."

8 And it notes at point 2 that:

9 "Physical punishment is used in [your] household,
10 but the degree does not seem unreasonable."

11 And ultimately the social work department took the
12 view that you would be exonerated in relation to the
13 allegation. So if we go to page 3, just above the
14 signature it says that you would be written to to
15 formally exonerate you in relation to the allegation.
16 Okay?

17 A. Aye.

18 Q. So that's what happened at that time.

19 But I think you're saying you have no recollection
20 of that allegation being made?

21 A. I can't remember it.

22 Q. Okay. And I just have one final document to look at.
23 So EDI-000001896. This is an update report for the
24 adoption panel on 9 April 1987, so this is much later,
25 so that allegation that we looked at was in October

1 1982, so this is now April 1987.

2 This is a report for an adoption panel and it says:

3 "This case was last considered at the then
4 Homefinding panel on 29 November 1984, when the proposed
5 adoption and adoption allowance were confirmed despite
6 the family's longstanding rent arrears problem. Support
7 had been previously given in principle [refers to
8 something in 1983] subject to the resolution of this
9 problem."

10 And then it refers to your husband being a miner,
11 the protracted industrial action of 1984 and 1985 had
12 prevented any progress on this and so the condition was
13 waived at the November 1984 meeting.

14 There seems to have been a change of social worker.
15 It says:

16 "It was difficult to engage productively in work
17 towards the adoption in the atmosphere created by the
18 industrial action and its immediate aftermath and this
19 was compounded when [your husband] was injured in
20 an industrial accident not long after returning to work
21 and was on sick leave for several months."

22 So I think that's what you mentioned in your
23 evidence earlier, that there was the strike and he was
24 off for 10 months.

25 A. Yeah. He was -- aye. I didn't ken about that adoption

1 thing. Never.

2 Q. It then goes on:

3 "During this time it was, however, possible to
4 undertake direct work with both 'Anna' and her natural
5 parents to clarify their respective expectations and
6 wishes."

7 So I think that's probably referring to -- you
8 mentioned earlier that a social worker was taking 'Anna'
9 out of the house to do the life story work?

10 A. Yeah.

11 Q. Is that not to do with adoption?

12 A. See, I thought that was when she was about five.

13 Q. Okay.

14 A. But, I mean, I could be wrong. I mean, it's a long time
15 ago, so.

16 Q. Okay.

17 A. Yeah.

18 Q. And then it says:

19 "In 1984 and 1986, the plan remained to proceed to
20 adoption."

21 And then there was -- in spring 1986 they'd done
22 medical updates, they had a draft dispensation of
23 parental agreement report, so that's to do with if the
24 parents weren't going to agree to it, the court would
25 agree to it instead of them.

1 A. So they didn't agree to it?

2 Q. What it's talking about here is if the parents didn't
3 agree, the court could still agree.

4 A. Right.

5 Q. Okay? So it's dispensing or doing away with the need
6 for them to consent.

7 And then if we go down, it then says:

8 "The position with rent arrears in mid-August 1986
9 was that almost £1,400 [I think] was owing and the
10 council had been granted an eviction order in court and
11 were in the process of fixing a date for this. However,
12 no action had since been taken on account of a further
13 agreement with [your husband]."

14 And then it was anticipated that the arrears would
15 be paid off.

16 And then in the next paragraph it says:

17 "In the meantime, [you and your husband] have not
18 taken any steps towards having a petition lodged."

19 So that's making an application for adoption.

20 A. Oh, I dinna ken we had to do that. Right. I'm not
21 aware of that. I thought the social work did that and
22 then ... right.

23 Q. Okay. And then it says:

24 "Initially this was accounted for in terms of
25 practical difficulties to do with the couple's

1 respective work schedules. More recently, however, and
2 in particular at a further childcare review on 16 March
3 1987, [your husband] stated that [you and him] had
4 decided not to proceed while the problem of rent arrears
5 remained unresolved in case this led to the adoption
6 order being refused, which might in turn provoke
7 questions or actions on behalf of 'Anna's' natural
8 parents. He did not consider it desirable to take on
9 the extra pressure in these circumstances."

10 And then he talks about it being less of a priority.

11 A. Right.

12 Q. So it looks as though, from what's said here, that you
13 and your husband had agreed not to proceed with the
14 adoption because of your financial difficulties?

15 A. I really can't remember that bit. Yeah. I really can't
16 remember anything about that, but if that's -- I'm just
17 trying to read it all. That's -- obviously that's what
18 happened if ... see, I remember the adoption --
19 I thought she was only four or five when it first
20 started, when they took her out, when the parents
21 stopped visiting for about a year and a half or
22 something, a year or a year and a half or something.
23 That's my recollection, but I could be wrong because
24 it's a long time ago, but that's -- when they took her
25 out to do the life book.

1 Q. Right. I think from the records it may be that adoption
2 was considered on more than one occasion?

3 A. Oh, was it? Right.

4 Q. So we know it was considered there in 1987. And I think
5 it may have been considered at an earlier stage as well,
6 as you say.

7 A. That's the one I do remember and I can't remember -- but
8 obviously if we had pressure because he had been off
9 work for nearly two years ... we may just have decided
10 to wait because ...

11 Q. Because of that?

12 A. Because of that. We may have decided to. Obviously it
13 says that in there, so ... but I didn't -- I remember
14 the first one. I don't remember them ever saying about
15 lodging a --

16 Q. Petition.

17 A. -- thing. I can't remember that.

18 LADY SMITH: It may never have got to that stage. It may
19 have been just preliminary discussions I suppose.

20 A. Yeah. Yes.

21 LADY SMITH: By March 1987, 'Anna' was certainly 12 years
22 old, nearer 13 than 12.

23 A. Yeah. Yeah, she would be.

24 LADY SMITH: But your memory is of talking about it at some
25 point when she was younger? Is that it?

1 A. Yeah, I thought she was about four or five, just getting
2 ready to go to school.

3 LADY SMITH: Thank you.

4 MS INNES: Okay. I think if we look at EDI-000000806 on
5 page 3, if we scroll down to the entry 15 July 1980, and
6 it says there:
7 "Decision to proceed with plans towards adoption of
8 'Anna' by [you]."
9 So that's when she would have been about six?

10 A. Yeah.

11 Q. And then at the bottom of this page, August 1981, it
12 refers to a review that your husband was at and it says:
13 "It was agreed that plans for adoption would be
14 dropped for the present because of the financial
15 situation."
16 A. Right.

17 Q. "However, we emphasised that it was the view of the
18 workers involved that 'Anna's' bonds were very firmly
19 with [you and your husband]."
20 A. Yeah.

21 Q. So that was the earlier one that you were remembering?
22 A. Yeah. I just can't remember the other one but obviously
23 it was ...

24 MS INNES: Okay. I don't have any more questions for you,
25 'Peggy', and there are no applications, my Lady.

1 LADY SMITH: Are there any outstanding applications for
2 questions?

3 'Peggy', that completes all the questions we have
4 for you this morning. Thank you very much --

5 A. Thank you.

6 LADY SMITH: -- for engaging with us as you have done and
7 coming along and doing the best you can to deal with our
8 difficult questions. And I know they're difficult.
9 I recognised that at the beginning. I hope you
10 appreciate that. But we had to ask them.

11 A. Yeah.

12 LADY SMITH: Because of the purposes of this public inquiry.
13 But I'm glad to be able to let you go now and hope that
14 you have a restful time for the rest of the day.

15 A. Okay, thank you.

16 (The witness withdrew).

17 LADY SMITH: Ms Innes, I'll rise now for a few minutes
18 whilst we get organised for the next witness. Can you
19 give me some idea of how the time scheduling is going to
20 work out for the rest of the day?

21 MS INNES: I will, I think, still be with this next witness
22 over lunch, although it will be shorter, given that he's
23 the husband of the previous witness. And then we have
24 another witness attending this afternoon, who -- we may
25 not be able to get to read-ins is basically what I'm

1 trying to say.

2 LADY SMITH: That's right. From my rough guessing, it looks
3 as though this afternoon's witness won't take, for
4 example, as long as 'Peggy's' taken.

5 MS INNES: No.

6 LADY SMITH: It's in shorter compass, his evidence.

7 MS INNES: Yes, that's true.

8 LADY SMITH: Very well. I'll rise now for a few minutes,
9 thank you.

10 (12.36 pm)

11 (A short break)

12 (12.41 pm)

13 LADY SMITH: Ms Innes.

14 MS INNES: My Lady, as I indicated, the next witness is
15 anonymous and is using the pseudonym 'John'. He is the
16 husband of 'Peggy', who has just given evidence, and as
17 I said at the beginning of her evidence, City of
18 Edinburgh Council are the relevant successor and
19 Midlothian may also have an interest.

20 LADY SMITH: Thank you very much.

21 'John' (affirmed)

22 LADY SMITH: 'John', if I can ask you to stay in that good
23 position for the microphone, it'll help you and it helps
24 us to hear you, particularly the stenographers, who
25 listen to you through the sound system.

1 A. (Witness nods).

2 LADY SMITH: We'll take you to that red folder in a moment,
3 it has your statement in it, but your statement's also
4 going to come up on the screen in front of you. You
5 might find that helpful. They're there for you to use
6 if you want to do so.

7 A. (Witness nods).

8 LADY SMITH: But before we turn to your evidence, 'John',
9 a couple of things I want to say. First of all, I know
10 what we've asked you to do by engaging with us, both by
11 giving a written statement and coming here today, isn't
12 easy. You'll know we've got a lot of questions for you
13 and some are going to be difficult and they may be
14 distressing for you to deal with, particularly since
15 we're asking you to go back into your memory banks of
16 a long time ago and talk about matters which you know
17 could be upsetting.

18 A. (Witness nods).

19 LADY SMITH: If at any time you want a break, you must let
20 me know. I want to do anything I can to help you give
21 your evidence as clearly and carefully as you can. But
22 also, can I say that it's very important that you
23 appreciate although this is a public inquiry and not
24 a courtroom, you have the same protections here that you
25 would have in a courtroom.

1 A. Excuse me, I didn't catch that bit.

2 LADY SMITH: You'll have the same protections here as you
3 would do in a courtroom, and what that means is if
4 you're asked a question the answer to which could
5 incriminate you, you don't have to answer it.

6 A. Right.

7 LADY SMITH: You've got a choice. But if you do choose to
8 answer it, you must answer it fully.

9 A. Right.

10 LADY SMITH: If you need that explained again at any time,
11 there's no problem. You just let me know.

12 A. (Witness nods).

13 LADY SMITH: But otherwise, you let me know if there's
14 anything we can do to help you with getting through your
15 evidence. If it works for you, it'll work for me, all
16 right?

17 A. (Witness nods).

18 LADY SMITH: I'll hand over to Ms Innes now and she'll take
19 it from there.

20 MS INNES: Thank you.

21 Questions from Ms Innes

22 MS INNES: Good afternoon, 'John'.

23 A. Good afternoon.

24 Q. We understand you were born in 1950; is that right?

25 A. Yes.

1 Q. I'm going to refer to your statement. We give it the
2 reference WIT-1-000000942. If we look at the last
3 page of it and paragraph 143, it'll come up -- you can
4 also look at it in the red folder if it's easier for you
5 to look at it in the red folder rather than on the
6 screen?

7 A. What was that?

8 Q. If you would like to look at your statement in the
9 folder, it might be easier for you than looking on the
10 screen. So if you go to the last page of it.

11 A. Right.

12 Q. It says at paragraph 143:

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

17 And you signed your statement, I think, on 17 March
18 2022; is that right?

19 A. Yes.

20 Q. Okay, thank you. Now, I'm going to go back to some
21 aspects of your experience as a foster carer and you
22 tell us in your statement how you became to be a foster
23 carer together with your wife.

24 A. Yeah.

25 Q. And if we go on to paragraph 7 on page 2, you say there

1 that when you started as foster parents, you were
2 probably quite unique as you didn't have your own
3 children and had no experience at that time in bringing
4 up children. And you think that most of the other
5 foster parents at that time had already had their own
6 children first. And that would have given them
7 experience.

8 A. Yeah.

9 Q. So how did you and your wife go about starting to be
10 foster carers when, as you say, you had no experience?
11 I think you tell us you weren't given any training?

12 A. Well, just probably the same way as a new parent. You
13 know, if you had had your own child you would learn and
14 that's -- we just learned, learned the needs of each
15 child because even if you had had experience, I would
16 have to say it, that each child is unique within their
17 own -- you know, even with my own two children, both of
18 them are completely different from one another. So each
19 child is unique. They have their own demands and what
20 they need and how they're looked after and everything
21 like that.

22 So you learn as each child came, what they needed,
23 what their problems were, what they liked or liked to
24 eat -- you know, just -- everything. So you learnt just
25 through the experience. I don't think you could teach

1 anybody.

2 Q. Okay. And you say at paragraph 8 that the social worker
3 described some of the issues that might arise as foster
4 parents. So, for example, the differences that you
5 might find of a child that suffered abuse. So was that
6 in the context of a discussion with a social worker?

7 A. No, not really. I don't think abuse was ever spoken
8 about.

9 Q. Right.

10 A. As far as in that context. I mean, we were just told,
11 you know, how kids might play up and things like that,
12 how they might need -- you know, they might have
13 nightmares if they had had problems at home or anything
14 like that.

15 So, you know, we were only given slight guidance
16 (unclear) our own.

17 Q. And were you given any guidance as to what you should do
18 if, for example, a child was having a nightmare or some
19 issues like that?

20 A. You'd just be there for them and talk to them and listen
21 to them and see what their problem was.

22 Q. Okay. And during the time that you were a foster carer,
23 did you ever have any training from the social work
24 department?

25 A. No.

1 Q. No courses or anything like that that you could go to?

2 A. No.

3 Q. Were you given any guidance about discipline, for
4 example?

5 A. No.

6 Q. If we move on to page 3, please, and paragraph 14, you
7 talk about your view of what you were doing when you
8 were a foster carer and you say that you never
9 considered that you were employed, either by the social
10 work department or as being a self-employed person.

11 A. Yeah. I mean, we were doing a service. We got
12 enjoyment out of it. We -- you know, we got to look
13 after kids and we always wanted kids. We didn't have
14 any of our own. So we didn't look upon it as
15 an employment. It was something we were doing, we were
16 helping the kids, and in the same respect we were
17 getting enjoyment out of having a family.

18 Q. Okay. And we know obviously that a child who we're
19 particularly talking about here, who has the pseudonym
20 'Anna', came to live with you when she was a baby.

21 A. Yes.

22 Q. And you had two older foster children that also lived
23 with you on a longer-term basis?

24 A. Not at that time.

25 Q. Okay. So she came first?

1 A. When 'Anna' came to us, the two older children weren't
2 there. They came slightly later.

3 Q. Okay.

4 A. There wasn't much between them, but 'Anna' came first.

5 Q. Okay. And I think your wife's told us that she came in
6 the spring and then the older two came in the summer.

7 A. Yes.

8 Q. So within quite a short space of time you'd gone from
9 having no children in the house to having three.

10 A. Well, we had had children before they came.

11 Q. Uh-huh. Other foster children?

12 A. Other foster children.

13 Q. Okay. But those three children then stayed with you for
14 the rest of their childhoods?

15 A. Yes.

16 Q. Yes, okay. And then you and your wife had a daughter,
17 I think, in 1976?

18 A. That's correct, yeah.

19 Q. And then a son in 1978?

20 A. Yes.

21 Q. Okay.

22 If we go on to page 4, please, and paragraph 19, you
23 talk there about the allowance that you got from the
24 social work and you say that you remember that you got
25 a monthly allowance and it was supposed to help you with

1 any extra cost regarding food, clothes or activity that
2 would be sent out. And you say at paragraph 20 that the
3 money that you received was all spent on the children.

4 A. Yeah, more or less, yes, aye.

5 Q. Do you remember a time that some of the allowance that
6 you were getting was paid to Midlothian District
7 Council --

8 A. No.

9 Q. -- directly? You don't remember that?

10 A. Can I -- I can --

11 Q. On you go.

12 A. -- expand on that if you like.

13 Q. Yes, on you go.

14 A. You're obviously talking about the time when we got into
15 a bit of financial problem. By the time that the social
16 worker came -- social work department came to see us
17 about that, I had already been to Midlothian Council and
18 made an arrangement to pay so much extra each week and
19 now I don't know if it was mooted that when the social
20 work came that part of that allowance be used for that.
21 I can't remember that happening. I would have to say.
22 I paid the arrears, right? And we paid so much and then
23 I got some money that we used to pay off the arrears.
24 That's my recollection of what happened.

25 Q. Okay. We might come onto that a bit more later, but you

1 can't remember this direct arrangement between Lothian
2 Regional Council and the District Council?

3 A. No.

4 Q. No, okay.

5 If we look at paragraph 22 on this page, you talk
6 about the fostering being organised from the social work
7 headquarters at Shrubhill in Edinburgh and you say that
8 meant that Midlothian Council refused to help you obtain
9 a bigger house.

10 A. Well, basically what we were told was that we would just
11 need to go into the normal list.

12 Q. Right.

13 A. Which meant we would have waited years to get a bigger
14 house. Had we been in Edinburgh, they say they would
15 have been able to give us a house. In fact, I think at
16 one time they mooted we could maybe get that, but there
17 was no way we wanted to stay in Edinburgh -- no offence
18 to Edinburgh. As I say, Midlothian Council, we were
19 flatly told that if you want a bigger house, you'd
20 better try and get an exchange.

21 Q. Okay. So can you remember if you asked the social work
22 department in Edinburgh for help with getting a bigger
23 house?

24 A. No, I think we had discussed with one of the social
25 workers and that's when they kind of said, "Yes, we

1 could maybe get you a bigger house in Edinburgh".

2 Q. I see.

3 A. But they never ever said they could interfere in

4 Midlothian Council because they were two different

5 entities at that time.

6 Q. Now, if we can move on a little, please, to page 8 and

7 the top of that page and paragraph --

8 A. Page 8, did you say?

9 Q. Page 8, yes, and paragraph 41.

10 LADY SMITH: I don't know which works best for you, but it's

11 on the screen as well, if you want to look there,

12 'John'.

13 'John'? 'John'?

14 A. Right.

15 LADY SMITH: 'John', you see the screen in front of you?

16 A. Yeah.

17 LADY SMITH: It's also there. I don't know how clear that

18 is --

19 A. No, I prefer the paper.

20 LADY SMITH: You're happier with the paper. It's just to

21 save you finding the page but that's okay if that works

22 for you.

23 MS INNES: So you're talking there about the time that you

24 would get home from work.

25 A. Yeah.

1 Q. Now, we understand that you worked as a miner?

2 A. Yes.

3 Q. And which colliery did you work?

4 A. [REDACTED].

5 Q. Did you work shifts?

6 A. No. I worked mainly day shifts or ham and egg shift.

7 Q. So day shift, roughly when would that start?

8 A. I would leave the house about 20 to 6 in the morning.

9 Q. Okay. And then when we look at paragraph 41 and it says

10 you'd get home either at 2 o'clock --

11 A. If I got a lift, I got home at 2.

12 Q. Okay.

13 A. If I got the bus, you didn't get home until about 3.10.

14 Q. Okay. Now, you also mentioned I think something called

15 a ham and egg shift?

16 A. Yeah.

17 Q. And when did that start?

18 A. I would leave the house about quarter to 10.

19 Q. Okay. And then when would you be home from that?

20 A. Probably about half past 4, quarter to 5.

21 Q. Okay.

22 A. The reason for it being shorter is twofold. One, ham

23 and egg shift, you got up the pit quicker and earlier

24 because there was only a few men. I would need to go

25 into all the detail of how they towed men and everything

1 like that.

2 Q. Okay.

3 A. But basically, you know, you'd come out to the pit
4 bottom, you go straight up, you go wash and you got
5 away, where on the day shift you either had to wait on
6 the bus if you didn't get a lift, and you could start
7 towing just the back of one, and if you were one of the
8 last out, you didn't get up till about 2.20 and the bus
9 left at 3.

10 Q. Okay.

11 A. So that's sort of the basics of how it worked. So
12 that's how you weren't as long getting home on the ham
13 and egg shift as -- and it's called ham and egg shift
14 for the obvious reason, because you could get your
15 breakfast before you left.

16 LADY SMITH: 'John', so I should probably confirm with you,
17 when you said you'd leave about quarter to 10 for the
18 ham and egg shift, that's quarter to 10 in the evening,
19 is it?

20 A. No, in the morning.

21 LADY SMITH: Quarter to 10 in the morning?

22 A. In the morning, yes. But as I said --

23 LADY SMITH: Hang on, I have another question. So that
24 would take you through to about 4.30, 4.45 getting home
25 time?

1 A. Yeah.

2 LADY SMITH: And that's when you'd get your ham and egg,
3 before you left?

4 A. Yes, that's why it was called ham and egg shift,
5 because -- you know, you're not going to have
6 a breakfast at 5.30 in the morning, but at quarter to 10
7 you can have your breakfast before you actually go to
8 work.

9 LADY SMITH: Okay.

10 A. That was the basic reason for calling it ham and egg
11 shift.

12 MS INNES: Okay.

13 Now, we've heard evidence from 'Anna' that sometimes
14 after you finished your shift you might go to the local
15 labour club or miners' club for a drink?

16 A. Never.

17 Q. Not when you were waiting for the bus that you've
18 mentioned?

19 A. No. Never.

20 Q. Okay.

21 A. I come home from my work straight to the house.

22 Q. Okay. And you never went to the pub or to the miners'
23 club?

24 A. Never. At any time in my life.

25 Q. Okay. Were there times that you did go to the labour

1 club for a drink?

2 A. Yes.

3 Q. And when would that have been?

4 A. Usually if we went out, it was a Saturday night.

5 Q. Okay.

6 A. Unless we went once a year there was the annual

7 sportsman's dance which used to be on a Friday night.

8 Q. Was there a time that you did some work in the labour

9 club? Can you remember?

10 A. Did some work?

11 Q. Did some work, yeah. Can you remember?

12 A. No, no. I never worked at -- I was -- I was the

13 [REDACTED] but that was later, much later

14 on.

15 Q. Okay.

16 A. But I never ever done any work. The only -- the only

17 time I did any type of work in the labour club was

18 during the miners' strike when we were running the

19 kitchen and things like that, but it had nothing to do

20 with the labour club. The facility was just given to us

21 for the miners during the miners' strike.

22 Q. Okay.

23 LADY SMITH: You said, 'John', [REDACTED].

24 A. Yeah.

25 LADY SMITH: Can you remember what year you became

1 ██████████? About?

2 A. About 1991, I think.

3 LADY SMITH: Thank you.

4 MS INNES: And just asking you about a couple of other

5 things to do with your work, I think we know that you

6 had an injury to I think your hand and you were off work

7 for about seven months?

8 A. It was my foot.

9 Q. Okay. I think from the records that we have, you

10 suffered two injuries at different times that meant you

11 were off work.

12 A. Well, yeah, probably, aye.

13 Q. Okay. So we know from the records or it's mentioned in

14 the records that you were off work for about seven

15 months with a hand injury, and then you got some

16 compensation for that?

17 A. Yeah.

18 Q. And then later, not long after you'd gone back to work

19 after the strike, you were injured again?

20 A. Yeah.

21 Q. And you were off I think maybe about 10 months then?

22 A. Yeah.

23 Q. Was that the injury to your foot?

24 A. That was the injury to my foot, aye.

25 Q. And then you got compensation for that too?

1 A. Yeah.

2 Q. Yeah, okay. And then obviously there was the time of
3 the strike. Were you involved in picketing at that time
4 or were you at home over that period?

5 A. Very involved, yes.

6 Q. Very involved in picketing?

7 A. Yeah.

8 MS INNES: Okay. Right, I know we've just started your
9 evidence, but we normally break at lunchtime and
10 I wonder if that might be an appropriate time, my Lady

11 LADY SMITH: 'John', I would normally take the lunch break
12 about now, so if it works for you I'll do that at this
13 stage and we could try to start your evidence again
14 about 1.50 if possible, all right?

15 A. (Witness nods).

16 LADY SMITH: Thank you.

17 (1.05 pm)

18 (The luncheon adjournment)

19 (1.50 pm)

20 LADY SMITH: 'John', are you ready for us to carry on with
21 your evidence?

22 A. Yes, fine.

23 LADY SMITH: Thank you very much. Ms Innes, when you're
24 ready.

25 MS INNES: Thank you, my Lady.

1 Now, if we can look at your statement at page 12,
2 please, and paragraph 60, and you say here that:

3 "When 'Anna' was going to primary school she decided
4 that she wanted to call us mum and dad."

5 A. Yeah.

6 Q. What had she called you before she went to primary
7 school?

8 A. I don't know. I think ... I really -- I -- I can't say.
9 I mean, she never ever called us 'Peggy' and 'John'.

10 Q. Your own names?

11 A. She basically just referred to us as mum and dad. But
12 I think it was more she wanted that kind of set in
13 concrete type thing for when she was going to school.
14 It was more for enrolling her into school, I think that
15 that term meant to me. I think because [REDACTED] and
16 [REDACTED] called us mum and dad and obviously my own
17 daughter and son, it was just a natural thing.

18 Q. And you say that she wanted to be known by your surname
19 in the school?

20 A. Yes.

21 Q. Is use of a surname not something that you and your wife
22 would have decided upon when you were enrolling her in
23 school?

24 A. Pardon?

25 Q. You and your wife would have enrolled 'Anna' in school?

1 A. Yeah.

2 Q. Did you choose what surname she was going to use when
3 she went to school?

4 A. It was done in conjunction with what she wanted.

5 Q. Okay. Did you speak to the social work department about
6 it?

7 A. To be honest, I can't remember.

8 Q. Okay. And you were fostering her at that point and
9 I think she had contact with her own parents.

10 A. Yeah, I think she had contact at that point.

11 Q. And so why was there a discussion about using your name
12 rather than her own name?

13 A. Well, it was just to make her feel better, you know.
14 That that's what she wanted. She didn't want to -- you
15 know, I mean, her position, you know, that she was
16 fostered to us was never hidden. That was never ever --
17 you know, that was always there, right from day dot.
18 But when she was going to school she didn't want to be
19 in that position with saying, "How come your name's that
20 when you live with that?" Ken? If you know what I mean.
21 And that's how she felt.

22 LADY SMITH: 'John', a minute ago you said it was just to
23 make her feel better. Better in what way?

24 A. Well, like I tried to explain, she didn't want to be in
25 the position -- you know, up until she was going to

1 school, when she was out playing with her pals, she was
2 connected to her family and that way she was known as
3 FJC But when she was going to
4 school, if she'd been going to school and she was being
5 referred to as FJC in the school,
6 she felt that would have made her different.

7 Right? Even though it didn't change anything.

8 LADY SMITH: But 'John', that wasn't her name. Your second
9 name, and you don't need to repeat it, your second name
10 was not her name, was it?

11 A. The important thing --

12 LADY SMITH: Well, was it, 'John'?

13 A. Pardon?

14 LADY SMITH: It wasn't her name. Your name wasn't her name.

15 A. No.

16 LADY SMITH: No.

17 A. No. But the important thing was for her to feel right.
18 Not for us. It had nothing to do with us. I mean,
19 there was nothing sinister in it other than the fact --
20 you know, the school knew her own name. The school knew
21 she was fostered. So there was nothing untoward or
22 anything. It was just the fact that that's what she
23 wanted. Whether it was right or wrong we could argue
24 all day. But that's the position and that's what we
25 did.

1 LADY SMITH: Okay, thank you.

2 MS INNES: Now, can I move on in your statement, please,
3 'John', to page 14 and starting at paragraph 71.
4 You talk there about discipline.

5 A. Yeah.

6 Q. And you say that you were never given any advice about
7 discipline. You mentioned that earlier in your
8 evidence. How did you deal with discipline in the home?
9 How did you discipline the children?

10 A. Well, they were either spoken to, if, you know, there
11 was a problem, we would sit down and discuss if there
12 was -- I mean, if it was major, then we would sit down
13 and discuss, but there never ever was. We never ever
14 came across anything major.

15 Or, you know, if they weren't accepting that they
16 were doing wrong, then they would be grounded, sent to
17 their room.

18 Q. Okay. And did you ever use any kind of physical
19 punishment?

20 A. Never.

21 Q. So you never smacked the children?

22 A. No.

23 Q. You never hit them on their hand or --

24 A. No.

25 Q. -- gave them a clip round the ear?

1 A. No.

2 Q. And I think you say later on in your statement that in
3 fact you can't remember a time that you had to sanction
4 'Anna' --

5 A. No.

6 Q. -- for her behaviour.

7 A. No.

8 Q. Okay. So we've heard evidence from 'Anna', and you'll
9 have seen in her statement that she talked about getting
10 the belt.

11 A. Total fabrication.

12 Q. Okay. Did you ever hit any of the children with a belt?

13 A. Nope. Never.

14 Q. She also says that she was hit with a slipper.

15 A. Never.

16 Q. Did that happen?

17 A. She was never hit.

18 Q. Okay. And you she also says that she was smacked, that
19 you would smack her on her bottom with your hands.

20 A. Never.

21 Q. Okay. And that sometimes she would be threatened about
22 being sent to the Humbie Home.

23 A. Humbie Home? No, never.

24 Q. Do you know what the Humbie Home is?

25 A. No.

1 Q. Okay. She thought that it was maybe a List D School or
2 a home -- no?

3 A. I know where Humbie is, but I've never heard of
4 Humbie Home.

5 Q. Okay. Now, you know that 'Anna' also says in her
6 statement that there was an occasion where you had,
7 I think on Christmas Day, she says that you had her
8 against a wall and that you were choking her?

9 A. (Witness shakes head).

10 Q. Did that happen?

11 A. No.

12 Q. And she talks about an occasion where she broke a cup
13 accidentally --

14 A. Never.

15 Q. -- and you --

16 A. Never.

17 Q. -- assaulted her?

18 A. No. As I say, in my -- at lunchtime I would never have
19 been in the house.

20 Q. During the times you were off work through injury, would
21 you have been in the house?

22 A. Yeah. But 'Anna' never -- very seldom that -- in fact
23 I can't remember if she ever came home for lunch. She
24 was always -- they always had school dinners.

25 Q. Okay. And she also tells us in her statement and in her

1 evidence that there was a time that you returned home,
2 I think she says drunk, and broke a coffee table?
3 A. No.
4 Q. Did that ever happen?
5 A. No.
6 Q. Was there ever a coffee table broken by you in a rage?
7 A. No.
8 Q. She -- sorry.
9 LADY SMITH: That's okay.
10 MS INNES: She tells us that on that occasion you went to
11 attack your wife.
12 A. No. I've never attacked my wife in my life.
13 Q. Okay. So she says that she witnessed domestic violence
14 and you hitting your wife?
15 A. I know what she says.
16 Q. And did that happen?
17 A. No.
18 Q. And she has told us that on that occasion she tried to
19 step in to protect your wife and you went for her.
20 A. No.
21 Q. Did that happen? Okay.
22 LADY SMITH: 'John', did you have a coffee table in the
23 house?
24 A. Huh?
25 LADY SMITH: Did you have a coffee table in the house?

1 A. I think we've always had a coffee table, yeah.

2 LADY SMITH: What surface did it have?

3 A. What?

4 LADY SMITH: What surface?

5 A. Most of them -- I think we did have one glass one, but
6 most of them have been wooden.

7 LADY SMITH: Thank you.

8 MS INNES: Okay.

9 Now, if we can go on, please, to page 17 and
10 paragraph 86, you talk there about the social work
11 coming to visit?

12 A. Yeah.

13 Q. And you say at paragraph 87 that these visits would
14 normally take place in the living room.

15 A. Yes.

16 Q. And it depended on the social worker how long they would
17 be there?

18 A. Yeah.

19 Q. So did the children have different social workers?

20 A. Yes.

21 Q. And in relation to 'Anna', over the time that she lived
22 with you were there different social workers over time?
23 Did they change?

24 A. I think there was a couple, aye.

25 Q. And can you remember if you and your wife had your own

1 social worker?

2 A. No, we never had a social worker.

3 Q. Okay. Can you remember a man called Henry Kinloch?

4 A. Vaguely I remember that name, yeah.

5 Q. I think he's described in the records as maybe a liaison
6 social worker supposed to work with you?

7 A. I really can't remember.

8 Q. Okay. In any event, when you were having visits with
9 the social workers, as you say in this paragraph, 'Anna'
10 says in her evidence that you would be there at the
11 visits, you would be orchestrating the visits and it was
12 you that was in charge, essentially. Is that right?

13 A. No. No. In fact, the likelihood I was there -- there
14 would be a lot of the visits I wouldn't be there. You
15 know, I would maybe still be at my work or things like
16 that.

17 But I -- I don't know what she means when she says
18 I orchestrated them. You know, normally the social
19 worker would come out, talk to the kids, whatever one it
20 was, right? Ask them how they were doing, is everything
21 all right, blah, blah, blah, and that went on and then
22 the normal next question was, "Can I go out and play
23 now?" Right? That was basically how it went.

24 I mean, the kids weren't interested. They were --
25 you know -- they spoke to the social worker and that was

1 it. I don't know about orchestration. I mean, social
2 worker would just come out to see if they were doing all
3 right, everything was okay, they're doing all right in
4 school, blah, blah, blah.

5 Q. Okay. Now, if we move on to page 18 and I think you
6 talk there about --

7 A. What paragraph am I on?

8 Q. At paragraph 91. You're talking there about 'Anna'
9 being in full-time education and you think her term with
10 the social work department was longer and you can't
11 remember her getting a letter about the time with the
12 social work department coming to an end. And I think
13 that she stopped being in care when she was 18.

14 A. Well, again I can't be 100 per cent sure. I know that
15 she was in full-time education up to she was about 17
16 and a half or something like that.

17 Q. Okay.

18 A. And she was still under social work simply because she
19 was in full-time education, unlike the other foster kids
20 that we had long term. Whenever they reached the age of
21 16, they were thingummied from the social work and they
22 were people on their own right after that.

23 Q. Okay.

24 A. But with 'Anna', I think it was about 17, 17 and a half
25 when she came out of care.

1 Q. Okay. We know that she left your home and I think you
2 tell us that the circumstances of that were that she
3 decided that she was leaving and she packed her
4 belongings and left.

5 A. Yeah.

6 Q. But you know that 'Anna's' position is that you told her
7 to leave?

8 A. Right. No.

9 Q. And put her out of the house?

10 A. No. Would you like me to tell you what happened?

11 Q. If you can tell us -- we understand that --

12 A. We had a discussion --

13 LADY SMITH: Hang on, hang on, 'John'. Let Ms Innes finish
14 her question and then you answer.

15 A. All right, I'm sorry. I didn't know --

16 LADY SMITH: That's all right, just let her finish.
17 Ms Innes.

18 MS INNES: Thank you, my Lady.

19 So we understand that she had left school, she was
20 working and she was going to be going to university, and
21 then I think on the day that she left, she'd been seeing
22 her dad and she came back to the house. What happened
23 then?

24 A. Right, before she left we had had a discussion about her
25 paying some money. My own daughter was on a training --

1 some sort training scheme or something and she was
2 paying £5 a week and we said, "It's only right you
3 should pay something as well", and the reaction was,
4 "You're getting nothing of my money" and blah, blah,
5 blah. We were having a discussion about it. It was
6 time for her to leave to go with her dad. She left.

7 She came back with her dad, let's make this plain
8 and clear. She came back with her dad. Dad come into
9 our house. She says, "I'm leaving", right? She then
10 began to rant, said some vile things, right? I can't
11 even remember what, basically kind of about, "You're not
12 my mum and dad" and blah, blah, blah, fair dues, right?

13 While this was going on, her dad was in our house.
14 He's apologising to us, "You've brought her up so well,
15 you've done this, you've done that", you know, "I'm
16 really sorry, I don't know what this is about" or
17 anything like that.

18 She packed her case. She was then told plain and
19 straight, "If it doesn't work out for you, you're more
20 than welcome to come back", and she left and that was
21 that.

22 Q. Okay. And after she left, when you say "and that was
23 it", did you ever speak to her again?

24 A. No.

25 Q. And so she had lived with you since she was nine or ten

1 months old?

2 A. Yes.

3 Q. And I think you say she was just one of the family?

4 A. Yes. Very much so. She was like my first born.

5 Q. And after this argument between you and she left, why

6 was it that you didn't go and try to find her and speak

7 to her and resolve it?

8 A. Well, two reasons. I didn't know where she was.

9 Q. Right.

10 A. As far as I know, she was going to stay with her dad.

11 I didn't know where her dad stayed. Right? I had no

12 contact details for her dad. Right? So I had no way of

13 knowing where she was. Right? When she left us, she

14 was going to stay with her dad. That -- that was it.

15 Right? "I'm going to stay with my dad", right? And we

16 didn't know where he was, we had no contact details

17 whatsoever for her dad. Right?

18 And I would have imagined if it hadn't worked out,

19 which seemingly it didn't, but I had no knowledge of

20 that till I read her statement, that she would have come

21 back. Or we would have heard, and we never heard

22 a thing from anybody.

23 Q. Okay. And then did you see her maybe at your niece's

24 funeral?

25 A. That was the one and only time I've ever seen her.

1 Q. And did you go and try and speak to her then?

2 A. No, I didn't think it was the time or the place. It was
3 a sad occasion. I didn't want -- if she had reacted and
4 argued or anything like that, we didn't want -- we
5 didn't want that at somebody's funeral so we just didn't
6 bother.

7 Q. Okay. Now, if we look on in your statement, please, to
8 page 20 and paragraph 103, so you talk there about
9 'Anna' doing ballroom dancing.

10 A. What paragraph?

11 Q. Page 20, paragraph 103.

12 A. Right.

13 Q. So you talk about her doing ballroom dancing.

14 A. Yes.

15 Q. And you talk about her getting dresses for that.

16 A. Yes.

17 Q. And you say:

18 "We paid for each of them ..."

19 Now, 'Anna's' recollection was that there was one
20 dress, which was bought with help from the miners'
21 welfare club?

22 A. No. Not at all.

23 Q. Was there such a thing as a welfare fund for miners at
24 any time?

25 A. No. Well, the miners had a welfare scheme.

1 Q. Yes.

2 A. But not for things like that.

3 Q. Okay.

4 A. It was to help if they had kind of been in problems or
5 kind of needing help to pay for a funeral or something
6 like that. That was its basic function, you know. It
7 wasn't to buy ballroom dress. And it was three, three
8 that I can mind. There probably was more, and we also
9 had the disco dresses. But we paid for them.

10 Q. Okay. And can you remember ever applying to the welfare
11 fund for help with anything when the children were
12 young?

13 A. No.

14 Q. Now, if we can look on to paragraph 106 at the top of
15 page 21, you're referring there to 'Anna' saying that
16 you had to get credit from the local food van and
17 I think she talks elsewhere in her statement and her
18 evidence about having to go and ask neighbours for loans
19 and such like. Is that something that happened?

20 A. No.

21 Can I say again, there was two vans coming around.
22 One of them was basically a waste of time, he had
23 practically nothing on his van, and the other one -- and
24 none of the two of them gave credit anyway. And they
25 used to come about 11 o'clock in the morning, so she

1 wouldn't be there anyway, she would be at school.

2 Q. What about during the school holidays?

3 A. Ah, well -- huh?

4 Q. What about during the school holidays?

5 A. Oh, she would be there during the school holidays.

6 Q. Okay. Now, I'm going to refer to some things in the

7 records now, and they are going to come up on the screen

8 but I will be reading them out to ask you for your

9 comments, okay?

10 Just before we go to them, can you remember any

11 complaints being made to the social work department by

12 neighbours about --

13 A. One, yeah.

14 Q. -- concerns about the children -- so one. And what was

15 that about?

16 A. That was to do with **FKX** -- 'Peggy' had asked for

17 one of the children to go and get milk because the baby

18 wasn't very well and she needed milk and she couldn't

19 take the baby out because the baby was -- wasn't very

20 well, and she had been shouting in 'Peggy's' face and

21 she had pushed her back. A neighbour had said she had

22 been slapped. The social worker came out. She had

23 spoke to the girl concerned on her own and then spoke to

24 us and it was accepted that it wasn't a slap, that she

25 had actually just pushed her back out her face, and that

1 was the conclusion.

2 Q. Okay. And which foster child was that? Was that the
3 other girl or was it 'Anna'?

4 A. It was another girl.

5 Q. Okay. And can you remember which baby it was that your
6 wife had at the time?

7 A. I think it would be [REDACTED].

8 Q. Your daughter?

9 A. Aye.

10 Q. Okay.

11 If we can look at EDI-000000805 and page 17.

12 This is a minute of a case conference on [REDACTED] 1978
13 about your family, and it's various social workers that
14 are present at this meeting. I'll read out the first
15 paragraph and it says:

16 "The case conference was called in view of
17 complaints from a neighbour in [REDACTED] 1978 concerning
18 [your] treatment of the two oldest foster children.
19 These complaints centred on the fact that they were
20 being asked to do excessive housework, had been left
21 unattended with younger children and that they had been
22 hit by a belt."

23 Okay? Do you have any recollection of these
24 allegations being made?

25 A. Was that at the same time as that -- I can't mind of

1 that conference.

2 Q. So this is 1978. So by this time your daughter would
3 have been two, so it looks like it's a bit later than
4 the allegation that you've referred to.

5 A. No, I certainly can't mind of that.

6 Q. I'm going to go on to the next paragraph which begins:

7 "Since then, Mrs Patterson and Mrs Colledge [that's
8 the social workers] have interviewed you and your wife
9 and the foster children on approximately five occasions.
10 Initially the children, especially the girl, were
11 tearful and said that they wanted to leave the foster
12 home. They substantiated by and large the complaints
13 made but added that they wanted to move from the foster
14 home to the complainers ..."

15 So the neighbours that had made the complaint.

16 "It was felt by both social workers that there was
17 therefore an element of manipulation in the affair.
18 When you and your wife were interviewed, they admitted
19 to possibly overburdening the children with
20 housework ..."

21 So just pausing there --

22 A. Housework?

23 Q. Yes.

24 A. No.

25 Q. The social worker has noted down that in this

1 conversation with you and your wife, you accepted,
2 admitted, that you were possibly overburdening the two
3 foster children with housework. Is that possible?
4 A. Well, all I can say there -- I mean, I really can't
5 remember that one, but all I can say there is they were
6 never asked -- they were asked to keep their room tidy.
7 They took turns each of doing the dishes, washing or
8 drying after the meal, the main meal of the day. Other
9 than that, they were -- they were never asked to do
10 housework.
11 Q. Okay. If we read on in this sentence, it says that:
12 "[You] admitted to using the belt on two occasions."
13 So:
14 "When [you and your wife] were interviewed, they
15 admitted to possibly overburdening the children with
16 housework and [you] admitted using the belt on two
17 occasions."
18 A. I never ever admitted because I've never ever used
19 a belt. I would -- I would -- I'm sorry about that, but
20 I have not said that.
21 Q. So the social worker has noted this incorrectly?
22 A. No, I'm not caring what the social worker has noted.
23 I have never used a belt on the kids. On any kids.
24 Q. Okay. That's quite a significant thing --
25 A. Pardon?

1 Q. It's quite a significant thing to have put in records if
2 it's wrong.

3 A. I've never seen that before.

4 Q. Okay. Right. If we could move on, please, to page 1 of
5 this document and I can -- well, we'll see in a minute
6 that this is from 1982. So it's an incident report
7 regarding 'Anna':

8 "Following anonymous allegation from neighbour that
9 she had been bruised by foster parents."

10 So:

11 "Background. The neighbour telephoned Irene Fuller,
12 Clerwood, at 3.20 on Thursday, 21 October 1982."

13 A. I know nothing about that.

14 Q. Okay. I'm just going to go through this record and give
15 you your opportunity to comment on it, okay?

16 "The neighbour alleged that when 'Anna' was in her
17 house yesterday evening playing with her daughter she
18 noticed adult hand marks on the child's face and neck.
19 She also alleged that a boy of the household, who she
20 thought was also fostered, had been kicked by [you]."

21 Then it tells us what action the social work
22 department took:

23 "Informed Henry Kinloch (senior social worker to
24 [you and your wife]) of the situation."

25 As it happened, you were in his office at the time.

1 He explained the allegation to you and it was agreed
2 that the writer of this document, so another social
3 worker, should collect you from the Gilmerton office in
4 his car and take you home so that the matter could be
5 investigated. This he did with another social worker
6 accompanying him as a witness.

7 Then it says when they arrived at your house at
8 about 5 pm, the social workers first spoke to both of
9 you.

10 The allegation was outlined and obviously the social
11 workers were saying they needed to investigate it fully
12 and it says you were both angry about the allegation and
13 your wife was distressed and tearful.

14 And it then says:

15 "They immediately denied having struck 'Anna' in the
16 way alleged, but appreciated the need ..."

17 For the social work department to follow up on the
18 allegation, okay?

19 And then it says:

20 "They could not recall having struck 'Anna' within
21 the last few days, though they admitted on occasions
22 that 'Anna' is given a smacked bottom when she is
23 naughty."

24 So it then says:

25 "They were quite open about this and felt it to be

1 a controlled and reasonable use of punishment."

2 So are you able to explain that?

3 A. (Witness shakes head). All I can say -- I never ever
4 smacked her. My wife never ever smacked her. And as
5 I say, FJC [REDACTED] was never a naughty bairn.

6 Q. Okay. Well, again this seems to be the social work
7 writing down that you had admitted to them that you were
8 smacking the children.

9 A. I can -- I could vaguely mind something being said about
10 that, but, as I said, we didn't do it so we just denied
11 it and that's it.

12 Q. Okay. And then you go on to say that you'd never struck
13 her in the face or the neck and then it says:

14 "On Tuesday, 19 October, 'Anna' was sent to bed
15 during the afternoon after being cheeky to [your wife].
16 She remained there for only a short time and according
17 to both [you and your wife], no other form of punishment
18 was used."

19 And then you say that you hadn't seen any mark on
20 her face and such like.

21 A. Aye.

22 Q. Okay. So can we go on over the page, please, to --
23 there's a paragraph beginning -- it's blank so:

24 "'Anna' joined us at this point. There were no
25 signs of bruising or hand marks on her cheek or neck,

1 although there were traces of a minor scratch on her
2 right cheek, probably some days old. Had a general chat
3 about what she had been doing during the school holidays
4 and this led on to talking about whether she had been
5 good or naughty. She recalled the incident on Tuesday
6 and said that she had been given a smacked bottom and
7 put to bed for a short time. She thought the punishment
8 was fair. She said she hadn't been hit on the face or
9 neck."

10 So again -- well, at this point 'Anna' seems to have
11 said to the social worker that she'd been smacked.

12 A. No.

13 Q. Okay. And if we go down again, there's discussion and
14 acknowledgement by the social work department that
15 'Anna's' deeply attached to you. It then says just in
16 the paragraph that you see:

17 "Although [you] had initially denied striking 'Anna'
18 on Tuesday, he afterwards admitted that he may well have
19 given her a smacked bottom as she described. I did not
20 feel he was trying to cover up the facts."

21 The writer says.

22 A. What are you asking me?

23 Q. So what the report seems to be saying is, by reference
24 to this incident on the Tuesday, you said, "I didn't
25 smack 'Anna'". 'Anna' comes into the room, she says,

1 "I'd got a smacked bottom", and then it appears that you
2 then admitted that you might well have done that, you
3 might well have smacked her.

4 A. No. (Witness shakes head).

5 Q. Okay. So you don't have any explanation as to why the
6 social workers have written this down?

7 A. No. No explanation at all. I can't -- as I say, I've
8 never hit them.

9 Q. Now, we mentioned in your evidence before lunchtime that
10 there were issues with rent arrears at different times.

11 A. Yeah.

12 Q. Okay. I'm going to just take you to a couple of
13 documents in relation to this. If you just bear with me
14 for a moment. (Pause).

15 So if we can go, please, to page 6 of this document
16 and this is a memo dated 16 March 1982 from
17 Henry Kinloch, social worker, to a divisional officer.

18 If we go on to the top of the next page, this is
19 referring to the fact that you had rent arrears at the
20 end of the 1970s and you'd been off work for seven
21 months with a hand injury and the problems were resolved
22 in 1980 when the arrears were cleared, and I think the
23 social work department were concerned that you hadn't
24 told them about your problems with rent arrears. Okay?

25 And it goes on to talk about issues about this. And

1 if we scroll down a little there's a paragraph beginning
2 "the" and then it's blank. So that's you and your wife.
3 "[You and your wife] are still not very open about
4 the reasons for their difficulties."
5 It says that:
6 "[You] tend to shield [your wife] from outside
7 contacts and she invariably makes herself unavailable
8 when I call."
9 Is that correct?
10 A. (Pause).
11 LADY SMITH: Can you remind 'John' of who the "I" in that
12 sentence is, Ms Innes?
13 MS INNES: So the "I" here is Henry Kinloch, the social
14 worker.
15 A. Well ... the likelihood is I would tend to shield my
16 wife of the embarrassment of that, yeah. I don't know
17 about ... feigning illness, but ...
18 Q. But what it goes on to say --
19 A. I mean, it wasn't something we were proud of. Simple as
20 that. And we didn't want to tell the world. Okay?
21 Simple as that.
22 Q. And were you the person who dealt with the finances
23 rather than your wife?
24 A. No, we were both equals. We've been equals all the way
25 through our marriage.

1 Q. Okay.

2 A. But I dealt with that as far as the arrears was
3 concerned, yeah.

4 Q. Okay. It talks there about, you know, the difficulties
5 that you found yourselves in, that there were illnesses,
6 you were working overtime, there was obviously anxiety
7 about the financial circumstances that you found
8 yourselves in. Is that fair?

9 A. Yeah, we were concerned, yes.

10 Q. And then it goes on to say in the next paragraph:
11 "The present situation is that the eviction date for
12 10 March was postponed for 4 weeks to give this
13 department the opportunity to look at whether or not we
14 would be willing to make direct payments from the
15 boarding-out payments made to [you] in respect of [your
16 foster daughter and 'Anna']."

17 So --

18 A. Well, I said earlier, I have no knowledge of that being
19 mooted. May well have been. I have no knowledge of it.
20 And I don't think it happened.

21 Q. Okay.

22 A. I'm not aware of them paying money. Right? Off the
23 allowance. Right? I cleared the arrears. Though the
24 social work department even with -- off the allowance,
25 I cleared the arrears, so I'm not aware and I don't --

1 as I say, it may have been mooted, but I don't think it
2 happened. I can't remember that situation -- that being
3 offered.

4 Q. Okay. If we go back to page 5 of this document, we see
5 a letter from 5 April 1982 and this is to you. If we
6 scroll down, this is from Henry Kinloch, the social
7 worker, again.

8 LADY SMITH: Just before we look at that letter, 'John', can
9 you cast -- 'John' -- 'John'?

10 'John', can you stop reading for a minute, there's
11 something I want to ask you.

12 A. Pardon?

13 LADY SMITH: Think back to this time when the arrears had
14 built up and you were at risk of being evicted. Did you
15 go to the Sheriff Court --

16 A. No.

17 LADY SMITH: Well, do you know if there were court hearings?

18 A. I don't know. I knew they had got an eviction notice.
19 I went to the council and I made the arrangements with
20 the council.

21 LADY SMITH: Okay. So you spoke to the council and you
22 expected the council then to tell the court if anything
23 had been arranged with you? Is that how you left it?

24 A. What I'm saying is I can't remember anybody saying to
25 me, "We'll take money off the monthly allowance for the

1 kids to send to the council", right? I can't remember
2 that. It may have been mooted.

3 LADY SMITH: Yes.

4 A. I went to the council -- in fact, I'm going to tell
5 you --

6 LADY SMITH: No, no, no, don't go off and tell me something
7 else.

8 A. No, no, no --

9 LADY SMITH: 'John', please.

10 A. It was --

11 LADY SMITH: 'John', 'John', 'John', I'm just trying to get
12 this clear. You've no memory of going to the Sheriff
13 Court --

14 A. No, I never went to the Sheriff Court.

15 LADY SMITH: -- building, whether in Edinburgh or in --
16 where would it be in Midlothian --

17 A. I never, never went to the sheriff's court.

18 LADY SMITH: Okay. So you do remember going to the council?

19 A. Yes, I went --

20 LADY SMITH: Which council offices?

21 A. Midlothian.

22 LADY SMITH: Midlothian. Where were they at that time?

23 A. It would probably be Eskfield Court, I think, at that
24 time.

25 LADY SMITH: In Dalkeith?

1 A. I don't think Buccleuch House was open then, I'm not
2 sure, I can't really remember.

3 LADY SMITH: So somewhere in Dalkeith?

4 A. Yeah, it was in Dalkeith.

5 LADY SMITH: And any discussions you had about addressing
6 this problem of rent arrears you had in that building
7 with the council; is that right?

8 A. Pardon?

9 LADY SMITH: Any discussions you had about addressing these
10 rent arrears, you must have had in the council building
11 in Dalkeith then, is that it?

12 A. Yes.

13 LADY SMITH: Okay. That's just what I needed to know at
14 this point.

15 A. But further to that -- well, what I mean is I had to go
16 down to Dalkeith and speak to the arrears officer.
17 Right? And try and arrange to make some kind of
18 arrangement to prevent the eviction, right? Before the
19 social work came in. I did this. But further to that,
20 I was also -- had this humiliation, and I can't put
21 it -- it was humiliating, I did deal with it but it was
22 humiliating, that I had to go to the council chambers in
23 front of the councillors and explain. That was done
24 purely to embarrass me. I know the reasons behind it
25 was to make me buck up my ideas, for want of a better

1 word, that they made me go in front of the councillors
2 and say I'll not get in -- and I'll get this sorted and
3 blah, blah, blah.

4 That was all done, but that will not have been
5 recorded. But that's what happened to me. And that was
6 a humiliation I had through that.

7 LADY SMITH: Okay, I --

8 A. Okay?

9 LADY SMITH: I've got that, 'John', because of course you
10 had other debts in addition to the arrears of rent,
11 didn't you?

12 A. Well, probably, aye.

13 LADY SMITH: What I was wondering, and you wouldn't
14 necessarily know this, is whether what happened is the
15 eviction order wasn't issued because, although there was
16 a case ongoing in court to get an eviction order, the
17 council said to the sheriff, "Don't issue it at the
18 moment because ..."

19 A. I don't know.

20 LADY SMITH: " ... we're looking into whether the arrears
21 can be paid off by having your allowance for fostering
22 put directly into the account", and of course if you
23 weren't there, you wouldn't know that that was said, but
24 that might explain what's been going on here.

25 A. (Witness nods).

1 LADY SMITH: Ms Innes.

2 MS INNES: Thank you, my Lady.

3 Just in terms of the boarding-out allowance being
4 paid, this letter, which is from April 1982 from the
5 social worker, says that he is writing:

6 " ... further to our recent meeting and the
7 agreement which was made regarding our paying some of
8 the money you received in boarding-out payment to
9 Midlothian District Council, on your behalf."

10 And then he goes on that he had expressed concern
11 that the payments might leave you in a position where
12 you would be unable to fulfil your obligations in terms
13 of day-to-day care of the children:

14 "You reassured me that this would not be a problem.
15 I am therefore disturbed to hear subsequent to this that
16 a complaint has been received by our Dalkeith office
17 about approaches made by you to borrow money ..."

18 A. That certainly didn't happen.

19 Q. Okay. So he had got some report that you'd been trying
20 to borrow money from a neighbour in order to buy food?

21 A. No.

22 Q. And also pay an electricity bill.

23 A. Certainly -- certainly not.

24 Q. So I think what we take from that is that there was
25 a time that there was an agreement that part of the

1 boarding-out allowance would be paid directly to
2 Midlothian to help with your rent.

3 A. What I'm saying is, my recollection, I can never mind
4 any boarding allowance being paid. Right? I would also
5 say that never happened. We -- if -- if we had really
6 wanted money, we could have went to my wife's father or
7 her uncle.

8 Q. Okay.

9 A. Who would have -- we would have not liked it, but we
10 would have got what we needed, right? We got into the
11 mess we got into but the kids, because of the financial
12 situation with the rent, never impacted on the kids in
13 any way whatsoever. Didn't affect what they got fed, it
14 didn't affect what activities they went to. It didn't
15 affect any way whatsoever.

16 Q. Okay.

17 I think we can see from the records that the Local
18 Authority had some concerns about your financial
19 circumstances, if I put it as broadly as that. And
20 perhaps that might be understandable, if you were being
21 threatened with eviction. They would obviously be
22 worried about the children, what would happen.

23 A. Yes, I can understand that.

24 Q. You understand that, okay.

25 MS INNES: Right, 'John', I don't have any more questions

1 for you and there are no applications, my Lady.

2 A. Pardon?

3 LADY SMITH: Ms Innes was addressing me, 'John', don't
4 worry.

5 Are there any outstanding applications for
6 questions?

7 'John', that does complete all the questions we have
8 for you. Thank you very much for engaging with us both
9 by providing the written statement that's got so much
10 detail in it, that's part of your evidence and I have
11 read it all, but thank you also for coming to answer our
12 questions today. I know it's not been easy and I know
13 we've had to press you in a way that I'm sure has made
14 you uncomfortable at times. We do it for the sake of
15 all children.

16 A. (Witness nods).

17 LADY SMITH: For the purpose of this public inquiry, and
18 I hope you appreciate that that's what it's about.

19 A. (Witness nods).

20 LADY SMITH: You're no doubt weary and wanting to get home
21 and I'm able to let you do that now. Thank you very
22 much.

23 A. (Witness nods). Thank you.

24 (The witness withdrew)

25 LADY SMITH: Now, before I rise for a short break while we

1 get ready for the next witness and fit in the afternoon
2 breather at the same time, in the course of his
3 evidence, that witness mentioned the first names of two
4 of the other foster children, the whole name of the
5 applicant 'Anna', his wife and his first names and their
6 second names. None of these names can be repeated
7 outside this room. These people cannot be identified
8 outside this room because they're all protected by my
9 general restriction order.

10 I think that covered everybody that was mentioned,
11 Ms Innes.

12 MS INNES: I think so, yes, my Lady.

13 LADY SMITH: Very well. I'll rise now and then the next
14 witness will give evidence once we've had a short break.

15 (2.49 pm)

16 (A short break)

17 (2.58 pm)

18 LADY SMITH: Ms Innes.

19 MS INNES: My Lady, the next witness remains anonymous and
20 is using the pseudonym 'James'.

21 'James' was a foster carer for Strathclyde Regional
22 Council. An applicant with the pseudonym 'Gavin' was
23 placed in foster care with 'James' and his late wife in
24 Glasgow from [REDACTED] 1980 to [REDACTED] 1984. 'Gavin'
25 gave evidence on Day 314, 12 August 2022.

1 Glasgow City Council is the relevant successor.

2 LADY SMITH: Thank you.

3 'James' (affirmed)

4 LADY SMITH: 'James', if you can keep in a good position for
5 that microphone it'll help you and it'll also help us to
6 hear you, including the stenographers who listen to
7 you through the sound system.

8 A. Thank you, my hearing's not perfect, I'm afraid.

9 LADY SMITH: Can you hear me all right?

10 A. Yes, I can, thank you.

11 LADY SMITH: The sound system should help you with that.

12 There's a red folder there. It has the typed
13 version of your statement in it and we'll take you to
14 that in a moment but we're also going to put it up on
15 that screen in front of you that you'll see is there now
16 and we'll take the picture on the screen to various
17 parts of your statement as we want to discuss them with
18 you. You might find it helpful to use either or neither
19 as we're going through your evidence.

20 But 'James', before I hand over to Ms Innes, there's
21 a couple of things I want to say.

22 The first is I know that facing up to engaging with
23 us the way we've asked you to do, both by providing
24 a written statement and coming here today, is not easy.
25 It's difficult to come into a venue where you're going

1 to talk in front of strangers about your own life, your
2 late wife's life and what happened in your family home
3 many years ago, and I understand that asking you to do
4 that may be difficult and may be upsetting at times.

5 I understand that and I understand that sometimes
6 it's difficult to cope with the emotions that this sort
7 of thing can evoke, but, please, if you need a break,
8 let me know, whether just by sitting there and pausing
9 or leaving the room, or if there's anything else I can
10 do to help you give the clearest and the best evidence
11 you can, I want to know that.

12 A. Thank you.

13 LADY SMITH: If it works for you, it'll work for me.

14 Separately, let me add this. Although this is
15 a public inquiry and not a courtroom, you have all the
16 protections you would have in a court case and that
17 includes that if you were asked a question the answer to
18 which could in any way incriminate you, you don't have
19 to answer it. You have a choice. But of course if you
20 do choose to answer it, you must answer it fully.

21 I hope you appreciate that, and if you have any
22 queries or doubts about that or anything else at any
23 time, you must ask. All right?

24 A. Thank you.

25 LADY SMITH: I'll hand over to Ms Innes now and she'll take

1 it from there. Thank you.

2 Ms Innes.

3 MS INNES: Thank you, my Lady.

4 Questions from Ms Innes

5 MS INNES: Now, 'James', we understand that you were born in
6 1941.

7 A. That is correct.

8 Q. I'm going to refer first of all to the statement that
9 you've given to the Inquiry, which is coming up on the
10 screen for you, and it has the reference
11 WIT-1-000000946. If we can go to the last page of that
12 statement, please, at paragraph 110 it says:

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

17 And I think it was signed by you on 22 March 2022.

18 A. I confirm that's correct.

19 Q. Okay.

20 If it's okay, I'm going to go through your statement
21 and ask you some questions about what you've said in it.
22 I know that you've also brought a statement to read out
23 and you'll have the opportunity to do that at the end of
24 your evidence.

25 A. Thank you.

1 Q. Okay.

2 If we go to the beginning of your statement on
3 page 1 at paragraph 2 you tell us that you married in
4 1973 and you had a daughter in 1974.

5 A. (Witness nods).

6 Q. You then go on to tell us about how it came about that
7 you became foster parents. I wonder if you can tell us
8 why it was that you and your wife decided to apply to be
9 foster parents?

10 A. Well, we had one natural daughter at the time who at
11 that time would have been about five or -- you know,
12 when we applied at first.

13 My wife was unable to have more children and my wife
14 was active in voluntary work concerned with the welfare
15 of children at that time and there was -- should I say
16 the advertising or publicity for the need to have a --
17 you know, to take children out of the care of the Local
18 Authority and into private homes.

19 Q. Okay.

20 A. And our intention, which we did ask for, was to have one
21 child as a long-term foster placement and the
22 possibility was there that if we had a successful foster
23 placement we would go on to full adoption.

24 Q. Okay. Just in relation to the advert, you mention at
25 paragraph 2 that you think it was in the local

1 newspaper?

2 A. At this moment in time I can't recall exactly, exactly
3 where.

4 Q. Okay.

5 A. I think it would be advertising locally, possibly the --
6 it may well have been the local --

7 Q. Okay.

8 A. It would have to have been -- I don't know whether my
9 wife saw that from her other activities -- oh, I'm
10 sorry. I just don't recall saying it was in the
11 newspaper, quite honestly, but it was local. It was
12 something -- it was something that was happening in the
13 West of Scotland at the time.

14 Q. And you say in your statement that as you understood it,
15 the homes were full of children, so residential homes
16 were full of children and there was a policy to move
17 them out of residential homes into family homes.

18 A. That's what I believe was happening at the time. It
19 was -- you know, obviously concerned with the children's
20 welfare as to where the children would be better able to
21 carry on their lives in a better environment.

22 Q. Okay. And you talk at paragraph 4 about including your
23 daughter in the decision-making process as best you
24 could?

25 A. That is absolutely correct. We were -- we went into the

1 application having talked it over with ourselves, with
2 our daughter, and as far as she was able to understand
3 at that age, with the Local Authority as to -- you know,
4 the -- the authority who were concerned with the
5 placement as to what their policy was in relation to
6 that and we were given full assurance that the Local
7 Authority would have equal consideration for the welfare
8 of the family as for the placement of the child in care.

9 Q. Okay. If we go to the next page, you mention that at
10 paragraph 5, about the Local Authority taking into
11 account the welfare of your own daughter as well, and
12 you say:

13 "We were told that we would be given expert guidance
14 to ensure the stability of our family."

15 A. That was exactly as we understood it and of course we
16 had a lot of discussions at the time. We were -- you
17 know, we attended meetings, we were asked -- it's a long
18 time ago, but we were asked to -- sort of all aspects of
19 our attitude as to why we were fostering, why we had
20 made the application. We attended groups of potential
21 foster parents.

22 I don't remember if there were actual foster parents
23 there at the time, but we did -- we did go to meetings
24 with other people who were in similar circumstances or
25 perhaps slightly different circumstances to ourselves.

1 Q. Okay.

2 A. You may -- well, you will know that there were at least
3 two types of foster placement. There was the short-term
4 foster placement where the Local Authority had the care
5 of the child and with the eventual possibility that the
6 child would go back to the family, and there was also
7 the long-term foster placement which in some instances
8 would be for children where there was -- the ties with
9 the family were complete severed and it wouldn't be --
10 well, I think probably the term would be that the family
11 had no interest in -- you know, in continuing the tie.

12 Q. Okay. So there were these two types of fostering that
13 you were aware of and you've already said that you and
14 your wife wanted to undertake long-term fostering with
15 a few to adoption.

16 A. That is correct.

17 Q. You didn't want to go down the short term route that you
18 described?

19 A. No. No. Many people had that as a vocation and they
20 would take children and -- you know, in -- but we would
21 not have felt that was the right thing to do.

22 Q. Not the right thing for you to do as a family?

23 A. As a family, yes. It was ... we when -- I mean,
24 essentially we were looking at creating a bigger family,
25 the right family. I don't think adoption in the earlier

1 sense was possible -- I mean, you know, all things are
2 possible, but I think there would have been
3 difficulties, I think, in adopting, say, perhaps a child
4 from birth or shortly after. This was the route we had
5 chosen.

6 Q. Okay. Thank you.

7 You mention at paragraph 6 the meetings and
8 interviews that you had and you think that the purpose
9 of these interviews that you've mentioned when you were
10 asked about your attitudes to parenting, you think that
11 the social work department were looking for people who
12 would likely be good, responsible parents.

13 A. Yes, that -- I mean, I'm absolutely sure that if --
14 I mean, one of the functions of the interviews that we
15 attended would be to find out if there was anything in
16 our background or anything in our -- our approach or
17 behaviour that would -- that would bar us from looking
18 after a child.

19 Q. Okay. And you mention the meetings there, and you say
20 there were other prospective foster parents there and
21 you say that might have been training?

22 A. Well, I mean, training's a sort of -- you know, it --
23 training would apply to -- would imply to me that there
24 would be a predetermined course with a curriculum and
25 things that you had to learn and things you had to know.

1 Q. Mm-hmm.

2 A. No. The various contacts we had I think were with
3 people who were in a position to judge if we had the --
4 the potential to be proper foster parents, and also
5 I think with the other families that we met, you know,
6 just the sort of ideas and reasons why people -- why
7 they would be going in for fostering.

8 I seem to remember or I do in fact remember --
9 I don't know an individual person-- but in some cases it
10 was perhaps a granny or an aunt who was taking on
11 a child from -- belonging to another member of the
12 family.

13 Q. Okay.

14 A. And they would be -- you know, there was a variety of
15 things that were happening at the time.

16 Q. Okay, so --

17 A. And I think the idea was that the children in children's
18 homes were not well-looked -- well, the children in
19 children's homes had a different quality of life than
20 a child in a -- in a proper home. Or in a -- you know,
21 in a family home, shall we say.

22 Q. So people who were maybe relatives, aunties and
23 grannies, were these people also at the meetings that
24 you've referred to?

25 A. I think so. Well, I do know that. I can assure --

1 I don't have a -- you know, we never had contact with
2 these -- with any of the people, at least I didn't,
3 maybe my wife would be on the phone to somebody if she
4 met -- but I don't recall. But that was the situation
5 that we -- that was happening at the time.

6 Q. Okay. And then you were obviously approved as foster
7 parents and at the top of page 3 you talk about the
8 assessments that were undertaken. You understood that
9 these were undertaken by professionals.

10 At paragraph 10 you say that there was no child
11 protection training or training on how to manage a child
12 who had suffered trauma, given any kind of training
13 about the needs that a child might have who was in care?

14 A. Yes. I -- that's in the statement. The -- I mean, it
15 is 40 years ago. The -- there was even then a --
16 a disinclination among responsible parents for physical
17 chastisement. It wasn't -- you know. And that was not
18 part of our discipline in the -- you know, it -- you
19 know, what -- you know, it wasn't part of the way we
20 brought up our children.

21 My wife, who was -- was -- she said that she was
22 brought up in sarcasm and that ought to work, and where
23 you did have a rapport with a child or where a child
24 would be -- you know, had some regard for you, then my
25 wife would have been very well able to keep them on the

1 straight and narrow, but -- but certainly physical
2 punishment was not part of the regime in our household.

3 Q. Okay. Now, you mentioned -- did you say that your wife
4 was brought up in sarcasm, she said?

5 A. She said that, yes, she did.

6 Q. Do you know what she meant by that?

7 A. Well, she just meant that if she did something wrong,
8 she would be told about it in an indirect manner that
9 went directly to the point in another -- you know, she
10 would know what was meant.

11 Q. Okay. You then go on to talk about the placement of
12 'Gavin' with you. And 'Gavin' was the only child that
13 you ever fostered; is that right?

14 A. Yes. He was the first child we were introduced to on --
15 we went through the normal introduction process.

16 Q. Okay. And you mention that he had a male social worker
17 called Sam Gray who wasn't a fully qualified social
18 worker at the time.

19 A. That was my understanding as to -- he was -- I wasn't up
20 to date with all the things that were happening and
21 that, but I believe that -- that, you know, that now, as
22 in many walks of life, in teaching and elsewhere, there
23 are degrees of qualification that are expected. And I
24 think at that time they were beginning to get organised
25 in a way. I did say the name, that is the name as

1 I recall and I don't know whether it would be right --

2 Q. Yeah, that's fine.

3 A. Okay, okay.

4 Q. So I think we understand from the records that he's

5 maybe called something like a social work assistant,

6 which wouldn't be a fully qualified social worker.

7 I think he worked with a social worker or senior social

8 worker called Catriona Neil . Can you remember a lady

9 visiting you?

10 A. This is the thing. I remember the senior social worker,

11 I remember meeting her and talking to her quite vaguely.

12 I did not remember the name Catriona. There was

13 another name mentioned in the report for -- from which

14 our foster son had talked about after he left our care.

15 Q. Yeah.

16 A. That was a different name, which I didn't recognise

17 either, so it's now you have given me the information

18 essentially that the social worker who was the senior

19 to -- in charge of 'Gavin' while he was with us was

20 different from the social worker who later was looking

21 after him with the next foster placement.

22 Q. Okay. So you have a vague memory of this lady who was

23 a social worker, or fully qualified social worker?

24 A. I recall that the main contact was always -- you know,

25 was that the male social worker was Sam. Sam -- he --

1 you know, he was doing the job he was trained to do and
2 was able to do, but he did have a senior -- I didn't
3 remember Catriona, I had Mark in mind but yes, that
4 would -- he had a senior and he reported to the senior.

5 Q. Okay.

6 A. And I think, as I understood it, the senior would be
7 taking the main decisions if any decisions had to be
8 made.

9 Q. Okay. And at paragraph 12 you talk about the
10 comparative ages. So Gavin was about two and a half
11 years older than your daughter. Now, was there any
12 advice given from the social work department about
13 comparative ages of children in the household.

14 A. I would say no. The understanding -- or the belief we
15 had was that the social work department in the choosing
16 of a child to come to our family would take into account
17 all of the factors and they -- and also the factors that
18 would be of importance to the future welfare of the
19 child that was placed with us.

20 Q. Mm-hmm.

21 A. You know, and they had arrived at -- I mean, they --
22 eventually the selection made was made with 'Gavin' and
23 we were introduced to 'Gavin' and 'Gavin' was -- you
24 know, he was a pleasant enough young lad if he wanted
25 something, it's just he took against us, I think, by the

1 end of the day.

2 But, you know, and we would have hoped there was
3 potential that he could have settled into our family.

4 Q. Mm-hmm.

5 A. But later, at the end of it all, my thoughts are that if
6 the social work had placed 'Gavin' in a family with
7 an older brother, he might have really done a lot
8 better.

9 I mean, I don't think he lacked potential. You
10 know, you don't get -- you know, school, academic work,
11 you -- it must be hard if you're going -- you know, and
12 doing where -- you know, in a -- in a care home the
13 encouragement to do homework or to advance, it's not
14 probably the same as it might -- as you would expect it
15 to be in a -- in a -- in a -- you know, in a family
16 home.

17 Q. Mm-hmm.

18 A. But, you know, I think -- I think at the end of the day
19 I think if he had been placed with a family where there
20 was an older brother, he would have been able -- he
21 would have found that place easier. But there --
22 I don't know if it would be appropriate at this time to
23 mention that for the first time in his statement he --
24 I saw 'Gavin' made the statement that he thought there
25 was something possibly mentally or drastically wrong

1 with our daughter.

2 Now, our daughter was not a young lass -- you know,
3 who was not particularly good at the rough and tumble of
4 the children that perhaps 'Gavin' would have been
5 entitled to. She was not sharp, quick on the mark and
6 all that. She was careful -- in her later development,
7 careful and slow. She -- from leaving school, she has
8 been in continuous employment and she has obtained, by
9 her own efforts, an Open University degree.

10 So that whatever 'Gavin' thought he saw or mentioned
11 in his statement is -- if that was his perception, then
12 it was a wrong perception.

13 Q. Okay.

14 A. And I don't know where it came from.

15 Q. Okay. If we go down on page 4 to paragraph 18, you talk
16 about your house and you lived in an upper villa.

17 A. Yes. That's right.

18 Q. I just want to ask you a couple of things about the
19 house and garden that 'Gavin' mentioned in his evidence.

20 In terms of the garden, 'Gavin' mentioned that there
21 were broken cars and things in the garden, sort of
22 rubbish in the garden?

23 A. He may well have been right at the time. I had a car
24 and I did some of my own car repairs at the time.

25 Q. I see.

1 A. And I don't think the neighbours would be happy either,
2 but at the same time I -- I did my own car repairs and
3 may -- and I did have a car for -- as a spare, that
4 would be correct.

5 Q. Okay.

6 A. It got worse after -- possibly after the foster
7 placement broke up because of whatever, but it was --
8 you know, it wasn't really anything that bothered me and
9 it shouldn't have bothered him.

10 Q. Okay. And then in terms of the house itself, 'Gavin's'
11 description of it is that there was a good room for
12 visitors, but otherwise there was, he described matted
13 dog hair and that it was -- I think his evidence was it
14 was quite squalid everywhere else.

15 A. Well, that is 'Gavin's' version of it and that is
16 'Gavin's' perception, he's welcome to that perception.
17 The house was inspected by the social work. It was
18 considered to be appropriate.

19 I don't want to get my wife into trouble but my wife
20 was not -- it was not physically easy for her to run
21 around with a vacuum cleaner picking up every wee bit of
22 dust and dirt. For me, if I go to a house and there's
23 a dog, then I have no -- I would have no concern
24 whatever about the rest of the house. I would be more
25 interested in the dog.

1 Q. Okay.

2 A. But, you know, no, our house was fine.

3 Q. Mm-hmm.

4 A. It was not the model home exhibition, I would never have
5 claimed that. But if 'Gavin' didn't like it, he had --
6 you know, he -- he had plenty of opportunity to say to
7 people. I think this is a thing that he feels -- now
8 that he feels that he should not have been there and
9 that he was so badly treated, he feels that he just
10 thought he'd bring that up. I mean, you can't have
11 a dog without dog hairs, can you?

12 MS INNES: Okay.

13 LADY SMITH: What sort of dog did you have?

14 A. It was probably a Heinz. I think it was probably
15 a terrier. We called it a black and tan terrier, but it
16 kind of looked a wee bit like an Alsatian but it was too
17 small for a German Shepherd and it wasn't a German
18 Shepherd, just a --

19 LADY SMITH: But it had that sort of look about it, though
20 smaller?

21 A. It's a lovely dog. It was really good. The only thing
22 is it liked to knock you down and lick your face. Very,
23 very friendly dog. Too friendly.

24 LADY SMITH: Thank you.

25 MS INNES: Okay.

1 Then you talk at the bottom of this page about
2 visiting 'Gavin' a number of times at the children's
3 home and then he came and stayed over at your family
4 home as well?

5 A. Yes, we had the normal introductory process.

6 Q. Okay.

7 A. And that is -- the process is entirely controlled by
8 the -- you know, by -- you know, by -- by the -- the
9 social worker involved.

10 Q. Mm-hmm.

11 A. The process, you will know from your records or
12 whatever, at least hopefully, that a child is never put
13 in a home. A child is introduced to the home and the
14 child is given a degree of choice -- well, he's given
15 the absolute choice. It would be up to either ourselves
16 to say we don't want that child or it would be up to the
17 child to say, "I'm not going there".

18 Q. Mm-hmm.

19 A. And that would -- would always be the case.

20 Q. Okay. And do you feel that there was sufficient time
21 before 'Gavin' came to live with you on a longer-term
22 basis for you to get to know each other?

23 A. Well, the -- the -- the outcome would appear to suggest
24 that there wasn't sufficient time, but the actual
25 process, which was that -- you know, we felt there

1 was -- you know, we felt there was enough there that
2 things would grow -- you know, let me think for
3 a minute.

4 What I'm trying to say is that we were aware that
5 a child in -- a child who had been a lifetime in care
6 would take adjustment, there would need to be allowances
7 and he would probably have a different outlook. Now, we
8 thought, and we certainly talked about it, I mean my
9 wife and I would -- were -- we were approaching this in
10 a very serious and -- you know, with -- well, certainly
11 with good intentions, I hope you accept that, but
12 everything we did, we tried to do properly and
13 reasonably and, you know, and -- and we think we did
14 that.

15 Q. Mm-hmm.

16 A. So that -- and also, the -- 'Gavin' was -- you know, was
17 given -- or the social work were -- you know, 'Gavin's'
18 social worker would be responsible to determine
19 'Gavin's' attitude and they would have obtained from
20 him, as I think would be the case in every placement,
21 they would have obtained from him his thoughts on the
22 matter, and his thoughts may have been -- must have been
23 at the time that he thought he could come and be happy.

24 Q. Okay.

25 A. Now, I don't know again the other thing that came out of

1 the statement that 'Gavin' made would be that prior to
2 the placement with ourselves he had been in another
3 placement, which he didn't remember much about. Now,
4 I am not -- I was not aware that there had been
5 a serious attempt prior to -- you know, to placing
6 'Gavin' with us to place him with another family.
7 I don't know whether any knowledge of that placement
8 would have helped us in our approach and maybe helped
9 a better understanding as to how we could be right for
10 'Gavin'.

11 Q. Okay. You then talk about him coming to live with you
12 and on page 5 at paragraph 22 you say that it was your
13 wife that managed the daily routine. You were often
14 working late through the week and occasionally away
15 overnight. So I wonder if you can just give us some
16 idea of what do you mean by working late through the
17 week? Would you be coming home after teatime or after
18 'Gavin' and your daughter had gone to bed? What sort
19 of time?

20 A. Oh, right. It would be quite common for me, the normal
21 finishing time would be around 5 o'clock, you know, for
22 the office. It would be quite common for me to work on
23 for maybe half an hour or an hour after -- if there was
24 a particular thing that was needed for the next morning.

25 I would normally be home for the meal.

1 At that time, we probably used the deep fat -- the
2 chip pan a bit more often than would be recommended and
3 my wife would not use any -- you know, would not make
4 chips or anything, but -- so quite often I would
5 actually be making the tea somewhere around 6 o'clock,
6 you know, for the evening meal.

7 Q. Okay.

8 A. I don't kind of remember a lot about it. We just -- you
9 know, but it was a fairly normal thing. I mean,
10 I didn't always finish at 5, which would have been
11 a regular finishing time as would happen in some
12 offices. In my particular responsibilities I would
13 often carry on a bit after closing -- finishing time.

14 Again, on occasions I would be away from home
15 overnight. I don't know -- sometimes it would have been
16 for longer periods, but I don't know -- I can't just
17 remember whether these longer periods would have been --
18 you know, at the time when 'Gavin' was with us or
19 whether they were periods before that when -- you know,
20 when my wife and -- you know --

21 Q. When your wife had just had your daughter?

22 A. Just had our daughter, yeah.

23 Q. Okay.

24 A. I know that -- that our daughter would have -- would
25 occasionally end up at her granny's for -- you know, and

1 when -- she certainly would when she was younger and
2 I don't know if my wife sometimes had hospital --
3 Q. At that time, yeah.
4 A. These things are a long time ago and they did happen,
5 but just exactly when they happened or -- and I know --
6 and I can't remember at the moment any particular
7 instance where the children might have been with my
8 sister-in-law for -- you know, overnight or that.
9 Q. Okay.
10 A. But -- you know, but it probably did happen.
11 Q. Okay. As you've mentioned, and you talk at page 6 and
12 paragraph 27, you talk about mealtimes. You say that
13 you would eat together as a family and you say you
14 didn't approve of fads. You don't recall any particular
15 food being an issue. And that 'Gavin' was encouraged to
16 eat small portions of anything he didn't like in
17 accordance with good parenting practice.
18 A. Well, this is in reply to 'Gavin' saying that we had
19 rubbish food for him and good food for the rest of the
20 family. That is absolutely not true.
21 Q. Okay.
22 A. The food -- the family food was the same for everybody.
23 Now, I can't particularly say there was something
24 'Gavin' liked or he didn't like, but I know from what we
25 would do would be that he -- that there would -- he

1 would not have been allowed to -- say if it had been
2 fish, for example, he would not be allowed to say, "I'll
3 have no fish on my plate", but we couldn't have wasted
4 it by giving him a whole load, but we would say, "Well,
5 why don't you try it?"

6 But the idea that we made him eat and that we made
7 him eat food that was unsuitable is again absolutely not
8 true.

9 Q. Okay. And if there was something that he didn't like
10 and you gave him a little bit of it, would you give him
11 more of other things to make up for the fact that maybe
12 if a little bit of fish, he might get more vegetables or
13 something like that?

14 A. He was very lightly built, but I don't think he wasted
15 away in our care.

16 Q. Okay.

17 A. No, it's -- you know, we -- we were parents, intending
18 to be parents. You know, and we were older parents as
19 well. We weren't teenagers who had ended up with
20 a child we didn't know what to do with. We -- we
21 intended to be good parents.

22 Q. Okay.

23 A. And I'm going to say I think we were good parents.

24 Q. Okay.

25 LADY SMITH: On the matter of age, I think I've worked out

1 you'd have been about 39 when 'Gavin' first came to you,
2 would that be right?

3 A. I'm sorry, Lady Smith, can you say -- on the matter of
4 age?

5 LADY SMITH: On the matter of age, I think I've worked out
6 that you would have been about 39 years old when 'Gavin'
7 first came to you. Am I right about that?

8 A. I could have been because I was married just around
9 about 30 and our daughter was seven -- was six.

10 LADY SMITH: And how old was your wife?

11 A. My wife was three and a half years older than me.

12 LADY SMITH: Okay, so she would have been about 42 and
13 a half or so, 42, when he came?

14 A. Yes. She was described as an elderly prem when we had
15 our daughter.

16 LADY SMITH: Terrible expression.

17 A. But my wife was young -- my wife was good with children.
18 You know, really. She was the -- she was the people
19 person. I am not good at all.

20 MS INNES: Okay.

21 A. You know -- but it's just very, very unfortunate that
22 'Gavin' -- you know, that 'Gavin' didn't feel that my
23 wife had anything to offer him.

24 Q. Okay, we'll come back to that just in a moment.
25 If we can look, please, on to page 7 and

1 paragraph 33, you talk about something happening in
2 North Berwick when you were on holiday and you refer to
3 it again later in your evidence. So you say that
4 'Gavin' was caught stealing money from you and what did
5 you do about that?

6 A. Right. Well, we had a caravan there, a family caravan,
7 and 'Gavin', whatever he may have said, was given pocket
8 money, right, but the temptation that I think of the
9 slot machines was -- the site was -- you know, the site
10 was a family site so that he would be there and he would
11 be able to go as he wanted and do what he wanted.

12 Well, we discovered money was missing, I think it
13 was from my trouser pocket or something, it was just
14 missing. We found out 'Gavin' it taken it and we
15 wondered -- we talked about what was the right thing to
16 do. We actually contacted the camp security as advice
17 and also in the knowledge that, you know, we don't have
18 the same authority that can be built up over the years
19 with -- you know, of a child who has been with you from
20 birth. That would be different again. You know, we
21 would probably have been -- and we thought, well, we'll
22 have a word and the chief security officer at the camp,
23 he said, "I used to be a senior policeman, I know how to
24 give a good lecture", and he very kindly came and gave
25 'Gavin' a lecture in the caravan, which we thought was

1 for his -- was beneficial to him. I mean, it was not
2 recorded, it doesn't go a black mark against him or
3 anything.

4 I would hope we would have mentioned the incident to
5 the social worker and it would appear in his social work
6 report, I don't know if it did or not, but it was just
7 an object that if we didn't -- if I didn't have the
8 authority to say, you know, "You shouldn't be doing
9 this", you know, there -- by authority I meant the --
10 the accept -- you know how a child would accept the
11 authority of a parent.

12 Q. Mm-hmm.

13 A. 'Gavin', I don't know that we got as far along that road
14 as I would have liked to have happened and I thought,
15 well, at the time it would be better to have someone who
16 he may respect and who would be good at the job, and he
17 did a nice wee lecture, I can't remember what the
18 details were, but he gave a very good lecture, very
19 imposing, about how it wasn't a good thing to take money
20 and everything, and that was just the finish of it.

21 Q. Okay. And then if we go on to page 9 at paragraph 45,
22 you say that apart from that time, you don't recall
23 having to discipline 'Gavin'. And at paragraph 46, you
24 say that he didn't openly defy you and he didn't openly
25 defy your wife in front of you.

1 A. Yes. Gavin would -- 'Gavin' was not a child who would
2 openly say, "I'm not doing that, you can't do that to
3 me". 'Gavin' would put on a -- if there was something
4 he needed to do and I can't -- I mean, things like maybe
5 going to bed or whatever, but, you know, he would -- he
6 would -- he would do it, but he would let you know that
7 he wasn't happy doing it.

8 Now, I would probably now describe him also, if you
9 excuse the phrase, as a sort of wind-up merchant. He
10 could -- I think he had a natural instinct or perhaps
11 from his other -- you know, from his time in care, to
12 find wee irritating spots. You know, but he was
13 never -- he was never happy to be told what to do.

14 Q. Okay.

15 A. But at the same time he was never told to do anything
16 that wasn't appropriate, you know, if it was bedtime
17 or -- you know, you just -- but there was, and I hope
18 you'll find this in -- you know, in the social work
19 reports, it was -- what was said at the time was that
20 'Gavin' responded to male authority -- this was said to
21 me -- and he had a preference for male authority, and
22 I was told that that was the reason why he had a male
23 social worker looking after him.

24 Q. Okay.

25 A. And he was also, although I'm not as bad as my wife,

1 I think if I -- if he could have got the impression that
2 he was first and nobody else mattered, that would have
3 pleased him.

4 Q. Okay. And you go on to talk about your relationship
5 with 'Gavin' in paragraph 47. I think you've already
6 alluded to this in your evidence, that he responded
7 reasonably well to you, but he never formed a positive
8 relationship with your wife or daughter. Is that right?

9 A. That's correct, yes. No, he just ...

10 Q. Okay. Now, if we move on a little from that, please, to
11 page 11 and paragraph 51, you mention there your visits
12 from the social work and you say that you expressed your
13 concerns regarding 'Gavin' settling into your family.

14 A. Absolutely. I mean, everything that -- that was -- that
15 I thought was necessary or -- or what -- everything that
16 we could tell the social work that would help in getting
17 the placement get into proper order was -- you know,
18 there was nothing ever hidden from the social work. We
19 were looking for advice and guidance. Their interest at
20 that time, you know, was coincidental with our own.
21 I mean, our -- well, I should be honest here. Our
22 initial interest was that we would -- you know, that we
23 would be introduced to a child, that we would find out
24 what his needs were and that we would be able to bring
25 him into our family as a -- you know, as a brother and

1 a son. That didn't survive the initial time and I don't
2 know -- I mean, I would -- I -- I don't think we had in
3 mind the eventual outcome of adoption after maybe the
4 first six months, that sort of time. I think we were
5 beginning to see that it was going to be difficult or
6 almost impossible.

7 But we still had the -- or I still had, I won't
8 speak for my wife. I still had the obligation -- you
9 know, and I'm -- let's say I'm sure my wife had the
10 same -- that we had taken on a child to make his life
11 better.

12 Q. Mm-hmm.

13 A. And if it hadn't -- when it turned out that possibly it
14 was going to be too difficult to integrate as a full --
15 the adoption, then we would still have liked to have
16 been able to make enough difference to his life to get
17 him to settle in and to give him a proper -- you know,
18 family back -- the background of being in a family home
19 rather than in a care home.

20 Q. Okay.

21 A. You know, a children's authority care.

22 Q. Yes, a residential home, okay.

23 So you say that there were difficulties with the
24 placement, as you've outlined, I think from fairly early
25 on. You were speaking to the social workers about that,

1 but, you know, he stayed with you for a number of years,
2 I think.

3 A. Your last few words, please, could I have them repeated?

4 Q. He stayed with you -- so he came to you in 1980 and he
5 left in 1984, so about three and a half years he lived
6 with you?

7 A. Two and a half --

8 Q. Three --

9 A. I think it would have been two and a half, I think.

10 Q. Okay.

11 A. It was at --

12 LADY SMITH: These dates are --

13 A. From age 9 to 11, so he didn't finish the school term
14 with us.

15 MS INNES: Okay.

16 A. I'll defer to your dates, you'll have the exact dates
17 from the --

18 MS INNES: From the records.

19 LADY SMITH: That's right.

20 MS INNES: So can you tell us how it came about then, you
21 talk about this at paragraph 54, you talk about his
22 placement coming to an end and you talk about the death
23 of your mother-in-law and you say "the social work
24 department realised the stress fostering was putting on
25 our family", and I wonder if you can try to explain to

1 us what that stress was like, you know, how was it
2 affecting your family?

3 A. Well, the thing is that -- you know, that for the
4 two-year period which we had, we -- I certainly felt
5 that we had an obligation to -- you know, to our foster
6 child and I know my wife did, had -- I mean, the idea --
7 you know, you weren't buying a puppy. You were -- we
8 had a commitment to -- to whatever the needs of the
9 child would be, whoever that child was.

10 Q. Mm-hmm.

11 A. And we tried very, very hard to -- to -- to give him
12 a home and to be parents to him in the same way as we
13 were parents to our own daughter, and my wife would
14 have -- would have been a good parent if we had been
15 able to make that breakthrough.

16 Q. Okay.

17 A. But somehow it didn't.

18 And now the last -- the last months -- I'm -- I'm
19 not as clear of the last months as I am in the
20 beginning. There was quite a lot of pressure at work
21 and then my mother-in-law was ill and it was just -- so
22 that -- it was just in the family that -- you know, that
23 I had to obviously be in the family dealing with
24 'Gavin', who was -- he wasn't a tearaway -- what's the
25 word? He wasn't doing anything ... that would have

1 branded him as a -- as a -- you know, as a hooligan or
2 a ruffian or -- I mean, he was a child with some
3 problems.

4 Q. Mm-hmm.

5 A. You know, and these -- just a wee bit more than maybe
6 other 11-year-olds would have had. And at the same time
7 my wife then had to realise that her mother was ill
8 and -- you know, and I had as well because I was quite
9 close to my mother-in-law and, you know, we would be
10 going visiting and visit on a Sunday afternoon, a Sunday
11 evening and that.

12 So I don't quite remember everything that was
13 happening. I do know that I was under a lot of pressure
14 in the office and then -- you know, because the -- and
15 suddenly all at that time in that sort of round
16 about [REDACTED] time it would be the -- my mother-in-law did
17 pass away.

18 Q. Mm-hmm.

19 A. And at that time the social work came on the scene and
20 said, "We're taking 'Gavin'", and I don't know how it
21 happened -- I mean, I don't know the details of what
22 happened.

23 Q. Yes.

24 A. I don't think we were in contact with the social work
25 again other than there was arrangements made for our

1 daughter to be seen by a therapist and that carried on
2 for some time after the placement had ended.

3 Q. Okay. So there must have been quite a lot of pressure
4 on your wife at that time --

5 A. There was -- undoubtedly there was a lot of pressure on
6 my wife.

7 Q. Because you were under pressure at work so maybe you
8 were having to spend more time at work?

9 A. Mm.

10 Q. And you've said that your wife's mother was unwell, and
11 obviously you've also said that your wife was struggling
12 with 'Gavin'. Is that right?

13 A. Yes, it was just -- it was just we were not able -- but,
14 you know, we would come back and -- and, well, 'Gavin'
15 would be quite a lot of time at school anyway and we'd
16 be back and he would be ... I don't want to say making
17 trouble, but he would be -- 'Gavin' could make it known
18 that he didn't like what he was asked to do and he would
19 do it if he had to. I mean 'Gavin' was only ever asked
20 to do what you would ask any child, your son, your
21 daughter, he was asked to --

22 Q. If he was behaving in that way, how would your wife
23 react?

24 A. The -- I am looking into this question and I'm looking
25 at the accusations that have been in the statement.

1 Q. Mm-hmm.

2 A. And I am going to say categorically that my wife would
3 not have been happy, but absolutely my wife was not
4 a violent person. But I will also say, and I need to
5 say this without -- very, very strongly, the possibility
6 of my wife physically having carried out the actions
7 that were said to have happened could not have happened.

8 My wife had a withered right hand and a withered
9 right leg. She had that from birth. She had no
10 balance. She could not strike anybody. And that is the
11 only thing I can say.

12 Well, I can say that she didn't and she wouldn't
13 have, but she's my wife, she never hit me. But no,
14 seriously, she -- my wife was not in favour -- in our
15 marriage, from a very early date, I was made fully aware
16 that if I had any nastiness in me, then I would be
17 marching. There was no -- no, this is why I'm so upset
18 at what has been said.

19 Q. Okay.

20 A. There is no basis for it whatsoever. So you have asked
21 would the stress have made my wife be like that, and the
22 answer is no. She couldn't have physically. And
23 I would say to you that from her own standards, she
24 would not have.

25 Q. Okay.

1 A. She did not. Unfortunately/fortunately, we have been
2 told that this happened from the very second week of his
3 placement. It could not have happened.

4 It could have been --you know, there was never any
5 possibility of that happening and not being seen.

6 Q. Okay. And you know that 'Gavin's' also said that you
7 hit him and I think maybe threw him into his bedroom and
8 he bounced off a wall, and what's your response to that?

9 A. Absolute rubbish.

10 Q. Okay.

11 A. I did not.

12 Q. Okay. If we can just look at a couple of other things
13 in your statement, please. At page 14 at paragraph 68
14 you say about the things that you were reporting to the
15 social worker and you think that they would have been
16 reported back and you say:

17 "I think that what he was told should have produced
18 warning bells at an early stage. These warnings were
19 not addressed."

20 A. Yes. I ... what can I say? I have every respect for --
21 for Sam Gray and I have -- I would possibly have said
22 that our social worker was in a position that his
23 experience maybe didn't fully equip him for, right?

24 I have also a long history of my wife being in
25 contact with social workers and my wife would say there

1 are social workers who really know what they're doing
2 and are brilliant with the children and there are social
3 workers who maybe don't have the right life experience
4 or understanding or whatever to get the right answer.

5 Q. Mm-hmm.

6 A. And officialdom as well, my own view would be that some
7 people are not as clever as they should be in the jobs
8 that they're doing.

9 But -- so where were we? So the question here we
10 have is -- that we have to come round to was the -- as
11 it turned out, I don't know if -- if there might have
12 been a time where there could have been an intervention
13 that would have allowed us to proceed with the fostering
14 and eventual adoption that would have worked, or whether
15 there was factors that that intervention -- that there
16 was no intervention that could have done that.

17 Q. Okay.

18 A. But I -- but again I'm not -- I'm not really qualified
19 to judge whether -- you know, I've -- it's only -- I am
20 just a -- you know, just an ordinary bloke. I work with
21 people, I work with people I respect and I work with
22 people who I thought were not as good as they should be,
23 and -- and then again I have no idea of the extra
24 pressures that were on the social work department at the
25 time because I do suspect at that time that they would

1 have a number of cases and have a number of different
2 things that they had to do.

3 Q. Okay.

4 A. But there -- yeah.

5 Q. Okay.

6 I just want to ask you about a couple of other
7 things in your statement, so page 15 and paragraph 75.
8 You say when you're talking about the allegations of
9 abuse, you say:

10 "This is a serious matter and it is not enough to
11 simply say that there could be some substance in his
12 claims. I believe the balance of proof here is too low.
13 There is an evident injustice in that an innocent person
14 is put through the stress and inconvenience of defending
15 his reputation and possibly livelihood at the whim of
16 an irresponsible person with a grudge or imagined
17 grievance."

18 I just wondered if you can explain to us what you
19 mean there when you're talking about the balance of
20 proof being too low.

21 A. Right. Well, what I want to say is that in his time
22 with us, our foster son had as near of a proper family
23 life experience as we could give him.

24 Q. Mm-hmm.

25 A. When he left our care, he was not -- he showed no signs

1 of being -- of being a bully, of being -- I mean, it --
2 his -- the thing that -- there was something that
3 prevented him from accepting our family, and I am not
4 qualified to say what that would be. But when he left
5 our care, I would have said that there was potential in
6 him to be -- to have an ordinary, decent life, you know,
7 that -- and as you would expect any other child to be.

8 I don't know what happened in his -- that made him
9 think or believe 30 years later that he had been
10 violently abused, and it's quite horrendous, the
11 statement is there to read, is -- you know, you could
12 have no respect for anybody who would have been even --
13 to even to be accused of that kind of treatment. Nobody
14 could have respect for somebody who would do that. You
15 know.

16 And I can't talk beyond what I am qualified to know,
17 but from general feeling, there are -- I would say there
18 are -- well, there is the obvious possibility: it did
19 happen and we are what we have been accused of being.

20 Q. Mm-hmm.

21 A. But there is also the possibility that -- that our
22 foster son's life or the way things that happened
23 subsequently to his time with us were -- coloured his
24 outlook and that he has generated a reason in that we
25 were so violent to him. And there is a further

1 possibility that there's financial gain, advantage, by
2 saying that this had happened.

3 Q. Okay.

4 A. And that we were the people who had to be there.

5 But what I -- you know, I -- I would like to be able
6 to say that it is a case of the middle one here.
7 I don't want to believe that he said "there's money here
8 or I can prove that I haven't been looked after
9 properly". I would like to believe that if -- he has
10 said it, so obviously -- that it's been something that
11 he now thinks has happened or it's just the way it's
12 gone about.

13 But here is the thing. I cannot emphasise -- well,
14 I hope -- I had hoped to be told or to be given --
15 I would like to have ... I would like to know that there
16 was proof -- well, proof is the wrong word, but that
17 there was -- that there could be no possibility of these
18 things having happened.

19 I know they didn't happen. I know that the people
20 and the contact that our foster son had and his time
21 with us were -- you know, were -- there was so much
22 contact with the right people that they should -- you
23 know, if they had happened, they would have been
24 discovered.

25 I know that our daughter went into the -- the

1 therapy, a sort of, you know, protective therapy for
2 some time after the placement broke down. And I know
3 that out of that therapy and the discussions that were
4 said, that if we had any -- a fraction of the violence
5 and nastiness that we were supposed to have done that
6 our daughter would have been taken away from us, and
7 quite rightly.

8 And I hope that the particular investigations and
9 whatever, people that 'Gavin' would have seen would have
10 been thorough and able to detect that, and I can only
11 hope that -- well, I -- you know, that they -- that
12 these were so thorough that there couldn't be any belief
13 in anybody's mind that these things happened.

14 Q. Okay.

15 Now, as I mentioned at the beginning of your
16 evidence, you prepared a statement that I think is on
17 the table there?

18 A. I have, I have. I'll thank your Ladyship if I would be
19 allowed to read that out.

20 MS INNES: Yes.

21 LADY SMITH: If you wish to do that, 'James', you can feel
22 free to do so.

23 Can I add, I have a copy of it.

24 A. Yes, of course, I have already provided a copy to --

25 LADY SMITH: And I'll ensure that that's kept alongside the

1 written statement you've already given us.

2 A. Thank you.

3 LADY SMITH: But do read any part of it that you want to
4 read to me.

5 A. Well, this is just my thoughts that I wrote down when
6 I knew I was having to come here and what I've said is:

7 "I completely understand and approve of the
8 objectives of the Inquiry and the reason I have been
9 required to submit an evidence statement.

10 "I wish to put the evidence I submit in context."

11 And then I said:

12 "Slightly over 40 years ago, my wife and I had one
13 natural child and were unable to have another for
14 medical reasons. We responded to a Local Authority
15 campaign set up to find homes for children in care. We
16 were approved as long-term foster parents with the
17 further consideration that we only anticipated one
18 placement and that the successful integration of the
19 child into our family could lead to an application to
20 adopt.

21 A young lad, aged 9, three years older than our
22 existing daughter, was introduced to our family.
23 Unfortunately, the placement was not successful, and our
24 foster son was taken back into Local Authority care
25 after two years. The appointed social worker was aware

1 from his regular visits and my verbal reports that our
2 foster son had not settled into the family, but the
3 immediate reason was probably the additional stress on
4 our family by the terminal illness of a close relative.
5 We were not informed of the exact reasons."

6 That's for our foster son being taken away from us
7 at the time.

8 "30 years after the placement, our foster son
9 remembered that during the whole period of his two-year
10 placement with our family he had been subject to extreme
11 physical violence and made the allegations that the
12 Inquiry is now investigating.

13 "I can assure the Inquiry that there is not a word
14 of truth in the allegations made. On its own, this
15 assurance may not be taken at face value, but I can also
16 tell the Inquiry that our foster son was in regular open
17 contact with a dozen or more professional people in good
18 standing, teachers, social workers, youth leaders,
19 family friends, et cetera, and that the violence
20 described could not have escaped notice. The alleged
21 kicking and pushing down the stairs were beyond my
22 wife's physical capacity to do. Although I have not
23 been allowed to see the records and reports relating to
24 the foster care placement, I am confident that these
25 will confirm that our foster son was never subject to

1 physical violence. The school attendance record will
2 certainly show that there were no unexplained absences
3 to allow time for bruises to heal as has been alleged.

4 "At this point in time I do not know if my evidence
5 to the Inquiry will be treated as coming from a person
6 who is potentially responsible for the ill-treatment and
7 violent abuse of a young person in his care or as
8 a contribution from someone with a useful insight into
9 the operation of the social work and care system at the
10 time. The Inquiry needs to have a view on this if the
11 evidence is to have any value.

12 "I want to go from the above to a related point.

13 "The Inquiry must make it possible for young people
14 who have been harmed to come forward and relate their
15 story in the knowledge that it will be investigated and
16 that alleged abusers will not be allowed to hide behind
17 a veil of respectability. Some genuine complainers will
18 expect not to be believed because of their previous life
19 experience and may not feel able to bring their
20 complaint forward. Also, the passage of time may make
21 the facts difficult to ascertain. It is clearly
22 necessary that nothing is done to discourage genuine
23 complainants and to ensure that every complaint is fully
24 investigated.

25 "Some complaints may not be genuine, and others may

1 be mistaken. In these cases, the victim is not the
2 complainant but the person the complaint is made
3 against.

4 "The point I want to make is that the investigation
5 ought to be directed to every aspect of the complaint
6 including whether the complaint is genuine or brought
7 forward for some other reason. If it can be determined
8 that the facts do not support the complaint, the accused
9 person should be informed at the earliest possible
10 date."

11 And this is a personal statement which I hope is
12 acceptable, you know, I've just said:

13 "I am in my early 80s and in good health and should
14 be able to cope with all aspects of the Inquiry. If the
15 allegations had been brought forward a few years earlier
16 at the time of my wife's last illness, that might not
17 have been the case and the harm done would have been
18 incalculable."

19 Thank you.

20 LADY SMITH: Thank you 'John'.

21 Ms Innes.

22 MS INNES: My Lady, I don't have any more questions and
23 there are no applications.

24 I should say that this statement will be, as
25 Your Ladyship said, put next to James's own statement

1 and it will be released in the bundle as soon as we're
2 able to do that for those with leave to appear and to
3 core participants.

4 LADY SMITH: Thank you very much.

5 Are there any outstanding questions for 'James'?

6 A. No, I --

7 LADY SMITH: No.

8 A. I thank you for listening to me. I -- well, I hope I've
9 been helpful and --

10 LADY SMITH: Well --

11 A. -- beyond everything else, I hope that you can accept
12 that I have been truthful.

13 LADY SMITH: 'James', it just remains for me to thank you.

14 You've taken great care in the way you've engaged with
15 us, I can see that, both in terms of the detail in your
16 written statement, which is part of your evidence and
17 I have carefully read and considered, and in the way
18 you've addressed the questions that we've asked you
19 today and approached the whole business of giving your
20 oral evidence. I do appreciate that. And I can see the
21 time and trouble that you've put into preparing the
22 written statement that you've just read out. I'm very
23 grateful to you for making these contributions and
24 helping me with my learning about the foster care system
25 at the time you were involved in it. You've made some

1 very thoughtful observations, which I won't forget.

2 I'm now able to let you go, 'James', but do remember
3 you go with my thanks to you for being part of this
4 Inquiry, which I hope you understand has at its heart
5 the interests of all children, past, present and future,
6 who have to, for various reasons, go into care.

7 Thank you very much.

8 A. Thank you.

9 (The witness withdrew)

10 LADY SMITH: Ms Innes.

11 MS INNES: My Lady, I think that concludes the evidence for
12 today.

13 Tomorrow morning we begin evidence with a remote
14 link.

15 LADY SMITH: Yes.

16 MS INNES: And then there are other oral witnesses and
17 read-ins if time allows.

18 LADY SMITH: We'll do our best. I think I'm right in saying
19 the remote link's set up to start the evidence at
20 10 o'clock with a check before then; is that right?

21 MS INNES: There is certainly going to be a check, which
22 I imagine will be first thing tomorrow morning. I'm not
23 very sure about the timing of that, but I know that the
24 team are arranging that.

25 LADY SMITH: Thank you very much.

1 Well, I'll be here at 10 o'clock tomorrow morning
2 and hopefully we'll be ready to go then. Thank you.

3 (4.17 pm)

4 (The Inquiry adjourned until 10.00 am
5 on Friday, 26 August 2022)

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24

25

I N D E X

1
2
3 Phase 8: Further information1
 announcement
4 'Peggy' (sworn)5
5 Questions from Ms Innes7
6 'John' (affirmed)80
7 Questions from Ms Innes82
8 'James' (affirmed)131
9 Questions from Ms Innes133
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

