

Tuesday, 19 September 2023

1

2 (10.00 am)

3 LADY SMITH: Good morning and welcome. Today we begin our
4 public hearings, in which we will be exploring the
5 provision of secure residential accommodation for
6 children and young persons in Scotland and their abuse
7 there.

8 The focus of the case study will be residential
9 accommodation provided or used by the state between 1930
10 and 2014 to accommodate young offenders under the age of
11 18, children and young persons under 18 awaiting trial
12 and children and young persons in need of care and
13 protection.

14 A range of organisations were involved in the
15 provision of such accommodation, including Local
16 Authorities, religious and voluntary organisations and
17 the Scottish Prison Service.

18 This is a substantial case study. Our
19 investigations began at an early stage in the work of
20 the Inquiry and a number of the many written statements
21 which have been provided were taken some years ago. We
22 have also gathered a substantial body of documentary
23 evidence.

24 As ever, difficult decisions have been and will have
25 to be made as to which witnesses are to be heard from in

1 person and which are to have their statements read into
2 evidence. There will, I know, be some whose statements
3 are read in that may have preferred to give evidence in
4 person and I'm sorry that we just won't be able to do
5 that.

6 Also, although we have gathered a large number of
7 documents, they won't all be referred to in evidence.
8 I am sure you don't expect that. There may be
9 reference, of course, to documents or parts of documents
10 that are relevant to the evidence.

11 I do, however, want to stress at the outset, as far
12 as written statements are concerned, that they are
13 valuable evidence to the Inquiry. The fact that
14 a signed statement is read in rather than its author
15 giving evidence in person, in no way diminishes the
16 importance of its content to our work and our learning.

17 All evidence is important to the Inquiry, and all
18 signed witness statements will be carefully considered
19 and evaluated as part of this case study in the same way
20 as all other relevant evidence, in accordance with what
21 has become our standard practice.

22 The hearings in this case study are expected to
23 carry on until the end of this year and for most of
24 2024. We will update the exact position on our website
25 as appropriate from time to time.

1 We begin today with opening statements from counsel
2 to the Inquiry and from the legal representatives of
3 those who have leave to appear. I will begin by
4 inviting Mr Peoples to address me.

5 Opening submissions by Mr Peoples

6 MR PEOPLES: Good morning, my Lady.

7 I would just like to make a brief opening statement,
8 and before opening statements from those with leave to
9 appear -- there are quite a considerable number here
10 today for this case study -- I would wish to make a few
11 brief observations.

12 Firstly, as your Ladyship has said, this will be
13 a substantial case study which will continue for this
14 year and most of 2024, and will be looking at a range of
15 institutions: residential establishments used as
16 approved schools; List D schools; secure accommodation,
17 for young offenders and others; remand homes; assessment
18 centres; borstals; remand institutions; detention
19 centres; and young offenders' institutions.

20 These establishments were run by a range of
21 providers, as your Ladyship has said, including Local
22 Authorities, faith-based organisations, non-religious
23 voluntary bodies and the prison service in Scotland.
24 The Inquiry considers that what these establishments
25 have in common is that they were provided or used by the

1 State, as your Ladyship has said, between 1930 and 2014
2 to accommodate young offenders under the age of 18,
3 children and young persons under 18 before trial and
4 children and young persons under 18 in need of care and
5 protection.

6 Secondly, the intention is for the evidence about
7 these establishments to be given both orally, and at
8 appropriate times during the case study, by way of read
9 ins from signed statements provided to the Inquiry.

10 However, as your Ladyship has said, written
11 statements are valuable evidence, whether read in or
12 not.

13 Thirdly, the intention is that such evidence will be
14 heard in chapters, between which there will be breaks.
15 Over the next three weeks there will be evidence from
16 inspectorates, regulators and oversight bodies. The
17 Care Inspectorate, the Scottish Social Services Council,
18 Education Scotland and His Majesty's Inspectorate of
19 Prisons for Scotland, all of whom have provided reports
20 for this case study and also evidence which is
21 particularly relevant to establishments run by the
22 Scottish Prison Service.

23 There will then be a break of three weeks, and the
24 hearings will resume on Tuesday, 31 October. Between
25 then and Christmas there will, with one break, be

1 a total of five weeks of evidence focusing on
2 establishments run by the Scottish Prison Service and
3 its predecessor.

4 A further chapter dealing with establishments with
5 which the De La Salle order had a connection will begin
6 early in 2024.

7 Further chapters will follow thereafter.

8 There will be no opening statements by those with
9 leave to appear at the beginning of each chapter. At
10 the end of a chapter, the relevant provider or
11 providers -- if it or they have leave to appear -- will
12 be asked to make a closing submission. A provider who
13 does not have leave to appeal may be asked or may be
14 required to make a closing submission in addition.

15 For the avoidance of doubt, I should say that all
16 with leave to appear for this case study must make
17 closing submissions at the end of the case study, and
18 others may also be required to do so.

19 LADY SMITH: Of course your reference to providers who don't
20 have leave to appear possibly nonetheless being asked to
21 make a submission refers to circumstances where it is up
22 to the provider as to whether they want to apply for
23 leave to appear --

24 MR PEOPLES: Yes.

25 LADY SMITH: -- but that doesn't mean that I may not want to

1 hear from them, and we can address that as time goes by.

2 MR PEOPLES: Absolutely. There are ways in which we can
3 seek a statement should we think it appropriate to do
4 so, whatever attitude the provider --

5 LADY SMITH: Yes.

6 MR PEOPLES: -- itself takes.

7 LADY SMITH: Yes.

8 MR PEOPLES: Lastly, can I say just a word about another
9 document? A framework document has been prepared in
10 advance of the Phase 8 hearings that start today.

11 Part 1 of that document contains factual information
12 drawn from various sources about the particular
13 establishments which are the focus of this case study.
14 An opportunity was given to those who ran these
15 establishments, or their successors, to consider the
16 content of part 1 and as regards factual matters
17 therein, there is very little which has been the subject
18 of any challenge or comment.

19 Part 2 of the framework document identifies a number
20 of themes which will be of central focus of this case
21 study.

22 Appendix 1 of the framework document sets out in
23 summary form the relevant regulatory history, which
24 I may say draws heavily on the report provided to the
25 Inquiry by Professor Kenneth Norrie and to some extent

1 his subsequent textbook, A History of Scottish Child
2 Protection Law, which was published in 2020. Tomorrow
3 Professor Norrie will be the first witness to give oral
4 evidence in this case study.

5 I think that's really all I need to say at this
6 stage, hopefully.

7 LADY SMITH: Thank you very much, Mr Peoples, thank you.

8 I would now like to turn to counsel for INCAS,
9 Ms McCall. When you are ready.

10 Opening submissions by Ms McCall

11 MS MCCALL: My Lady, thank you.

12 INCAS welcomes the start of this case study. They
13 note and agree with the themes for study that are
14 contained in part 2 of the framework document. Can
15 I just take this opportunity to set out particular
16 questions and issues which survivors want the Inquiry to
17 ask and consider?

18 Members of INCAS were accommodated in List D schools
19 and other similar establishments, and the damage caused
20 by their experience is carried to this day.

21 These institutions were a place of last resort for
22 some children whose behaviour was judged too difficult
23 to manage in other settings. Undoubtedly some of the
24 children presented a challenge to staff, but what was
25 not recognised was that often these very same children

1 were traumatised and troubled.

2 All children accommodated in these institutions were
3 vulnerable. They were removed from their families and
4 communities and placed in the care of the State.
5 Youngsters were sent to Approved or List D Schools
6 either because they were alleged to have or had
7 committed offences or because they were in need of care
8 and protection. The 1966 White Paper, Social Work and
9 the Community, acknowledged:

10 "A child is sometimes placed in a home or school
11 because nothing better is available, although all
12 concerned recognise the regime may not be entirely
13 fitted to his particular needs."

14 This system meant that a child accused of murder
15 could be accommodated alongside another boy who was
16 there because his mother was in hospital. Survivors
17 want the Inquiry to explore why it was that children
18 were accommodated in this way and what steps, if any,
19 were taken to consider whether the environment was
20 suited to an individual child's needs.

21 Information from survivors has a number of common
22 threads. They were not always told why they were there,
23 or for how long they would be kept there. There was no
24 meaningful education. They were just locked up. The
25 conditions were punitive and their treatment inhumane.

1 They were not protected from staff, from their peers and
2 from themselves. Regimes were punitive not caring or
3 therapeutic, the brutality in these institutions appears
4 to have been well known. Survivors in other care
5 settings speak of being threatened with List D if they
6 did not behave. The Inquiry must determine what
7 happened to children in these places and why.

8 On a personal level, survivors ask: why was I there?
9 How long was I there? Why was I not educated? Why was
10 I being punished?

11 We expect that the Inquiry will hear sadly familiar
12 evidence that children were subjected to physical,
13 sexual and emotional abuse. That some experienced
14 forced labour. Some were held in isolation or
15 segregation for extended periods. Children were
16 forcibly and excessively restrained. They were not
17 protected from abuse by their peers. Children took
18 their own lives.

19 On a wider level, survivors want to know: when the
20 brutality of these regimes was apparently well known,
21 why was it tolerated? Why were children subjected to
22 excessive corporal punishment, degrading isolation
23 cells, irregular punishments like toilet cleaning?
24 Forcible and excessive restraint. And when inspectors
25 learned of these things, why did they continue? Was

1 there a systemic failure to recognise and address
2 abusive behaviour, and if so why? Why were
3 inappropriate relationships between staff and pupils not
4 recognised as abuse and reported to the police? Why was
5 peer abuse so prevalent? What went wrong that the
6 system was incapable of protecting children from other
7 children? Why was it that at times unqualified,
8 unvetted and unsuitable individuals were employed to
9 look after children?

10 The survivors want the Inquiry to look for links
11 between institutions, individuals and groups and to ask
12 whether and why perpetrators of abuse were able to move
13 between institutions in spite of complaints or suspicion
14 or even knowledge of their behaviour. Why, when abuse
15 was reported, were children not believed, even in
16 situations where multiple allegations were apparently
17 made against the same perpetrator?

18 Why was it that when abuse was reported to the
19 police -- which appears to have been rare, in spite of
20 it having been confirmed on occasion by management or
21 inspectors -- that no formal action was taken and some
22 individuals continued in employment?

23 When children absconded, what happened on their
24 return to the institution? Did anyone ask why they ran
25 away? Did anyone ask what happened to them when they

1 were at large? Did anyone consider whether they had
2 been exploited during their absconsion? Was
3 exploitation the reason they absconded or were they
4 simply further punished?

5 In that context, survivors want the Inquiry to
6 consider what was the extent of abuse by organised,
7 predatory paedophiles in the community of children from
8 these institutions? What did the authorities know about
9 that and what did they do? Did perpetrators, who worked
10 in these institutions, share information about
11 vulnerable youngsters, with other abusers, in other
12 institutions and in the community?

13 It seems that inspectors and Government knew decades
14 ago of allegations and occurrences of abuse. What was
15 done about that? Did anyone consider the problem might
16 be systemic? Did anyone think whether the model itself
17 was the problem? As the Inquiry knows, acknowledgement
18 and accountability are key for justice for survivors in
19 this process. In their Section 21 responses a number of
20 institutions and authorities or their successors have
21 advised the Inquiry there are no records of any
22 complaints of abuse. A number have given no
23 acknowledgement that abuse occurred and made no
24 admission. Others have admitted that there was abuse,
25 but some have confined that admission to the extent of

1 criminal convictions or the findings of other
2 investigations.

3 Survivors expect the Inquiry to pursue with the
4 representatives of these organisations whether they
5 accept the testimony of survivors which they will read
6 and hear during this case study. Survivors expect the
7 Inquiry to ask these representatives whether they will
8 apologise to those who suffered abuse in their
9 establishments. The survivors appreciate the approach
10 taken by your Ladyship to date in relation to obtaining
11 acknowledgement and apology, but for survivors more is
12 needed. There are organisations who have appeared at
13 this Inquiry and in response to your interventions have
14 accepted the truth of survivors' testimony and have
15 apologised and whose subsequent actions have reflected
16 that position. That is true acknowledgement and
17 accountability.

18 There are others who have reluctantly acknowledged
19 the truth of survivors' accounts, apologised in
20 a generic sense and who, once free from the scrutiny of
21 the Inquiry, act inconsistently with those statements in
22 their subsequent interactions with survivors, risking
23 retraumatisation.

24 As a result, in spite of the years spent by
25 survivors fighting to have this Inquiry, and in spite of

1 the achievements of the Inquiry to date in documenting
2 the suffering of children in various forms of care, and
3 in obtaining a degree of acknowledgement and apology
4 from those who were meant to care for them, survivors
5 are now asking: what is the point in participating?
6 What they want from your Ladyship is that where
7 representatives of organisations say they believe
8 survivors and apologise, survivors want you to ask what
9 will that mean for your future interactions with
10 survivors? Current and future survivors. How will the
11 survivors know that there is not only acknowledgement
12 whilst sitting here, but that will be reflected when
13 they leave here? The words need to mean something.
14 That is part of the survivors' hopes for the outcome of
15 this case study, and for the Inquiry as a whole.

16 Thank you, my Lady.

17 LADY SMITH: Thank you very much, Ms McCall. Everything you
18 say is not lost on me.

19 I would now like to turn, if I may, to Mr Thomson,
20 who is here to represent the De La Salle Brothers.

21 You can move the microphone a little bit nearer to
22 you probably, there is a bit of stretch in the cord
23 there.

24 Thank you.

25

1 Opening submissions by Mr Thomson

2 MR THOMSON: These opening remarks are intended to affirm
3 the commitment of the De La Salle Brothers to assist the
4 Inquiry in its important task.

5 The De La Salle Brothers offer a complete and
6 unreserved apology to all who suffered abuse of any kind
7 at the five schools in which it was involved. The
8 De La Salle Brothers have been assisting the Inquiry and
9 will continue to do so in an open and transparent
10 manner. They seek to learn from the past and will fully
11 participate in any process which improves the protection
12 and care of children. The De La Salle Brothers will
13 fully engage with the Inquiry's findings on the nature
14 and extent of abuse. Brother Ben Hanlon, the current
15 Provincial, is present today. Brother Hanlon has had no
16 previous involvement with any of the Scottish schools.
17 Evidence has previously been given to the Inquiry by the
18 former Provincial, Brother Laurence Hughes. Other
19 senior members of the De La Salle Brothers intend to be
20 present when any evidence is presented which directly
21 concerns the schools.

22 The De La Salle Brothers recognise the importance of
23 hearing these accounts first hand, listening, but not
24 challenging the witnesses in any way. The association
25 of the De La Salle Brothers with Scotland started in

1 1914 and ended in 1992. Their mission was to provide
2 an education, secular and religious, to abandoned
3 children and to assist them in becoming productive
4 members of society.

5 During that period, the De La Salle Brothers
6 participated in the teaching of and caring for almost
7 9,000 school-age children, predominantly from challenged
8 backgrounds, about 100 of whom have come forward to the
9 Inquiry reporting abuse. Even one is too many. The
10 De La Salle Brothers are grateful to all victims who
11 have shown the courage to come to the Inquiry with their
12 accounts of their experiences. The De La Salle Brothers
13 appreciate that doing so must have been a traumatic
14 experience. The De La Salle Brothers continue to be
15 actively involved in over 80 countries, educating and
16 caring for 1.1 million young people worldwide, complying
17 with relevant local safeguarding regulatory regimes.
18 Lessons learnt from the important work of this Inquiry
19 will help the De La Salle Brothers and those they care
20 for in its work across the world.

21 Turning to the schools themselves, the De La Salle
22 Brothers did not own any of the schools and they were
23 not employers. They provided brothers who worked as
24 part of the teaching and social work staff in those
25 schools. The brothers were employees of the managers,

1 as well as being members of the De La Salle Brothers who
2 taught in the schools. The managers were a statutory
3 body, the managers employed all staff, the managers were
4 the statutory parents of the children and the managers
5 ran the schools in accordance with the Approved Schools
6 (Scotland) Rules 1961. The managers held meetings, kept
7 records and visited the schools. The statutory body of
8 the managers was made up of clergy, many of whom were
9 drawn from the De La Salle Brothers, Local Authority
10 councillors, residents and local dignitaries.

11 To discuss the managers is not done to diminish the
12 significant role the De La Salle Brothers played in
13 these schools in their daily operations. In providing
14 the head and a number of teachers and social workers.
15 An understanding of the respective roles and
16 responsibilities of the managers and members of the
17 De La Salle Brothers has perhaps become obscured over
18 time, where the managers have ceased to exist but the
19 De La Salle Brothers have continued in existence.

20 I now turn to the actions of individuals.
21 Michael Murphy has been convicted on three occasions of
22 a number of criminal offences of sexual and physical
23 abuse. In 1966, the headmaster of St Ninian's and HM
24 Inspector of Schools shared concerns about the conduct
25 of Michael Murphy. Nobody acted on those concerns.

1 Michael Murphy went on in 1967 to receive an external
2 social work qualification in childcare. Michael Murphy
3 was not of course the sole brother identified as
4 a perpetrator of abuse. The De La Salle Brothers do not
5 seek to challenge the other reports of abuse involving
6 other brothers that have been brought to the Inquiry's
7 attention. The De La Salle Brothers have been shocked
8 to learn of the scale of each report of physical, sexual
9 and emotional abuse. The De La Salle Brothers publicly
10 expresses its revulsion.

11 Turning to civil litigations. The De La Salle
12 Brothers can confirm they have settled about 80 per cent
13 of the Scottish civil litigations that have been raised.
14 The remainder have only been raised recently and are
15 under consideration. The De La Salle Brothers can also
16 confirm that all of these have settled without any
17 litigant having to give evidence. The De La Salle
18 Brothers have now started obtaining relief from the
19 insurers of the managers in recognition of the role of
20 the managers as employers and as being in loco parentis
21 under the rules.

22 In addition, the De La Salle Brothers can confirm it
23 has actively engaged with the Scottish Government in
24 respect of its Redress Scheme, with the De La Salle
25 Brothers making a proposal to contribute for its own

1 share in 2021, before the Redress Scheme. The
2 De La Salle Brothers have now been advised by the
3 Scottish Government that it is presently considering
4 an amendment to the scheme itself to accommodate the
5 role of the De La Salle Brothers as distinct from the
6 managers, to enable it to contribute for its own share
7 separately from the manager's share in recognition of
8 the dual role in the schools. It appears that the dual
9 responsibility has been accepted in principle by the
10 Scottish Government, as a consequence there are further
11 active discussions about the De La Salle Brothers
12 contributing.

13 The widespread abuse of children has been the
14 outcome of systemic failings. The De La Salle Brothers
15 are deeply remorseful for their part in those failings.

16 I end by reiterating that the De La Salle Brothers
17 comprehensively and unreservedly apologise to all those
18 who suffered abuse at the schools in which it was
19 involved.

20 Thank you, my Lady.

21 LADY SMITH: Mr Thomson, thank you for that. Thank you for
22 assuring me that senior managers of the De La Salle
23 Brothers intend to be present when evidence is being
24 given in relation to any school in which the brothers
25 worked.

1 Can I just say that a regular feature that I have
2 experienced in this Inquiry is that where the providers
3 attend and hear for themselves what survivors have to
4 say, it has almost without exemption had a profound
5 effect on them and enabled them to understand in a way
6 they couldn't have understood by it being related to
7 them second hand. I think on occasion it has also
8 helped to begin to build bridges between the provider
9 and those who have been harmed in the past by, usually
10 their predecessors, of course, not them. I recognise
11 that the people who come to the Inquiry are generally
12 not the people themselves who were directly involved at
13 the time. But that's important, and I am glad to hear
14 it.

15 Thank you also for everything else you say, and the
16 recognition of the systemic failures, of course, is
17 an important matter.

18 If I could turn to Mr Pugh, who is here for Glasgow
19 City Council, please.

20 Opening submissions by Mr Pugh

21 MR PUGH: Yes, thank you, good morning, my Lady.

22 Glasgow City Council is grateful to be able to
23 appear and to make submissions within this case study
24 concerning residential care.

25 This is the second case study in which the council

1 has participated and, like the previous case study, it
2 looks forward to engaging fully and to assisting the
3 Inquiry in its important work. Anything that the
4 Inquiry can do to improve the care of young people in
5 Scotland is to be both welcomed and supported.

6 The council is, as I am sure the Inquiry knows, the
7 largest in Scotland. It, together with its
8 predecessors, have been responsible over many decades
9 for operating residential care homes in and around
10 Glasgow. As the Inquiry knows, having prepared the
11 detailed and helpful framework document, abuse occurred
12 in residential homes operated by the council. Both the
13 Frizzell report into Kerelaw School and the Bennett and
14 Righton report into Larchgrove are before the Inquiry.
15 As the Inquiry knows, the council takes no issue with
16 the findings of either of those reports.

17 At the outset, my Lady, I can say that the council's
18 sympathy is with anyone who has survived abuse in any
19 establishment operated by the council or its
20 predecessors. And the council considers quite plainly
21 that the abuse of children in whatever form is always
22 reprehensible.

23 My Lady, almost by definition children placed into
24 residential care in Glasgow have been amongst the most
25 vulnerable in Scotland. Often, the care of children

1 within residential units will have been challenging, but
2 that is no excuse and the council does not intend it to
3 be. Rather, the council considers that the only way to
4 look after vulnerable children appropriately is by
5 caring for them with compassion and understanding.
6 Children entering care may well have been victims of
7 trauma prior to Local Authority intervention. Those
8 caring for them ought to have understood the behaviours
9 such trauma might induce and how to respond
10 appropriately. That, as your Ladyship well knows, is
11 now referred to as a trauma-informed approach to caring
12 for children.

13 Instead, many of the children cared for by the
14 council encountered staff who were either unable to care
15 for them appropriately or, even worse, who took
16 advantage of their vulnerabilities. The extensive abuse
17 noted in both Larchgrove and Kerelaw is deeply troubling
18 and your Ladyship will know that in relation to the
19 latter several very serious criminal convictions have
20 already been secured.

21 My Lady, the council will listen to the evidence
22 with care and consideration. At the outset, however,
23 I wish to apologise unreservedly to all of those who, as
24 children, were abused in residential care within
25 Glasgow. What happened to you was unacceptable, the

1 council should have done more to protect you, it's
2 sorry.

3 In addition to that, my Lady, I make the following
4 two points.

5 Firstly, the council sees its role as being to
6 assist the Inquiry. The council has already reviewed
7 its initial Section 21 responses and completed
8 an addendum response. The council's assistance will
9 continue throughout this case study, and it is
10 anticipated that at least one senior member of the
11 council's social work department, with long experience
12 of working in the sector, will attend to give evidence.

13 Secondly, my Lady, the purpose of the council's
14 participation is not to challenge the accounts of
15 applicants. The Inquiry's terms of reference are
16 understood by the council, in particular it understands
17 that within the Inquiry's remit is the need to consider
18 both the abuse suffered by children and whether there
19 were any systemic failures leading to that abuse.

20 The council also understands, my Lady, that it is
21 not here to paint an alternative account of residential
22 care. Instead, the council is here to listen to the
23 accounts of applicants who were abused while under its
24 care. Where it might assist the Inquiry, and only in
25 such circumstances, any factual questions will be

1 referred to Inquiry counsel, who can consider how best
2 to proceed.

3 Beyond that, my Lady, the council will listen
4 carefully to the evidence and respond in detail at the
5 close.

6 Unless there is anything else I can usefully add,
7 that's all I intend to say in opening.

8 LADY SMITH: No, I have no other questions at the moment.

9 Thank you, Mr Pugh.

10 Could I now turn to Mr Brodie, who is here for
11 CrossReach, the Church of Scotland Social Care Council?

12 Thank you.

13 Opening submissions by Mr Brodie

14 MR BRODIE: As my Lady has said, I am here today on behalf
15 of the Church of Scotland, in the guise of CrossReach,
16 the arm of the church that operates its social care
17 services.

18 The Church of Scotland is and has been one of the
19 largest providers of social care in Scotland. It has
20 been involved in the provision of residential care for
21 children since 1868, with the opening of a home for
22 orphaned girls. Involvement in the provision of
23 children's homes and schooling increased. As part of
24 that mission, and at the request of national and local
25 government, the church came to operate four of the

1 residential establishments with which the Inquiry is now
2 concerned in Phase 8. They were Ballikinrain in
3 Balfron, Geilsland at Beith, Langlands Park in
4 Port Glasgow and Tynepark School at Haddington.

5 Those establishments were operated first under the
6 Approved Schools system and then as List D Schools under
7 the Social Work (Scotland) Act 1968. The objective was
8 to provide residential accommodation, schooling and
9 training to children who had had contact with the
10 criminal justice system or in other ways were in need of
11 care and protection.

12 Tynepark was first established in 1946 as
13 an approved school for girls aged 16 to 18, closing in
14 1983.

15 Langlands Park in 1962 for girls, closing in 1986.

16 Geilsland for boys in 1964, closing in 2015.

17 Ballikinrain for boys in 1968, closing in 2021.

18 They closed as the State's need for such placements
19 declined and the approach to residential care moved away
20 from institutional settings. The church continues to
21 run an education and care service today from its purpose
22 built Erskine Waterfront Campus, educating and
23 supporting children and young people aged 8 to 18. The
24 number of children cared for in those homes was in the
25 many thousands. Statistics indicate that Ballikinrain

1 alone cared for 2,912 children between 1968 and 2015.
2 It is clear from records of past complaints, and
3 painfully clear from the testimony of applicants, that
4 instances of abuse have occurred. The church,
5 CrossReach, have read that testimony with deep regret.

6 Twenty-two former residents at Geilsland, resident
7 there from 1972 to 2000, have given statements to the
8 Inquiry. Some speak of positive experiences compared to
9 other placements, however many speak of excessive
10 physical punishment and humiliation on the part of
11 staff, as well as peer-on-peer bullying and sexual
12 assault. In 2016 the church collated information on
13 past contemporaneous complaints, a recurring theme is of
14 abusive discipline practices. And in the period from
15 1964 to 1982, these were often associated with one
16 particular member of staff, who is now dead.

17 More recently, in the 1990s and early 2000s,
18 complaints largely relate to the use of excessive force
19 whilst restraint and intervention techniques were being
20 used by staff. It does seem that complaints were
21 investigated and led to a variety of outcomes, warnings
22 to staff, dismissal and reporting to the police, or to
23 social work authorities.

24 From the other boys' home, Ballikinrain, 13 former
25 residents from the 1970s and 1980s have given statements

1 to the Inquiry. In common with Geilsland, they tell of
2 excessive force used in restraint techniques, of casual
3 physical abuse and humiliation by staff and of
4 peer-on-peer bullying. Complaints records exist from
5 1992. These have been reviewed. They disclose some 46
6 complaints against members of staff, mostly involving
7 physical abuse. There were some complaints of sexual
8 abuse in the form of inappropriate touching during
9 physical interventions, with five being reported to the
10 police.

11 Six former residents of Langlands Park have provided
12 statements to the Inquiry. They would have been
13 resident during the 1960s and 1970s, they report serious
14 physical abuse on the part of two named members of staff
15 and of sexual assault. Logbooks kept by Langlands
16 record five members of staff facing allegations of
17 striking children in the period 1963 to 1966. They each
18 resigned or left.

19 Three former residents of Tynepark from the 1970s
20 have given statements to the Inquiry. They describe
21 peer-on-peer bullying and an occasion of sexual abuse.
22 It is therefore clear that the church has provided
23 a setting in which children have been abused. The
24 church, and those working to provide its social services
25 at CrossReach, make a full and unreserved apology to all

1 of those who have suffered abuse whilst in the care of
2 its homes. Homes that should have provided care and
3 guidance failed those in most need. That is a cause of
4 deep regret and sorrow.

5 The church recognises that words of apology of
6 themselves may have limited worth. CrossReach has read
7 with care the statements of those who have spoken to the
8 Inquiry, and CrossReach promises to listen with care to
9 those who may appear at the Inquiry, with an intention
10 that Viv Dickenson, chief executive officer, from whom
11 the Inquiry has previously heard, hopes to be present.

12 Internal investigations have been made. The church
13 has sought to provide the Inquiry with all relevant
14 information. CrossReach, as it works to further the
15 church's current care for children, looks forward to
16 what the Inquiry has to say as to how such abuse came
17 about and what should be done in the future. It
18 understands that it can never be complacent. It will
19 act on the Inquiry's recommendations and guidance.

20 Finally, in closing, I want to make clear that the
21 church makes apology both to those who have come forward
22 and to others who may choose not to. It is a willing
23 participant in the Redress Scheme operated by the
24 Scottish Government, and has offered and will continue
25 to offer support to all who ask for it.

1 LADY SMITH: Thank you, Mr Brodie.

2 Thank you for recognising that the entirety of our
3 applicants, typically I have found, cannot be taken to
4 represent all those who have suffered due to an abusive
5 system to which they were exposed. Thank you also for
6 what you say about my being able to expect Ms Dickenson,
7 the chief executive officer, to be present. You will
8 have heard what I have said to Mr Thomson, and I am
9 sure, having heard from her once before, that it will be
10 of tremendous value, difficult though it is to listen to
11 people talking about the bad things that happened to
12 them, for her to hear first hand from them. Thank you.

13 If I can turn to Mr Haywood, who is here for both
14 aspects of the Dr Guthrie's provision, both for boys and
15 Girls. Mr Haywood.

16 Opening submissions by Mr Haywood

17 MR HAYWOOD: Thank you, my Lady. I am here for Dr Guthrie's
18 Association.

19 It welcomes the opportunity to address the Inquiry
20 and to apologise for failings in the historic practices
21 and procedures that contributed to children in its care
22 suffering abuse. It also welcomes the opportunity to
23 express deep regret. The boys' school was founded in
24 1887 as an industrial school. The girls' school opened
25 in 1903. They became Approved Schools in 1933 and

1 List D Schools in 1971. The schools respectively closed
2 in 1985 and 1986.

3 Also, in 1942 a school for junior boys was opened at
4 Whittingehame Home in East Lothian. It was closed in
5 1956.

6 In the 1930s the roll of the boys' school was
7 approximately 100 pupils, but that decreased to about 50
8 by the time the school had closed.

9 The number of pupils in the girls' school ranged
10 from 70 to 80 at its highest, with around 30 attending
11 when the school closed.

12 After the schools were closed, the properties were
13 sold. A new constitution was adopted and the funds used
14 to generate an investment income. For the past 36 years
15 the association has functioned as a grant-giving body,
16 which provides funds to organisations supporting and
17 educating children and young people. It has no
18 employees. In order to comply with the Section 21
19 process the Association engaged the services of
20 a professional archivist, as I think many have done. It
21 has done all it can do to assist and engage with the
22 Inquiry and clearly it wishes to continue to do so.

23 The association acknowledges that abuse occurred
24 within the schools, and that it is apparent that in many
25 respects the processes and the procedures adopted from

1 the 1930s until the schools' closures in the mid 1980s
2 were not good enough. It is committed to assisting the
3 Inquiry in investigating just what did happen. The
4 association of today supports organisations devoted to
5 the care and the welfare of children and young people
6 through the awarding of grants. It wholeheartedly
7 supports the Inquiry's work in this case study and
8 beyond and it wishes to be as active in its involvement
9 in the Inquiry as it can be.

10 Thank you, my Lady.

11 LADY SMITH: Thank you very much, Mr Haywood.

12 Can I now turn to Mr Crosbie, who is here for
13 Aberdeen City Council. When you are ready, Mr Crosbie.

14 Opening submissions by Mr Crosbie

15 MR CROSBIE: Thank you, my Lady, good morning.

16 I appear for Aberdeen City Council and the council
17 continues to be grateful for the work of the Inquiry and
18 indeed the opportunity to participate in the current
19 phase. The council considers that its primary concern
20 in this phase of the Inquiry is in relation to Brimmond
21 Assessment Centre. Its predecessors, Aberdeen Borough
22 Council and Grampian Regional Council, operated Brimmond
23 Assessment Centre from the 1970s up until its closure in
24 1994, and Aberdeen City Council was established
25 two years later.

1 The Inquiry may also hear evidence in respect of
2 Oakbank School in Aberdeen, this was an independent
3 institution, not operated by Aberdeen City Council or
4 its predecessors, albeit the council elected individuals
5 onto the school's board of governors. Oakbank School
6 closed in 2008.

7 In making reference to these institutions' closures
8 in no way do I or the council seek to dismiss the very
9 real experiences suffered by those young people whose
10 care had been entrusted by their Local Authority, who
11 had invariably already experienced adversity in their
12 formative years. The council's position is
13 a straightforward one, my Lady, it apologises
14 unreservedly to those who were let down while in its
15 care.

16 The tenor of the witness statements is clear not
17 only in respect of Brimmond Assessment Centre but across
18 the country. There can be no doubt that some of
19 society's most vulnerable were abused over many years
20 while in residential care centres. There can also be no
21 doubt that children's needs were not properly identified
22 or prioritised. The council recognises its
23 responsibility in listening to and learning from those
24 who have and will continue to share their experiences.
25 The council cannot change the past, but it can do its

1 utmost to ensure that the current and future provision
2 of care to young people in residential institutions is
3 trauma informed and as child focused as it can possibly
4 be. The council believes that it has made significant
5 progress in this respect over many years.

6 Aberdeen City Council is currently directly
7 responsible for three children's homes and commissions
8 third-sector organisations in providing two further
9 homes. In terms of the accommodation itself, structures
10 of the buildings used have changed in order to promote
11 children's autonomy, there is a limit of six children in
12 any of these establishments and each has their own room
13 and en suite bathroom. Importantly, my Lady, and with
14 reference to the focus of the current phase, physical
15 restraint is not used in children's homes in Aberdeen,
16 and has not been used for several years now. The
17 council has invested heavily in training staff in Dyadic
18 Developmental Practice, which is rooted in empathy,
19 acceptance and the understanding of early years trauma
20 and its impact on development. Recording of data and
21 children's advocacy services have also markedly
22 improved, but the council recognises that there cannot
23 be complacency when it comes to safeguarding vulnerable
24 children and it commits to listening to, reflecting on
25 and learning from the evidence that will be led before

1 the Inquiry in the coming weeks and months. The council
2 welcomes the opportunity to contribute in that regard in
3 anticipation of its Chief Social Work Officer,
4 Graeme Simpson, giving evidence as part of this phase of
5 the Inquiry.

6 The mistakes of the past cannot be repeated and
7 Aberdeen City Council is committed to ongoing learning
8 and improvement when it comes to the provision of
9 children's services.

10 I will close these opening submissions, my Lady, by
11 reiterating the council's gratitude to the Inquiry for
12 its ongoing work and to those who continue to show
13 incredible resilience in sharing their experiences.

14 Thank you.

15 LADY SMITH: Thank you very much.

16 Mr Simpson has of course already given me
17 considerable assistance, I look forward to hearing from
18 him again.

19 If I could turn now, please, to Mr Blair, who is
20 here for Inverclyde Council. Mr Blair when you are
21 ready.

22 Opening submissions by Mr Scott Blair

23 MR SCOTT BLAIR: Good morning, my Lady, I am grateful for
24 the opportunity to be heard this morning on behalf of
25 Inverclyde Council.

1 My Lady, at the outset the council would wish to
2 reiterate its gratitude to the Inquiry in allowing it to
3 participate in this phase and to continue to participate
4 in the Inquiry throughout. The objective, the principal
5 objective for the council is to assist the Inquiry in
6 any way possible and the council is ready and willing to
7 learn from the past in order to improve and maintain
8 current good practice.

9 The council also wishes to acknowledge the suffering
10 of all those who were subjected to abuse of any kind in
11 care, and the tremendous courage of those who have come
12 forward to narrate their experiences to the Inquiry.
13 And also to recognise the lived courage of those who
14 have not taken that step, but who nevertheless deal with
15 the issues day on day that they may have experienced.

16 All of this serves as a salutary reminder to all of
17 us of the need for vigilance where the care of the
18 vulnerable is concerned, the devastating consequences
19 that abuse can have and the importance of seizing every
20 opportunity to improve the protections we can offer to
21 the vulnerable in our society. It is very much in that
22 spirit that the council seeks to participate in this
23 Inquiry.

24 Even although the two institutions in relation to
25 which the council has been directed to focus its

1 attention operated before the creation of the council,
2 and even although the allegations of abuse appear to
3 predate the creation of the council, complacency has no
4 place and it will strive to reflect from any lessons
5 that may be learned from that evidence, as well as from
6 the wider experience of children and young persons in
7 residential care from across Scotland.

8 The council will also reflect on what
9 recommendations might be made to the law, in terms of
10 legal change, in terms of policy change, in terms of
11 guidance and indeed practice, as they apply to
12 residential settings.

13 My Lady, at the outset it may be helpful for the
14 Inquiry to learn that the council is one of the smallest
15 Local Authorities in Scotland. As at 30 June 2021, the
16 population of Inverclyde was just short of 77,000
17 people. It is located in the West Coast of Scotland,
18 with the major population centres being centred on
19 Greenock, Gourock and Port Glasgow. Smaller communities
20 are found in the villages of Inverkip, Kilmacolm and
21 Wemyss Bay. Of possible relevance to the Inquiry is
22 that although there are areas of considerable affluence,
23 such as Kilmacolm, Gourock and Inverkip, sadly there are
24 significant issues in relation to deprivation and
25 poverty within the area as a whole, reflected in the

1 rating in the Scottish index of multiple deprivation.
2 The population of Inverclyde may well fall by 2028 to
3 just over 73,000.

4 Until the decline of heavy industry, primarily
5 focused on shipbuilding, the area had been one where
6 employment was plentiful. Even with the decline in
7 economic fortunes, those from Inverclyde still maintain
8 a strong sense of community and a desire to provide the
9 best opportunities that they can for children and young
10 people. The council aims to provide civic leadership
11 and vision as well as resources to ensure that desire is
12 translated into a lived reality.

13 My Lady, it may be helpful for the Inquiry to have
14 a brief overview of current residential care within
15 Inverclyde. Although the Inquiry is currently focused
16 on two former institutions, Langlands Park School in
17 Port Glasgow and Balrossie Residential School in
18 Kilmacolm, it may be helpful to give this brief
19 overview. Currently, there are no residential schools
20 within Inverclyde. There are, however, three children's
21 houses located within the area: The View, in Greenock;
22 Kylemore, in Greenock; and Crosshill, in Port Glasgow.

23 Each of the houses is able to accommodate seven
24 children, and each child has their own bedroom. Six of
25 the bedrooms have an en suite bathroom and the seventh

1 bedroom has access to a shared bathroom. However it is
2 allocated to the young person within the seventh
3 bedroom, to maintain privacy. The children, or indeed
4 young people, who have placed within these particular
5 homes are there for a variety of reasons, in very
6 general terms they will have been assessed on
7 a case-by-case basis and are housed within these homes
8 where there may be no safe or suitable family options or
9 no appropriate foster care placements available. It may
10 also be that some of these children are placed as their
11 needs would not be able to be met within a family
12 placement, or foster care placement.

13 The staff within these homes are trained in
14 promoting positive behaviour. That is mandatory. All
15 staff are also trained in varying levels of trauma
16 training, and indeed undergo further training in terms
17 of the National Trauma Training Programme framework when
18 opportunities arise. In addition, children are also
19 benefiting from staff being trained in Dyadic
20 Developmental Practice.

21 The homes also work in partnership with UNICEF to
22 achieve the Rights Respecting Children's House award and
23 advocacy services are integrated within the homes and
24 each home receives regular training and visits from the
25 children's rights officers. The voice of the child is

1 heard in these homes. The layout of each home and the
2 plans for each home were informed by consultations with
3 children and young people, families and the workforce.

4 My Lady, turning to the historical provision of
5 residential care within Inverclyde, the council has of
6 course provided a detailed response in relation to the
7 Section 21 notice. It has provided addenda in May of
8 this year and of course it has participated in the
9 discussions relating to these framework documents. The
10 Local Authority for the Inverclyde area has since the
11 inception of a state-based care system been involved in
12 the provision of care to children and their families as
13 part of its statutory functions, including the possible
14 placing of children under the Children Act 1948 by the
15 former boroughs of Greenock or Port Glasgow. The
16 authority also had a framework of oversight established
17 through the children's and then social work committees,
18 which were reported to by children's officers and
19 thereafter, with the advent of the 1968 Act, by social
20 workers.

21 However, the principal responsibility for
22 residential care within the area now comprised in the
23 geographical area of Inverclyde lay with the Corporation
24 of Glasgow and, from 1 May 1975, Strathclyde Regional
25 Council, until 1 May 1996. In terms of the history of

1 the provision of social care in this area, the Inquiry
2 will be aware that prior to disaggregation in 1996 the
3 council was one of several authorities whose
4 predecessors had a geographical remit within the
5 regional council's footprint.

6 It is against that background that the council would
7 offer the following by way of an opening in relation to
8 the two institutions under consideration.

9 In relation to Langlands Park School in
10 Port Glasgow, that appears to have started life as the
11 Carnegie Park Orphanage, providing care for boys and
12 girls into the mid 1950s. Evidence indicates that the
13 Church of Scotland social work committee planned to take
14 over the orphanage trust and by 1962 the church had
15 indeed opened the facility as Langlands Park Approved
16 School for girls under the external inspection of the
17 Scottish Education Department. It remained a girls only
18 Approved, or List D School, until the last resident
19 left in 1985. Neither of the council's statutory
20 predecessors appears to have had any responsibility for
21 day-to-day management of the establishment, instead the
22 Church's Social Care Council appear to have maintained
23 accountability for the CrossReach trust, who provided
24 care in the school.

25 From the commencement of the Social Work (Scotland)

1 Act 1968, Langlands required to be registered with the
2 Local Authority, then the Regional Council. The Local
3 Authority was also given powers to enter and inspect
4 schools to ensure the registration was effectively
5 carried out. There were also monitoring duties, which
6 involved inspecting and visiting homes and those
7 accommodated there in. However, to date there have been
8 no records found within the council's possession which
9 evidence inspections or visits by officers. I can say
10 to the Inquiry and my Lady that the search for such
11 records as may exist will continue through this Inquiry
12 process.

13 The council has made every effort to comply with the
14 Section 21 notices issued, and will continue to do so.
15 Research of the borough minutes and committee papers
16 have been undertaken without success. No evidence has
17 been found regarding a statutory predecessor inspecting
18 or visiting Langlands. Enquiries have been made of the
19 church, CrossReach and Police Scotland in 2020 and in
20 2023. The responses are more fully narrated in the
21 addenda provided. However, it is fair to say that no
22 documentation has been made available to the council by
23 any of these parties, and to that extent the ability of
24 the council to assist the Inquiry is made more
25 difficult. Notwithstanding that, the council will

1 continue in dialogue with each of these organisations,
2 and indeed others, in an attempt to recover what
3 information might exist and might not be before the
4 Inquiry.

5 The council has acknowledged through the addenda
6 that witness statements have now been produced to the
7 Inquiry, and while the council has so far been unable to
8 establish evidence of abuse recorded in any of the
9 borough minutes, in light of the witness statements
10 provided to the Inquiry the council plainly acknowledges
11 that allegations of abuse at Langlands do exist. The
12 council is committed to learning from the experiences of
13 those who suffered abuse of any kind whilst in any
14 institution. It recognises there is no place for
15 complacency, and it hopes that the Inquiry will also be
16 able to assist in identifying ways in which the council
17 may make changes or improvements to its current practice
18 to protect such children. The council recognises the
19 value of the Inquiry in holding a mirror up to itself
20 and its practice.

21 In relation to Balrossie, from September 1960
22 onwards Balrossie was run by the Corporation of Glasgow,
23 until transference to the region in 1975. The council
24 was the lead authority in terms of a joint user
25 agreement signed on 1 April 1996, which

1 incorporated: Argyll and Bute Council; West
2 Dunbartonshire Council; East Dunbartonshire Council;
3 North and South Lanarkshire Councils; North, South and
4 East Ayrshire Councils, Renfrewshire and East
5 Renfrewshire Councils; and Glasgow City Council.

6 The agreement ended on 1 April 1998, when Balrossie
7 was closed. The council inherited records from
8 predecessor authorities which dated from the first
9 admission in 1960. Accordingly, the council had only
10 direct involvement with the school for a period of two
11 years, from April 1996 onwards. The council does,
12 though, have an electronically back scanned catalogue of
13 case files of all children who were looked after,
14 although most children were placed there by other Local
15 Authorities.

16 In response to the Section 21 notice, work by the
17 council is still ongoing in terms of reading through the
18 voluminous papers held in relation to the school. Given
19 the size of the archive and the number of files held,
20 this work may take some time to reach anything
21 approaching completion. If any material of relevance is
22 located, the council will of course revert to the
23 Inquiry with that material.

24 Sadly, in relation to Balrossie there are
25 allegations of abuse. Indeed, one personal injury

1 action has been raised in the Court of Session against
2 Glasgow City Council, Renfrewshire Council and
3 Inverclyde Council. As with Langlands, the council
4 acknowledges the witness statements that have been
5 produced and is concerned, notwithstanding that the
6 authority may not have been the authority of the moment
7 when the allegations arose, that children within the
8 area of Inverclyde were abused when they should have
9 been cared for.

10 It should be reiterated that this council is
11 a listening council. It has been listening. It will
12 continue to listen. Its Chief Social Work Officer will
13 give evidence to this Inquiry. It will reflect upon the
14 voices that are raised orally and in the statements that
15 are read in and the evidence more generally. It
16 continues to have contact with survivors, and will
17 assist survivors in approaching the Redress Scheme for
18 assistance, and indeed in any way it can to help
19 survivors move on in their lives.

20 By way of concluding remarks, the council comes to
21 this Inquiry with an open mind and a willingness to
22 learn. It does not doubt that it will benefit from this
23 process. That is to the evident advantage of all
24 children and young people, in the area of Inverclyde and
25 beyond, who may come to live in homes provided by the

1 council.

2 The council would again wish to express its
3 gratitude for being invited to be part of this process
4 and very much looks forward to the coming period.

5 Those are the opening comments and observations of
6 the council in this matter, my Lady.

7 LADY SMITH: Thank you, Mr Blair.

8 I note the ongoing position with the records and
9 your assurance that the search continues. I look
10 forward to hearing its outcome if anything arises from
11 that that is of assistance to me.

12 MR SCOTT BLAIR: I am grateful, my Lady.

13 LADY SMITH: Could I now turn to Mr Henry, please, who is
14 here to represent St Philip's School.

15 Opening submissions by Mr Henry

16 MR HENRY: Yes, good morning, my Lady, I appear on behalf of
17 St Phillip's School.

18 My Lady, St Philip's School is grateful for the
19 opportunity participate in the Inquiry's ongoing work
20 and seeks to reemphasise its commitment to assisting the
21 Inquiry in any way that they can. St Philip's School
22 was served with Section 21 notices requesting responses
23 and documentation relating to this case study, which
24 have been duly provided to the Inquiry. St Philip's
25 School has endeavoured to answer as fully as it can,

1 using what records exist in light of the passage of
2 time. From the information sought by the Inquiry and
3 with the information released to parties by the Inquiry
4 earlier this year, it appears to those instructing me
5 that St Philip's School may have an interest in the
6 testimonies to be offered in this case study.
7 St Philip's School therefore, my Lady, considers it
8 appropriate that they exercise their leave to appear in
9 this case study.

10 My Lady, St Philip's School apologises unreservedly
11 for any abuse which occurred in the establishment. It
12 seeks ways to support survivors, while acknowledging the
13 suffering that they have experienced and their bravery
14 in coming forward to this Inquiry. My Lady, that is the
15 context in which I appear before the Inquiry on behalf
16 of St Philip's School.

17 My Lady, the school is grateful for this opportunity
18 to participate in the Inquiry proceedings, and shall
19 continue to assist the Inquiry in any way that they can.

20 My Lady, those are the submissions on behalf of
21 St Philip's School.

22 LADY SMITH: Thank you, Mr Henry.

23 Returning to Mr Thomson, please, who also represents
24 the Salesians of Don Bosco. Mr Thomson.

25

1 Opening submissions by Mr Thomson

2 MR THOMSON: I am obliged, my Lady.

3 These opening remarks are meant to confirm the
4 commitment of the Salesians of Don Bosco to assist the
5 Inquiry.

6 The Salesians offer a full and unreserved apology to
7 all who suffered abuse of any kind. The Salesians have
8 been assisting and will continue to do so in an open
9 manner. The Salesians wish to learn from the past
10 through this Inquiry and participate fully in any
11 process which improves the protection and care of
12 children. The Salesians will participate in the Inquiry
13 and study and engage with its findings. Father Briody,
14 the Salesian Provincial Superior, is present today,
15 along with Father Williams, the Salesians safeguarding
16 lead. They intend to be present throughout when any
17 evidence is led directly concerning the school. They
18 recognise the utmost importance of hearing these
19 accounts in person and without challenge.

20 The Salesians of Don Bosco, a Roman Catholic
21 religious congregation, were founded by St John Bosco in
22 Turin in the mid 19th century. The Salesians first came
23 to Scotland in 1950. They established St Teresa's
24 Children's Home at Aberdour.

25 In 1960 St Teresa's became St John Bosco School,

1 a residential Approved School, and later a List D
2 School. The role its members played in the school ended
3 in 1983. The Salesians remain active in over 130
4 countries and in several thousand schools. They work
5 educating and caring for young people, compliant with
6 local safeguarding and regulatory regimes. Lessons
7 learned from the important work of this Inquiry will
8 help the Salesians who work across the world.

9 It is with great sadness that the Salesians learned,
10 contrary to all that they stand for, that some pupils at
11 St John Bosco School suffered physical, sexual and
12 emotional abuse, the abuse that some describe as
13 something that no child should ever have to endure.
14 They thank and respect those who have found the courage
15 to come forward and share their accounts of what
16 happened to them, difficult though this must have been.

17 In recognition of their responsibilities, and in
18 seeking to assist and help those abused, the Salesians
19 of Don Bosco have signed up from its outset as
20 a contributor to the Redress Scotland scheme. During
21 the period when the Salesians had members engaged in the
22 school, the school was operated by a board of managers.
23 The managers included clergy who were not Salesians,
24 Local Authority councillors, a local doctor and local
25 dignitaries. The managers met monthly. The managers

1 had legal responsibility for the school and played
2 a significant part in the school's operations. The
3 managers employed the staff, Salesians included. The
4 head and some teachers and social workers were members
5 of the Salesians.

6 An understanding of roles and responsibilities
7 between managers and Salesians has possibly become less
8 clear as time has passed. This is perhaps due in part
9 to the managers having ceased to exist. The foregoing
10 is not meant to diminish the Salesians' significant role
11 in the daily operations of the school.

12 On closure of the school, the Salesians retained
13 documentation. The minutes of the managers' meetings
14 shed light upon the interaction of the managers with the
15 school, as well as the role played by the Salesians in
16 the school. All of these are available to the Inquiry.
17 The Salesians will continue to do their best to comply
18 with any further request for additional documentary
19 information. The Salesians have received six civil
20 claims in recent years and a number of redress payments
21 have already been made.

22 I end by restating that the Salesians completely and
23 unreservedly apologise to all those who suffered abuse
24 at the school.

25 Thank you, my Lady.

1 LADY SMITH: Thank you for that, Mr Thomson.

2 Again, I note what you say about both the Superior
3 and the Father who leads on safeguarding being present
4 today and keenly interested to hear the evidence
5 relating to them. I am pleased to note that, thank you.

6 Can I go back to Mr Henry and what he has to say
7 about the Good Shepherd Sisters, please?

8 Opening submissions by Mr Henry

9 MR HENRY: Yes, my Lady, I appear on behalf of the Good
10 Shepherd Sisters.

11 Firstly, my Lady, on behalf of the Good Shepherd
12 Sisters, the order is grateful for the opportunity to
13 participate in the Inquiry's ongoing work and seeks to
14 reemphasise its commitment to assisting the Inquiry in
15 any way it can.

16 The order would like to reiterate its apology for
17 those who suffered any abuse, and has asked me to pass
18 on their greatest sympathies for survivors who have
19 suffered from any abuse and indeed for all those who
20 feel let down by the care system.

21 The order was served with Section 21 notices
22 requesting responses and documentation relating to this
23 case study, which have been duly provided to the
24 Inquiry. From the information sought by the Inquiry,
25 and with the information released to parties by the

1 Inquiry earlier this year, it appears to those
2 instructing me that the Good Shepherd Sisters may have
3 an interest in the testimonies to be offered in this
4 case study. The Good Shepherd Sisters, my Lady,
5 therefore consider it appropriate that they exercise
6 their leave to appear in this case study.

7 My Lady, on behalf of the Good Shepherd Sisters,
8 I reiterate their appreciation for the opportunity to
9 participate in the Inquiry and their hope and desire
10 that the Inquiry's work will go towards providing the
11 survivors with the closure that they seek. My Lady, the
12 Good Shepherd Sisters in their closing statement to
13 Phase 1 of this Inquiry made clear that they deplore
14 abuse of children in any form, and that they are happy
15 to assist your Ladyship's Inquiry in any way required of
16 them. Those points are reiterated here again, my Lady.

17 Unless I can assist your Ladyship any further, that
18 concludes the opening statement for the Good Shepherd
19 Sisters.

20 LADY SMITH: I have no other questions, thank you, Mr Henry.

21 Now Mr Gray, for the Kibble Education & Care Centre,
22 please.

23 Opening submissions by Mr Gray

24 MR GRAY: Thank you, my Lady.

25 As my Lady has indicated, I appear on behalf of the

1 Kibble Education & Care Centre. My Lady, the centre has
2 taken a concerned interest at all times in the issues to
3 be explored in this phase of the Inquiry and I can
4 indicate that present at today's hearing is
5 James Gillespie, its chief executive, and that senior
6 representatives will of course attend future hearings
7 which relate to Kibble.

8 My Lady, by way of brief background, Kibble
9 Education & Care Centre is a care facility providing
10 residential care and support to young people who have
11 been referred by Local Authorities. Kibble School was
12 founded in July 1859 by the charitable bequest of
13 Ms Elizabeth Kibble. Since that time, Kibble has
14 operated as a farm school, reformatory, from 1859 to
15 1934, as an Approved School from 1934 to 1971, and
16 a List D School from 1971 to 1995, before becoming
17 Kibble Education & Care Centre, as it is known today,
18 from 1995.

19 My Lady, Kibble is committed to assisting the
20 Inquiry in its investigations wherever possible. To
21 date, Kibble has provided detailed and comprehensive
22 written responses to several Section 21 notices, and has
23 produced extensive records, some dating back to 1930,
24 relevant to the Inquiry's requests.

25 My Lady, Kibble will continue honouring its

1 commitment to the Inquiry and to the young people in its
2 care, by listening to and reflecting upon the evidence
3 given in these Phase 8 hearings, irrespective of whether
4 the evidence is directly relative to Kibble or to the
5 care sector more generally.

6 My Lady, Kibble is here to listen, to understand, to
7 reflect and to act where necessary.

8 My Lady, Kibble is determined to ensure that any
9 good practices or learning opportunities which may be
10 identified during this phase of the Inquiry's hearings,
11 and at the conclusion of the Inquiry are considered and
12 actioned. My Lady, Kibble intends to be instrumental
13 and proactive in implementing any recommended changes to
14 current practices across the care sector, wherever
15 possible. My Lady, this is a reflection of Kibble's
16 dedication to assist in improving the quality of care
17 received by young people, not only at Kibble but across
18 Scotland.

19 My Lady, Kibble would like to express its deepest
20 and most profound sympathies to all those who have been
21 the victims of abuse whilst in care in Scotland,
22 including those from whom the Inquiry will hear evidence
23 over the coming weeks and months. We recognise that the
24 giving of evidence is likely for many, if not indeed
25 all, witnesses to be both extremely challenging and

1 emotional in equal measure. In these circumstances,
2 Kibble does not intend applying to the Inquiry to ask
3 any questions of applicants giving evidence relating to
4 Kibble.

5 My Lady, those are my submissions.

6 LADY SMITH: Thank you, Mr Gray.

7 I note gratefully the attendance of Mr Gillespie,
8 the Chief Executive Officer, today. And also the
9 reassurance that Kibble's intention is not to ask for
10 the opportunity to pose any questions to applicants.
11 That's very helpful.

12 If I could return to Mr Henry and I think Mr Henry
13 also represents St Mary's Kenmure.

14 I am ready to hear you when you are ready.

15 Opening submissions by Mr Henry

16 MR HENRY: Yes, my Lady, I appear also on behalf of St
17 Mary's Kenmure.

18 Again, my Lady, St Mary's Kenmure are grateful for
19 the opportunity to participate in the Inquiry's ongoing
20 work, and they too seek to reemphasise their commitment
21 to assisting the Inquiry in any way that they can.

22 St Mary's Kenmure was served with Section 21 notices
23 requesting responses and documentation relating to this
24 case study, and such material has been duly provided to
25 the Inquiry. St Mary's Kenmure has endeavoured to

1 answer as fully as it can, using what records exist in
2 light of the passage of time. From the information
3 sought by the Inquiry, and given the information
4 released to parties by the Inquiry earlier this year, my
5 Lady, St Mary's Kenmure consider that they have
6 an interest in the testimonies to be offered in this
7 case study. St Mary's Kenmure therefore consider it
8 appropriate that they exercise their leave to appear in
9 the case study.

10 My Lady, St Mary's Kenmure offer their unreserved
11 apologies for any abuse which occurred within the
12 establishment. They seek to support survivors in any
13 way that they can, they acknowledge the suffering that
14 survivors have experienced, and the bravery of those
15 survivors in coming forward to your Ladyship's Inquiry.

16 My Lady, that's the context in which I appear before
17 the Inquiry on behalf of St Mary's Kenmure, and
18 St Mary's Kenmure are grateful for the opportunity to
19 participate in the Inquiry proceedings and will
20 endeavour to assist the Inquiry in any way that they
21 can.

22 Unless there are any other matters in which your
23 Ladyship requires to be addressed.

24 LADY SMITH: Thank you, Mr Henry.

25 Now back to Mr Haywood, who is also here for Rossie

1 Young People's Trust, is that right, Mr Haywood?

2 Opening submissions by Mr Haywood

3 MR HAYWOOD: Thank you, my Lady, yes, I appear for Rossie
4 Young People's Trust.

5 The trustees and the Chief Executive of Rossie Young
6 People's Trust are grateful for the opportunity to
7 participate in the case study, and to be able to make
8 an opening statement.

9 Rossie's history dates back to 1857. That's over
10 166 years, and in that time it has supported more than
11 11,000 young people. That's a long history, and that is
12 an enormous number of lives for any organisation to have
13 been involved with. The stated aim of today's Rossie is
14 to protect and improve the wellbeing of the young people
15 in its care. To that end it is committed to developing,
16 improving and innovating on the care it provides. It
17 aspires to be a centre of excellence, as it seeks to
18 improve the wellbeing of young people who have been
19 exposed to adverse childhood experiences. In recent
20 years it has been the recipient of many external awards
21 and accolades. But those are only words. To have
22 genuine meaning, Rossie knows that it must also
23 acknowledge its history and own its past. All of it.

24 Through the preparatory work for the Inquiry, the
25 trust has recognised and acknowledged that it was not

1 always the case that young people received the excellent
2 care that is exhibited by the Rossie of today. There
3 are aspects of its history that are are unacceptable.
4 So, it welcomes this opportunity to acknowledge that
5 fact, and to publicly apologise to all those harmed by
6 past failings. The trust seeks to face all this with
7 honesty. It has demonstrated this, or it hopes it has
8 demonstrated this, by its early involvement in Redress
9 Scotland, it was one of the first participants.

10 It welcomes the scrutiny, transparency and
11 accountability of this Inquiry process, and it is
12 wholeheartedly committed to the work of the Inquiry.
13 The trust is approaching the case study with humility
14 and a desire to listen and to learn. It wants to play
15 a responsible and active part in the process of
16 advancing the way in which Scotland as a society
17 provides for young people who find themselves in need of
18 the sort of care that organisations like it provide. It
19 sees this case study and its involvement as an important
20 part in that improving journey.

21 Thank you, my Lady.

22 LADY SMITH: Thank you very much, Mr Haywood.

23 I take on board what you say about the work in
24 preparation for this phase having enabled the
25 organisation to wake up to the fact that children did

1 not always receive excellent care at all, and they
2 acknowledge that. That is noted, thank you.

3 Mr Batchelor, I think you are here for City of
4 Edinburgh Council, do I have that right?

5 Opening submissions by Mr Batchelor

6 MR BATCHELOR: That's correct, my Lady, thank you.

7 The City of Edinburgh Council came into existence in
8 1996, following local government reorganisation.

9 Between 1975 and 1996 Lothian Regional Council were
10 responsible for local government in Edinburgh and the
11 Lothians.

12 Prior to 1975 Edinburgh Corporation was the Local
13 Authority responsible for the city of Edinburgh.

14 This case study will consider three establishments
15 run by the council and its predecessor authorities,
16 Wellington School, St Katharine's and Howdenhall.

17 Wellington School in Penicuik was established in
18 1859. It later became an Approved School and a List D
19 School. From 1975 it was used as a resource by Lothian
20 Regional Council.

21 Until 1989 Wellington was operated by the Scottish
22 Education Department.

23 From 1989 to 1996 it was operated by Lothian
24 Regional Council, although located in the Midlothian
25 Council area, on disaggregation in 1996 Edinburgh City

1 Council took on responsibility for Wellington,
2 Wellington closed in 2014.

3 St Katharine's and Howdenhall are located on
4 adjacent sides in Edinburgh. What is now known as the
5 Howdenhall Centre initially opened in 1968 and was used
6 broadly as an assessment centre until 1984.

7 From 1985 onwards it had a secure unit, and a unit
8 providing close support.

9 Since June 2023 Howdenhall is no longer a secure
10 unit, it is currently being repurposed as a residential
11 home to support children when they first come into care
12 and will offer intensive support so that children can
13 return home.

14 The St Katharine's Centre was established in 1994 to
15 provide secure and close support accommodation for young
16 people, it also provided a throughcare and aftercare
17 service. The St Katharine's secure unit closed in 2016.

18 The council acknowledges that children cared for at
19 the three establishments in question were abused. The
20 council is aware of one relevant criminal conviction, in
21 2016 a former employee, Gordon Collins, was convicted of
22 the sexual abuse of a child at St Katharine's, as well
23 as children at other council establishments. He was
24 sentenced to ten years in prison.

25 In addition, a number of detailed reports and

1 reviews relevant to the present case study have been
2 commissioned by the council and its statutory
3 predecessors. A whistle blowing report commissioned in
4 2021 revealed widespread use of abusive restraint and
5 isolation practices at St Katharine's and Howdenhall
6 between 2006 and 2019. It is a matter of significant
7 concern to the council that such practices have been
8 found to have been taking place, and so recently. The
9 council acknowledges that there were widespread failures
10 in its systems in residential care.

11 There is also a concerning pattern from the 1990s
12 onwards of a failure to learn lessons from previous
13 inquiries and investigations. In particular there has
14 been a cycle of abuse, inquiry and attempted but limited
15 change. The council also acknowledges that there were
16 failures or deficiencies in response to allegations of
17 abuse, both at an individual and at an organisational
18 level. The City of Edinburgh Council apologises to all
19 those who suffered abuse as children while in the care
20 of the council or its predecessor authorities.

21 In terms of moving forward, the council has
22 formulated a detailed improvement plan following on the
23 whistle blowing report. The detail of that plan has
24 been provided to the Inquiry. One important development
25 is that the council was successful in its application to

1 part of the rethinking restraint pilot programme, run by
2 Aberlour and Kibble. The pilot aims to eradicate the
3 use of physical restraint in residential childcare
4 services in Scotland. The council is fully committed to
5 assisting the Inquiry with its work and to best practice
6 in residential and secure childcare.

7 Thank you.

8 LADY SMITH: Thank you very much, Mr Batchelor.

9 It is now getting close to 11.30 am, which is when
10 I normally take a short break.

11 I will take the morning break now, and resume again
12 at around 11.45 am.

13 (11.27 am)

14 (A short break)

15 (11.45 am)

16 LADY SMITH: Welcome back. We move on to another set of
17 providers. The next one I would like to invite is South
18 Lanarkshire Council. Mr Watson, you are here for South
19 Lanarkshire. When you are ready.

20 Opening submissions by Mr Watson

21 MR WATSON: Yes, my Lady I do appear on behalf of South
22 Lanarkshire Council and also present through the online
23 facility is Margaret Mary Wilson of the council.

24 My Lady, South Lanarkshire Council's involvement in
25 this phase relates to Calder House. The council became

1 responsible for its management from the disaggregation
2 of Strathclyde Regional Council in 1996, until its
3 closure in 2012. South Lanarkshire Council has provided
4 a detailed response to the Section 21 notice, based on
5 the unfortunately limited information now available to
6 it. It is apparent that record keeping was incomplete.
7 The council apologises both to the Inquiry and to those
8 who were resident at Calder House for the fact that many
9 records are now unavailable.

10 South Lanarkshire Council will not seek to challenge
11 the evidence of applicants who were resident at Calder
12 House. The council acknowledges and agrees that the
13 standard of care and the practices described in their
14 statements were not acceptable at those times. The
15 council would like to take this opportunity to apologise
16 to all those children who had been in their care at
17 Calder House and who did not receive the appropriate
18 level of care and protection. They apologise in
19 particular to any child who suffered abuse, whether from
20 a member of staff or from another resident.

21 When this phase progresses to review Calder House,
22 South Lanarkshire Council will take a full and active
23 part. They will listen to applicant evidence with care.
24 They will respond to any further Section 21 notices or
25 requests from the Inquiry. They will provide detailed

1 closing submissions at the appropriate point.

2 The council is grateful for this opportunity to
3 participate, to listen, to reflect and to respond.

4 My Lady, that is the opening statement on behalf of
5 South Lanarkshire.

6 LADY SMITH: Thank you.

7 Could I also, Mr Watson, invite you to move on to
8 address me on behalf of East Lothian Council, as well,
9 please.

10 Opening submissions by Mr Watson

11 MR WATSON: Yes, my Lady.

12 East Lothian Council's involvement in this phase
13 relates to St Joseph's School. This school was founded
14 in 1889, was taken over by the De La Salle Brothers in
15 1920, became an Approved School in 1933, had its
16 management transferred to Lothian Regional Council in
17 1989 and closed in 1998.

18 East Lothian Council was formed on the
19 disaggregation of Lothian Regional Council in 1996.
20 Management transferred to the council at that point.
21 Their direct involvement with St Joseph's was,
22 therefore, very limited and largely related to its
23 closure.

24 Most documentation relating to the period prior to
25 disaggregation was retained by City of Edinburgh

1 Council. However, East Lothian Council has sought to
2 respond based on all of the information available to it,
3 and prior to the formation of Lothian Regional Council
4 in 1975, the predecessor authority was East Lothian
5 County Council. Where possible the council has also
6 responded in respect of that period. However, to
7 a large extent any records predating the formation of
8 the regional councils are not now held by East Lothian
9 Council.

10 The council has sought to respond to Section 21
11 notices from the Inquiry with clarity and based on the
12 information available. If there are further queries as
13 applicant evidence progresses, East Lothian Council will
14 be very happy to undertake further searches and to
15 respond. They are committed to assisting the Inquiry as
16 fully as possible.

17 East Lothian Council will follow closely the
18 evidence relating to St Joseph's during the chapter for
19 the De La Salle institutions at the start of next year.
20 They will also provide detailed closing submissions at
21 the appropriate stage.

22 However, in advance of that, East Lothian Council
23 wants to renew and restate their commitment to the
24 ongoing improvement of safeguarding for children within
25 their care.

1 To any child who suffered abuse within their care,
2 they offer a heartfelt and sincere apology.

3 To those who are in care now they renew their
4 commitment to listen, to learn and to seek to adopt best
5 practice. Their hope is that this Inquiry will share
6 and help shape best practice for the coming years.

7 East Lothian Council well understands the
8 responsibility on them, and they commit themselves
9 wholeheartedly to the work of this Inquiry so that the
10 wrongs of previous years within this sector will not be
11 repeated.

12 East Lothian Council is grateful for the opportunity
13 to take part in this case study. That participation
14 will allow them to listen to and to reflect on the
15 evidence of applicants, particularly of course those who
16 speak to their experience at St Joseph's.

17 My Lady, that is the opening statement on behalf of
18 East Lothian Council.

19 LADY SMITH: Thank you very much.

20 I would like to turn to Renfrewshire Council and
21 Mr Blair is here to represent Renfrewshire. When you
22 are ready, Mr Blair.

23 Opening submissions by Mr David Blair.

24 MR DAVID BLAIR: Good morning, my Lady.

25 On behalf of Renfrewshire Council, may I thank the

1 Inquiry for allowing it to participate in this important
2 phase of the Inquiry's work. I intend to keep my
3 submissions brief this morning, and that reflects the
4 fact that from the council's perspective this is a time
5 for listening and for reflection.

6 Renfrewshire Council was established in terms of the
7 Local Government etc (Scotland) Act 1994. Prior to 1996
8 the geographic area now governed by Renfrewshire Council
9 was part of the Strathclyde Regional Council area.

10 As regards its remit in this case study,
11 Renfrewshire Council inherited responsibility for the
12 Newfield Assessment Centre in Johnstone from Strathclyde
13 Regional Council on 1 April 1996.

14 The centre opened under Strathclyde Regional
15 Council's governance in 1975.

16 In November 1999 Newfield closed and, following
17 a refurbishment of the building, the centre was renamed
18 Rowanlea and reopened in August 2000. Renfrewshire
19 Council maintained day-to-day management of Rowanlea
20 until it finally closed in 2013.

21 For the period between 1996 and 2013, when it was
22 under the management of the council, the council
23 believes 543 children were placed at Newfield, usually
24 for short periods prior to being transferred to a more
25 permanent setting.

1 Renfrewshire Council is committed to assisting this
2 Inquiry in any way it can, my Lady. The council has
3 produced a Section 21 response and John Trainer, the
4 council's Chief Social Work Officer, is in a position to
5 give evidence in relation to Newfield and to
6 Renfrewshire Council's response to the Inquiry in this
7 case study.

8 As regards Newfield, I would restrict myself to the
9 following three short preliminary observations, my Lady.

10 Firstly, as already noted Newfield was in operation
11 for many years prior to Renfrewshire Council assuming
12 responsibility for the centre. I note that because it
13 is important as it means the records available to the
14 council are limited. Renfrewshire Council does not hold
15 records for the centre prior to its assuming
16 responsibility for the centre in 1996. In its
17 Section 21 response the council has sought to set out
18 what information it does hold in relation to the centre.
19 But it must be acknowledged that this will necessarily
20 paint an incomplete picture of the centre's history. If
21 there are further requests for information from the
22 Inquiry, the council will of course provide all of the
23 information that it can within that context.

24 Secondly, my Lady, Newfield was an assessment
25 centre. As a result, it was ordinarily a stepping stone

1 for residents prior to being placed in a more permanent
2 setting. Placements at Newfield tended to be for
3 a relatively brief period. Accordingly, the experiences
4 of residents at Newfield will again paint an incomplete
5 picture of those residents' experiences in care more
6 generally. Nonetheless, the temporary nature of their
7 time at Newfield presents a specific and important
8 context and no doubt there are lessons to be drawn by
9 the Inquiry with regards to that specific context.

10 Thirdly, my Lady, it is clear that abuse happened at
11 Newfield. Newfield was intended to be a first step
12 towards a more settled and supportive life for its
13 residents. It is clear that on occasion that was not
14 the case. The Inquiry will hear evidence from witnesses
15 who report abuse by staff and by other residents during
16 the period in which the centre was managed by
17 Strathclyde Regional Council. Renfrewshire Council's
18 Section 21 response highlights that there were reports
19 of abuse during its management of the centre as well.

20 Further, the response notes that reference only to
21 complaints relating to abuse is likely to understate the
22 full extent of abuse that may have happened at the
23 centre.

24 To any resident who suffered abuse at Newfield, the
25 council extends a full and frank apology. Such abuse

1 should never have happened. The council is committed to
2 using this process both to listen to survivors' accounts
3 and to learn lessons to ensure that such abuse cannot be
4 allowed to happen again.

5 In reflection of that commitment, my Lady, the
6 council will be present to hear evidence of all
7 residents of Newfield who give evidence during this case
8 study.

9 My Lady, that is, I think, all that can usefully be
10 said at this time. Now from the council's perspective
11 it is a time to listen.

12 LADY SMITH: Thank you very much for all of that, Mr Blair,
13 including the recognition that a focus on complaints is
14 insufficient because it is likely to understate the full
15 extent of abuse. This is something I have seen again
16 and again and again in case studies and it is important
17 to recognise that.

18 Could I turn to Mr Macpherson for the Archdiocese of
19 St Andrews & Edinburgh?

20 Opening submissions by Mr Macpherson

21 MR MACPHERSON: Thank you, my Lady.

22 As my Lady says, I represent the Archdiocese of St
23 Andrews & Edinburgh. The archdiocese is grateful for
24 leave to appear in this phase of the Inquiry. The
25 archdiocese traces its history back to the founding of

1 the diocese in St Andrews in the 14th century.
2 Following the Reformation it was reestablished in 1978.
3 The present archbishop is the Most Reverend Leo Cushley.

4 The archdiocese of today has as its main purpose the
5 service of the 130,000 Catholics in its geographical
6 area, which is bounded by Dunbartonshire to the west,
7 the Borders to the south, Fife to the east and Stirling
8 to the north. It does this through the advancement of
9 the Christian religion, through Catholic education and
10 by seeking to alleviate poverty in the community. The
11 archdiocese works together with the See of Rome and its
12 Bishop, Pope Francis.

13 The archdiocese sought leave to appear in this phase
14 of the Inquiry on account of its connection with
15 St Joseph's School in Tranent, St Joseph's was
16 originally established as an orphanage and school in
17 1812.

18 In 1888 the archdiocese acquired the building for
19 use as a school for Catholic boys.

20 In 1914 the De La Salle Brothers were invited to
21 take over the running of the school by the then
22 archbishop.

23 As my Lady has heard, in 1932 it became an Approved
24 School and in 1971 a List D School.

25 In 1989 the school was taken over by the social work

1 department of Lothian Regional Council. The archdiocese
2 remained the proprietor of the school building until it
3 was sold in 2015.

4 The archdiocese has sought to assist the Inquiry
5 wherever possible and has responded to the request for
6 information in its formal report under section 21 of the
7 2005 Act. It has supplied the Inquiry with a full list
8 of all documents in its possession that may be relevant
9 to the Inquiry's investigation.

10 To say a little about the material provided in
11 relation to St Joseph's School, this includes a copy of
12 an agreement that was entered into between the
13 archdiocese and the De La Salle Brothers in 1914, and
14 which dealt with the running of the school. This
15 agreement provided that the running of the school on
16 a day-to-day basis was the responsibility of the Brother
17 Superintendent, being the headmaster appointed by the
18 De La Salle order. The Brother Superintendent reported
19 to a board of managers, although the archbishop had
20 a role in the appointment of some members of the board,
21 the board was a distinct entity from the archdiocese.

22 It is the understanding of the archdiocese that the
23 arrangements for and responsibilities in relation to the
24 school remained as governed by the 1914 agreement, until
25 the school was taken over by the Lothian Regional

1 Council in 1989. Once a religious order such as the
2 De La Salle Brothers becomes established it is removed
3 from the supervision of the local diocese and is placed
4 under the direct authority and supervision of the Holy
5 See in Rome, the De La Salle Brothers were not under the
6 supervision of the archdiocese. The archdiocese did
7 have a formal role in relation to the school, the
8 archbishop gave his approval to the appointment by the
9 De La Salle order of headmasters. From time to time,
10 some members of the board were priests of the
11 archdiocese, however in practical terms the powers to
12 appoint headmasters and staff lay with the order.

13 The archdiocese first became aware of allegations of
14 abuse at the school in about 1993, when a letter was
15 sent from the De La Salle Provincial to the then
16 archbishop about an allegation of assault.

17 In 2010, the archdiocese was sent a letter by
18 an individual alleging abuse by a headmaster at the
19 school.

20 In recent years, the archdiocese has had
21 correspondence with solicitors and others in relation to
22 claims for abuse at the school, although the claims have
23 not been directed against the archdiocese itself. The
24 archdiocese wishes to make it clear to the Inquiry that
25 it takes allegations of abuse seriously. It has been

1 deeply concerned to hear of abuse suffered by those who
2 were already vulnerable at the hands of those at
3 St Joseph's who were meant to be caring, guiding and
4 looking after them. The archdiocese has followed the
5 work and findings of the Inquiry to date, in particular
6 as it has related to abuse in the context of religious
7 care and education. The archdiocese is most grateful
8 for the opportunity to appear in this phase and to make
9 this statement. The archdiocese undertakes to assist
10 the Inquiry in any way that it can.

11 Thank you, my Lady.

12 LADY SMITH: Thank you, Mr Macpherson.

13 Turning to the Roman Catholic Archdiocese of
14 Glasgow, Mr Henry, I think you are here for them, is
15 that right?

16 Opening submissions by Mr Henry

17 MR HENRY: Yes indeed, my Lady, thank you once again.

18 I appear on behalf of the Roman Catholic Archdiocese
19 of Glasgow. The Archdiocese is grateful for the
20 opportunity to participate in the Inquiry's ongoing work
21 and it too seeks to reemphasise its commitment to
22 assisting the Inquiry in any way that it can.

23 The Roman Catholic Archdiocese of Glasgow was served
24 with Section 21 notices requesting responses and
25 documentation relating to this case study, which have

1 been duly provided to the Inquiry. The Roman Catholic
2 Archdiocese of Glasgow has endeavoured to answer as
3 fully as they can, using what records exist and are
4 available to it in light of the passage of time. From
5 the information sought by the Inquiry, and with
6 information given by the Inquiry to parties earlier this
7 year, it appears to the Roman Catholic Archdiocese of
8 Glasgow that it may have an interest in the testimonies
9 to be offered in this case study. The Archdiocese,
10 therefore, considers it appropriate that they exercise
11 their leave to appear in this case study.

12 My Lady, the Archdiocese are clear that in
13 exercising their leave to appear they are in no way
14 seeking to challenge the evidence of any survivors and
15 will not be seeking to have any questions put to the
16 survivors when they give evidence, my Lady.

17 My Lady, the Roman Catholic Archdiocese of Glasgow
18 acknowledges the suffering that those survivors have
19 experienced and the bravery of the survivors who have
20 come forward to this Inquiry and it seeks to support
21 survivors in any way that it can. My Lady, that is the
22 context in which I appear on behalf of the Roman
23 Catholic Archdiocese of Glasgow.

24 The Archdiocese is grateful for the opportunity to
25 participate in the Inquiry's proceedings, and will of

1 course continue to assist the Inquiry in any way that it
2 can.

3 Thank you, my Lady.

4 LADY SMITH: Thank you very much.

5 Now, Mr McClure for the Care Inspectorate. Welcome
6 back.

7 Opening submissions by Mr McClure

8 MR MCCLURE: Thank you, my Lady, good afternoon.

9 As my Lady indicates, I appear on behalf of the Care
10 Inspectorate. The Care Inspectorate is
11 a non-departmental public body which fulfils a range of
12 statutory functions including the regulation, that is to
13 say registration and inspection of and reporting upon
14 a range of what statute terms care services. In
15 addition, it is the role of the Care Inspectorate to
16 consider complaints about such services.

17 The Care Inspectorate was established on 1 April,
18 2011 and is the statutory successor to the Care
19 Commission, which came into existence on 1 April, 2002.
20 The types of care service in respect of which the Care
21 Inspectorate has a role includes secure accommodation
22 services as defined in schedule 12 to the Public
23 Services Reform (Scotland) Act 2010. The establishments
24 of interest to the Inquiry and its current work includes
25 a number of care services which have either in the past

1 been or which are at present registered with the Care
2 Inspectorate or were registered with its predecessor as
3 types of service which are not secure in nature. While
4 they may have at one time in the past been secure in
5 nature, they have subsequently been registered as care
6 homes for children and young people, or as school care
7 accommodation services, where children and young people,
8 while not entirely free of restrictions, are not
9 deprived of their liberty.

10 I say, that my Lady, to set out that the interest of
11 the Care Inspectorate in this phase of the Inquiry
12 therefore extends beyond that which it or its
13 predecessor have regulated as secure accommodation
14 services.

15 In the course of the Inquiry's preparations for this
16 phase of hearings, the Care Inspectorate has responded
17 to a wide ranging Section 21 notice, which resulted in
18 the submission of approximately 8500 documents to the
19 Inquiry, in addition to a report for the Inquiry. While
20 complying with that Section 21 notice was an onerous
21 undertaking, the Care Inspectorate fully appreciates the
22 importance of doing so.

23 I would, in that regard, wish to acknowledge the
24 helpful approaches adopted by the Inquiry's legal team,
25 which assisted the Care Inspectorate in achieving timely

1 compliance with that notice.

2 The Care Inspectorate, as it has done throughout the
3 Inquiry to date, remains committed to assisting the
4 Inquiry as far as it can. It also remains committed to
5 taking from the evidence heard by the Inquiry and the
6 findings and recommendations it will make in due course
7 any learning that may assist it to fulfil its functions
8 to the best of its ability, in the interests of
9 protecting the vulnerable and in doing that across the
10 full range of services varying types, which are
11 currently 11,000 or so in number, which it is charged by
12 statute with regulating.

13 In the course of this phase of the Inquiry, it will
14 hear evidence from two very experienced members of the
15 Care Inspectorate staff. They are Helen Harper, Chief
16 Inspector, from whom the Inquiry has heard on a previous
17 occasion, and Andrew Sloane, a team manager who manages
18 a team of inspectors engaged on relevant work. This, it
19 is hoped, should allow the Inquiry to gain both
20 a strategic overview and an operational perspective
21 which, taken together, is hoped it will allow the
22 Inquiry to have a comprehensive picture, one which will
23 include current regulatory practice in relation to
24 secure accommodation and which will allow the Inquiry to
25 understand the challenges which remain around that work.

1 The Care Inspectorate's hope is that by doing so, that
2 will allow the Inquiry to identify improvements in
3 practice that may help to make children and young people
4 safer, and to make recommendations accordingly in due
5 course.

6 The Inquiry can, however, be assured that the Care
7 Inspectorate will not simply await the Inquiry's
8 recommendations and will continue to seek proactively to
9 improve the way in which it carries out its work
10 informed, where appropriate, by matters highlighted by
11 the Inquiry or the evidence it hears.

12 Unless I can assist, my Lady, further, that
13 concludes the Care Inspectorate's opening statement.

14 LADY SMITH: No, that's very helpful, thank you very much,
15 Mr McClure, and can I thank you for expressly
16 acknowledging your gratitude to the Inquiry's legal
17 team, who, as you can imagine, have been working
18 extraordinarily hard to get us to the stage we are at
19 today. Some of them are here and I am sure they will
20 pass on that gratitude to those who are not.

21 Now, if I could turn to the prison service, I think
22 comes next, and Ms Durkin, I think you are here for
23 them, the Scottish Prison Service.

24

25

1 Opening submissions by Ms Durkin

2 MS DURKIN: My Lady, it is for His Majesty's Chief Inspector
3 of Prisons.

4 LADY SMITH: Yes.

5 MS DURKIN: So I am appearing on behalf of
6 Ms Sinclair-Gieben, who is the current chief inspector.
7 And she is grateful to your Ladyship for approving her
8 application for leave to appear and for the opportunity
9 to provide evidence during this phase of the Inquiry's
10 important work in relation to children in residential
11 accommodation for young offenders.

12 The chief inspector, my Lady, can assure this
13 Inquiry that the outcomes of the Inquiry will be
14 carefully considered and assessed for potential changes
15 to the Inspectorate's work, should children in Scotland
16 remain in prison custody.

17 And as a rights based organisation, the Inspectorate
18 is committed to international standards on the treatment
19 of prisoners and on the rights of the child.

20 In order to provide some context and hopefully to be
21 of assistance, I will first briefly explain the
22 statutory role of the inspector and secondly in brief
23 the approach that was taken to evidence gathering in
24 response to the Section 21 notice.

25 The first chief inspector in Scotland was appointed

1 in 1980 by royal warrant with Her Majesty's (as was)
2 Inspectorate of Prisons established in the following
3 year as a public body. There have been eight chief
4 inspectors since 1980 and the current chief inspector
5 was appointed in 2018. The statutory functions are of
6 inspection and mandatory reporting to the Scottish
7 Ministers and they are contained in section 7 of the
8 Prisons (Scotland) Act 1989.

9 Prior to 1989, the functions of the chief inspector
10 were contained in the Prisons (Scotland) Act 1952 and
11 again those were to visit and to inspect prisons and the
12 treatment of prisoners and to report if called on by the
13 Secretary of State. The chief inspector has no wider
14 enforcement powers, but albeit issue does have
15 an investigative function under section 7D of the 1989
16 Act in relation to matters that are specifically
17 referred to her by the Scottish Ministers. I have given
18 two examples of where she was required to inspect: one
19 related to a mental health review at Polmont Young
20 Offenders' Institution and she was also required to
21 conduct a death in conduct review.

22 In responding to the Section 21 notice, the
23 following approach was taken to the recovery and review
24 of evidence. The chief inspector provided an inventory
25 of available reports on the web and in hard copy. Her

1 business manager coordinated this piece of work with the
2 Inspectorate's internal researchers and with the
3 invaluable assistance of the Scottish Government
4 researchers. The Inspectorate is an extremely small
5 team and did not have the resources itself to conduct
6 the required review of all reports. The chief inspector
7 would not have been able to provide as full and complete
8 a response to the Inquiry without the assistance of
9 Scottish Government researchers and she extends her
10 thanks to Scottish Government for providing this
11 resource.

12 My Lady, I will conclude simply by reemphasising
13 that the chief inspector looks forward to reviewing your
14 Ladyship's findings at the conclusion of this phase of
15 the Inquiry, and unless I can be of any further
16 assistance that concludes the opening statement.

17 LADY SMITH: No, that's very helpful, thank you, Ms Durkin.

18 And now, Ms Pender for Police Scotland, when you are
19 ready.

20 Opening submissions by Ms Pender

21 MS PENDER: Thank you, my Lady.

22 I am grateful for the opportunity to make this
23 opening statement on behalf of the Deputy Chief
24 Constable Designate for the Police Service of Scotland.
25 Firstly, the Deputy Chief Constable Designate wishes to

1 express sympathy to all survivors of childhood abuse,
2 including survivors who have experienced abuse within
3 residential accommodation for young offenders and
4 children, and young persons in need of care and
5 protection. Police Scotland remains committed to
6 delivering its response to the Inquiry and ensuring that
7 all relevant information held is provided in compliance
8 with the terms of notices issued under The Inquiries Act
9 2005. This information includes policies, procedures,
10 and documents relating to investigations into the abuse
11 and neglect of children in establishments falling under
12 the Inquiry's remit.

13 With regard to this phase of the Inquiry's hearings,
14 Police Scotland has identified and provided all material
15 meeting the terms of request from the Inquiry relating
16 to previous police investigations into the abuse and
17 neglect of children within the institutions identified.

18 Police Scotland also wishes to inform the Inquiry
19 that in keeping with its continued commitment to
20 non-recent investigations it is currently conducting
21 a number of investigations into non-recent child abuse
22 within these establishments.

23 Police Scotland continues to build on its engagement
24 with adult survivors of childhood abuse, seeking views
25 and consulting with survivors, support services and

1 statutory partners in an effort to enhance public
2 confidence and improve service provision to adult
3 survivors.

4 Police Scotland recognises the importance of using
5 organisational learning to ensure its staff have the
6 capabilities and skills required to effect continuous
7 improvement. As such Police Scotland will take into
8 account any good practice or areas of learning that may
9 be identified from this phase of the Inquiry hearings as
10 part of its commitment to developing and improving its
11 service provision.

12 Police Scotland remains committed to child
13 protection, both locally as a core statutory child
14 protection agency and nationally in partnership with
15 multi-agency and strategic leadership groups to
16 implement continuous improvements and make a positive
17 contribution to protecting Scotland's children both now
18 and in the future.

19 And that concludes the opening statement for
20 Police Scotland.

21 LADY SMITH: Thank you very much. Thank you for that.

22 And now for the Lord Advocate I would like to invite
23 Ms Shand to address me. When you are ready, Ms Shand.

24

25

1 against children within these residential settings.

2 COPFS strives to be a compassionate and forward
3 thinking service. In particular, it is committed to
4 continuous improvement and is committed to delivering
5 the quality of service the public rightly expects. The
6 important work of the Scottish Child Abuse Inquiry, and
7 in particular the evidence of those applicants with
8 criminal justice experience, has allowed and will
9 continue to allow COPFS to carefully reflect and
10 consider how that service and in particular how COPFS
11 communication can be improved.

12 In conclusion, may I once again repeat the Lord
13 Advocate's public commitment first to support the
14 Inquiry's work and to contributing positively and
15 constructively to that work and secondly to the
16 effective, rigorous and fair prosecution of crime in the
17 public interest consistently and for all, including the
18 most vulnerable in our society.

19 That concludes my submission on behalf of the Lord
20 Advocate, my Lady, and thank you for the opportunity to
21 make it.

22 LADY SMITH: Thank you, Ms Shand.

23 And finally, Ms O'Neill on behalf of Scottish
24 Government. When you are ready.

25

1 Opening submissions by Ms O'Neill

2 MS O'NEILL: Thank you, my Lady.

3 This opening submission is made on behalf of the
4 Scottish Ministers. But as the Inquiry is aware, the
5 Scottish Ministers also represent at this Inquiry those
6 executive agencies which form part of the Scottish
7 Government and for which the Scottish Ministers are
8 directly responsible. In the context of this part of
9 the Inquiry's work, those agencies including Education
10 Scotland and the Scottish Prison Service. The Scottish
11 Government is also responsible for the Registrar of
12 Independent Schools, and the Registrar is appointed by
13 the Scottish Ministers. The Crown Office and Procurator
14 Fiscal Service is of course separately represented and
15 other core participants in this phase of the Inquiry's
16 hearings, including Local Authorities and statutory
17 agencies, are also represented separately. The Scottish
18 Government has nevertheless policy responsibility for
19 the framework within which those authorities and
20 agencies operate.

21 The Scottish Ministers continue to have an interest
22 in all aspects of the Scottish Child Abuse Inquiry's
23 work, and to be represented throughout the hearings of
24 evidence from applicants and others. The Scottish
25 Ministers have a range of policy interests in the way in

1 which secure accommodation services are provided to
2 children, and have a range of statutory powers and
3 duties regarding the establishments subject to
4 investigation in this phase, including in relation to
5 inspection of schools within secure accommodation.

6 In the first place the ministers are responsible for
7 setting the legal framework for the provision of secure
8 accommodation. In addition, they have an overarching
9 policy interest in the way secure accommodation is
10 provided. And finally, the Scottish Ministers have
11 an administrative role, as they are responsible for the
12 placement of children who are sentenced on indictment to
13 a period of detention in secure accommodation or a young
14 offenders' institution, and are responsible for the
15 management of placements in secure accommodation.

16 The Scottish Prison Service is an executive agency
17 which is not legally separate from the Scottish
18 Ministers, but which has operational responsibility for
19 young offenders' institutions and the provision of care
20 to young offenders.

21 Although a number of prisons across the current
22 prison estate are able to accommodate young people, only
23 two state-run young offenders' institutions, Polmont and
24 Stirling, presently hold young people. Today holding
25 a total of six young people under the age of 18. That

1 number reflects Scottish Ministers' current policy
2 position that where possible and appropriate young
3 people should be kept out of young offenders'
4 institutions. The Children (Care and Justice)
5 (Scotland) Bill currently before the Scottish Parliament
6 takes this further in providing that a child, that is to
7 say a young person under the age of 18, cannot be
8 detained in a prison or a young offenders' institution.

9 SPS nevertheless has a clear and direct interest in
10 this phase of the Inquiry's work. The SPS has received
11 a responded to 11 Section 21 notices served on it by the
12 Inquiry, which sought information and reports relating
13 to this phase of the Inquiry's work. In responding to
14 these Section 21 notices, the SPS and Scottish Ministers
15 have acknowledged that children were abused in
16 institutions for which SPS and its predecessors were
17 responsible. The responses contain unreserved apologies
18 for that abuse and for unacceptable practices and
19 conditions in those institutions.

20 Those who are to give evidence on behalf of the SPS
21 and Scottish Ministers wish to and will in due course,
22 if the Inquiry permits them to do so, make those
23 apologies in person before this Inquiry.

24 LADY SMITH: Good.

25 MS O'NEILL: Education Scotland is also an executive agency.

1 It operates at arm's length while remaining directly
2 accountable to Scottish Ministers. Education Scotland
3 houses, HM Inspectors of Education, and the Registrar of
4 Independent Schools. Education Scotland has a role in
5 inspecting educational provision within all
6 establishments providing secure and residential
7 accommodation.

8 At the invitation of His Majesty's Chief Inspector
9 of Prisons for Scotland, HM Inspectors of Education
10 participate in the inspection of young offenders'
11 institutions.

12 Scottish Government has received and responded to
13 a Section 21 notice served on it by the Inquiry in
14 relation to the work of Education Scotland and its
15 predecessors in this context. In responding to this
16 notice, Education Scotland acknowledged that records
17 disclosed the abuse of children in settings that were
18 inspected by Education Scotland and its predecessors.
19 Again, the representative of Education Scotland who will
20 give evidence would wish to expand upon that
21 acknowledgement, and to apologise in person for the
22 inadequacies in inspection regimes insofar as those may
23 have contributed to an environment that allowed abuse to
24 take place.

25 The Inquiry will hear evidence from Janie McManus,

1 the strategic director of scrutiny, Education Scotland,
2 on 28 September of this year. It will later hear
3 evidence from Theresa Medhurst, Chief Executive of the
4 Scottish Prison Service, and Neil Rennick,
5 Director-General Education and Justice for the Scottish
6 Government.

7 The Scottish Government, the Scottish Prison Service
8 and Education Scotland want and need to understand the
9 nature and extent of the abuse suffered by the survivors
10 who have engaged with the Inquiry, and how that abuse
11 was able to happen. The evidence of survivors may lead
12 the Inquiry in due course to make recommendations about
13 the further regulation of accommodation for young
14 offenders and children and young persons in need of care
15 and protection.

16 As far as recommendations for future reform are in
17 contemplation, the Scottish Government is conscious that
18 the Inquiry will be aware that the Children (Care and
19 Justice) (Scotland) Bill is at stage 2 of its passage
20 in the Scottish Parliament. That bill contains
21 provisions that are intended to improve children's
22 experience of Scotland's care and justice systems,
23 including the end of use of young offenders'
24 institutions for all children up to 18, with secure
25 accommodation being used instead where detention is

1 required, and further information about the bill can be
2 provided to the Inquiry if that would be of assistance.

3 LADY SMITH: Thank you.

4 MS O'NEILL: Separately, in response to The Independent
5 Review Of Care which led to the publication of
6 the Promise in 2020, Scottish Government has
7 commissioned the Children and Young People's Centre for
8 Justice to lead a project designed to establish
9 a comprehensive understanding of what is required to
10 support secure care services to meet the future needs of
11 all children who are deprived of their liberty. This
12 has involved consultation with a range of stakeholders,
13 including children accommodated within secure centres,
14 and with anticipated further engagement with young
15 people accommodated at Polmont. An interim report with
16 findings is expected this autumn, and a final report
17 with recommendations in spring 2024.

18 Finally, the Scottish Government has a direct
19 interest in supporting those who were abused while in
20 residential accommodation for young offenders, children
21 and young persons in need of care and protection, and in
22 securing that they secure acknowledgement of and
23 accountability for the abuse that they experienced. The
24 Scottish Government will reflect on all evidence given
25 during these hearings, including evidence that may

1 relate to how the government has responded and continues
2 to respond to survivors of abuse.

3 That you, my Lady.

4 LADY SMITH: Thank you very much. I am grateful to you for
5 that, Ms O'Neill.

6 That completes the opening submissions, and I am not
7 aware of anything anybody wants to raise in addition to
8 what they have said in submissions. What I propose to
9 do is rise now until tomorrow morning at 10 o'clock,
10 when, as Mr Peoples has already referred to, we look
11 forward to welcoming back a professor well known to us,
12 Professor Norrie.

13 Thank you.

14 (12.26 pm)

15 (The hearing adjourned until 10.00 am the following day)

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