

## Scottish Child Abuse Inquiry

Witness Statement of

LUZ

Support person present: No

1. My name is LUZ My date of birth is 1959. My contact details are known to the Inquiry.
2. The statement I provide below is structured in response to the specific questions asked.

### SECTION A

#### **St. Joseph's School, Tranent**

3. St. Joseph's School was in Tranent, East Lothian. Its purpose in relation to children was as a List D School.
4. My first impressions of St. Joseph's would be when I went for interview. I was only in the main building, which was quite an imposing building. It was clear the school was on fairly extensive grounds. I was impressed with those I met and by the general feel of the place. I remember in my interview suggesting that my impression of List D Schools was like a borstal. Brother MJG was insistent that they were not like borstals but were schools.
5. I think it is difficult to describe the culture of St Joseph's without reference to the role of the De La Salle Brothers. The mission of the Brothers was to care for the children

of the poor and to see in them the image of Christ. Their approach to care was set out in a publication from the late 1950s:

*'The Brothers ... attempt to foster a kindly spirit in their intercourse with the students and to maintain that discipline which is, of course, essential in every school, not so much by the enforcement of rigid rules and regulations, as by advice and guidance, given in a brotherly spirit, the object being to make the school not only a place for education, and for the moulding of character, but likewise a happy home (Battersby, 1958, p. 79).'*

6. In my time in St Joseph's, probably around 1983, we produced a booklet setting out a basic philosophy for the school. It recognised that "a child's place is with his or her family but that some children, for a variety of reasons, need 'time away' to provide breathing space for themselves, their families and their local communities". The stated aim of the school was: to give boys a sense of their own worth and dignity, an appreciation of the feelings and needs of others and an understanding of what life has and will offer them and to provide this in an environment in which boys can be accepted, treated as individuals, managed with warmth and humour and dealt with fairly and consistently.
7. This was summed up in the statement that "children need adults who care about them, listen to them, accept them, control them and gently lead them through the minefield of adolescence to a point where they can assume responsibility for themselves".
8. In that sense, the approach of the school was essentially pastoral and relational. The kind of care that was offered was what the Psychiatrist Donald Winnicott, would call 'goodenough'. It was founded on good intentions and a sense of care. Winnicott argues that goodenough care is what we should aspire to in families and in institutions. It isn't perfect but it is real and is what children grow through. I would certainly describe the care offered at St Joseph's as goodenough.

9. In many respects, the attitudes of staff mirrored the statement above. Each member of staff brought their own personalities to the role, which is important as it gave boys a range of options to relate to. But all the staff, across their differences, I would say brought qualities of being authoritative, not authoritarian but confident in their interactions with boys. An authoritative style of parenting is actually associated with the best forms of child care.
10. All staff enjoyed working for the Brothers and reflected something of their air of respect for boys and their families. They were all caring, again in their different ways. But my abiding memory of St Joseph's is that it was fun. We did lots of things together, adults and boys, and we had great laughs together. It distresses me to hear of the concerns being raised about the quality of care and potential allegations of abuse there. I do not recall or recognise it as having been abusive.

#### **Employment at St. Joseph's School, Tranent**

11. I was a basic grade residential care worker/unqualified residential social worker from 1981 to 1985, at which point I was granted leave of absence to pursue social work training. In the residential social worker role, I was attached to Benildus Cottage, where the 'cottage warden' was a Mr Ron McKinnon, who is long dead. In that role, I would get boys up in the morning and to bed at the other end of the day, get them ready for school, supervise chores, supervise breaks from school, supervise meals, engage in a range of recreational activities in the evenings, weekends and holidays, write reports for review meetings/children's hearings, attend children's hearings and other meetings, take boys to doctors, hospital and other appointments, liaise with supervising social workers and parents.
12. On my return from social work training, I was 'cottage warden' in Ogilvie Cottage. In that position, I did all of the above plus had some overall responsibility for the running of the cottage.

13. I had not long graduated when I was first recruited. The post was advertised as a one-year temporary position in the Edinburgh Evening News. I did not really know what a List D School was. I applied and was offered an interview. References were asked for and I think I provided them from a family friend, who was a teacher, and the owner of a bar I was working in.
14. The interview was a formal affair, chaired by Brother MJG SNR at the time. Other members of the panel were Frank Rochford, Head of Education, two members of the School Board of Managers and a representative from the Catholic Education Board for the Archdiocese. My memory of the interview was that it was very well conducted and asked some insightful questions.
15. There was no formal probation period but I was on a one-year contract. I did well enough on that to be offered a permanent post.
16. There was no direct line management system. On a day-to-day basis, I would have deferred to Ron McKinnon as 'cottage warden'. Above him, there was a Head of Social Work, MJL. The job required work outwith normal hours through a system called residential duties, which all teaching and social work staff and a number of ancillary staff did. I was on a team led by Frank Rochford, who was Head of Education and latterly SNR. The nature of residential care is that involvement with senior staff is very direct and involves working directly alongside them. In that sense there is the opportunity to pick up issues/ask for advice 'in the moment'. I certainly felt supported and challenged, especially in my conversations with Frank Rochford. There were no formal monitoring/appraisal systems. These came in a good bit later.
17. When I joined the service, there was a List D Schools Training Section. Shortly after joining, I was sent on an induction course over a period of weeks with other new staff from other List D Schools in the South East of Scotland. The Training Section also seconded staff onto professional training courses. LVH for instance, was doing a professional social work qualification, the CSS, during the early 1980s.

18. There was also a List D Schools Psychological Service, which attracted some really good thinkers and was responsible for a lot of the literature that influenced the development of the children's hearings system. One of the psychologists, there were two in the East of Scotland, I think, spent at least a day a week in the school and was available for consultation with staff and boys.
19. Between 1983 and 1984, I attended an in-service course, run by Moray House College, for residential care workers. This ran for a full academic year and required attendance at college a day a week and also involved two or three residential periods. Content included introductions to sociology, psychology and a lot of discussion of practice.
20. Staff were supported to attend an annual conference held in Pitlochry run by the Association of Workers with Maladjusted Children, and I attended most years.
21. After the school was taken over by Lothian Regional Council, around 1986/7, it came within the Council's training programme.

#### **Structure and recruitment of staff**

22. There were four senior staff at St. Joseph's: a Head, Deputy and Heads (Third in Charge) of Education and Social Work.
23. There were four residential cottages, each with a Cottage Warden/Housemaster, a Housemother and another residential social worker. They did most of the caring duties, assisted by other staff doing residential duties.
24. All of the residential social workers were qualified, there was a full-time certificate in residential child care or some such wording, run by Moray House, Langside College and Newcastle University.



25. There were around six teaching staff and a couple of trades instructors, when I started. This rose a bit towards the end of the 1980s.
26. There was a range of ancillary staff, a matron, domestic staff, caring staff, handymen, a gardener.
27. List D schools were charitable bodies funded by the Social Work Services Group of the Scottish Education Department. They were run by a Board of Managers, who would appoint senior staff. St Joseph's was run by the De La Salle Brothers who, historically, assumed senior roles. When I started Brother MJG was SNR He 1983/84 and Brother MBU SNR with Frank Rochford becoming SNR
28. From around 1986/7 Lothian Region assumed external management responsibility carried out day to day by an Assistant Principal Officer, who spent a day a week in the School.
29. I think the best way to describe the style of both Brother MJG and Brother MBU was that it was pastoral. They cared deeply for the boys in the school but also for the staff – there was a sense of community. They were also very facilitative and supportive of staff wanting to do things. They were very well respected by those who worked for them and by the boys.
30. I was not involved in the recruitment of staff at St. Joseph's.
31. I don't really know about recruitment policy and recruitment practices, other than my experience of my own recruitment. I do know that the Board of Managers were involved in the recruitment of teachers and care staff. After the Council took over, their recruitment policies would be followed.

32. I recall a couple of people spending relatively short periods in the school as volunteers. I think one or two may have been considering joining the De La Salle Order. One, who briefly became Brother [redacted] did, around the mid-1980s, but that was short-lived. He had left the school and I presume the Order by the time I returned in 1987. I have no idea about vetting, although more formal vetting, generally, only came in in the 1990s. They would have been linked to a member of staff for day-to-day support and advice.
33. I was not involved in the obtaining of references and I do not know whether referees were actually spoken to.
34. I never considered myself having a managerial position as such. I was Cottage Warden/Team Leader, I think the terms changed over time, of Ogilvie Cottage and had some role in professional leadership, but not really line management.

### **Training**

35. Once I returned after my social work training, I did a couple of training sessions for staff.
36. The List D Schools Training section was discontinued around mid-1980s. A couple of years later, the management of the school was taken over by Lothian Regional Council. They had an established training section and there were opportunities for staff to attend a variety of training courses. I remember, over the later 1980s, there was a big focus on AIDS and associated training.

### **Supervision/ appraisal/ evaluation**

37. I was not involved in supervision/staff appraisal/staff evaluation of staff in a formal sense. There was no system of supervision. I think appraisal/evaluation systems came in much later. That isn't to say that staff were not accountable for their practice

or were offered appropriate support. The nature of residential work is very different to other areas of social work, which involves social workers working alone and needing to 'check-in' with supervisors. In residential care, this is done 'on the job' – so the functions of supervision were carried out often in reflections and conversations about practice that happen through working together.

38. The one area where I was involved in supervision was of social work students. After qualifying myself, I took at least four social work students from Moray House and Stirling University. I was responsible for their supervision and assessing their practice. All of those students enjoyed their placements. One took up a permanent post in the school.
39. I guess the supervision of volunteers by permanent staff would depend if a report was required at the end of a volunteer's placement. Otherwise, they would be supervised 'on the job'. But there weren't many volunteers in my time and my involvement was minimal.

### **Policy**

40. I was only involved in policy in relation to the care, including residential care, of children, in the sense that I did a couple of papers setting out my ideas for Ogilvie Cottage and implemented these.
41. The nature of child care did change over the course of the 1980s: Numbers placed in residential schools reduced, the number of boys in each cottage reduced substantially, from 20 when I started to around 12 when I left; relatedly, when I started around 70-80% of boys came from the West of Scotland, by the time I left most were Edinburgh and the Lothians; boys who did attend, tended to spend increasing amounts of time at home. The kind of policies outlined in the list below did not come in 'til later – over the course of the 1990s, this was not just a St Joseph's thing but was the case across residential child care – I was not aware of the term child protection, for instance, until



around 1990, that isn't to say children weren't protected, but there was no institutional framework or procedures.

### **Strategic planning**

42. I did not have any involvement in, or responsibility for, strategic planning in relation to the institution.
43. Most strategic considerations were external. At a Scottish level, there was a move to reduce the numbers of List D Schools. Surrounding schools, Dr Guthrie's Boys and Girls in Edinburgh and Tynepark in Haddington, closed. A benefit of that for St Joseph's was that we attracted some very good and experienced staff from schools that were closed.
44. Subsequent strategic decisions were around bringing in girls, which happened, I think, in 1989.
45. Professionally, the move to reduce numbers was also linked with a more relational approach to practice, made possible by better ratios.

### **Children**

46. Children mostly came to St. Joseph's through the children's hearings system and mostly on offence grounds. A few day pupils may have come through an education route.
47. The School catered for secondary age boys and some girls from the late 1980s. Some entered around twelve, but most were around fourteen. They all left at sixteen.
48. When I started there were four cottages, each with around twenty boys. This reduced over time so that when I left, there were perhaps around thirty-six residential boys

across three cottages and a day unit with around 20. One unit was closed around 1982 and reopened for, I think six, girls probably in 1989.

49. I would think the average length of time a child tended to stay at St Joseph's was around two years.
50. Cottages, when I started, had twenty boys. They were staffed by a housemother and two social workers. On a day-to-day basis I would work with the housemother with up to twenty boys and sometimes in the evening there would be an additional member of staff. Classes were a maximum of six boys per teacher. Activities, depending what they were, for example five a side football, could be up to twenty with one member of staff.
51. Children were provided with wholesome and regular food. This improved around the mid-1980s, with the appointment of a new domestic superintendent, matron, and subsequently, a chef. The food became more adventurous. I thought it was very good. If boys didn't like anything, the housemother would try and provide something else. Housemothers would also do some home baking or would be able to do cooked breakfasts at times. Boys were never forced to eat anything they didn't like.
52. The idea of the cottage system was to move away from large dormitory accommodation. Larger rooms were for three or four boys, although as numbers reduced so did numbers per bedroom. In Benildus and Sinclair cottages, bedrooms were on two levels, in Ogilvie on one level. Each cottage had two to three single rooms. These could be used for older boys going out on work placements or for boys who wet the bed.
53. Washing and showering was communal, in common with other such institutions and with accepted standards of the day. In Benildus Cottage there were four or five shower booths and one with a bath. There were plastic shower curtains but many boys did not use these and in other cases, they were pulled down. In Ogilvie, the layout allowed

for a bit more privacy, with two shower booths and a separate bathroom. Boys were expected to shower after evening activities and then to put on pyjamas and housecoat before supper and TV and then bedtime. The member of staff on duty, either one of the social workers attached to the cottage or one of the teaching or ancillary staff doing residential duties, would supervise showers, ensuring a presence to make sure boys did shower and to maintain order if necessary.

54. Boys had lots of leisure time. Every evening during term time, there were four or five choices of activities. There was generally five-a-side football, sometimes swimming trips, skiing trips, on light evenings, cycling trips, art club, electrical club, watching videos, trips to the beach. There were camps and various trips built into the programme. There were residential cycling trips, skiing trips and several foreign holidays, there was always trips of some sort.
55. I went on several camping trips, down near Peebles, I went on regular cycle trips around the Highlands or the Borders, staying in youth hostels. We went on an annual football trip to a residential school on Merseyside. We played regular football games all over Scotland. There were day trips to Blackpool, Butlins at Ayr, and Alton Towers. Colleagues did a trip across Europe and another to Tunisia.
56. There were a variety of informal trips according to what was going on at any time. Staff would sometimes take boys to their homes, usually for a purpose, such as to help with something. But there was also something around introducing boys to family and getting to know adults beyond their formal roles. This could be a powerful experience of acceptance for children. It didn't happen all the time and some staff were more comfortable doing so than others.
57. There was education on the premises. Boys followed a full timetable from around 9.30 am to 4.00 pm. They did basic subjects, English, Maths, geography, RE, but there were also practical subjects like gardening, metalwork and woodwork. There was a

lot of emphasis on outdoor pursuits and on games, there were specialist teachers of both and all boys did these on a regular basis.

58. The housemother or cottage staff would deal with any health problems in the first instance. There was a first aid room that the matron would oversee but this wasn't used much. One of the GP partners in Tranent, I think his name was Dr Morrison, used to come down to the school on a weekly basis to conduct initial medicals and to consult with boys if they needed or wanted to see a doctor. Outwith that, boys were registered and could attend the Tranent medical practice.
59. Children did chores after breakfast and before school. This might involve sweeping or hoovering bedrooms or the living areas, cleaning down sinks or helping with the washing up. It took ten to fifteen minutes each morning. It was never arduous manual work but was intended to establish habits of looking after surroundings. Each cottage had a cleaner, who would clean after the boys had done their bit.
60. Parents and friends were always welcome, formally for review meetings or just to visit. They would be well looked after. Depending on the nature of the relationship, there was no such thing as a formal risk assessment but staff would exercise discretion, boys might be allowed out with them.
61. Social workers visited formally for meetings and informally. They could meet boys alone or could take them out. Some visited and took more interest than others. They would be expected to provide reports for review meetings and children's hearings. The social worker held the supervision order imposed by the children's hearing on a boy and were ultimately responsible for following this through. This might, of course, involve School staff.
62. Formal child care reviews across Scotland came in around 1987, I think. Long prior to this, however, St Joseph's had established its own review system. So, yes there were reviews, which would determine care planning decisions, and recommendations

to children's hearings, and which would involve field social workers and parents and the List D Schools psychologist.

63. Unless they returned home earlier, children would leave at the school leaving date nearest their birthday, like any other school, so Christmas or May. In most cases, they would have been spending increasing amounts of time at home to prepare for this return. In their final term, boys would be sent on work experience. They would also meet a career's officer who came in from the Musselburgh Careers Office, although I'm not sure if this was just Lothian boys and if others needed to make this arrangement in their own local authorities.
64. We tried to get children into a job, although the climate wasn't favourable – it was the time of high unemployment and the YTS schemes. If boys weren't able to leave on a specified date, we would work round that. In some cases, we would maintain contact and boys would be welcome to come back to visit. Some did, usually with a purpose such as playing football. Many didn't – there was a culture at the time that children left school and care at sixteen. The formal responsibility for support after leaving school was that of the local authority.

### **Living arrangements**

65. I lived in Edinburgh, initially with my parents but once my job became permanent, I bought a flat in Edinburgh. Until I bought my flat in Edinburgh, I would often stay over two or three midweek nights in St Joseph's in student/staff accommodation.
66. The Brothers lived on premises on the top floor of the School main building. These were private quarters – staff and boys did not have access.
67. Houseparents stayed in houses, with their families, attached to cottage units. There were a couple of staff houses on the outskirts of the school grounds.



68. The staff who worked in them had access to the children's residential areas, but I guess most staff could have access, they were not locked.
69. There was a night watchman responsible for two cottages overnight, latterly one per cottage. Boys were generally in bed and settled by the time they came on but obviously, if they were in one cottage they couldn't simultaneously be in the other.

### **Discipline and punishment**

70. In the 1970s and before, corporal punishment with the belt was permissible. My understanding is that only senior staff could use the belt and it needed to be witnessed and signed off in a punishment book. The belt was discontinued in List D schools in the late 1970s, a few years before it was in mainstream schools.
71. By the time I started, there was little formal punishment. Initially, home leave was used as a punishment, although I don't think either Brother MBU or Frank Rochford were comfortable with this and we moved away from it. Latterly, restricting home leave was only used if there was some reason a boy should not go home.
72. Discipline was maintained, primarily, through caring and authoritative relationships between staff and boys. There was a lot of experience and continuity in the staff group.
73. There were expectations as to what was considered acceptable behaviour and these were generally adhered to – the expectations were reasonable and there was an element of consent. A Home Office publication (Millham et al, 1981) on discipline in approved schools offers a useful description and one that I think was evident in St Joseph's. It recognises that control cannot come through coercion and that coercion is more likely to be a symptom of control having been lost in an establishment. Control could only emerge from what the authors identify as: *"a unified acceptance by staff and inmates of the authority which each adult has within the institution. From this acceptance comes a strong normative influence on institutional members through*

*internal controlling processes such as modelling, identification, caring, warmth and love (1981, p. 9)*”.

74. The same publication goes on to recognise “*those informal rules about what behaviour should be*” (Millham et al., 1981, p. 9). Overall, this becomes a matter of institutional ethos. According to Millham et al., “*Together, children and staff set a climate within the institution, identifying among other things, what may legitimately be controlled and the methods to be employed*” (1981, pp. 32–33). Boys had a finely tuned sense as to what methods of control they would be prepared to countenance; there was a sense of fairness and anyone who consistently transgressed accepted norms of adult behaviour would have been made to feel very uncomfortable, not least by the boys.
75. I don't think there was any formal policy or code of conduct in relation to discipline and punishment.
76. There was no expectation that senior residents should discipline other children and generally that would be seen as leaving the door open to bullying. So, staff maintained oversight of this. However, there was an element of some boys being ‘culture carriers’, who set the tone for others’ behaviour. The term is that of positive peer culture. This generally worked well and did not become institutionalised or resort to bullying.
77. We dealt with some odd, challenging, inexplicable, sometimes violent behaviours. Looking back, we would have had a number of boys who would nowadays be diagnosed with conditions such as autism or ADHD, but we had no idea, really, about any such conditions. There was no institutionalised response to behaviours, we tried to deal with each one in context, so there was no particular behaviour that led to any set punishment.
78. I think I would describe the approach to discipline at St. Joseph's as restorative, long before the term restorative became popular, as it is now in schools. There was a lot of talking to boys, outlining why their behaviour might be unacceptable and trying to

find reasons and ways forward. Frank Rochford was particularly skilled in such situations and would often bring boys and staff together to find ways forward if they had fallen out.

79. Individual staff members generally took responsibility for maintaining discipline in their own areas of work. There was no formal administering of discipline.
80. There was no one form to discipline. It was generally dealt with within the relationship between adult and child (as in the quote above). Occasionally, boys might be denied privileges or denied them until they did something that was requested.
81. Often responses to misbehaviour were counter intuitive. At times, for instance, staff might want to stop a boy playing football. Frank Rochford and I, who did a lot of the football, saw football and other activities as a way of boys being accepted back into the fold. The aim was always to provide a way back.
82. Children were not physically punished. Again, the Dartington report referenced above is instructive. It differentiated between institutionalised corporal punishment, which imposes a distance between an event and the formal response to it and spontaneous reactions to misbehaviour, which they describe as *"cuffs delivered during normal social interaction"* (p. 40). *'(A) quick clout'* they observed *"tends to be the immediate reaction to provocative misconduct. In this respect, staff should feel less guilty when they are tempted to act in this way: anger can imply to a child that one cares deeply about him and is greatly concerned about his conduct"* (p. 39). So, while there may have been occasional instances or a spontaneous reaction from staff, boys were not physically punished for misbehaviour.
83. I very rarely disciplined children other than in the course of everyday admonishment or advice. I never hit a child as a punishment.

84. There was required to be a punishment book when the belt was used but, as I say, it the belt phased several years before I started. I'm not aware of one subsequently, it would have been recorded somewhere if boys lost leave. Records of incidents and responses to these would likely be recorded in boys' daily records.

### **Restraint**

85. In some ways, the question whether restraint was used during my time at St. Joseph's depends on how one defines 'restraint' but, remarkably rarely, compared to my subsequent experience.
86. There was no training on restraint in St Joseph's or elsewhere, I suspect, in the 1980s. My first memory of restraint training (by Lothian Regional Council) was the early 1990s and this was in pain control techniques. By its nature, it was used by whoever encountered a situation that needed physical intervention, perhaps involving a need to remove someone from a situation, to break up fights or generally to prevent harm. It consisted of whatever was needed, proportionate to the situation and dependent on the context. Situations could be messy and require some manhandling to remove a boy from a situation, but my memory is that they were short-lived and boys were then spoken to and the situation dealt with and resolved as well as it could be. A contextual factor to bear in mind is that when restraint systems were brought in, they often required three members of staff to implement – that was just not feasible given the staffing ratios in the schools at that time.
87. I don't remember being involved in many restraints at St Joseph's. I remember a couple when I was being threatened with assault, another when a boy was trying to get out a window. Other times I and others might need to try and stop boys running away or return them from running away, but these tended just to be holding.

88. There were no policies, either written or unwritten, relating to restraint. There was an understanding that adults would do what they needed to do to make sure that control was maintained, the environment was safe and boys were held in times when they were out of control.
89. I did not see excessive restraint being used on children at St Joseph's. As I say, restraint was not a regular occurrence.

### **Concerns about the institution**

90. St Joseph's was not, to my knowledge during my time there and as far as I am aware, ever the subject of concern, within the institution itself or to any external body or agency, or any other person, because of the way in which children and young people were treated.
91. I can't think of any specific situation whereby the parents of the children were made aware of any such concerns. I guess it would depend on the circumstances, whether the social worker was involved. I'd have thought that the social worker as the supervising authority would be involved and a decision made as to who would inform parents but, in the absence of a concrete situation, I don't know.

### **Reporting of complaints/concerns**

92. There was not a formal complaints or reporting process in place at St. Joseph's in my time there. If any child in the institution, or another person on their behalf, wished to make a complaint or report a concern, I would have thought they would speak to keyworkers or other trusted members of staff, such as housemothers, or to one of the senior staff, or a social worker.



93. Formal complaints were not so much received, but boys would voice their dissatisfaction about particular situations and would be listened to and some resolution sought. There was the forum of a cottage meeting held on a Friday morning when boys and staff could collectively work through issues. This was all part and parcel of the rupture and repair that is a feature of relationships. Both staff and boys grew through such falling out and falling in again. As I say above, I wasn't aware of anything excessive.
94. I did not receive any complaints of abuse. Sure, boys might have told me of a fallout with an individual staff member or were unhappy with me, but nothing that I would have considered abuse.
95. Complaints were probably not routinely recorded, although I'd have thought they may be recorded in daily records.

#### **Trusted adult/confidante**

96. There was not a named person as such in St. Joseph's, or outside of it, that a child could speak to about any worries they had, but housemothers were often confidantes. Boys could also speak to their social workers. There was also the psychologist from the List D Schools Psychological Service, who spent a day or two a week in the School and had access to the boys and they to her.
97. Over the course of the 1990s a whole raft of measures came in about complaints and routes to complain, however I had left St Joseph's by this stage.
98. I remember while I was still at St. Joseph's that one boy in Ogilvie raised concerns that he was being bullied by other boys and his mum and her partner came down to the school to see me. I tried to reassure them and kept an eye on the situation and it seemed to settle down, but that is the only example I can think of.

## **Abuse**

99. St Joseph's did not, during my time there have a definition of "abuse" that it applied in relation to the treatment of children.
100. I honestly do not think that I saw behaviour that I considered to be abuse of any kind taking place at St. Joseph's.
101. Beyond the type of grievances I mentioned above, children did not ever report abuse to me.
102. It would depend on the kind of abuse whether, if any child was being abused or ill-treated, it would have come to light at or around the time it was occurring. If boys were really being hit with implements and/or belted or caned, as in one of the witness statements with which I have been provided by the Inquiry, then I would say that would definitely have come out at the time. If there was sexual abuse in the context of a one-to-one relationship, then that may remain hidden, as per another witness statement with which I have been provided by the Inquiry (although the abuse alleged did not happen in St Joseph's nor was it perpetrated by a member of the school staff)
103. One of the reasons why it might not come to light is that there was not the same awareness of or understanding of abuse in the 1980s, in fact, I'm not sure the term was in common usage. There were terms such as non-accidental injury but I'm not sure we used abuse as a more generic term. Sexual abuse, in particular, was not well known about, until perhaps the later 1980s. Moreover, what we do know now is that this is something that can be very difficult for people to disclose.
104. Individual instances of abuse of course, could have happened and gone undetected during my time at St. Joseph's. But not the kind of systematic and gratuitous abuse that is often reported.

## Child protection arrangements

111. Staff, including religious Brothers and managerial staff weren't in any systematic way given guidance and instruction on how children in their care at St. Joseph's should be treated, cared for and protected against abuse, ill-treatment or inappropriate behaviour towards them. I first heard the term child protection in the early 1990s. There was just not the same awareness of abuse.
112. This isn't to say that children weren't protected or adults didn't know what were right and wrong ways of behaving towards them. Almost all of the adults I worked with had a good understanding of children's needs and what was right and wrong in terms of how to treat them. For most that came from being parents themselves, there was a general rule of thumb that children were treated how staff would want their own children to be treated. There was a sense that we were operating 'in loco parentis'.
113. There were no formal procedures, guidance and instruction given on how to handle, and respond to, reports of abuse or ill-treatment of children by staff, other adults, or other children, but I'd have thought I would speak to the supervising social worker had I received such a report.
114. I don't think how staff and other adults, including managerial staff, handled any such reports was to do with discretion or otherwise. In the absence of a policy, or even a concept of child protection, staff did what they thought best and, in some senses, each might do things slightly differently.
115. As I have already stated, there were no formal child protection arrangements in place to reduce the likelihood of abuse, ill-treatment, or inappropriate conduct by staff, or other adults, towards children at St. Joseph's. I don't think kids were unsafe as a result of the absence of such policies or procedures. I think kids are made safe through

relationships and institutional values rather than policies. And I think the values and the relationships at St Joseph's were good.

### **External monitoring**

116. There was no inspection regime such as Care Inspectorate or its forerunners, which came in early 1990s, during my time at St Joseph's. I would have thought that the Social Work Services Group or, more broadly the Scottish Education Department, might have had some inspectorial function, but I'm not aware of inspections.
117. The Board of Managers visited the school monthly. The Assistant Principal Officer from the Council came weekly after around 1986/7. I think they maybe spoke with children, but I am not sure and I don't know whether staff or other adults were present if they did. They did not routinely speak with me, although I did meet with some at particular events. I do not know if these officials gave feedback.

### **Record-keeping**

118. Record keeping was, at one level, thorough in the sense that there were daily records kept on each boy. I wouldn't be so sure of the quality of some of these or what purpose they were put to. I used daily records to draw some of the information for children's hearings reports. But there was, I suspect, a lot of unnecessary information kept. On the other hand, these records would give some insight into daily life in the school.
119. I would have thought that if there were allegations of abuse, these might be kept separately but I wouldn't know where.
120. I think records provided an accurate record of what people thought was important to record but without an understanding of the purpose of recording. I don't believe records were doctored or information deliberately omitted, no-one imagined they would be examined decades down the line.

### **Investigations into abuse – personal involvement**

121. I was never involved in any investigation on behalf of St. Joseph's into allegations of abuse or ill-treatment of or into inappropriate behaviour by staff or others towards children.

### **Reports of abuse and civil claims**

122. I'm not sure if the Gary McQueen case falls into the category of my being involved in the handling of reports to, or civil claims made against, St. Joseph's by former residents concerning historical abuse. I was asked a few months ago by solicitors for East Lothian Council to give them a statement, which I did.
123. St. Joseph's is closed, and I understand that East Lothian Council has picked up liabilities. I don't know what the solicitors have done with the case and I don't know what conclusion was reached.

### **Police investigations/ criminal proceedings**

124. I did, at different points, become aware of police investigations into alleged abuse at St. Joseph's. As the Inquiry will know, one of the Brothers, Brother Ben, was convicted on three occasions, two relating, in part, to St Joseph's.
125. I know of the nature of the allegations that led to conviction. I have no idea what the Institution's response is as it is closed.
126. On each occasion of Bro Ben appearing in Court, I gave a statement to the police/Crown and in two of Brother Ben's trials, I gave evidence.

### **Convicted abusers**



127. I know that Brother Ben was convicted of the abuse of a child or children at St. Joseph's.
128. I had limited direct dealings during my first spell at St Josephs but on my return, we worked very closely together in Ogilvie Cottage as the two residential social workers.
129. I remember Brother Ben as an old-fashioned character, from the South West of Ireland. He was a very practical character who drove and maintained the school bus and undertook other practical tasks around the school in addition to residential care duties in Ogilvie. He had high expectations of boys' behaviour, but was a very kindly person, who had the boys needs at heart.
130. During my time with him in Ogilvie, he was popular with the boys. No-one raised any concerns about him and I had none.
131. Brother Ben was a member of the De La Salle Order and moved there from another List D School, in common with the Order's practice of moving Brothers around.
132. He had the Certificate in Residential Child Care, I am not sure of name, which was the standard qualification for residential work at that time. I am not sure at what point he did his qualification.
133. Brother Ben was not subject to supervision and/or monitoring any more, or less, than anyone else.
134. I am not aware of any previous allegation of abuse of which the institution or staff had been made aware, and if it had been investigated by the institution or another body.

**Specific alleged abusers**

135. I am aware that the Inquiry has received allegations about the following staff and others who may have been employed at the institution at the same time as me:

*Michael John Murphy (religious name Brother Ben/Benedict)*

136. As I have stated I recall Brother Ben. My time at St. Joseph's coincided with his between 1981 and 1990, minus my time on SW training.

137. I think Brother Ben would have been around his mid-fifties. He was a residential social worker in Ogilvie Cottage and I was the other residential social worker, and 'cottage warden', from 1987 to 1990.

138. I knew Brother Ben well. I saw him with children and I saw him discipline children on a day-to-day basis. He had traditional expectations of how boys should behave and could become annoyed when they didn't. He would let boys know that their behaviours weren't acceptable and may remove them from situations.

139. I did not see Brother Ben abuse children.

140. I only latterly heard of Brother Ben abusing children, in the course of the court cases.

*Brother* MBU

141. I recall Brother MBU. Again, my time at St. Joseph's coincided with his between 1981 and 1990, minus my time on SW training.

142. Brother MBU would have been around sixty at that time. He was SNR while I was a new residential social worker. I remember Brother MBU as being a lovely, gentle man, inspirational in his own quiet way.

143. I knew Brother MBU well and I saw him with children, with whom he was well-liked and respected. I did not see Brother MBU discipline children.

144. I did not see Brother MBU abuse children and nor did I hear of him abusing children.

MJG (religious name Brother MJG )

145. I recall Brother MJG, who is now long dead. My time at St. Joseph's coincided with his between 1981 and 1990, minus my time on SW training, although Bro MJG around 1983/4, but continued to live in the Brothers' community.

146. Brother MJG would have been sixty-five or sixty-six at that time. He was SNR SNR and I was a young residential social worker. I recall Brother MJG as a kindly older man, who for the school.

147. I knew Brother MJG reasonably well. I saw him with children and he was well liked. I did not see him discipline children.

148. I did not see Brother MJG abuse children, nor did I hear of him abusing children.

GFJ

149. I recall GFJ. My time at St. Joseph's coincided with his between 1981 and 1990.

150. GFJ would perhaps have been in his early thirties. He was a teacher and almost entirely an outdoor pursuits teacher. His role in relation to me was not that much. I did go camping with him and groups of boys a few times in the early 1980s.

151. I mostly just remember his focus on outdoor pursuits. I never really worked in cottages with GFJ and I didn't feel we knew each other that well. I did see him with children.

Children loved what GFJ did with them and had a real bond with him over this outdoor focus. I did not see him discipline children.

152. I did not see GFJ abuse children and I did not hear of him abusing children.

HKN

153. I recall HKN. I think he came to St. Joseph's around 1983 and was there beyond me leaving in 1990.

154. HKN was maybe a year or two older than me, in his mid-twenties. He was a boilerman/handyman, but also did residential duties. His role in relation to me was when we needed maintenance work done and occasionally, we would work together in a cottage. He offered boys an adult presence which wasn't necessarily in a social work or teaching role, although HKN himself went on to work in a care role and to complete social work qualifications.

155. He was a working class, local guy, who I didn't know particularly well, beyond the kind of interaction when working together. I saw him with children. He had a practical focus and was always doing something with them, e.g. he and LVI built a go-cart and a go-cart track. I saw HKN discipline children on a day-to-day basis, which he did through his personality.

156. I did not see HKN abuse children, nor did I hear of him abusing children.

LVI

157. I recall LVI. He is long dead. My time at St. Joseph's coincided with his between 1981 and 1990.

158. LVI would maybe have been thirty around that time. He was a handyman, who did repairs and also did duties in the cottages. I wouldn't say I had a close relationship and I did not know him particularly well. We probably weren't on the same wavelength but like HKN, he did a lot with the boys. I saw him with children and he seemed to be well liked by many. I did not see him discipline children.

159. I did not see him abuse children and nor did I hear of him abusing children.

LVH

160. I recall LVH, LVH I am not sure if he is still alive. The last I heard, he had advanced dementia. My time at St. Joseph's coincided with his between 1981 and 1990.

161. LVH would perhaps have been in his mid-forties at that time. He was a cottage warden/housemaster in Sinclair unit. We worked together briefly when I started, but otherwise we were not particularly close. He seemed to be good with kids.. I knew him reasonably well but we weren't friends. I had fairly close relationships with some other social work colleagues but didn't have the same with LVH

162. I saw LVH with children and he seemed to be well liked. He worked mostly with those approaching school leaving and latterly with the girls. I only saw him discipline children in day-to-day interactions.

163. I did not see LVH abuse children and I did not hear of him abusing children.

HBD

164. There was no-one with the name HBD during my time at St. Joseph's.

zGBD



165. There was no-one with the name zGBD during my time at St. Joseph's.

MHC

166. I recall MHC My time at St. Joseph's coincided with his between 1981 and 1990.

167. MHC would have been in his late twenties at that time. He was a teacher, mostly of maths and geography, I think, but he also did residential duties. I knew him pretty well, we were quite friendly and we did a number of things, such as cycling trips, together. He was a bit of a larger-than-life character. Good fun and a practical joker. He was a good teacher and a good organiser, for example of the cycle trips. He really cared about the boys.

168. I saw MHC with children and he was good with them. I saw him discipline children. He could hold a line, but he also knew kids and cared about them.

169. I did not see MHC abuse children and I did not hear of him abusing children.

HBC

170. There was no-one with the name HBC during my time at St. Joseph's.

MJK

171. I recall MJK He is now long dead. My time at St. Joseph's coincided with his between 1981 maybe 1983.



172. He was approaching retirement at that time and was a metalwork instructor. I did not have much contact with him. I remember him as an older, local man, an ex-tradesman. He was always personable in any dealings I had with him, but I did not know him particularly well. I did not really see him with children and can't really say how he was with children. I did not see him discipline children.

173. I did not see MJK abuse children and I did not hear of him abusing children.

IAZ

174. IAZ did not work in St Joseph's. He was a social worker employed by Lothian Regional Council at the Craigenfinny area office. This is important information. If this fact is misconceived, subsequent understanding of Gary McQueen's situation will be flawed.

### **Leaving St. Joseph's**

175. I left St. Joseph's because I was promoted to SNR of Wellington School.

176. I don't know what references were provided relating to my time at St. Joseph's. Lothian Region Council recruitment policy would have been followed.

### **Helping the Inquiry**

177. There are myriad reasons why adults might make retrospective allegations of abuse and a substantial amount of literature on it, which I am happy to point the Inquiry to.

178. What strikes me from the interview transcripts I have been provided with is just how tragic the lives of those making the claims are. All three have reached a stage in their lives where they must look back and not like what they see, wonder what their future

lives hold and what life might have been in other circumstances and are seeking some way of interpreting what has gone wrong.

179. The power of the abuse narrative in residential care gives them an easy but very incomplete and not necessarily a helpful way to story their lives in such a way that all their previous and subsequent experiences can be totalised into their experience in residential child care.
180. The continued effect and impact from the experiences of abuse is complicated and certainly doesn't lend itself to a simple cause and effect relationship. In making this connection of subsequent adversity in life to experience in residential child care, the question posed may confuse correlation and causation. I agree that these are tragic stories, but I would question that all subsequent adversity can be laid at the door of residential child care.
181. What strikes me about the interview transcripts is how little of the lives of those giving the interviews were actually spent in residential child care, perhaps two years out of fifty odd. If one thinks of the early years literature, then some academics would argue that the key stage to determine future life chances is the first three years.
182. If one were to take this view, then former residents' life scripts were laid down well before they reached residential child care. Similarly, their subsequent experiences have compounded early disadvantage. The interaction of disadvantage, poor early life experiences and possibly previous and then subsequent abuse makes the role, impact and responsibility of residential care difficult to measure and evaluate in a the context of a life story.
183. There are very few places like St Joseph's remaining so there is limited point considering how to protect children in such establishments.

184. If we really want to protect children, but also, more broadly, to care for them and offer them a range of opportunities to grow, then we need to support adults who look after them. There is a need to find a way to balance the overarching need to protect children while also supporting workers to form supportive and trusting relationships. My fear is that efforts to make things completely safe in the absence of supporting professional relationships will lead to sterile and inhuman settings which we know will have an even worse impact on children's development.
185. But there is a broader context to this. Most of the difficulties children face are not as a result of interpersonal abuse but of poverty and financial and social inequality. Interpersonal abuse is more likely to happen in structural conditions of poverty and social inequality. Tackling this, needs to be the core of any policy strategy.

## **SECTION B – APPLICANT AND OTHER EVIDENCE**

### **Applicant evidence – Gary McQueen**

186. I have been provided with a copy of the statement of Gary McQueen.
187. I am happy to comment on Gary's statement. However, it is my understanding that this case is being pursued as a criminal one and may end up in court, in which case I may be called as a witness. Any comments I make need to be understood in this context.
188. There are a number of inaccuracies in Gary's statement, some which may understandably be mistaken as a result of the passage of time, but some of which differ substantially from the facts of the situation as I understand them. That is difficult for me because I provided Gary with a lot of support over the years and still feel quite close to him. In fact, a couple of months ago and before I was aware of the request for this statement, I met Gary when he was working on a roof in my street. He recognised and approached me and treated me as the long-long lost friend that I think we would both consider each other to be; in fact he introduced me to my neighbour as

his friend. He and I had several long conversations about what we had both been doing in the intervening period, both in the street and in my house, with my wife.

189. He mentioned to me that he had given a statement to the Child Abuse Inquiry and to the police, which I knew because I had had a phone call out of the blue around six months ago from a police officer asking if I could help them with any information as Edinburgh Council had said they didn't hold any. I directed him to the fact that I had given a statement to the police over 20 years ago.
190. Gary spoke with me about good experiences at St Joseph's such as me introducing him to the theatre, which he still takes an interest in. We exchanged phone numbers and promised to catch up. He did say some things about feeling that St Joseph's should have done more to prevent him being abused by his social worker. I explained some of my understanding at the time, which he seemed to accept. He certainly did not seem to hold anything against me; the whole tone of our exchanges was of old friends catching up. In that sense, there is a disconnect between these exchanges and aspects of his statement.
191. One thing I would start with is that Gary in his statement often talks about 'the Brothers' as though they were some sort of collective. In actual fact, there were only two working Brothers, neither of whom would have anything to do with Gary's direct care or care planning. I would have done most of this. Hearing reports etc. would be signed off by the headmaster but 'the Brothers' did not manage Gary's time in St Joseph's. I, primarily, did.

*Response to specific paragraphs*

192. In paragraph 74, Gary states: '*I was in St Joe's, which was what everyone called it, for three or four years from when I was twelve or thirteen, until I turned sixteen. That would have been from about 1982 until 1985.*'

193. In fact, Gary was probably thirteen, approaching fourteen when he was admitted (I think in 1983). He was only there for around two years, much of that time as a day pupil, living with his mum.
194. In paragraph 75, he states: *'The De La Salle Brothers ran St Joseph's and they also had St John Bosco in Fife and a place called St John's in Liverpool. At St Joe's there were four units, or cottages as we called them, which were all named after saints. There were probably twenty or twenty-five guys in each unit. I was in Benildus and slept in a dormitory upstairs. There were also Ogilvie, St Claire and Savio cottages. Different Brothers ran the different cottages and they were all quite strict, although not overly so.'*
195. I guess it doesn't really matter, but the De La Salle Brothers did not run St John Bosco's or the Merseyside establishment, which was St George's. Brothers did not run the cottages. There was only one Brother, Brother Ben, who worked in a cottage, Ogilvie, while Gary was in Benildus. There were only two working Brothers during Gary's time, Brother **MBU** and Brother Ben. Brother **MJG** may have been around for a few months before **MBU**. **MJG** continued to live in community at St Joseph's as did Brother Cuthbert and Brother Paul, but they did not take any part in the day-to-day operations of the school; there weren't 'stacks' of Brothers.
196. In paragraph 78, Gary says: *'There were also social workers and the guy who was assigned to Benildus was called **LUZ**. He was my residential social worker. The teachers and social workers all worked Monday to Friday, 9:00 am to 5:00 pm. Outside those hours it was just the Brothers looking after us, other than the nightwatchman, Jock Manratty. He was an old miner from Tranent who used to come in and sit with a torch at night to make sure nobody absconded.'*
197. Teachers and social workers didn't work 9-5. Each did a late night and social workers worked early mornings and till 6.00 pm. Other than Brother Ben, who like everyone else, worked one evening a week, Brothers did not look after boys.



198. At paragraph 83, Gary states: *'We were up at 6:30 in the morning and had a shower before we went downstairs for breakfast, which Mrs Mulgrew the housekeeper got for us. We sat at tables of four and after breakfast we went over to school in the main building, before going back over to our units for lunch.'*
199. Another small point, but boys were not woken at 6.30 am. Day staff only came on at 7.15 am and boys were wakened around 7.30-7.45 am. They rarely showered in the morning, that was after activities in the evening.
200. Gary states at paragraph 84: *'In the afternoon there was Mass and then we tended to work in the garden or the greenhouses potting up plants, because the Brothers used to sell a lot of stuff. We did sometimes go to school in the afternoon, but maybe only one day a week.'*
201. There was never Mass in the afternoon. There was School Mass on a Friday morning and a Sunday morning Mass, which was for the local community and any boys or staff who were in or working the weekend. I was never aware of boys en-masse doing gardening, except if timetabled, nor of the Brothers selling produce. And boys went to school each afternoon Monday to Thursday.
202. At paragraph 88, Gary states: *'I know from my records that Brother MBU organised a cycle trip around Scotland at one time, but I don't remember it. He says that a week before we were due to go, I knocked on his door and told him I wanted to pull out. It's also in my records that I wouldn't give a reason, but that he noticed that I was depressed, however I have no recollection of that either.'*
203. The Brothers didn't organise cycle trips. I and a couple of colleagues did. I remember that Gary was signed up for one and didn't turn up from home on the day we were due to leave, and I was concerned about this.



204. Gary states at paragraph 89 that: *'I had to go to see a psychologist, Mrs Fotheringham, at the Sick Kids in Edinburgh, because after a time the Brothers realised I was getting depressed and that my health was deteriorating. I've since seen that there are notes from her in my records confirming that she too thought I was depressed. I was also taken to the dermatology ward because I had developed psoriasis, which was because of nerves.'*
205. Gary had gone to see Mrs Fotheringham, I'm not sure if she was a psychologist, psychiatrist or psychiatric social worker, who was based at Rillbank, the child and family mental health unit attached to the Sick Children's Hospital prior to admission to St Joseph's. He maintained some contact with her, I think, because I remember she was instrumental in getting him admitted to hospital to have home-made tattoos removed from his knuckles, which would have prevented him getting onto a catering course.
206. At paragraph 92, Gary says: *'Later on in my time at St Joe's I was told that if I got a job and kept my nose clean, I was out the door when I turned sixteen. I got the head down and when I was fifteen, I think I was the first person to go out and work. I was just wanting out and so I approached people in the area, looking for work. I spoke to the owner of the Keeper's Arms in Tranent, Roy Bain, and he gave me work experience. They must have known I had nothing because Roy Bain had a 'whip round' for me and all the staff bought me clothes, however that job came to an end in the summer season'.*
207. Gary's work experience was arranged through a well-established school scheme, which all boys in their final term took part in. He was placed in the Keeper's Arms in Tranent and also spent some time at a restaurant in Port Seton, owned by the same person. This was arranged through the School's work experience scheme and either encouraged Gary to consider a career in catering or was arranged because he had already expressed this interest. I don't recall 5.00 am starts or 16-hour days, although I think Gary did do more than he was required to because he enjoyed it.

208. At paragraph 98, Gary says: *'Although my mother didn't want me, I know now from my records that my gran was quite willing to. At Christmas, Easter and on my birthday, my field social worker IAZ [REDACTED] and some of the Brothers would also go to my gran's. All her neighbours would be watching and my gran would be delighted that all these Brothers were coming to her house. It was a good look for the neighbours and the chocolate biscuits and the good cups came out.'*
209. I can't imagine *'the Brothers'* going to Gary's granny's house on a regular basis, and certainly not without me being there.
210. Gary states at paragraph 102 that: *'I think all the lads who were at St Joseph's had lived a life of being shouted and bawled at all the time, so I think the brothers had to come up with another way of keeping us in line. Brother Ben did so by giving us electric shocks.'*
211. Gary, in this statement, seems to reflect the narrative of Brother Ben giving boys electric shocks as punishment to keep them in line. Brother Ben had a harmless electronic device, which was used as entertainment for boys who voluntarily went to his electronics workshop. When I met him recently, Gary acknowledged that Bro Ben's generator was just fun.
212. The name of the person Gary is referring to at paragraph 108 is redacted, with the code *'IAX,'* however he says: *'I got a couple of lickings off the staff in my time at St Joe's and Mr IAX would give you a licking like he would give a man a licking. He didn't hold back and I think, because of my home circumstances and the fact that my mother didn't want me there, I was probably the ideal candidate because nobody was going to see my bruises.'*
213. He continues in paragraph 109: *'When I was about twelve or thirteen, I took the biggest bowl of 'Rice Krispies', however I was spotted by Mr IAX. He took me into a storeroom,*

*where there were massive metal buckets of Rice Krispies and also 'Cornflakes' and he gave me a heavy licking in there. He was punching me and kicking me about the head and body, before he picked me up and shoved me in one of the buckets and just about drowned me in the Rice Krispies.'*

214. Gary continues in paragraph 110: *'I was fighting back, but he really beat me, so much so that I had to go to Roodlands Hospital in Haddington for broken ribs and to get some stitches, even inside my mouth. I think the Brothers told the hospital staff that I had been standing behind a boy who had been swinging a golf club and I'd been hit accidentally.'*
215. I don't know who Mr 'IAX' is but I find it hard to imagine how such an incident could happen in a cottage where there were a dozen or so other boys and at the very least a housemother nearby. I remember the room in question, and it was a stock cupboard, which did have containers of breakfast cereal. It was not big enough for a fist fight and while the cereal containers were pretty big, they certainly wouldn't fit a fairly tall boy.
216. Specifically relating to paragraph 108, Gary was on home leave regularly and could have shown bruises. In St Joseph's, the kind of bruises he talks about would have been noticed. Gary was not troublesome. I don't recall difficult relationships with staff and I certainly don't recall 'fights' between him and staff.
217. Again, I struggle to make sense of this account. I am not aware of any member of staff kicking boys to the head and body. If Gary had broken ribs and needed stitches in his mouth, I would have known. I do remember one situation where he fell off the climbing frame in the yard and I took him up to the matron, who gave him a cup of tea. He may have been taken to Roodlands, the A&E in Haddington, for a check-up, I can't recall. I was never aware of there being medical records to support broken ribs and stitches. More broadly, I am not aware of any boy having been injured by a staff

member to the point of needing medical attention, in all my time at St Joseph's, or elsewhere.

218. At paragraph 112, Gary says: *'I started bed wetting and sleep walking at St Joseph's. It had never happened to me before and the reason it did at St Joe's was IAZ and what he was doing to me. St Joe's wasn't nice, but I could put up with getting a doing from the Brothers and the staff. It was at the weekends that my real abuse happened. The weekends I was forced to spend with IAZ my field social worker.'*

219. I may be wrong, but I don't remember Gary bed-wetting. I was aware of him being unhappy at times (and, as I say elsewhere, I sought to get to the bottom of this). I don't recall any element of Gary being forced to spend time with IAZ his field social worker. I know he did but there were no indications either in what he said or in his behaviours at the time that gave any indication that he was unhappy with this contact.

220. Gary says at para 114: *'That's how it started off with me, but it progressed and, from the age of eleven or twelve, for about the next two years, he took me to different houses in and around Edinburgh and he sexually abused me and he raped me.'*

221. If Gary was being abused by his social worker at eleven or twelve, that was considerably before his admission to St Joseph's, which would suggest that a pattern of abuse by his social worker was well established by the time he came to St Joseph's

222. At paragraph 119, Gary states: *'I think now that real reason I often didn't get on Brother Ben's bus on a Friday was so that IAZ would have an excuse to take me away for the weekend. There was always some pretence that we were going to his house to watch some movie, or something like that, but instead he took me to different houses in and around Edinburgh. Once he flung me in a car and took me to a bed and breakfast in the Lake District. He never took any other boy, it was always just me.'*

223. Gary is referring to the school bus, which took boys home every Friday. I don't remember Gary being kept back. He spent a lot of time at home midweek as well as weekends.
224. Gary states at paragraph 123 that: *'I was probably the ideal person for IAZ [REDACTED] to abuse because there was nobody looking out for me. My mum didn't want me and nobody cared, so he did what he wanted.'*
225. Although Gary's mother had her own issues, she did care about him (I accept she gave mixed messages in that regard), and his granny certainly did care about him. I cared a lot about Gary and really wanted to know, and asked regularly, what was troubling him. I have never doubted or questioned the accounts of abuse he gave me in 1986 or in 1999. In retrospect, it helps make some sense of the difficulties he was clearly experiencing during some of his time at St Joseph's and subsequently. But, despite me trying to find out, he did not tell me what was going on. I did not make any link from this to his relationship with his social worker.
226. Gary states at paragraph 125: *'I was also taken to a cottage in the countryside outside Peebles, that I believe IAZ [REDACTED] and [REDACTED] had just bought. It was probably the fifth house I was taken to by him. We'd been out all day and got back to the cottage and were there for maybe three or four hours before it was time to go to bed. I went up the stairs with him and he pushed me flat on the stairs, carrying-on. He put his hand down the back of my trousers and stuck his finger up my backside. I knew exactly what was going to happen, but when I looked up, another man appeared at the top of the stairs. I didn't know this man, but he was naked and had his penis in his hand.'*
227. He continues at paragraph 126: *'I freaked and ran past this man and charged through a window, onto a flat roof and into the garden. They both chased me, however I managed to get away into the fields. I could see the headlights of their car as they*



*went up and down the road looking for me, but it was easy for me to hide from them behind hedges at the side of the road.'*

228. This episode happened around a year after Gary had left St Joseph's. I do not recall the naked man at the top of the stairs featuring in the account Gary gave me at the time. And I don't recall Gary jumping out onto a flat roof. My memory was that Gary had fought off his SW and got out the front door and had thrown a plant pot or something, perhaps at a car.
229. At paragraph 127, Gary states: *'I don't know how far the cottage was from Peebles, possibly a few miles, but I managed to get into the town and found a 'phone box. I reversed the charges to my residential social worker, LUZ [REDACTED] and he came down and picked me up at 3:00 am and took me back to his house [REDACTED] in Edinburgh.'*
230. It was around 5 am I got the call, if I recall correctly, and around 7 am when we got back to Edinburgh.

*Response to paragraphs 129 to 134*

231. Paragraphs 129 to 134 of Gary's statement read:

129. *'When I first saw IAZ [REDACTED] after that meal in Khushi's he gave me the usual threats and also told me that it would all be worth it in the end. He said I would benefit eventually, that he would sort things out and I would get back home. I had realised by that time that would not be happening though. The abuse continued. It was like a black hole I was being drawn into and there was no way I could escape from it.*

130. *I told LUZ [REDACTED] some of what had been going on the night he picked me up from Peebles. I accept that he was a young man in his twenties, but*



*instead of taking me right to a police station, he just took me right back to the situation and right back to IAZ*

131. *That night he took me to Khushi's Restaurant in Edinburgh and I had to sit at a table in a booth with LUZ on one side and IAZ on the other. As LUZ was trying to skirt around my phone call in the early hours of the morning and what I'd told him, IAZ had his hand under the table, aggressively squeezing the life out of my leg. He was trying to intimidate me and make sure I didn't say anything out of turn.*
132. *I ended up back at St Joe's eventually and nothing was said by any of the Brothers, the staff, or by LUZ and IAZ remained my field social worker. It was like getting thrown a lifebelt when you are drowning and thinking you are getting saved, only for that lifebelt to be pulled away.*
133. *I'd been in the system long enough by then to know that there was no point in me trying to report what was happening to anybody else. If something didn't happen the first time, it wasn't going to.*
134. *By the time I was approaching sixteen I just wanted out of St Joe's. LUZ LUZ took me to Esk Valley College to enrol on a bricklayer course, but there were no spaces when I got there, so I signed up for a catering course and went to live with my gran. I just signed up for anything so that I could get out of St Joe's because they told me if I didn't get on a course or have a job they would try and keep me for another year.'*

232. This is where the timeline of Gary's story becomes very confused. Gary had left St Joseph's by this stage and was staying with his granny. IAZ left Craigentenny social work office early 1985. Gary, and I, left St Joseph's in Summer 1985. Gary's new social worker was Ann Dewar. I don't think I saw IAZ again, after he had left Craigentenny. The Peebles incident happened around June 1986, so a good year or more after I had last seen IAZ and a year since Gary had left St Joseph's. He was 16, maybe nearly 17, and no longer under the supervision of the social work department.

233. I had stayed in touch, periodically with Gary to try and support him in his college course.
234. I think I knew Gary was also continuing contact with IAZ and was going to stay over with him and it didn't ring any alarms, he seemed happy to be going.
235. I was surprised by the phone call but worked out with Gary, who was clearly distressed, that I would pick him up at the swimming pool in Peebles, which I knew he would know because each of the cottages used to go camping near Peebles and we would go into the swimming pool at some point.
236. I picked him up and brought him back to Edinburgh. He didn't want to go straight home to his gran's as she would wonder why he was back so early, so I took him to my place for a coffee and to rest before I returned him to his gran's.
237. He didn't tell me of any previous episodes of abuse and the sense was that he had managed to get out when he started to feel uncomfortable with IAZ advances. I was under the impression this was the first such episode and that Gary had extricated himself from it.
238. He didn't want to report the matter, I will come back to this when I account for my thinking around the incident. I told him I would speak to his granny about it. He wanted to do that himself. I know he did because the next time I saw him with his granny, she acknowledged this with me and said she was going to write to the social work department, which I encouraged her to do. I don't know if she did.
239. Re para 130, Gary was clear he did not want to go to the police and, again, I will give my view of this later. I did not take Gary straight back into an abusive situation.
240. I did not take him to Khushi's that evening and certainly not with IAZ. As I say, I had not had any contact with IAZ for perhaps a year before this episode and

have not seen him since. My understanding has been that Gary has not seen IAZ since that episode either. We certainly did not see him together.

241. Gary did not end up back in St Joseph's, as he states at paragraph 132. He had left there a year previously and IAZ did not remain his social worker as he had left that post over a year previously. As I say, Ann Dewar had become his social worker about year before the Peebles episode.
242. I remember taking Gary to the interview at Esk Valley College as he says at paragraph 134. I was not aware he thought he was going for a bricklaying course because much of the work we had been doing with Gary was to support him towards a catering course. I had taken him for a chat with the head of catering at Telford College. His work experience had been arranged in restaurants to give him a flavour of such work. In fact, IAZ and I took him to two or three different restaurants to introduce him to different types of cuisine so as he had some knowledge of this before he applied for the catering course.
243. I continued to see Gary on and off until he completed his college course. On completion, he worked initially at a hotel out Balerno way. He then moved to work in the Mount Royal on Princes Street.
244. He invited my wife and I to his 21<sup>st</sup> Birthday Party, which we went to.
245. I read in the papers that not long after that he had got into trouble for an incident at a subsequent place of work, Hector's Maison in Stockbridge, and was jailed.

*Response to paragraphs 169 to 174*

246. Gary states at paragraph 169: '*I bumped into [my residential social worker at St Joe's, LUZ] twenty years ago just by chance and we ended up exchanging numbers.*'



247. Gary and I did bump into one another, I think around 1997, on [REDACTED] where he had bought a flat. He was working as head chef in the Caledonian Ale House at Haymarket at this point. I went on a few occasions, with my wife, with friends and with a group of staff from my work at one stage. By this point, he was in a steady relationship with the manageress of the Caledonian Ale House. All seemed to be good. He and his partner came to my 40<sup>th</sup> birthday party.
248. There are bits of Gary's account from here that don't fit with my own understandings.
249. In 1999, he phoned me and asked me if I could go along to his flat in [REDACTED] because he had something he needed to speak to me about. I did so that, or the following, evening. I do not recall the lunch or pint to which he refers. The conversation took place in his flat. Gary told me that his head was in a bad place and his partner had told him to speak to me about it. He told me at that point that the incident in Peebles was not the only one and that there had been previous episodes when IAZ [REDACTED] had taken him out while at St Joseph's. He recounted the story he tells in his statement of waking up with IAZ [REDACTED] male partner stroking his back.
250. I told him at this point that I would need to report this. He acknowledged this but said he wasn't prepared to speak to the police.
251. The following morning, I phoned Martin Henry, Principal Officer for Child Protection for Edinburgh Council. He reported it through line management channels, and I was visited by the Depute Director of Social Work. I wrote the account presented in the information pack I have been sent.
252. I gave a full statement to a police officer from Howdenhall Police Station.
253. Gary still refused to speak to the police. He told the officer that what I had told him was true but that if he took out his notepad, he would say no more.

254. I pressed the Depute Director to arrange counselling for Gary. He said that the Council used a woman who worked in the social work training section. I took Gary to her house. A couple of sessions seemed to go well, but Gary then didn't go back. I don't know why.
255. Gary states at paragraph 170: *'I also went for lunch with him and we had a pint together and he started to talk about Brother Ben getting the jail for giving us the electric shocks and I told him the police had approached me about him. I then talked to him about IAZ [REDACTED] and him picking me up from Peebles and about nothing being done to stop IAZ [REDACTED] and he apologised to me. He said he was young at the time and that it was different days then and I accepted that. He told me that IAZ [REDACTED] was quite intimidating to him as a young social worker and that he had felt pressured and I understood.'*
256. I am unclear as to when we are meant to have had this contact and have no recollection of it. I was not aware until I read Gary's statement to the Inquiry that he apportioned any blame to me in respect of my response to the Peebles episode.
257. He states at paragraph 171: *'He also asked me whether I got hard during the abuse and told me that if I did, it was nothing to be ashamed of. I couldn't believe he'd asked me such a thing and left him there. I was raging. He shouldn't have asked me that and I still don't understand why he did. I've never seen him since.'*
258. As I say above, I have no recollection of this meeting (if, as Gary says, we discussed Bro Ben's conviction then this would place it after 2003). I don't recall us meeting between 1999 and 2006. Nor can I remember this conversation. I do not recall Gary getting angry or walking out on me at any point in our relationship.
259. He says he never saw me since this meeting (whenever this meeting might have been). He sought me out and invited my wife and I to his wedding, around 2006. I went to the ceremony. We didn't go to the reception in Edinburgh Castle, where Gary

was working at that point, because we had young children at the time. And, as I say above, we met again a couple of months ago and he treated me as a long-lost friend.

260. At paragraph 173, Gary states: 'About six months ago, LUZ [REDACTED] wrote an [REDACTED] [...], saying that he had been involved in abuse trials for both the defence and the accused and that he did not believe the guilt of any of them. That is the reason I decided to contact the Scottish Child Abuse Inquiry.'

261. Gary says in his statement that he decided to contact the Inquiry after having read something I wrote. I think when I met him recently, he said that his lawyer had shown him this. If that is the case, I would question the ethics of this.

*Accounting for my thinking and actions in 1986*

262. The claim in Gary's statement is that I was 'complicit' in allowing his abuse to happen and continue. I wasn't. Had he thought I was complicit in any abuse, it is odd that he would have approached me to disclose it.

263. To understand what happened, there is a need for some context.

264. It was the mid-1980s. I had never come across a gay man, let alone a gay couple. Gary says that IAZ [REDACTED] and his partner were 'openly gay'. I wasn't aware of that. IAZ [REDACTED] told me that his marriage had broken down, he had been married twice and had a son, and that his mate had just started social work training at Edinburgh University. It suited them both to move in together to share the rent. This seemed entirely plausible, and I took it at face value. At no point did IAZ [REDACTED] tell me they were more than friends. Even if he had, it would have been a stretch to assume they would abuse boys.

265. I never saw IAZ [REDACTED] other than at a distance after, and indeed for over a year prior to, the incident in Peebles. I certainly did not take Gary back to meet him.



266. It can be easy to look back forty years and impose today's understandings, where there is a heightened awareness of abuse. I say elsewhere in my statement that sexual abuse was not really known or spoken about, and child protection procedures did not exist in the same way as they do now. I was doing my social work training at that time and there was no sense that sexual abuse should automatically be treated as a police matter. Nor did we understand the long-term effects of sexual abuse.
267. Moreover, while I knew Gary was unhappy at points during his time in St Joseph's and tried my hardest to find out what was behind this, (I would be pretty sure that this would be recorded), there were no indications that I am aware of that Gary's unhappiness could be linked to time spent with [IAZ]. He always seemed happy enough to go with him and I was never aware of any distress on return. I located his distress more in family and community.
268. Gary, not just in 1986 but still in 1999, was adamant he did not want police involvement. He was legally an adult and was not on supervision. In 1986, I was on leave of absence doing my social work training and had no ongoing professional role with Gary. I did encourage him to speak to his gran, as his carer, and he did. I had no duty to report, and it is questionable whether I had any right to do so against Gary's wishes. Gary, of course, could have gone to the police following the 1986 incident or at any time thereafter and I would have offered a witness statement as I did in 1999.
269. I was one of the first cohorts of social workers in Scotland to do post-qualifying child protection training, 1991/2. At that time, there was a recognition that those who had been abused needed to deal with this at their own pace. The concept of client confidentiality was also a strong one. Gary was clearly not ready to deal with his experiences in 1986, or even in 1999. By 1999, there was an expectation that workers would pass such information on, and I did. But Gary still didn't speak to the police or social work department, and he had a right, on both occasions, not to do so.

270. As I indicate at the beginning of this section, Gary also seeks to blame 'the Brothers' for being 'complicit' in his abuse. Brother MBU the only Brother involved in Gary's care, would only know what I told him. He, for he was 'The Brothers', was not complicit. Nor was I. Of course, I look back and wonder if I could have picked things up at the time and perhaps with the benefit of current understandings of child abuse, I would have done so. And it pains me that Gary's experiences have, I believe, really impacted his life – he was a lad who in other circumstances could have done well in life. However, I am satisfied that I acted in good faith and to the best of my knowledge at every stage of our relationship. Statements given at different points, to the police in 1999, to the solicitor for East Lothian Council a few months ago and here, are all consistent and as full, true and offer as accurate an account as they can, given the passage of time.

#### **Other evidence**

271. I am coming to the following questions after having completed the foregoing statement. Much that I could say in relation to these two questions is contained in the statement.

*Document EDI-000004933*

272. Document EDI-000004933 is a transcript of an interview I gave on 13 July 1999 to Alan Jackson and Jayne Pashley, officials from the City of Edinburgh Council.

273. I reported Gary's conversation with me in the memo referenced below. I had spoken with both Martin Henry and Duncan McAuley and had given a full statement to the police. I suspect that the intention of this subsequent interview was for the Council to be seen to conduct a formal investigation in case anything came back to the department. In the event, it seems that Gary ignored their attempts to interview him (in fact Gary, when I met him recently, said that Council officers had put notes through the door of his flat asking him to speak to them but he ignored these).

*Document EDI-000004934*

274. Document EDI-000004934 is a copy of a memorandum from me to Duncan MacAulay, Head of Operations, dated 1 June 1999.
275. As I mention elsewhere in my statement, I first approached Martin Henry, the Council's Child Protection Officer, after Gary had told me of his abuse in 1999, the morning after Gary had spoken to me. I can't recall if he asked me to provide an account for Duncan McAuley or if Duncan himself did. I know he subsequently came out to St Katharine's, where I was working at that time. The memo itself sets out my contemporaneous account of what Gary told me.

*My book* [REDACTED]

276. I can confirm that my book [REDACTED] is based on my time at St. Joseph's.
277. The methodology is set out pretty fully in the first chapter.

**SECTION C – ALLEGATIONS MADE TO THE INQUIRY (OR OTHERWISE) WHICH RELATE TO ME**

**Applicant allegations**

[REDACTED] GFO

278. I have been provided with a copy of the statement of [REDACTED] GFO
279. [REDACTED] GFO states at paragraph 63: *'You had to watch out for the staff that were on at the weekend as they were the worst for hitting you. [...] and a man called [REDACTED] LUZ were the worst offenders. They would leather you [with] the thick end of a pool cue.*

*They also had a leather belt that they used. I still have the scars on my head where I was hit.'*

280. I have no idea whether I am the individual in relation to whom this evidence relates. I'm not sure if I am simultaneously the social worker who he could speak to and the one who went about hitting boys with pool cues and leather belts. What I do know is that I have never hit a child with a pool cue or any other weapon in my life.
281. I do not remember that much about GFO . He was admitted to Benildus Cottage but I think moved to Sinclair quite quickly. I don't remember any particular interactions with him.
282. I did not sanction or punish him.
283. I did not abuse him.
284. My response to the allegation is that it is, for whatever reason, fabricated, and I suspect my name (if indeed it is my name – it is only a first name and boys would usually know me as Mr LUZ ) being there is entirely random. I don't know what he means by the weekend staff. As I say above, I never abused GFO and never hit anyone with a pool cue or any other implement.
285. The passage of time has not affected my recollection of what is alleged.
286. There are a number of downright falsehoods in GFO account. For instance, he was admitted to Benildus Cottage. Brother Ben did not admit him and certainly didn't hit him with a pool ball. The pool ball story seems to bear a clear resemblance to this newspaper account a. See <http://www.irishsaalem.com/religious-congregations/de-la-salle-brothers/jimmyboyle-06may01.php>



287. Other falsehoods are that neither the belt nor the cane was used in St Joseph's in the 1980's.
288. Nor did the Brothers wear brown robes and certainly not with crucifixes. They generally wore jacket and slacks, only wearing black robes, with no crucifix, for Mass and special occasions.
289. In terms of being hit with pool cues or a leather belt, yes, I accept that would be abuse, but I don't believe he was.
290. It wasn't possible for such abuse to have gone undetected. It would absolutely have been detected had any of it happened. Boys were not hit with pool balls or cues, nor were they belted. It didn't happen.

LVC

291. I have been provided with a copy of the statement of LVC
292. Firstly, I am not sure why I have access to LVC account of his time at Howdenhall Assessment Centre, where he mentions at paragraph 33 a Mr and another named individual, whose name I presume I shouldn't have. I am not aware of a Mr working at the assessment centre and I certainly didn't. This might suggest that LVC is getting confused.
293. As to subsequent aspects of his account, LVC states at paragraph 58: *'I remember my first impressions when I got to St Joseph's. It was a scary place. I was in the building and I was given the clothes that I was to wear by the matron and I saw the in-house doctor. I met LUZ and he took me to the room upstairs where I was going to be sleeping. He told me to change into the clothes. I started to get undressed but I was feeling uncomfortable by the way that he was looking at me. I got down to my Y-fronts and I asked him to look away. He refused and he came over and slapped*



*my bare leg on my thigh once. I was shocked and it made me wonder what I had come to. I quickly got dressed.'*

294. I did work in Benildus cottage where LVC lived. I think he later transferred to Sinclair. I am pretty sure I wasn't his keyworker, Ron McKinnon was. The keyworker would usually do the admission. I would only have done so if Ron was off. I have no recollection of doing the admission for LVC. He would not have seen the in-house doctor before admission as the doctor only came once a week for an hour at 8.30 in the morning and no admissions happened at that time.
295. I remember quite a bit about LVC. I liked him. He could be a bit grumpy at times but was generally good to have around. I think he liked me fine.
296. I did not sanction or punish LVC.
297. I did not abuse LVC.
298. My response to the allegation is that I have no recollection of admitting LVC. In any event, I did not slap LVC or any other boy in the course of admitting them.
299. Regarding other aspects of LVC statement, at paragraph 63, he states '*I remember LUC and other staff coming in and they told us to wash behind our ears. Looking back, this could have been so we took our hands away from our private parts.'*
300. This statement is very vague and speculative and contains no factual information. I never told boys to wash any particular bits of their bodies. My only concern was to make sure that they had had a shower and I tended to do this mostly from outside the shower room and through being a presence across the different levels of the building.
301. LVC states at paragraph 81: '*Several members of staff told you that you weren't allowed to wear underwear in bed. They said it made your testicles sweat and stop*

*you from ejaculating when we were older. The staff who told us this were LUY who taught us gym, Mr LUZ and the nightwatchman.'*

302. I certainly didn't give this as a reason for boys not wearing their underwear in bed and I find it odd that three of us could be said to be saying the same thing. There was a general expectation that boys would put on pyjamas and housecoat after their shower, to do with basic hygiene. LUY did not teach gym – he was the night care officer/watchman in Sinclair Cottage, where I think LVC moved to after I had left to return to university.
303. My answer to whether the passage of time might possibly have affected my recollection of what is alleged would be yes and no. I don't recall admitting LVC or, if I did, any particularities of doing so, nor do I for any other boy for that matter. But I do recall never having any difficulty with a boy during admission and I know absolutely that I never slapped LVC or any other boy in the course of admission. I have never slapped a child on bare flesh and just would not do so. I would remember if I had.
304. As I point out above, there are myriad reasons why adults might make claims of childhood abuse. I wouldn't have expected LVC to have done so against me.
305. The question whether I would accept such treatment of a child to be abuse is entirely hypothetical as it never happened.
306. I struggle to accept that such a claim would be kept secret. Boys weren't cowed by adults. They talked and they especially talked if there was any hint of a member of staff acting inappropriately, and slapping them on the legs while changing would, I think, have been considered inappropriate.

*Other allegations*

307. I have never been the subject of any other complaint in relation to alleged abuse of children in St. Joseph's.

**Other Information**

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

Signed..... LUZ [Redacted Signature] .....

Dated..... 18 January 2024 .....