Tuesday, 19 March 2024

(10.00 am)

LADY SMITH: Good morning.

This is the second day this week in Chapter 4 of Phase 8 of this case study. As we indicated last night, there is going to be one oral witness today, Eddie Frizzell. I think he is ready, is that right, Mr Peoples?

MR PEOPLES: Yes, my Lady, good morning. He is ready to give evidence.

LADY SMITH: Thank you.

Eddie Frizzell (sworn)

LADY SMITH: Good morning.

A. Good morning.

LADY SMITH: Do sit down and make yourself comfortable.

Are you organised?

A. Yes.

LADY SMITH: A couple of questions.

First of all, how would you like me to address you, your first name or second name? I am happy with either, Eddie or Mr Frizzell?

A. I don't mind, whatever you are comfortable with, first name is okay.

LADY SMITH: Okay, Eddie. Well, thank you for that.

The red folder has your statement in it and other

documents we will be looking at, but we will also be bringing them up on the screen. Use either or neither, as works for you, but it might be useful.

I see you have your own papers with you, feel free if you have your own notes to use them if that helps, that's not a problem.

Other than that, questions you might have in your head let me try and answer before you have to ask them. When do you get a break? Well, I normally stop about 11.30 am for a break, if you need a break before then, Eddie, just let me know.

A. Right.

LADY SMITH: I do know it is hard work being put in the spotlight and answering questions for us at length, so you must speak up, don't be brave if you want to have a breather.

Otherwise, let me know if there is anything else I can do to help you give your evidence as comfortably as you can, and give really the best evidence you can. I have your statement, of course, and on one view you might think well, why do I need anything else? Experience tells us it is really helpful to discuss important evidence, oral evidence, in public, if we possibly can. And I am afraid you fall into that category, so bear with us.

If you are ready, I will hand over to Mr Peoples and he will take it from there, is that all right?

A. Right, thank you.

LADY SMITH: Thank you.

Mr Peoples.

Questions by Mr Peoples

MR PEOPLES: Good morning.

A. Good morning.

Q. I take it you have no objection to me calling you Eddie?

A. That's fine, yes, okay.

Q. Can I start by saying that you have provided the Inquiry with a witness statement in advance of giving evidence today. Just for the record I will perhaps refer to it at this stage, it is WIT-1-000001206. I think it is in front of you on the screen, and you have a hard copy to use if you wish to do so.

Just at this stage, can I take from you that if we can turn to the final page of your statement on page 45, can you confirm that you did sign this statement you provided, I am not sure it is clear from what's on the screen, but you did sign a statement on the date stated on page 45?

A. Yes.

Q. I think you state on the same page that you have no objection to your witness statement being published as

part of the evidence to the Inquiry. You believe the facts stated in your witness statement are true and you add that 'the opinions are mine', or yours?

A. Yes, correct, yes.

Q. If I could just move away from that briefly to ask you a little bit about your CV, so that we have an idea of your background. You are here today to speak really about a report you did into Kerelaw Residential School and Secure Unit, which was published in 2009.

Just to get an idea of your background, can I just start with a few questions about your professional background and your current position. I think you are currently the chair of governors at Rossie Young People's Trust?

A. That's correct, yes. Now the chair in fact.

Q. You have been chair since September of last year; is that correct?

A. Yes, yes.

Q. And you have been a governor since I think January 2021?

A. That's right, yes.

Q. Since 2019 you have been a member of the lay advisory committee to the Royal College of Physicians of Edinburgh, is that correct?

A. Yes.

Q. That committee consists of, I think, people who are

non-medically qualified who advise and guide the work of the College, is that what it does?

A. Yes, correct.

Q. You have told us a bit about previous positions that you have held in the past, and I will just maybe run through a few of those, if I may, before we ask some questions about Kerelaw. You have in the past been an external facilitator for the Quinquennial Review of Court Effectiveness at the University of Dundee?

A. Yes.

Q. I think that was in 2019?

A. Yes.

Q. You, between 2011 and 2019, were the vice chair of the Scottish Ambulance Service, which is a special health board within NHS Scotland?

A. Yes.

Q. You were a court member of the governing body, the Court of Abertay University from 2006 until 2018, and from 2013 you were chair of the Court --

A. Yes, yes.

Q. -- or governing body.

You have also in the past been a trustee of Trefoil House from 2006 until 2018, and you were chair of the board of trustees from 2012 to 2018, is that correct?

A. That's correct.

Q. Just for the benefit of those listening, Trefoil is a registered charity that provides grants to disadvantaged young people, is that correct?
A. Correct.
Q. You were a co-opted independent member of Edinburgh College of Art Audit Committee in 2011?
A. Yes, very briefly.
Q. Very briefly.

You were adviser on budget to the Scottish Parliament's Justice Committee in the years 2007 through to 2010?
A. Yes, that's correct.
Q. You of course, I think, as we know, were the leader of an inquiry into historical abuse at the former Kerelaw Residential School and Secure Unit in 2008 and 2009?
A. Yes.
Q. That was an inquiry commissioned jointly by the Scottish Government and Glasgow City Council?
A. Yes, correct.
Q. From 2006 to 2016 you were an honorary professor at Queen Margaret University in public service delivery?
A. Yes.
Q. Between 2000 and 2008 you were an independent member of HM Prison Service for England and Wales?
A. Of the Audit Committee.

Q. Of the Audit Committee, I'm sorry, yes.

You had a lengthy career, I think, in the civil service, is that correct?

A. Yes, 30 years.

Q. I will just run through some of the positions held. You were Chief Executive of the Scottish Prison Service from 1991 to 1999?

A. Yes.

Q. You were the Head of the Scottish Executive Enterprise and Lifelong Learning department, currently would be titled director general, from 1999 to 2006, with responsibility for transport added in 2003?

A. Yes, correct.

Q. You were, between 1989 and 1991, the Director of Locate in Scotland, which was Scotland's then inward investment attraction agency, is that right?

A. Correct.

Q. From 1982 to 1989 you were Head of Scottish Office Higher Education Division, currently that would be seen as a deputy director level, with responsibility for student support and funding to the then central institutions, is that right?

A. Yes, yes. Then finance division, after that, yes. So standard senior civil service appointments.

Q. From 1978 to 1982 you were the First Secretary Fisheries

in the Office of the UK Permanent Representative to the European Communities in Brussels; is that right?

A. That's correct.

Q. Much earlier in your career, from 1976 to 1978, you were dealing mainly I think in policy work on agriculture and fisheries, is that right?

A. That would be right, yes.

Q. Prior to your career in the civil service, you worked mainly as an economist and latterly on international trade promotion?

A. That's correct, yes.

Q. Your academic background is that so far as you have an honours degree from the University of Glasgow in history and political economy?

A. Yes.

Q. You, I think, underwent various courses, one being HM Treasury Government Accounting Courses for Departmental Finance Officers?

A. Yes, you are reading from the CV that goes into job applications, but --

Q. Yes ... no but I am trying to get a flavour of your wide experience and you, I think, were also awarded, the Companion of the Order of the Bath --

A. Yes.

Q. -- in 2000?

A. Yes.
Q. Does that adequately cover --
A. More than adequately, thank you.
Q. With that introduction, perhaps I can just go more directly to why you are here today. We are dealing in the hearings for the next three weeks with two institutions, Larchgrove and Kerelaw. We heard something about both yesterday from the current Chief Officer of the Glasgow City Health and Social Care Partnership, Susanne Millar, who I think is an individual you will be familiar with?

She is a person you will know, Susanne Millar, you will have come across her?
A. Yes, that rings a bell, yes.
Q. I think she told us she was Head of Children and Families from 2006?
A. Yes.
Q. And I think she would therefore be in post at the time that you got involved in the Kerelaw inquiry?
A. Er, yes, I mean I remember the name, I can't remember specifically what she did, but it was certainly a name I came across. I think she was a critic of some of the investigation that had been done internally.
Q. We will maybe just come to that.
A. Yes.

Q. As far as Kerelaw itself is concerned, before we maybe look at that background to your appointment to lead the Kerelaw inquiry, can I just maybe take from you a very brief background to Kerelaw. I think you canvass this in your report, but Kerelaw opened around 1970 --

A. Mm-hm.

Q. -- is that correct?

A. I think that's what I recall, yes.

Q. You can take it from me it is about then.

A. Yes.

Q. And it finally closed in 2006?

A. Yes.

Q. Kerelaw, from 1970, had what was called a residential ... an open school?

A. Yes.

Q. A secure unit was added in 1983?

A. Yes.

Q. And the open school was closed in 2004?

A. Yes.

Q. And the secure unit was closed in 2006?

A. Yes, that's right, two stages.

Q. Yes.

A. Yes.

Q. So by the time you did your report both had closed?

A. They both had closed, yes.

Q. I think that we know that, and I don't know if you -- I think this may be something you are aware of, that from around 1989 girls were placed --
A. Yes.
Q. -- in the open school, previously it had been a boys' school, is that --
A. Yes, that's correct, yes.
Q. The open school had four units for around, I think, perhaps 50 people, young people, in all, something of that order?
A. Yes, something like that.
Q. Don't worry about the precise numbers.
A. Yes, I mean from what I recall, I think I put this in the report, I think when it was fully operational there were 28 in the open school and 24 in secure. But certainly by the mid 1990s.
Q. Yes, but I think originally it was a designed capacity, the open school, for around 50, and the secure unit had designed capacity for 24 young people --
A. Yes.
Q. -- of mixed boys and girls?
A. Yes.
Q. And I think it had three units, the secure unit?
A. Right, yes.
Q. I think this is something you tell us in your report,

but I can just take it at this stage, that Kerelaw, when operational, took young people from all over Scotland, although always a significant percentage were placed by Glasgow?

A. That would be right.

Q. Latterly, at least, there were many emergency admissions, I think that's something your inquiry was told?

A. Yes.

Q. I think your inquiry was also told that latterly the percentage of Glasgow children, if I can put it that way, had risen from something like 50 per cent to a much higher percentage, maybe of the order of 80 per cent?

A. Yes, I can't remember the exact figures, but, yes, it had gone up, definitely.

Q. There had been quite a rapid rise in the percentages --

A. Yes.

Q. -- and I think to some extent some staff there thought that that change had some bearing on the problems that Kerelaw had?

A. Yes, that's absolutely true, there was this suggestion that there were more difficult young people who were referred from Glasgow, compounded by the fact that they had emergency admissions, frequently on a Saturday night, with obvious implications for what planning you

could do for the care of the young person. It made it very difficult to have any kind of sensible care plan.

Q. The young people placed at Kerelaw, it was said, and I think you would not disagree with this, that many of the young people at Kerelaw had what was described generally as significant complex and varied needs?

A. Yes.

Q. Individual needs?

A. Yes, that would certainly be true.

Q. I certainly think that's what, I think, the director of Social Work told his committee, his council committee, in 2007, and I think that's what you found to be the case?

A. Yes, and it would still be true today, of young people who are sent to institutions like that.

Q. Yes. So far as governance is concerned, from 1970 to 1975 the governing body was one of Glasgow City Council's predecessors, Glasgow Corporation?

A. Er --

Q. You can take it, I think, that --

A. Yes, it was Strathclyde, well, yes, it was Strathclyde Region --

Q. I will come to that.

A. -- that was originally responsible, but it was located in Ayrshire, yes, but you are going to come to that.

Q. I think you can take it from me that if it opened in 1970 Glasgow Corporation was --

A. Right, okay.

Q. -- the relevant Local Authority.

In 1975, as a result of local government reorganisation, the responsibility passed to Strathclyde Regional Council?

A. Yes, that was the first local government reorganisation.

Q. Yes, the Wheatley Commission followed by the local government legislation?

A. Yes.

Q. The era of Strathclyde lasted from 1975 or 1976 through to 1996 --

A. Yes.

Q. -- when there was a further local government reorganisation to create a number of unitary authorities, including Glasgow City Council.

So Glasgow City Council, from 1996 until the closure of Kerelaw in 2006, had responsibility for --

A. Yes.

Q. -- Kerelaw Residential School --

A. Yes.

Q. -- and Kerelaw Secure Unit?

A. Yes.

Q. But, as you have pointed out, and I think this is

something that you felt had some significance to the problems at Kerelaw, that in 1996 Kerelaw was located in North Ayrshire Council's district --

A. Yes.

Q. -- but responsibility for that establishment rested with Glasgow City Council, about 30 miles away in Glasgow?

A. That's correct.

Yes, I mean the term we used in the inquiry was that Kerelaw had become kind of orphaned by that local government reorganisation and given to Glasgow, who didn't particularly want to have it.

North Ayrshire Council continued to do some inspection work, actually, and their inspections had been quite good inspections, but it was a very unsatisfactory arrangement.

And you are probably going to come on to this, but Glasgow City Council clearly had lots of other things to worry about --

Q. Yes.

A. -- as a result of local government reorganisation.

Q. I think you perhaps rather collectively described these as distractions, that the distraction of local government reorganisation was a real issue, because they had a lot on their plate?

A. Yes.

Q. And I think there were quite a lot of sensitive budgetary issues and financing issues from the handover from the regional council to the various unitary authorities, is that a fair way of putting it?
A. Yes, that's certainly what we were told and it was a credible bit of witness statement, actually, that that was the case. It was perfectly easy to be -- as a civil servant, it was easy to understand that that would indeed be the case --
Q. Yes.
A. -- there would be some issue about budgets.
Q. They would have a lot on their minds at that stage --
A. Yes.
Q. -- taking over from the old regional council?
A. Yes.
Q. And, to boot, they had this problem that they had an establishment that wasn't ideally located so far as Glasgow was concerned?
A. That's correct.
Q. Because I think at some stage there was some talk within Glasgow Council that Kerelaw might be relocated somewhere else. That never happened, but I think there was talk, was there not?
A. Yes, there was talk, latterly there was talk about a new Kerelaw, but probably close to Glasgow, or in Glasgow,

or somewhere geographically more sensible in relation to the stewardship. But it didn't go anywhere. As you might imagine, there were continued discussions of what it was all going to cost and who would pay for it.

Q. Yes, not an unfamiliar situation?

A. Not at all.

Q. I mean you maybe will not be able to help us with this, but I think when the Social Work (Scotland) Act was passed there was an expectation that the old approved schools would temporarily be List D schools, but would eventually, or quickly, perhaps, not eventually, would quickly be subsumed as residential establishments by Local Authorities, but in the event List D schools survived until 1986.

A. Yes. Yes, we didn't get into that, but, yes, that sounds familiar, yes.

Q. Yes. It as someone that is steeped in the civil service, these things are not, you are not finding this at all surprising, are you?

A. Not at all, no.

Q. One of the other things that was said by way of criticism at the time of the 1968 Act in relation to the switch to residential establishments and the abolition of remand homes and the creation of assessment centres was that this was not matched by a new set of unified

regulations which applied across the board, as was envisaged at the time of the legislation.

Is that something you became aware of, or --

A. No, no, we didn't go that far back, actually --

Q. No.

A. -- into that kind of thing. But what you say again is entirely credible.

Q. Yes. Because, as we know, and we were told, as was confirmed yesterday, the regulations, the unified regulations, that were anticipated were only finally introduced in 1987, well after the 1968 Act and well after the start of the children's hearing system in 1971.

A. Mm-hm, right, yes.

Q. Leaving a set of regulations which applied to a number of settings still in place and some which there was some doubtful question about, like remand home rules, because remand homes had been abolished by the 1968 Act.

A. Yes.

Q. This isn't sounding terribly surprising to you that these things can happen, that there can be legislation and things that are associated don't always follow immediately, or are in place at the time the legislation takes effect?

A. That's entirely true. I mean I couldn't really

speculate on what the delay was due to in the specific case that you mention. What I can say is that in the priority list among ministers historically, and still true, this kind of legislation doesn't take high priority, because it doesn't get a lot of positive headlines and it doesn't, you know, engage particularly with the public. Public and politicians would rather not think about this area of the criminal justice system, or the pre criminal justice system, and don't particularly give it priority.

Now, I am not speculating if that was the case, I don't remember who the ministers would be at the time. But generally speaking, legislation in the field of, say, prisons, or, you know, care homes -- maybe not care homes so much, but certainly remand centres, as were, and secure units, struggled usually to get up the priority list against other legislation.

It is important to remember also that prior to devolution it was struggling with legislation going through the Westminster Parliament, and it might be fair to say the struggle was even harder then to get Scottish legislation through.

LADY SMITH: Too much of it then was hidden, as it seemed, in a miscellaneous provisions Act?

A. Yes.

MR PEOPLES: You may be speculating, but it is fairly well-aimed speculation, because we have heard from other witnesses about how long it took, for example, to introduce new regulations for children's homes in the late 1950s --

A. Yes.

Q. -- when the legislation giving the power had been passed in 1948. So there is a couple of examples of how things can take far too long, and perhaps to the detriment of those who have to use the services that are affected by these changes?

A. Well, by way of an anecdote, and tell me to be quiet if it is going off piste, but when I went to the Scottish Prison Service in 1991 we were governed by the prison rules 1952. The 1952 rules had been tweaked a bit to comply with case law and with the European Convention on Human Rights issues, but there had been no fundamental root and branch reform. It still contained provisions for the death penalty, for example, the regulations. So it was 1994 before a fundamental reform was done, that was one of the priorities, just to get the legislative framework into place.

Now, that may reflect just a difficulty of getting regulations through or it may reflect just workload in the Prison Service, I don't know, but it was too long.

40 years is a long time to wait before you revise regulations.

Q. You can take it that we did get some evidence about this when we looked at the Scottish Prison Service before Christmas of last year, so you are not telling us something that is unfamiliar to us, and to some extent it may have reflected political priorities of the kind that you have described. Even if there is a willingness on the part of officials to bring about maybe more root and branch or radical changes, because that can sometimes happen, can it not?

A. Yes, I mean it is not a specific criticism of a minister or ministers of the day, it is a fact of life, this is not a high priority area, against what you might call sexier things to legislate on.

Q. But if children are the future and are an important component of society, you might expect them to get a higher priority, including children in need of care?

A. Yes.

Q. Yes.

A. Not all members of the public would necessarily expect that, but, yes, I mean it ought to be given priority.

Q. You are as well aware as anyone, with your background in economics, and the impact of situations which can create future problems in terms of the cost to society if you

don't deal with problems that affect, say, children, that the outcomes can be bad, as we have discovered, and the cost to society and the individual can be considerable?

A. Absolutely true, yes. Particularly if, as is sadly the case, a lot of the people who are in residential care end up in the criminal justice system.

Q. Which they do.

A. And can end up in prison, which they do, far too often.

Q. You will know that from your background with the SPS --

A. Yes.

Q. -- that a high proportion of people in prison, both young offenders and adult offenders, had a care background?

A. Correct, but if you look at this from a political perspective, and I don't wish to go off piste again, and you are talking about investing money into what are quite expensive services, who is going to get the benefit 20 years down the line? It is not going to be the government that spends the money today.

Q. So that's realpolitik, is it?

A. That is, yes.

Q. So there may be short-term solutions, but not necessarily a long-term look at a system and investment of the kind that's needed to overhaul the system, is

that just reality?

A. That's really what I am saying, and it remains an issue today and there is much debate in political circles, well, in certain circles, about the short termism of political decision making.

It applies also to long-term infrastructure investment. Ministers are always wondering who will get the benefit of all of this money that we are spending, it will be the opposition because they will be in power by then, why should they get the credit for it? That's a simplification and a slight caricature, but it --

Q. It may be a simplification, but perhaps it is something that captures the reality of how these things work in practice. And why, perhaps, if anyone proposes radical change, unless it is cost neutral it often falters once it comes to implementation. That's not an unfamiliar scenario for you, is it?

A. Not at all, no, no.

Q. Going back then, if I can, to Kerelaw and before your inquiry was set up. The background, I think, if I can just try and take it short at this stage, was there had, perhaps, been a series of what might be termed critical investigation and inspection reports from, maybe from about 1996/1997 onwards?

A. Yes.

Q. Some by external inspectorates and some from internal investigations carried out by Glasgow City Council?
A. Yes, that's right.
Q. I will just say it in passing at this stage as far as inspections are concerned. You did look at that in your report and we can come to that, but I think there is -- we have, I think, information to suggest that there was no record of the open school being inspected by HMIE, that's Her Majesty's Inspectorate for Education at the time, between 1984 and 2001?
A. Yes, which seemed a surprisingly long time, but one shouldn't be overly surprised, because HMIE inspections of schools don't take place every year, they are phased over a period. I mean it could be -- I don't know what it is now, but it wouldn't be surprising sometimes for five years to pass between inspection.
Q. Well, this is is 17 years.
A. Yes, yes, that was pretty exceptional.
Q. I mean I think, in fairness, the secure unit for other reasons it was inspected much more frequently --
A. Yes.
Q. -- because it was governed by different regulations --
A. Yes.
Q. -- that applied to secure units?
A. Yes.

Q. And there seems to have been at least a greater urgency in terms of frequency of inspection of that type of establishment?
A. Yes, and I think there would be a lot more sensitivity around the fact that these were children who were locked up.
LADY SMITH: Eddie, you may be interested to know that I think it is as long as 17 years, which is the longest gap I have come across in boarding school inspections in the Boarding School Case Study we have done.
A. Yes.
LADY SMITH: It can happen.
A. It can happen.
LADY SMITH: Without adequate explanation.
A. Yes. I mean we didn't get into the reason for that, because it wasn't done, they hadn't done it, but it was one of the predisposing factors, if you like --
MR PEOPLES: It is a fact.
A. ... causes of the kind of culture that developed and what went on.
Q. It is a fact that at least one external oversight body wasn't doing its job over a 17-year period, because one would have expected at least some form of inspection in that period by that particular body, would you not?
A. Yes, I mean it is surprising. I wouldn't want to say

someone wasn't doing their job or I will upset HMIE, but it does seem a long period, that we didn't really get into investigating why, we were more concerned about what inspection reports said.

Q. Can I make the point, though, that all inspection bodies at that stage, whether HMIE or bodies like SWSI and its predecessor bodies, did not have as the bodies have today enforcement powers --

A. No.

Q. -- they could only report and recommend and exhort and encourage and persuade --

A. Yes.

Q. -- but they couldn't in fact enforce any recommendations --

A. Yes.

Q. -- or directly address, through enforcement, any deficiencies in a particular establishment?

A. Yes, that's correct.

Q. Going back to Kerelaw and the background, as far as one inspection body was concerned, the Social Work Services Inspectorate, I think it was called, did, I think, visit Kerelaw in 2001 and had, I think, produced quite a critical report --

A. Yes.

Q. -- about the state of affairs at that time.

Then just moving on, before you became involved and while Kerelaw was still operational, for the first time in 2004 there was a wide-ranging investigation by Glasgow City Council into matters at Kerelaw?

A. Yes.

Q. That seems, I think, to have been triggered by two members of staff based in a particular unit called Millerston --

A. Yes.

Q. -- raising complaints of bullying and harassment by another member of staff, I think who was a unit manager?

A. Yes, that's what kicked it all off, really. Indeed, we used to observe how interesting -- well, within the inquiry team we used to note and comment on the fact that it was a complaint about bullying and harassment of staff that raised the lid on the whole thing. It wasn't actually about brutality or whatever towards young people.

Q. Yet your inquiry did find that prior to 2004 there had been examples, quite many examples, of young people making complaints --

A. Yes.

Q. -- about treatment by staff over the years?

A. Yes.

Q. I think, just at this stage to say, I think your

conclusion was that some of these, perhaps quite a number, were investigated either well or badly, but they were investigated, but no one really looked at the bigger picture and analysed whether there was a pattern, or a trend, that required a wider investigation to see if there were problems at the institution. Is that --

A. That's absolutely true. My recollection is the phrase 'nobody joined the dots' was quite commonly used, and that was -- this came to us from people who had been involved one way or another in the investigations that had taken place before, and it was said several times that the trouble was nobody was joining the dots.

Q. So they were looking at complaints as individual complaints, dealing with them in some cases, and perhaps in a number of cases, but no one was sort of saying, 'Hang on, we are getting a lot of these complaints, they are of a similar nature, and whatever we are saying about the particular investigation, we ought to be having a long hard look to see if there is something going wrong here'?

A. Yes, that would be a fair assessment. One would expect somebody to be wondering if there was something deeper going on that required a more fundamental review of things.

Q. But as you say, the Millerston investigation of the

first half of 2004 identified not just allegations by the staff about other staff, but it brought to light allegations by young people about how they were being treated, at least by certain staff at Kerelaw?

A. Yes, that's how it worked, yes.

Q. And that led the Council, the education department and social work department, to establish, I think around mid-2004, a joint investigation, which turned out to last quite some considerable time --

A. Yes.

Q. -- and was quite wide ranging?

A. Yes.

Q. That investigation, I will just call it a joint investigation if I may, considered both allegations by staff against staff and by pupils or former residents against staff, so it looked at both?

A. Yes.

Q. Separately around, I think, August 2004, the fairly recently established Care Commission and the HMIE carried out a joint inspection of Kerelaw, which I think was in quite critical terms?

A. Yes, and that was an interesting development, that it was a joint inspection, one of the things that we felt perhaps contributed to things not being picked up was that the HMIE were doing the education inspection and

being quite focused on that, and then you had the other side of the house, if you like, SWSI and so on, prior to this, inspecting the care aspects. It was difficult to get an overview of it.

Now, I know that the inspectorate in evidence to me, and I spoke to the inspectors who had been involved in inspections, said that they would have picked up anything that was going on. We weren't convinced that they would necessarily have picked up something that was really down to the care side of the house, and to how the social care staff were behaving, because they were there to see what the education was doing. So the joint inspection was a good development, actually.

Q. But I think you will probably -- well, I am going to ask you this, but I will ask you it now, I think is it not fair to say that the reality, and we are discussing realities here, is that inspections very rarely detect abuse?

A. Yes, well, it might. It depends whether -- we are talking about young people, it depends whether young people are willing to reveal something to the inspectors. They are not terribly willing to do it because it is a fairly intimidating experience for a young person, you know, this is the inspector looking at the education, or certainly it was probably quite

an intimidating experience then, just because it was an inspection.

I think we made the point that one shouldn't rely on inspections to deal with this. I think partly what was on our mind there, the fact that an inspection reveals something doesn't fix it. There has to be then something done to fix it.

LADY SMITH: Do you agree, Eddie, that what an inspection can uncover is where risks that children are being abused, or could be abused, lie, and whether there is adequate mitigation of those risks in place, or not?

A. Well, yes, in principle that would be the case. It depends what they are inspecting and what they are particularly looking at. I don't know now, I mean I am kind of vaguely aware -- well, I do know, because wearing one of the other hats, that this happens. But, you know, they are very formal, inspections, and there are templates of things they have to tick off, or not tick off, and they mark, and there is a scoring system, and so on. It is a fairly standardised thing, so it is okay. Whether they would pick up if there was a risk, they may do, they may not.

MR PEOPLES: I think sometimes, because we have asked them this, what they see as their function, they certainly don't see their function as trying to uncover or detect

abuse as such, they see themselves in the performing as part of a wider system a preventative function by looking at how an organisation and particular systems operate, looking at the systems, looking at how effective these systems are in practice (a) to see if they are providing high quality care in this context and (b) to see if any systems that are also meant to protect children from the risk of abuse are working as they should work --

A. Yes.

Q. -- or whether they need some kind of revision or change.

I think that's the way they describe it and I think that's maybe the point the Chair is making --

A. Yes.

Q. -- that while they don't go in and start trying to carry out an investigation to see if abuse is happening, but they see themselves as part of the overall system --

A. Yes.

Q. -- but at the end of the day, they come in from time to time, they can't see everything, and a lot will probably be down to the people that are there on a 24/7 basis?

A. Yes, and it very much depends on who they speak to, they don't speak to everybody, and it depends on what people are willing to say to them. I mean I can't comment on it now, I mean I am quite sure that the way inspections

are undertaken now are different from the way they were done back then. There will have been development and improvement, I am quite sure of that. I think the message now, I would take from what we did at Kerelaw was that it really, 'Don't think everything's okay because the inspection reports are not picking things up'. That's the point. There is more to it than that. If things aren't okay that's the responsibility of others to make sure that the problem is picked up.

Q. Okay.

Going back to the situation in 2004, as I have said, there was this joint inspection and there was another development then for the first time, while there was perhaps police involvement with Kerelaw from time to time when they were called in for one reason or another, whether for an alleged assault by a pupil on staff or someone had absconded.

In 2004 a major police investigation called Operation Chalk began, and as you say in your report, this was a parallel investigation, you didn't join up or act together with this operation, you had had some knowledge of what was going on, but it wasn't in any sense part of your investigation and you weren't part of their investigation?

A. No, not at all. And there had been an issue, though,

around this going on alongside the internal council investigation, and some people expressed a thought it would be much better if you could do these things jointly with the police. I am not sure that's a particularly realistic expectation, actually.

Q. You might be looking at things that don't involve criminal activity but are very important from the point of view of protecting children in the broad sense and giving them the care that they require?

A. Yes, yes.

Q. Whereas the police are focused on: has there been criminal activity?

A. Yes, and getting enough evidence to justify a prosecution, yes.

Q. So that was happening as well. That did result in a number of staff at Kerelaw being reported by the police to the Crown for a decision on possible prosecution?

A. Yes.

Q. I think you recorded that in your report, there was quite a significant number of people I think it was in the order of 20, or maybe around that figure?

A. Yes, I mean this was 15 years ago, or more, but my recollection, I think the figure in our report is something like 28 people had been reported to the

Fiscal.

Q. Yes, so a sizable number?

A. Yes, they weren't all proceeded against.

Q. I was going to say, in the event there were proceedings taken against two individuals, Matt George and John Muldoon?

A. Correct.

Q. George being a teacher at Kerelaw, who had been there a very long time, from the mid 1970s?

A. Yes.

Q. The other one was John Muldoon, who was a unit manager latterly, but had been at Kerelaw since around 1982?

A. Yes.

Q. First as a sessional worker and then he had worked his way up to the position of unit manager --

A. Yes.

Q. -- of a unit in the open school?

A. Yes.

Q. I think at some stage he was the unit manager of Millerston?

A. Yes, I think he had moved to Millerston from another unit, I can't remember.

Q. Was he the subject of the grievance, or the complaint, by staff?

A. Yes.

Q. It was him?
A. It was him, yes.
Q. Yes. I think following that complaint John Muldoon at least was moved pending investigation --
A. Yes.
Q. -- into what was going on at the unit --
A. Yes.
Q. -- but, as we have said, that all spawned a much larger and wider investigation --
A. Yes.
Q. -- not just of John Muldoon, but of other members of staff?
A. Yes, that's correct. And that was partly historical for us, because, you know, we hadn't started at that point --
Q. Yes.
A. -- and there had been court cases, and sentences in fact, of the two that you have named.
Q. You did comment in your report about that investigation, because there were complaints made by staff who you saw about how it was handled, and I maybe can come back to that.
A. Yes.
Q. But it was relevant to some extent --
A. Yes.

Q. -- because you did consider --
A. Yes.
Q. -- how it was handled. Because I think there was a lot of concern raised by members of staff about how they felt they had been treated in the course of that investigation, the joint investigation?
A. Yes, I mean this is a very difficult area. People were the subject of an investigation by, if you like, the authorities in your organisation always find it a very difficult experience and it must be a very difficult experience.
Q. But in this sense --
A. But there was particular strength of feeling that the investigation had been somewhat oppressive, that it had been looking for particular answers that had been, you know, thought up first, you know, we have to get people to admit that they did this and did that, and that they were put under unreasonable pressure.

Now, I don't know, we weren't there at the time, but that was certainly very much the evidence that came back to us, that a lot of people felt they were hard done by. You would expect that. I think some possibly were. Others justifiably were hard done by.
Q. Yes. Just without going into and reviewing the whole thing, what the joint investigation did in broad terms

was to conduct, through investigators, I think mainly, or probably all, external to Kerelaw, who carried out what were described as fact finding investigations in relation to certain staff that had been identified?

A. Yes.

Q. That resulted in some cases, in quite a large number of cases, in disciplinary hearings being convened?

A. Yes, I mean and that's what I was referring, to the fact finding investigation.

Q. Yes, at the stage of fact finding some of the people under investigation thought, 'This doesn't look like fact finding to me, this looks like a prosecution'?

A. Yes, exactly, that was very much the view of some -- quite a lot of people felt that.

Q. Yes, and some were highly critical, and no doubt said it in quite strong terms to you, I suspect --

A. Yes.

Q. -- as well as others?

A. Yes.

Q. We may come to that and I might give you an example, but I will leave it for the moment.

A. Yes, okay.

Q. The upshot of the disciplinary hearings was that a number of staff -- who were already suspended in many cases -- were dismissed?

A. Yes.
Q. And others, but not all, received lesser sanctions such as a final warning or a final written warning?
A. Yes.
Q. Some were simply given some form of counselling or management action to try and address concerns about their practice, or conduct, professional practice or conduct. There was a range of responses?
A. Yes, so we were told. I mean, as I say, we weren't involved in any of that, because we weren't there at that point.
Q. No.
A. But, yes, there was a variety of disposals, I suppose you could say.
Q. The people that were dismissed, and you can take it, I think, that at least I am familiar with what happened, the people who were dismissed, many of them exercised their right of an internal appeal to a sub committee of the Council, under the disciplinary procedures of Glasgow Council at that stage?
A. Yes.
Q. You may not know a lot of that, I am just telling you by way of background because I think it is relevant to when we go forward.
A. I can't remember if we were told that, but I would have

expected that.

Q. Yes, and I think I am correct in thinking that perhaps with one exception all of their internal appeals failed?

A. Yes, I think that's probably true.

Q. Then some, but not all, I think, made employment tribunal claims, including an individual who had been the principal at Kerelaw school --

A. Yes.

Q. -- and secure unit in its latter years.

A. Yes.

Q. A Mr Hunter?

A. Yes.

Q. James Hunter?

A. Yes.

Q. He, after a long employment tribunal hearing, was successful in establishing that he was unfairly dismissed for gross misconduct due to, I think broadly speaking, what was said to be management failings on his part. It wasn't to do with him having abused children, it was management failings as the leader at Kerelaw.

A. Yes, he did succeed. A number of people succeeded in employment tribunals.

Q. Yes.

A. It is quite easy to lose an employment tribunal, however, and I think we did say in the report I think

questions should be asked about quite what the quality of the HR advice was within Glasgow Council that enabled that situation to happen. But that was a decision, and it was a judicial and formal appeals tribunal, so fair enough.

Q. I think they did look at what Glasgow's disciplinary procedures were, and if they weren't followed then clearly those who do this sort of work will know that can easily provide a basis for a decision, at least on procedural grounds, that the dismissal was unfair and may give rise to some form of remedy to the successful claimant. It may not necessarily be seen or should not be seen necessarily as saying that all the matters that gave rise to the dismissal were unfounded in fact.

A. No, I mean that's really what I meant, compliance with your own procedures is a pretty crucial thing if you are getting into an employment tribunal.

Q. In relation to this stage of the process, this big internal investigation, reports were made about what the conclusions of the joint investigation team were, the overall conclusions were made to the Council committees. Can I just say this, and I don't think we need to go to it, but there was something called the Comley Report, C-O-M-L-E-Y, in 2007 to a committee of Glasgow Council, which reported the essential conclusion of the joint

investigation, and it was along the following lines, I quote from the report, this is the councillors getting the report, or the essence of it:

'There was a longstanding failure within the school, which continued to early 2004, to provide safe, effective and appropriate care and education for young people in the school and secure unit. With some young people subject to sexual, physical and emotional abuse by certain members of staff.'

That was how the matter was reported in 2007 following this wide-ranging investigation?

A. Yes.

Q. I think that's something you at least will have some familiarity with?

A. Yes, and I do recall who that was, yes, the person who did that report.

Q. David Comley?

A. Yes, I remember that.

Q. Was he then the director of Social Work?

A. Yes, social, yes.

Q. So he was reporting to his bosses what was going on?

A. Yes.

Q. I think at that stage in the report he made to the Council there was an acknowledgement that various systems in place had failed --

A. Yes.
Q. -- and some of the things that were being said were along the lines that there was a failure to listen to children and young people, I think based on the fact there were many complaints of abuse which, as the joint investigation found, appeared to have either substance or cause for real concern about how things were done. There was also reference to inappropriate restraint and poor external management.
A. Yes.
Q. So these were all things that were highlighted in 2007?
A. Yes.
Q. Just pausing there, after your investigation you didn't disagree with that conclusion?
A. No, that's -- I mean it was pretty well spot on in its analysis. I mean there was clearly something that went on between Glasgow City Council and the Scottish Government, the newly elected Scottish Government 2007, that then led to the inquiry being established, and I don't know exactly what that was. But there was correspondence between the two, I know, about this, because it had come out publicly and there was an outcry from the trade unions and the staff about 40 staff being said to be complicit in it all, and there were various issues and the Scottish Government was trying to get

information out of the leader of Glasgow City Council, which was of course a Labour Council, and a newly elected SNP administration. So I am not sure relations would have been terrifically cordial. But out of that came the decision to have the independent inquiry.

Q. Yes.

A. I don't know how that happened, I am still interested to know what the internal thinking was that then led to the independent inquiry.

Q. I suspect, as we have discussed earlier today, there is an awful lot of politics being involved here, because it was a new minority administration in central government, and a Labour-controlled administration in Glasgow, that was the situation at the time?

A. Yes, there would have been politics in that and if you are a new minority administration the last thing you want is headlines all over the press about child abuse in a residential school.

Q. You mentioned another point, though, which may have been to some extent a factor in the need for some form of independent inquiry was that the joint investigation conclusions, at least in some quarters, was reported as though there were 40 alleged abusers and that every other member of staff knew what was going on?

A. Yes.

Q. I think that caused issues with the way that that was presented, as if -- and some staff were very angry that it seemed to be said in those terms. Not the conclusion that I have just read, but the way that it was presented --

A. Yes.

Q. -- in that form, and that that was being said publicly?

A. Yes, yes. I mean if it were true that would be pretty dreadful and if it weren't true it was also pretty dreadful, for different reasons. That seemed to be the genesis of the independent inquiry.

I think there was also a tendency, as there is in the media, to assume that 'abuse' means 'sexual abuse'.

Q. Yes, I was going to say that that was the other factor that whilst it was said, and clearly with some justification, perhaps, given the convictions of George and Muldoon --

A. Exactly.

Q. -- that there had been sexual abuse, I think that there was a feeling rightly or wrongly, or a perception, that when they were talking about abuse that it was widespread sexual and physical abuse involving something in the order of 40 members of staff --

A. Yes.

Q. -- and that this type of abuse in all its forms was

known to all staff, is that perhaps how it was being perceived, that they were getting --

A. Yes.

Q. It was being said that this was the situation?

A. Yes.

Q. And a lot of them were angry about how this had been presented?

A. Yes.

Q. I think that anger was voiced to you, as well, wasn't it?

A. Yes, I mean anger and a lot of hurt around as well. I mean there were good people there, as well, I mean we have to remember that, there were good people who didn't go in every day to do their job badly or abuse children, and I think the good people in particular felt that they had been traduced and everybody was regarded as the same. And there was a great deal of hurt about that, yes.

Q. That came across, I think, because you interviewed quite a large number of people as part of your inquiry, not just young people, but quite a large number of former Kerelaw staff as well as managers higher up the chain?

A. Yes, we did. But you know the numbers, or do you want me to say what they were?

Q. Maybe just give us, at this stage, it is as good as any,

I think was it 22 young people, and --

A. We had 53 interviews with Kerelaw staff and in one or two occasions there was more than one person at the interview, so slightly more than 53 people. Which was a lot of people who very willingly came forward. Some had to be persuaded a little bit. But that was a goodly number, and a lot of people were saying the same thing.

Q. You also interviewed external management, was it 35?

A. 16 external management.

Q. Sorry, 16 --

A. Yes.

Q. -- and as part of your interviews you had interviewed a number of principals, former principals, of the school?

A. Yes.

Q. Five?

A. At least two, maybe three.

Q. Oh, maybe. I thought maybe higher than that.

A. Maybe. I can't remember. I need to go back to the page.

Q. Anyway, you were interviewing a lot of former staff at different levels within Kerelaw --

A. Absolutely.

Q. -- as well as the external managers at headquarters --

A. Yes.

Q. -- who were involved over the period --
A. Yes.
Q. -- particularly of the Glasgow City Council era, if I can call it that, 1996 to 2006?
A. Yes.
Q. And you did all of that?
A. Yes.
Q. What you did do, I think, and maybe this allowed people to speak quite freely to you, you said you would give them anonymity?
A. We did, the rules of engagement were put together right at the start and it was pretty clear from the advice we got, and just from thinking it through, that the best way to get people to speak would be if we did guarantee confidentiality. That's why the report doesn't name anybody.
Q. Yes.
A. We have kept to that, we did keep it that way.
Q. Perhaps this is as good a time as any to perhaps look at a document which you have provided. If we can just put up WIT-3-000001212. You provided what appears to be 'Kerelaw: Ex-Staff Comments (to Inquiry) anonymised'.
A. Yes.
Q. This, I think, was notes you made at the time --
A. Yes.

Q. -- based on interviews with individuals. It is not meant to be a verbatim transcript, but it is to capture --

A. No, it is a summary.

Q. A summary, and a range of things that were said --

A. Yes.

Q. -- by former staff --

A. Yes.

Q. -- which assisted you in reaching the conclusions that you did in the report?

A. Yes.

Q. Can we maybe just have a look at some things, examples, of what was being said to you. I think there was a wide range of comment by staff?

A. Yes.

Q. Not all pulling in one direction --

A. Yes.

Q. -- by any means.

If we take, for example, the first paragraph, you have recorded it being said:

'Many inappropriate placements made on an emergency basis.'

So that was one thing?

A. Yes.

Q. Then further down, second paragraph:

'There was a view that Kerelaw was getting everyone who had failed elsewhere.'

Sometimes referred to Kerelaw as a dumping ground?

A. Yes.

Q. If we go about halfway down, I think we see:

'All the kids who came to Kerelaw came as a last resort ... by March 2004 Kerelaw was 82 per cent Glasgow kids and the open school was out of control.'

I think it was suggested that the increase in percentage of Glasgow boys who had been moved from other placements, that increase had given rise to a problem of controlling the environment at Kerelaw effectively?

A. Yes.

Q. Then we see:

'Kerelaw was a dumping ground.'

So that was as I have said?

A. I should say, this is very much a summary, I mean there is more than that.

Q. Yes, I know, but I just want to capture that you weren't getting a united front in terms of what staff were telling you about what was going on?

A. No, but you were getting particular messages that weren't difficult to --

Q. Yes, they were coming through?

A. Yes.

Q. And you could see how there were divisions among the staff --
A. Yes.
Q. -- which led you to say eventually there was no question of a united staff at any level in Kerelaw?
A. No, it was difficult, and I mean there were other cultural things around this. I mean there were particular cliques among the staff --
Q. Yes --
A. -- you are maybe going to come to that.
Q. I am going to look at this first --
A. Okay.
Q. -- but I think you did conclude that there were cliques and factionalism and so forth, but I just want to see what you are recording, which obviously was influential, I suppose, in how you framed your report ultimately?
A. Okay.
Q. You were giving it heads as well to some extents to identify the matters that was relevant to you, we have just looked at the matter of 'Placements', but you now have a head called 'Change'. We see in the first paragraph there there is someone saying good things about a particular individual who had arrived at Kerelaw in a senior position, I think, a deputy position --
A. Yes.

Q. -- and was described by this individual as 'a breath of fresh air', and someone who had a particular influence over the women who were working at Kerelaw, and someone who gave power to the young people, and you have recorded:

'and that shell shocked some of the staff who had maintained a controlled regime for the last 20 years.'

I might call them the 'old guard' for the moment, if I may, I might come back to them.

A. Yes, but remember, not all dinosaurs are old dinosaurs, you get young dinosaurs as well.

Q. So a bit of both, according to what you were told?

A. Yes, probably, because it is very easy to be pulled into a culture, even if you are a relatively new recruit, because --

Q. We may see something here, I think later on, if I go through the other quotes --

A. Yes.

Q. -- so we have that being said. I think the problem with this individual, compliments were given, but I think the problem according to what you were being told was that, and it is said there:

'She wanted change to happen too quickly and didn't manage the process very well. She got up the backs of various staff, and perhaps created a problem for

herself.'

A. I think the term nowadays would be she was a rather Marmite figure. A lot of people were thoroughly approving, a lot of people were very disapproving, and I think there is a degree of truth that if she had handled things maybe a bit differently she might have had more success. But she was clearly very much bumping against a culture that wasn't ready for this.

Q. Okay. Perhaps we do find a bit about the culture that she had to bump in against in the next paragraph when discussing, I think, the same individual, 'She did a lot of good ... was responsible for encouraging training and challenging the male-dominated culture'.

Was that the way that the culture was being described by many staff?

A. Yes, the common term used was it was a macho culture, and we got testimony from some of those who were part of the macho culture, and who on reflection didn't think it was necessarily the right thing to have done, but admitted to it. And there was a degree of pride among many staff that they could handle whatever Glasgow threw at them and whatever the system threw at them, and, you know, they were hard enough to deal with anybody.

Q. The people that Glasgow were throwing at them, to use that expression, were often young males of 15, 14/15/16

who were in some cases probably powerfully built and --

A. Yes.

Q. -- would, if they showed aggression, might be quite difficult to manage?

A. Yes, that's undoubtedly true.

Q. If we go on, the final paragraph on that page said, this is a point you wish to make, and I think you made in your report, sometimes lost sight of, that the open school had a number of good managers who made changes, so it wasn't all bad?

A. No.

Q. Then if we pass over to page 2, there is more about, I think, this individual who came in and perhaps didn't necessarily handle the attempts at changes as well as she could have done. But it says, about a third of the way down:

'Her nurturing and progressive approach did not suit everyone.'

I take it that's not just because of the way she handled the change aspect, it was just that her whole approach didn't gel with everyone?

A. Yes, I mean one can understand to an extent how some of her approach didn't suit everyone, and some of it maybe wasn't appropriate. I mean the sleeping in young people's bedrooms and taking children home would not be

appropriate.
Q. Yes. Well, as I think events have shown, because I think one person at Kerelaw was convicted of offences that occurred at his home, Matt George?
A. Yes.
LADY SMITH: Eddie, were all the managers men?
A. Were all the managers men? I think they pretty well were. Now, can I remember that, is that true --
MR PEOPLES: I am not sure that's --
A. Pretty much so, yes, actually, there were some senior women, but I think the unit managers were all men. I would need to check that, but
MR PEOPLES: Can I maybe stand to correct you there, I think by certainly latterly there were women who were unit managers, and I think we will find that out.
A. Mm-hm.
Q. There were certainly men, and certainly in the more senior positions there were perhaps more men than women --
A. Yes.
Q. -- although the person that was complimented as coming in as a breath of fresh air was in a senior position, she was one of the deputies in the senior management team.
A. Yes ...

LADY SMITH: It sounds as though she must have had some position of responsibility, because she was driving change.

A. Oh, she did.

LADY SMITH: I just wondered, Eddie, whether you picked up anything to the effect that women members of staff found it much harder to have men listen to their ideas or accept that their ideas might be good ideas and worth listening to.

A. We didn't ask that specific question, but given the culture that existed then, I am quite sure that would be the case.

LADY SMITH: Thank you.

MR PEOPLES: I will maybe come back to attitude and culture --

A. Yes.

Q. -- on that point, I think there is something I want you to have a look at.

I will pass back to what we were looking at just now.

If we go to two-thirds of the way down the second page of this document, do we see that the person that was the breath of fresh air was said that another member of staff who was male, I think, 'Systematically sent her over the edge, such that she became a loose cannon and

as much of a problem as some of the other staff. She was systematically undermined and bullied at Kerelaw.'

A. Yes.

Q. So the other person would have been another senior manager?

A. A very senior manager.

Q. Second in command?

A. Yes.

Q. But she was quite high in the management chain?

A. That's what we were told, yes.

LADY SMITH: But newer to the environment? She was newer, by the sound of things.

A. Yes, yes.

MR PEOPLES: But not --

LADY SMITH: You talk about somebody being a breath of fresh air, it sounds as though they are more recently involved.

A. Yes, it didn't mean she was a young sort of rookie, definitely not, no.

LADY SMITH: No, no, I wasn't suggesting that, but perhaps newer to Kerelaw?

A. Yes.

MR PEOPLES: Just going on in that page, just to see, well, first of all after that we get something you have recorded, that 'The night staff were awful to anybody

who tried to change things.' Because I think at Kerelaw there was a shift system, day shift, back shift, and night shift, in the open school, and I think in the secure unit too. And night staff tended just to do nights, they didn't work with the people in the day shifts and back shifts.

A. Yes, that can be an issue in a lot of establishments. The people who do night shifts all the time. And I think that can bring problems if you have people who just want to do that. And it is a good idea if you can merge them in with day staff from time to time. But it doesn't suit everybody. Some people want to do night work, for perfectly okay reasons.

Q. Yes.

A. Some may want to do it not for such okay reasons, some people do it because they have another job. I am not saying that these people did, but there are a number of reasons why you might have people who are just dedicated night staff.

Q. But if you work with the same people all the time and don't see other people who may have different practices, then you may not learn something that you might have benefited from?

A. Yes, and just, you know, some dilution with the day staff and to know what's going on and so on is a good

thing.

Q. Yes. Because there seems to have been -- well, we will no doubt see, but there seems to have been tensions, to put it broadly, between, for example, night staff and day staff, between teachers and care staff, between the open school and the secure unit. It wasn't a happy ship?

A. No, there was a feeling that there were silos, if you like, to use the terminology nowadays. Maybe that's -- yes, is it too strong a word? I don't know, but you didn't get a feeling of a cohesive whole, you know.

Q. They were not pulling together, all united?

A. Not all singing off the same hymn sheet, to use the jargon, you didn't get that feeling.

Q. Just going back to the relationship, particularly between the two senior managers in the open school, I think it was, well, no, perhaps, he might have been -- it doesn't really matter, its just the relationship I am interested in.

You have recorded their relationship was awful and generated schisms -- this is what you were told -- within the staff group. The breath of fresh air, if I could call her that, represented a more liberal progression way of thinking, and it was said to you that she was also quite eccentric and would go off and do

things without consulting anyone, perhaps not good management.

Then it says the other person came to Kerelaw from a structured and controlling regime at an English establishment and held illiberal views. The breath of fresh air was from the opposite culture, having a background in group work, children's rights and participation were alien to her male colleague --

A. Yes.

Q. -- with whom she had tensions?

A. Bear in mind, this is what we were being told, I suspect that 'E' would probably disagree with this, but --

Q. I am just trying bring out just how problematic the whole regime was --

A. Exactly.

Q. -- because of what different people were telling you?

A. Yes.

Q. And these are just examples of what you were confronted with. There was an awful lot that was being said about staff, about each other?

A. Yes.

Q. Which wasn't complimentary?

A. Yes.

Q. If we go to page 3, it seems, if we go to the top of the page, that at some point the woman who was the breath of

fresh air had for a point been running the school, but then along came a person called 'G' who was the new principal --

A. Yes.

Q. -- is that right?

A. Yes.

Q. This person, it is recorded, was satisfied at the progress of the open school, but concerned about the secure unit, which in his view was not moving forward.

It said, and you record that it is said, this is about the fourth paragraph:

'As part of his observations in the secure unit he identified key individuals who would block progress ...' one of whom was the person, 'E', who was in tension with the breath of fresh air, and the other one was a female unit manager.

A. So there was a female unit manager, that's quite true, there was there, in the secure unit.

Q. And she was certainly described to you by one individual as someone that was blocking progress?

A. Yes.

Q. Then, unfortunately, the new boss comes in for some stinging criticism by at least someone that you spoke to, that he created a culture that was disgraceful, he caused an enormous divide, and a lot of damage. So you

now have the woman who is the breath of fresh air being divisive, you now have the new boss being divisive?

A. Yes, yes. I mean the one below that says they brought a professional approach to Kerelaw, so again they were kind of Marmite individuals. But he did, he was one of the few people that spoke to us in terms of having some kind of vision for the school and some kind of feeling that it should be working to a vision, and pulling that together, and looking at it more as a whole.

Q. Did he last long?

A. No.

Q. Where did he go?

A. He went off to Glasgow, he went off to the Council.

Q. To a senior position?

A. To a senior position there, and then he left. He didn't last very long in total. He didn't last all that long at Kerelaw and then he didn't last all that long at Glasgow.

Q. So he came in and clearly divided opinion, as you --

A. Aye, yes. But my personal feeling was if he had stayed a bit longer he might have got somewhere. But again, divisive. Well, you have a problem, if you want to change an organisation like that, whoever you are, you are going to have a problem, and if you are going to do it, you have to do it very carefully, and with, ideally,

by getting people with you to do it, and it doesn't happen overnight. It certainly didn't happen, he wasn't there long enough.

Q. I will come back to change, maybe, but I will just carry on with the --

A. Okay.

Q. -- what you were being told at this stage, but I will come back to the point you make in due course.

Then you have a heading 'Good practice/evaluation'. One person, who is called 'M' on the page, suggested that staff did not trust supervision. Because you made a point about supervision in your report. But 'M' was saying, a female member of staff, she only had formal supervision once in her unit and never when she was working in another unit, the secure unit. She said she did have informal supervision, but this was not the same. And then she seems to have said to you:

'Although managers prompted the Kent Report ...'.

That's, I think, a reference to the Roger Kent Report of 1997 about safeguarding in the context of residential care.

A. Yes.

Q. '... although managers prompted the Kent Report and the National Care Standards this did not have any real, impact.'

Sorry, 'promoted', not 'prompted'.

Are you saying that whatever was going on externally, and whatever managers were saying, it wasn't making any impact on the ground?

A. No, and the patchiness of supervision was definitely a factor in what went wrong. It looked as if supervision was not done in a systematic way and regularly enough and it was a very important thing. I mean supervision is the term for, if you like, the kind of informal/formal appraisal of social workers, social care staff, that's what it is called, but it is literally that. It is an opportunity to discuss with your manager how things are going, what's working, what's not working, and it is very important. And it was very patchy.

Q. Okay. Then you have another heading 'Complaints' and just at the foot of page 3 it starts, and one person said:

'She once wrote a complaint out for a boy being careful to use his words, but this was not encouraged.'

She described:

'Complaints lying on the window ledge in the unit where everyone could see them.'

A. That was just one of various comments we got about the complaints system, which didn't seem to work very well

either.

I think the key point about complaints was you had to ask the unit manager, or another member of staff, for a complaints form and if you were going to be complaining about that unit manager that wasn't a great procedure. There seemed to be not much understanding among young people that the complaints could actually go outside Kerelaw. A lot of people thought it only went as far as the principal, and what was the point of that?

Q. So that was a deterrent, if they didn't know they were going to be looked at externally, then they might well say, what's the point?

A. Yes.

Q. And that was being said to you, that they did --

A. Yes.

Q. -- that they weren't necessarily confident in the system?

A. Yes, and they just didn't have confidence in the complaints system.

Q. I think you then did take the view that the complaints system didn't operate satisfactorily and was not really fit for purpose?

A. Yes.

Q. Then just going over to page 4, this is an interesting comment from one person, it is the second paragraph:

'At Kerelaw nobody ever saw or heard anything. They weren't there or didn't remember. If young people's allegations were never witnessed this often left them thinking there was no point in complaining.'

A. Yes.

Q. So no one saw anything?

A. Yes. I mean, again, this is a summary of things that were said, and that was a particular version of it, yes.

Q. I think you made the point in the report, even, that nobody ever admitted to trying to intentionally injure a person in the course of restraint or otherwise, so you were getting them saying that they never did anything intentionally wrong, and it would appear that some people were saying well, no one ever seems to see anything wrong?

A. Yes.

Q. Including in the course of restraints?

A. Yes, it's not uncommon, of course, for people to say they can't remember anything, or they didn't witness anything, and sometimes they didn't.

Q. I suppose if a child was making a complaint about a restraint which might have involved a number of adults, and they are all saying either, 'I don't remember the incident' or, 'No, that's not what happened, I wouldn't have done that', then it is quite

difficult for the child to have confidence that there is any point in complaining, is there?

A. Very much so. And you have to write it down, remember. And I mean a lot of these young people are not very good at articulating what the complaint is.

Q. Was there also evidence that there was a form for withdrawing complaints?

A. Yes, apparently, yes.

Q. That's not exactly an encouragement that, well, you can put the complaint in but here, if you change your mind we have a form --

A. Yes.

Q. -- you can also use. Would you agree?

A. Yes, very strange.

Q. Then if we just look at how the importance of complaints were treated, I think if we go down to, maybe about the fifth paragraph, you were told by someone:

'There was information on the walls about how to make complaints, but often it got damaged or torn down and might only be replaced when there was an inspection due.'

A. Yes. Sounds credible, yes.

Q. I take it that the implication was that it was torn down by young people?

A. Yes, it could be, could be. I don't think they told us

who torn them down. I mean it could have been young people.

Q. The fact remains if it wasn't maintained it is not helping the situation?

A. No.

Q. And maybe you could have advised a more effective way of making sure it wasn't damaged in a way that required it to be replaced?

A. Yes, you would have to be constantly replacing things. I mean there is a lot of damage in organisations like that, just routinely, as part of the daily regime.

Q. It can't be beyond the wit of people to work out some way to make sure that people know how to complain, and what happens to the complaint?

A. Yes, but you have to have somebody who is owning the problem with the complaints system and then wanting something done about it.

Q. And that wasn't really evident?

A. You come back to that time and time again, you can only fix things if somebody owns the need to fix it.

Q. You didn't get the sense that there was somebody who was doing that job?

A. No, it was part of the kind of general deficiency in the organisation, that that sort of thing didn't get fixed.

Q. The point you have made earlier, in the next paragraph:

'In the secure unit the procedure was young people asked the duty officer for a form. Effectively the duty officer decided whether or not the child got the form and was able to make a complaint.'

A. Yes.

Q. It is just the one half --

A. Yes, got that.

Q. Below the paragraph about damage.

A. There you go, yes.

Q. Then someone said:

'The complaints system was not working and what recording there was, was poor.'

So even the quality of the recording was not good, and I think you looked at some examples of complaints forms as part of your work, did you?

A. Yes, we did. There was fairly -- as I recall there was fairly shambolic record keeping. I can't remember now. I know there was an occasion where we were in a room and we got a whole load of things out of boxes, dusty boxes, and it didn't look terrifically well maintained, the recording of all of this.

Q. Also there were individual forms, which I think had to be filled in in various parts and signed and countersigned, was that always happening?

A. Not always happening. I mean sometimes it did, but --

Q. Yes.
A. We couldn't prove that it was always happening, let's put it that way. We got no indication that this was a system that worked well, or consistently.
Q. Then we come to another matter that was raised by at least one member of staff, the final paragraph on page 4, this person is described, just referred to as 'C':

'C' said there was frequently a collusive atmosphere where staff seemed uncomfortable when backing up a story and that it was hard to get to the truth ... found a number of staff were disproportionately involved in a number of complaints and on a number of occasions experienced staff saying they were around at the time of a particular incident when young people [said they were not, I think that says] that made [him] conclude that collusion was embedded in the management structure ... he then speculated that it seems staff had a dummy run through fact findings in advance to get their stories straight.'

The entry ends by saying:

'Cliques were common and both ...'.

This is a children's rights officer --

A. Yes.
Q. -- someone external who came to visit:

'... felt staff had been coached on occasions.'

That wasn't just coming from a member of staff --

A. No, that was a member of staff.

Q. Was the CRO?

A. No, the CRO, wasn't, sorry, the 'C' person was a member of staff.

Q. Did the CRO tell you this as well, that they felt there was coaching?

A. Yes.

Q. It wasn't just the staff member's --

A. No.

Q. -- personal feeling, that was something shared by a children's rights officer?

A. Yes.

MR PEOPLES: I think that's a good time to stop.

LADY SMITH: Mr Peoples, it is after 11.30 am.

Eddie, I promised you a break at about this stage, so if it works for you we will take that now and I will sit again in about a quarter of an hour, okay.

A. Okay.

(11.32 am)

(A short break)

(11.50 am)

LADY SMITH: Eddie, are you ready for us to carry on?

A. Yes, absolutely.

LADY SMITH: Thank you very much.

Mr Peoples.

MR PEOPLES: My Lady.

We have been looking at what you have recorded as being said to your inquiry by former staff at Kerelaw. Can we move on, perhaps, to page 5, and just before we leave this head that we have been looking at of 'Complaints', we see at the first paragraph there:

'There was a form for withdrawn complaints, which was unusual.'

This, I think, emerged from information at a disciplinary hearing and then it is recorded:

'There was no analysis of trends of complaints and there was no central log.'

I think that's something that you picked up on, that no one is looking at, perhaps, the bigger picture and what, I think, was described as a barrage of complaints at one stage, what that was telling people, or could be telling people, they were just dealing with them as individual complaints?

A. Yes.

Q. Then you go on to the important matter of 'Culture', and you record some of the things that were being said. Obviously someone wanted to say:

'Remember it's the kids that initiate the violent

incidents.'

I am not sure that's a defence, is it, if they have to carry out some physical intervention. But that was being said?

A. That tells you something about the culture.

Q. It might tell you the attitude?

A. Yes, that may just be one person, of course, it is one person who said that, but, I mean, yes.

Q. Perhaps it was more than that, perhaps there was other evidence said in different ways that might suggest the attitude wasn't all it could be?

A. Yes.

Q. Particularly at the stage at which intervention was carried out, whether it was a first or last resort?

A. Yes.

Q. Then a person, just referred to as 'S', said:

'Found there was not a good culture at Kerelaw in terms of progressive policy making. The corporate culture was one of expecting to be left to get on with it and take whatever was thrown at them. 'S' remembered this being said to him ['S' a male, obviously] remembered "this is man's work".'

So might it again give us a clue as to how the job was perceived?

A. Yes, I mean this is all of a piece with what I have said

before. Whatever was thrown at them. They did take pride in being able to handle whatever was thrown at them, emergency admissions, big lads, and a violent culture.

Q. Yes, I think 'S' suggested that the attitude was that they could handle anything in a way that perhaps was a feature of List D schools, and control and firm handling?

A. Yes. Yes, I mean one hears general observations about List D schools and about the legacy, if you like, of the List D past, but I mean whether they are List D or some other nomenclature is not the point. Legislation and public expectations to the extent there are any and so on had moved on from that time. I mean List D schools were the creation of the 1968 Social Work Act, as I recall.

Q. Just a relabelling of existing approved schools, because there was no new schools at that time --

A. Yes.

Q. -- and they very much carried on as before. They were -- they continued to operate and no new forms of establishment or types of schools, for example, were at that stage being created with specialist facilities, or anything of that kind to give a wider range of resources to the children's hearing system, for example. I think

we heard a bit about that yesterday and that was something commented on at the time by a chairman of a Children's Panel, in Greenock, I think it was, and Port Glasgow?

LADY SMITH: Just going back to the male dominance, of course, it is interesting if I remember rightly, the Bennett and Righton Report in relation to Larchgrove had identified, amongst one of the many things that it listed, a need for there to be more of a female influence in the staffing of Larchgrove, and that was the early 1970s.

A. Yes, absolutely true.

MR PEOPLES: I think the difference between Larchgrove and Kerelaw was at least at Larchgrove there were very few women at all --

A. Yes.

Q. -- in any position at Larchgrove, whereas by the time we look at Kerelaw there are women, at least a percentage, but even so they are still faced with a certain culture, and they have an uphill struggle, sometimes, to change that culture or bring their influences to bear on how children are cared for?

A. Yes.

Q. That seems to have been what was being said at least by staff?

A. Yes.

LADY SMITH: It is not just --

A. I think that's right. I mean I don't want to, again, diverge too much, but one of the things I did in the Scottish Prison Service was, in the early 1990s, to have opposite sex postings and get women into male prisons. We were actually not complying with the equality legislation as existed at the time when I went there in 1991 in that women were recruited and then they were put on a waiting list until they could go to Cornton Vale, which was a women's prison, and some of them would sit on a waiting list for quite some time. That wasn't entirely compliant with the legislation at the time, and there had been negotiations going on for a long, long time with the unions, with the SPOA as it was, to have opposite sex postings, so that women could be recruited to go into male prisons.

The prevailing culture -- remember the prison system at that point you could describe as a fairly macho culture as well, and they had spent -- staff had spent, officers had spent, some governors, a good bit of the 1980s fighting with prisoners, because there were hostage situations, there were riots, and things like that. And it was about moving away from that situation which had been started a bit under my predecessor.

But opposite sex postings we felt would be a good antidote to this, and if we were trying to try and get better run prisons and a different atmosphere, opposite sex postings could contribute to that. Now, they were very much a minority of staff, but there had been discussions with the unions going on forever and getting nowhere, really, because we were never convinced that the SPOA was committed to this, despite having female members.

But we went ahead anyway and we just did it, I mean eventually we had to literally do that. I said, 'Right, I have heard all of the arguments against it, we are doing it, and we are doing it from two weeks on Sunday', sort of thing, and we did it.

And we had been told that it would have terrible consequences, and it didn't. It improved the atmosphere in a lot of prisons, there was a better relationship between some of the women officers and the prisoners, and it took off from there. And, touch wood, it has not been a significant issue at all, and in terms of assaults on staff it has not been a significant issue at all.

So it did make a difference, in fact, and it can make a real difference to a culture, that kind of thing.

MR PEOPLES: So that's an example of, you have an example

from your own direct experience of how, in a different setting, but one we were looking at, how the influence of bringing women into the system in various roles, quite senior roles, and other roles, made a difference, despite resistance initially.

A. Yes.

LADY SMITH: But, Eddie, it is not enough to tick the box by bringing in a certain number of women, is it, if what you are having to address is an established macho culture, which you seemed to find quite a lot of evidence of in Kerelaw --

A. Yes.

LADY SMITH: -- a problem.

A. Well, yes. And it wasn't about ticking boxes, first of all. Part of the thing was complying with legislation, to be a legal organisation again. But it was just seen as part of the change that we were going to try and bring through. But it wasn't ticking boxes. I read just last week that the Scottish Prison Service, well, I know it has a woman chief executive, I think the deputy's a woman, and there are more women in senior ranks now than ever before, and I don't mean that means there are four of them, it's a lot.

LADY SMITH: And the chief inspector of prisons is a woman.

A. It's a lot.

MR PEOPLES: I am going to come to the question, the broader question, of culture change in due course. I will just, though, follow this through for the moment to see where we are in relatively recent times. We are not talking about a long time back, this is 2006, or the period 1996 to 2006 that you are focusing on to see what was going on --

A. Yes.

Q. -- in one of the bigger establishments for young people in need of care and protection. So if I go back, then, you have a heading 'Culture' and we have looked at the comment being said that this is man's work.

Then it was said to you, if we look at the next paragraph, by a member of staff:

'I don't think people had bad intentions, they just didn't know how to behave. There was no consistency, no continuity, no listening and lots of personal agendas.'

I think to some extent we are already seeing why that comment might have been made. If we follow it on, we see another reference to the culture being very male dominated, just another couple of paragraphs down, and indeed it says:

'Females had to really shine to be noticed -- they had to be very in your face to get on.'

So that was one comment.

Then it says, in the following paragraph:

'Kerelaw was male dominated and a bit macho when she arrived. The Kerelaw culture had a macho element and many male staff were not used to building relationships and discussing differences of opinion with young people.'

It is not just the relations with new people with different ideas and philosophies who may be of the opposite sex, but there is also the problem of building relationships and discussing difference of opinion with the young people themselves. That doesn't even seem to be well embedded in Kerelaw, according to this person?

A. No, it is what you would see in a controlled culture. It is about the control rather than about control through a more dynamic process of engaging with the client group, to put it in management speak.

Q. Well, yes, a more constructive form of controlled environment --

A. Yes.

Q. -- where it is not just about controlling any behaviours that you find are challenging, but to actually do something positive with the time that you have them?

A. Yes.

Q. Then one person, who is referred to as 'T', talked about, it says:

'A macho male-dominated culture, Kerelaw, particularly in the early days of his involvement. He suggests the ex-mining, agricultural Ayrshire environment placed an emphasis on brawn is best in relation to the List D provision, especially for teenage boys.'

You record that he was claiming that management at least was trying to rid themselves of such cultural baggage and ethos and there was an interest in training child protection and that many staff, especially female managers, were aspiring to improve. He recalled that there was one male who made use of this person's services.

I think this is a person providing specialist services, I think we can tell from what he is saying.

A. Yes.

Q. There is an attempt to change things, but clearly it was an uphill struggle and was never really successfully achieved before the closure?

A. No, it wasn't, it wasn't. But, as I said at the beginning, not everybody was wrong and there were some attempts to improve.

Q. No, no, I mean I think we want to bring that out as well. If we go on another person, referred to as 'U', 'Said there was a macho culture, he suggested this was

due to staff being largely manual workers recruited locally who did not hold social work values.'

I suppose if you recruit someone with no child care experience or social work qualifications, it is a recipe for disaster, is it not, because they may just apply their own attitudes and values?

A. Yes. The reason 'macho' is used in the report is not because we thought that up, I mean it was told to us over and over and over again. It was impossible to avoid putting that into the report.

I don't know whether you are going to ask about it, but people did get training, it wasn't training and development, it wasn't terribly sophisticated, but some of it was required because you had to get registration, it was the beginning of the getting a qualification.

Q. The SSSC?

A. Running somewhat later than the Government intended and setting up the infrastructure behind that. But we also got told about some people, how they viewed training. They would go away and get trained in social work values, if you like, and then come back and behave exactly as they did before.

Q. I think there is a reference I was going to ask you about, which might, I think, confirm what you have told us about at least the value to that member of staff of

the training and the impact of it on practice. But I will come to that. I think there is a reference I was going to ask you --

A. Okay.

Q. -- to look at.

But if we are following on the question of culture, as well, it says that 'U' seems to be saying that: 'There was no ethical leadership at culture, and it was managers who were influential in maintaining the macho culture. Some staff did realise that things were wrong'. So it is not just the front line staff, there is a problem at the management level, and I think we saw, as we saw earlier, one of the unit managers who was resistant to progress was a female?

A. Yes, that would include unit managers, that doesn't just mean senior managers.

LADY SMITH: Eddie, am I right in thinking that the macho culture identified seemed to be people talking about -- as one person captures it -- brawn is best, be strong, be tough.

A. Yes.

LADY SMITH: What you weren't seeing was anybody realising that one of the difficulties with a macho culture is that men are not allowed to show weakness, they are not allowed to show that their resilience is cracking, they

are not allowed to show they are struggling, which in this sort of environment may have happened day and daily, but they would have felt they had to hide that.

A. Yes, they would think they had to hide that, and to the extent there could be similar behaviour in the Prison Service, where, and it wasn't necessarily a macho culture, but I think some senior managers, well, I say senior managers out in prisons were reluctant to ask for help, not because they were particularly macho, but because they were concerned about what it might do, what people might think of them in terms of their performance and their prospects.

So yes, I think this is well written up now in organisational theory and practice, that that is a thing that men are less willing to do.

LADY SMITH: Mm-hm.

MR PEOPLES: Going back to the days of Kerelaw, even had there been a better system of formal supervision, there was always a danger that there might be at least a section of that workforce, the male workforce, who for the reasons you have just explained would be reluctant to disclose anything that they thought, rightly or wrongly, was a sign of weakness.

Just as I think today we may be more confident about speaking about mental health in the workplace, whereas

even 10/15 years ago that was perhaps perceived as a taboo subject that if you said anything it was perceived that you weren't up to the job, and you worried that it might have an impact on your future career. We have moved, but that's maybe a similar sort of situation.

A. Yes, it is a similar situation. And it is much more recent than this, than the time we are talking about. I mean that's been in recent years it has been okay to talk about certain things.

Can I just say, I think if there had been more regular supervision and if the supervision had been done in an appropriate way, some of this might have come out.

Q. Yes. I mean if you don't have the system you are never going to even get the possibility that some people will in fact make use of it in the intended manner, and will feel confident enough to see that that's part of what you are entitled to discuss with a superior, for example?

A. Yes.

LADY SMITH: When you are thinking of supervision, Eddie, are you thinking of a practice that not only enables the supervisor to identify if something bad is happening, but perhaps more importantly for the supervisor to learn what it is that members of staff may be having to

contend with, may find difficult, and may be struggling with.

A. Yes, I think that's right. I mean there is a two-way element to it. But my understanding is, and I don't know how it works now, but a key element, I know a little bit about how it works now, but a key element is to draw out issues and try to resolve issues. And to what the difficulties are. If it is done properly, by a supervisor who is skilled at doing it, then it ought to lead to a discussion about how you can improve.

It doesn't need to be in terms of not doing well, but how can I do this better? And what are the problems I am facing? And what are we looking to try to achieve now going forward to the next time? That's the kind of thing you should be doing.

MR PEOPLES: If I can return to culture as being presented then, if we go to the foot of page 5, this perhaps echoes another comment made by 'T', a person referred to as 'V' reflected on the staff group he worked with and said that there was a lot of 'big guys' employed at Kerelaw and this had been part of the culture ... he said:

'Perhaps being big and strong was seen as more of a priority than having the capacity to write a good report.'

You were told that staff nicknames reflected this priority, and 'V' recalled colleagues known as 'Crusher', 'Bruiser', and 'Mauler'. So that was said to you?

A. Yes, I mean what is said there is a respectable way of recording quite a lot of what was said to us. There were lots of colourful language and colloquialisms used by many people in describing what is summarised there.

Q. I suppose the choice of their language is revealing in terms of their attitudes either to their colleagues or to the young people that they were caring for?

A. Yes.

Q. Without them knowing they are actually saying something that betrays a certain attitude?

A. Yes, I mean this person here was not endorsing any of this.

Q. No, no.

A. This was meant critical, as a critical comment.

Q. But was picked up. They obviously understood the type of people they were working with, at least with a degree of reflection?

A. It was said a lot, as I say, but not in these precise words always.

Q. Then just maybe there was a bit of amateur psychology with the next contribution that you have recorded:

'Millerston [we have heard about this unit, this was a boys unit that latterly was run by John Muldoon and spawned the joint investigation] restrained a lot and [this person, a female] often wondered if the younger male staff saw the young men as a threat. She was not fearful of the boys, but perhaps she did not have the fear of them squaring up to her the way the men did.'

This might echo your example of the Scottish Prison Service and what people were fearing. This maybe says well, I was there, these guys were big and strong, but I didn't have the fear that they were going to have a square go with me, or act aggressively.

A. Yes, I mean that's the analogy, actually, yes.

Q. Then this is a comment directed at training and whether you then go back and go back to your old ways. It said a particular individual:

'... stopped going to training and was very cynical about the benefits of training, "It's all Janet and John stuff".'

Is that what was actually said to you?

A. That was said, yes.

LADY SMITH: Just for the younger amongst us, we are talking about children's box in the 1960s in Janet and John, simple, straightforward books that were used, actually, to teach children reading.

A. That was a particular person.

MR PEOPLES: It is not just saying there is some benefit in simplicity in the training context, but this is dismissive of training.

A. Very.

Q. It wasn't said in the context of well, it is all spelt out in ways that even a five year old can understand, that's not what's being said?

A. Yes.

Q. No.

A. I think that was said in relation to the TCI training, the restraint training.

Q. Yes, I think we will see there is maybe other comments, but that was said, so --

A. Yes, that was definitely said.

Q. -- and obviously stuck out?

A. Yes, it was a good quote, we had to keep that one, yes.

Q. Well, absolutely, and quite revealing.

Then just one paragraph down:

'Good staff were in the minority ...'.

One person said.

The person referred to as 'X':

'... considered the children did not talk about what was happening or tell the truth about it because it was not cool and it would affect their street cred.'

We can maybe take from that a few things, one of which is that children might be reluctant to speak up about things that were happening to them, and just disclose the reality of their experiences for a number of reasons, perhaps, one being the impact of the young people around them, if they did so.

A. Yes.

Q. Also we have heard in other contexts -- I think the Scottish Prison Service if I remember -- the norm that you don't grass?

A. Yes.

Q. Even in the context not just of fellow inmates in prison, but also even talking about staff, it was perhaps not the done thing to speak up and complain about the way you were treated by the adults or the staff. Is that something that was coming across as well, that you can have a complaints system, but, you know, will people use it?

A. Yes, the complaints system specifically had problems to do with how it was not done properly, and the way it was set up and the difficulty children have using it.

I mean this is an interesting point here about affecting their street cred. I am trying to think how that came up. I think it is just an insight into the difficulty of just getting disclosure from young people,

in whatever situation, whether it is inspectors coming round or us trying to get them to talk to us. Disclosure is really quite difficult for people in that situation. I don't know about it affecting their street cred, I don't know, we were simply reporting what was said.

LADY SMITH: I wondered whether that was indicative of some children at least feeling it would be a sign of weakness if they complained.

A. Yes, it could be that. I would think this is particularly about boys, yes.

LADY SMITH: Yes.

MR PEOPLES: I think we have had evidence that says that, that do say that people had bad experiences, but they were reluctant to say anything to people that they were perhaps even friendly with, because they didn't want to show weakness, that some didn't show weakness when they were given excessive corporal punishment. They didn't want to be seen not to be able to take it and survive, and they felt that to survive it was better not to show signs of weakness, both in relation to their contact with other young people, and with staff.

A. Yes. My recollection of this kind of thing was also, I don't think we quoted it, but a concern on the part of some young people that if they made a fuss and

complained and did speak up it would have repercussions for everybody in the unit, so better not to rock the boat. That can be quite a powerful --

Q. Also, there is the fear of the unknown: what's going to happen once you do? Are you going to be believed? Even if you are believed, how is it going to impact on your relationship with the staff you have complained about, or the boys that you are associating with, and so forth?

A. And if you are in a situation where there are people that have power over you, and you complain about something, then how's that power going to be exercised on everybody afterwards? It is very much about the power of the young person dynamic, as well.

Q. You then record:

'Accounts emerging [from your interview with staff] were suggestive of staff behaviour which was unlikely to be isolated or related to one-off occurrences. The behaviour described was associated with longstanding practices.'

So, yes, these weren't isolated occasions and to some extent it was a reflection of a longstanding practice, and some of the things that were being told?

A. Yes, and this is back to the nobody joining the dots point.

Q. This might be a throwback to the days when it was

a List D school?

A. Yes, or not even that far back, but, yes.

Q. Well, for staff --

A. Longstanding.

Q. -- that remember the days of the List D, that were recruited before 1986, they would have had some experience of it being a List D school?

A. They would, yes, they would.

Q. Then you record something in terms of values, because you do mention this in your report about the importance of shared values. You say:

'In general [or at least it is recorded] staff were starting from a pretty basic level in terms of values. The person remembered talking to HMIE about the basic fundamental issues over staff values. They agreed with her there had been training but this had not been in basic values ... this was a school in the middle of nowhere and the staff had questionable basic values ... an institution with dated practices relating to having been an old List D school.'

That seems to be this person is almost criticising the nature of the training, and, perhaps, the lack of emphasis that it is not just specific training, you have to, the training has to incorporate something that gets across effectively the values that have to be displayed

in practice?

A. Yes.

Q. Is that right?

A. Yes. I mean it goes back to this, what I said about the culture. To the extent that there were values, they seem to be values around maintaining control, it is not really a value. It wasn't about behaviours and relationships or anything like that. Remember, this is 16 years ago. Everybody has values now, every organisation has them. Some more honoured in the breach than observance I think you might say in legal terms, but it wasn't evident that this was a value-driven institution, let me put it that way.

Q. Yes, and that might have been in part due to the way that the organisation's values, if they had appropriate values, were communicated to the staff, either through training or otherwise?

A. Yes, I mean in an ideal situation your values should be the result of an iterative process with the staff, but I don't want to sound like a management textbook, but that's the best way to do it. You can't really impose values, you have got to get the staff to buy into them, and ideally they will do that by having an input.

Q. Ideally, before you even get to that stage, your recruitment process will be looking for personal

qualities that reflect the values of the organisation --
A. Correct.
Q. -- and therefore you start from a better start --
A. Yes.
Q. -- you don't start with someone that comes in with their own values that may have no reflection, or no similarity with the organisation's values, and you have to train them from start?
A. Yes, I mean recruitment, obviously, matters in this context. So does induction.
Q. Yes.
A. And then reinforcement. And then example by the people at the top.
LADY SMITH: That's the strongest factor, isn't it?
A. Pardon?
LADY SMITH: That's the strongest factor, isn't it?
A. Yes, absolutely.
LADY SMITH: Somebody who always models the right values?
A. I was going to say, walking the talk, as they say in the textbooks. People say oh yes, walking the talk, but it does matter, actually, modelling the values at the most senior level is very important.
MR PEOPLES: Yes, but in even a more junior level, say an establishment level, the person who is the leader there at whatever level in the establishment has to be

a positive role model, both in relation to staff that they lead and to the children that they are responsible for.

A. That's true.

Q. If they are doing the very thing that the children did that may have got them into the place in the first place, violence as a response to violence, then that's not going to help the situation, is it?

A. I don't want to make this sound terribly easy, because it is actually quite challenging to do this, so it is easy to say it, but it is a big challenge for people. You have to model them in relation to your staff.

Q. Yes. It can be a big challenge.

A. And how you deal with your staff, as well as how the staff would deal with the people they are responsible for.

Q. I will come back to that, because I think -- I just wanted to see how we get to the stage where we have to think about doing these things and how maybe the problems did come up in the first place due to, perhaps, the lack of the things you mention.

A. Yes.

Q. If we go back to the record of what you were being told, you were also told that: 'There was a longstanding control and discipline approach hanging over from

Kerelaw's origins as a List D school, and the therapeutic approach that 'A' [this is the breath of fresh air, I think] --

A. Yes.

Q. -- was trying to introduce was just alien to them.'

A. Yes.

Q. -- so this is again a throwback to the days of the List D school and how things were done?

A. Yes. It was interesting, 'therapeutic approach' was not a term used by a lot of people in describing the different approach. It would have much more traction nowadays, I think, than 16 years ago.

Q. Yes, the language has changed over time, and then emphasis has changed over time, hasn't it, from not just even care, but care to nurturing, and outcomes, and obviously here, therapeutic rather than controlling?

A. Yes.

Q. At least we are moving in the right direction in terms of language, but there is still the challenge that you have to translate that into practice?

A. Yes.

Q. Just going back to page 6, we have an entry:

'"Z" said of course there were issues of culture at Kerelaw where they were trying [this appears to be a quote] "to shoehorn child care practice into a former

List D school".'

So that was the way it appeared to 'Z'?

A. Yes, and it sums up the resistance and the problem.

Q. Yes. Moving over to page 7, just about a third of the way down, you record Kerelaw:

'... was a school with no order [according to this contributor], where staff ran the school to suit themselves, a lack of attention and concern from staff towards children and little effort made to set appropriate boundaries and take responsibility.'

It seems like it was a staff-centred rather than a child-centred institution, according to this person?

A. According to this person, and reflected perhaps in the fact that the whistleblowers were blowing whistles about how staff were being treated, I mean let's remember that.

Q. Yes, the first thing that spawned the big investigation was a complaint against another member of staff --

A. Yes.

Q. -- not a complaint about the treatment of children?

A. No.

Q. Then on a more positive note, and again it is worth saying that this was something that you were being told by some people that you interviewed, if we look at a paragraph that says:

'Through it all 'D' said there were good staff doing a lot of good work with young people. They were doing the best they could to get young people back into the community. However 'D' said he does believe people did things they should have been sacked for, including him [self].'

So that was a bit of reflection?

A. Yes, and that wasn't uncommon.

Q. An honest reflection?

A. Yes.

Q. That they are not proud of some of the things that they did at the time?

A. Yes, and it wasn't just 'D' who said that kind of thing.

Q. Yes, and I think if we go on to the next paragraph, I think this is possibly 'D' again saying this:

'Good people didn't stay around for long and those who challenged the regime were given a terrible time and often bullied.'

That was 'D's' perception of how good people, people he regarded as good people, were treated?

A. Yes. Well, I mean let's go back to 'A', and also the relatively short-lived new --

Q. 'G'.

No, not 'G'. Yes, 'G', who divided opinion?

A. Yes.

Q. Just not the next paragraph, but the following paragraph:

'There was some bad practice at Kerelaw, in fact [this individual said, this is 'D' I think again] he had engaged in bad practice. At the time they considered it horseplay, it wasn't challenged.'

A. Yes.

Q. So there was something that people were describing at the time as horseplay, as if that would be something legitimate --

A. Yes.

Q. -- but really -- and something that wasn't challenged by other staff or the management, but on reflection it looks as if 'D' has worked out that this was something that 'D' should not have done, or others should not have done, and indeed it would have been justification for dismissal?

A. Yes, I mean horseplay was raised by quite a number of people, and it was often raised because it was said that it was frequently a cover for surreptitious assaults, the horseplay could get out of hand. Play fighting.

Q. Play fighting, there were other examples?

A. This is about staff and young people --

Q. Yes, engaging together?

A. And you can get it with young people and young people

doing it, and again you have to be careful about that and challenge it, because it can turn into something it doesn't look as if it is really going to be.

Q. What about someone teaching someone about the martial arts, did that come up?

A. No, I don't remember that one.

Q. Okay.

A. I don't remember that one.

Q. Under the guise of horseplay?

A. Mm-hm.

Q. You don't remember that?

A. Well, it depends if it was a formal thing that they were meant to be learning, yes, it might.

Q. No, I am not suggesting that.

A. It might not be a good idea.

Q. I think this might have been an impromptu display of an apparent skill.

A. It is more about -- it is something that could look on the face of it friendly and a good interaction, but could actually be a cover for something else.

Q. Just as I suppose there is a risk that physical intervention which on the face of it might be justified at the beginning can turn into something very different, an opportunity --

A. Yes.

Q. -- in some cases to do a bit more than simply bring the situation back to some calm --
A. Yes.
Q. -- and control.
A. It was a kind of red flag word, if you like, and probably still is.
Q. Then if we go down again, this looks like a contribution from a children's rights officer. Again, that would be someone that wasn't based at Kerelaw, but would visit. You record:

'The prevailing attitudes suggested that the young people did not deserve any better and the kids accepted this ... the negative attitude to children and young people was key -- people were justifying unacceptable practice because the kids were out of control.'

Was that something that -- well, that obviously was said by the children's rights officer to you, is that right?
A. Yes.
Q. Again that might display, or at least in that person's important that showed a certain attitude towards the children that were being cared for?
A. Yes.
Q. That was picked up by them at the time?
A. Yes, it was. I mean, again, we didn't reach

a conclusion on the basis of just one statement like that. I mean it was the fact that others backed it up. There was at lot of corroboration in different ways that came across.

Q. All I am doing here isn't to say that this was the linchpin of your conclusions, but just to show the range of things that were being said and if you put them all together perhaps we can understand better why you said the things you did?

A. Yes.

Q. That's the purpose of me doing this, and to also get an idea of what was being said well before this Inquiry was established by people under a cloak of anonymity, who were perhaps speaking more freely than if they had still been employed at Kerelaw, or that they were not being given anonymity. That's --

A. That's fair, yes.

Q. We can look at that with these considerations in mind.

A. Yes.

Q. Then if we go to page 8, do we see that you are recording another contribution:

'People did not speak up because of fear or personal agendas. There was an undercurrent that if you rocked the boat you didn't get promotion and your face needed to fit.'

Now, that doesn't seem a hugely surprising thing for people to say about speaking up. Is it not a perennial problem if someone wants to blow the whistle?

A. Yes. You could apply this to many organisations and different sectors today.

Q. This isn't a historical issue?

A. Well, it is a historical issue and a current issue.

Q. Well, yes, it is not simply one that has been consigned to history?

A. Yes.

Q. Yes. Just following through, a person, a female described as 'AA':

'Talked about the prevailing punishment ethos [at Kerelaw] and a "you will be punished" control culture. She said she was unable really to articulate her worries but gave the example of kids being forced to line up for dinner and certain difficult children being sent to the end of the line as a way of being told who was boss. [Some] staff had a less mature attitude to the use of restraint and the impact on young people. At training many [it is many I think is recorded] showed a dissent to learn and presented a dismissive attitude by reading the newspaper and asking when the training would finish. Some would get up and walk or skip parts that they did not like.'

That tells a story, doesn't it?

A. Yes, it is Janet and John again.

LADY SMITH: Yes.

MR PEOPLES: Yes.

This is being observed and noticed by people who were attending training, that the attitude of some people who were given this training to no doubt improve their practice and attitude and culture?

A. Yes.

Q. Then it says, this is 'A', this is the breath of fresh air:

'... tried to tell Glasgow there was something cancerously wrong in Kerelaw, even though they could not fully articulate the problem.'

Or is this 'A' telling -- is 'A' the breath of fresh air or someone different?

A. No, same one.

Q. '... whistleblowers were treated badly and were damaged when they chose to go out on a limb with concerns. They were sidelined and blamed instead.'

So that was how she perceived people who spoke up and raised concerns?

A. Yes, another historical and current problem in organisations.

Q. Yes, just as restraint or physical intervention is

a current issue, whistleblowing is also a current issue as well as a historical issue. So these are big issues in the context of environments where a group of people are held together living away from home?

A. Yes, yes.

Q. You will be pleased to know -- because I am going to ask you about the Larchgrove Report in due course -- that in that instance the whistleblower was in fact a member of staff, who had been at Larchgrove for two years, and then having not had his concerns dealt with in the way he felt appropriate, went public?

A. Yes.

Q. And the Daily Record picked the story up and ran with it.

A. Yes.

Q. There was an immediate independent inquiry and some of the things he said were found to have been proved. So ... but that would be unusual?

A. Yes, very unusual, yes, particularly an identifiable person. I mean quite a lot of whistleblowing is anonymous and that makes it a lot more difficult to deal with. But yes.

Q. I can tell you, because you maybe don't know this, but you will once you read the transcript, that the individual concerned was immediately excused from duty,

as it was put, pending the investigation. Eventually when the investigation was completed they weren't returned to Larchgrove and were initially offered a, what they described as an insulting post, and finally was given, they were given a job that at least they considered was acceptable.

LADY SMITH: Although less remunerative than the Larchgrove post.

MR PEOPLES: Yes, and they were losing money during the period that they were excused from duty because they weren't earning their normal wage and that had an impact on their family --

A. Yes.

Q. -- and the people that he was accusing, while the allegations were being investigated, stayed in post throughout, until the inquiry reported.

After that, the two senior members were not dismissed, but transferred to other duties. So that was -- in that case Larchgrove continued to operate, unlike Kerelaw, which closed fairly soon after the major joint investigation was reaching its essential conclusions.

A. Yes.

Q. So it is not a good advert for whistleblowing.

A. It is not, and you have to be very, very brave to be

a whistleblower, and it is still the case.

LADY SMITH: And it is interesting, Eddie, that you say that, despite there now being in place legislation to protect whistleblowers, but it seems that that's still no guarantee of people feeling safe and comfortable about whistleblowing.

A. No, they don't. I mean there is a big agenda that one can discuss, perhaps not for here, but around why this should be the case.

LADY SMITH: Yes.

A. But it is to do with the fact that I think particularly in the public sector, but it is true in the private sector, protection from reputational damage becomes the priority, and the whistleblower is putting their reputation at risk, Post Office, things like that.

LADY SMITH: Yes.

A. Think about some of the hospital scandals, all of that, and senior management mobilises around reputational damage.

Now, there is a further question to be asked: why do they do that? Why does it matter? Well, if it is a public sector organisation why it matters is because you are answerable to politicians, who are in turn answerable to the media, and to Parliament, and there is a kind of blame culture that dribbles down from there.

So people close ranks.

I don't know what the solution is to that. You have to somehow try and change the blame culture. But a lot of people will talk about the blame culture, and I regret to say it starts at the most senior level in Parliaments, and among politicians generally.

MR PEOPLES: Just help us, again, the blame culture, obviously someone says something, there is a concern about the reputational damage that might be caused, even just by the mere fact the allegations are made, but worse still, I suppose, if they are found to have substance, and there is a concern about that situation becoming, either is it known to those above them to whom they are accountable, but also to the public in general, both for reasons of confidence but also in other ways that they will come back to them and they will be looking to blame people and take appropriate action against a range of people.

So there is a fear not just on the part of the whistleblower, but on the part of those who have to deal with the problem, am I getting that or am I ...

A. Yes, I mean the reason reputational damage matters so much is that there is always a call, if someone makes a perfectly reasonable allegation and it maybe is true, you still find that the ranks are closed behind to try

and find a way either to discredit the whistleblower, or to say it didn't happen, one way or the other. That is partly caused, in my view, by the that fact that you get both politicians and media generally calling for somebody's head to roll, because that is the kind of primitive reaction to this. Nothing gets resolved unless there is somebody to be sacked. That's the way it very often goes. So people get very nervous about that. Maybe I am overstating.

Q. No, I don't think you are, because in fact I can tell you as well that the Larchgrove experience might in fact bear you out, because when the findings were published, apart from criticising the treatment of the whistleblower and paying attention to what the inquiry saw was who was responsible for the state of affairs, the Daily Record at that time was calling for the heads of the Scottish Office officials because they hadn't put in place relevant regulations that would allow this new landscape to operate in the intended manner and they were saying that they were the guilty men, I think the anonymous suited persons in the Scottish Office.

So perhaps there is some -- obviously that to some extent may bear out what you are saying, that there is a concern about how this all plays out. And the need of people in that situation, perhaps fuelled by the media,

to see heads roll --

A. Yes.

Q. -- at all levels.

A. Yes, and you get it, I mean you get it in the Parliaments, both of them, as well. All I am saying is that I think if you really are going to get transparency and a willingness to admit mistakes and a willingness to accept that an allegation may be true, I think you have to do something about that blame culture, if you really want to tackle that. I don't think you will tackle it without it.

Q. If you think there is credence and substance to it, I suppose historically, at least, and perhaps it happens today, that the response is often to try to deal with it as quietly as possible with a minimum of publicity?

A. Yes.

Q. And coverage of it?

A. Yes.

Q. That may be a natural, human reaction, but it is one that's not necessarily good for the service users, or indeed good for the public in general?

A. I mean it is partly -- this is going off piste, so I will not detain the Inquiry, but you read about this all the time. It is about admitting to mistakes, medical mistakes for example, people are very reluctant

to admit to them, one reads, and it is part of that same thing. But in fact you are not going to improve and make sure they don't happen again unless you admit that they did happen and you focus on how to prevent them happening again. But that, unfortunately, is not widespread.

The health service, actually, started to look at how the aviation industry had improved safety over the past decades, and the aviation industry has, and one of the things that comes through from that, and which is often given credit for it, is the creation of, within the industry, a no blame approach to admitting to a mistake that's made on an aircraft, from spilling the coffee by a stewardess onto a passenger, to the pilot making a mistake. The key thing was to encourage a no blame consideration of what the mistake was, you can own up to it, you will not be punished for it, but everybody had try to learn from it for the next time.

The NHS actually in Scotland did have a programme going, I don't know whether it was every health board, called 'Flying lessons' which was to try and open up that idea to how you can improve. But this is a bit off piste.

LADY SMITH: No, it is not entirely, Eddie, because if you are thinking about the same shift of approach in the

airline industry as I am, they spotted, if I remember rightly, that what they had was a bystander culture, that people would see things --

A. Yes.

LADY SMITH: -- not right, not good, nobody would speak up, and you needed to flip that and encourage people to be, as they put it, upstanding, and you don't walk by something you notice, however small, your cup of coffee, or a pilot. There was a report in the news today of a pilot now in prison because of having gone to fly a plane under the influence of alcohol.

A. Yes.

LADY SMITH: If it is that serious, whatever it is, you speak up. And that becomes the culture.

A. So I mean it is very similar to what we saw at Kerelaw; bystanders and so on and so forth.

I mean I have elaborated this and extrapolated it to current areas where there are problems, but I think it is important and if you come to a question of why can't you get change? It is partly because of that reluctance to admit, it needs to improve.

Q. You are already answering --

A. You don't want your head chopped off by a committee --

Q. You are already answering in part what I am going to come to, and I will try and pull it together a little

bit, but I suppose also it is all very well to say we have all these checks and balances and safeguards today that we didn't have historically, including a single inspectorate, like the Care Inspectorate, rather than a multitude of inspectorates. But at the end of the day it is the people who work in the institutions that are the organisation's eyes and ears and if they are not prepared to blow their whistle, if they see something that's of concern, for all of the reasons we have been discussing, then you have a problem --

A. Yes.

Q. -- or you have a potential problem, if something goes wrong and it doesn't get reported.

And unfortunately if it does get reported, as you have just said, because of a prevailing attitude in many organisations it doesn't get responded to appropriately.

A. Yes.

Q. That's not anything to do with understanding just the past, that's trying to look at what happens today as well.

A. Yes.

Q. Again it is another issue, it is not a historical issue, it is a current issue, and it is very much a live issue?

A. I mean the Scottish Government has, if I have got my recollection correct, the Scottish Government has

established on health boards, I think it is all the health boards, a whistleblowing champion as a non-executive director. I think it had just happened, it was beginning to happen when I came off the Ambulance Service board. I confess I am not quite clear what you can do as a non-executive director to be a whistleblowing champion, but there will be something that is written down that you have to do and that you have to be aware of. This may be working, I don't know if it is, and it would be wrong of me to suggest that nobody is taking any interest in that, there is that development --

Q. It may be a recognition.

A. -- so I hope it works.

Q. It may be a recognition there is a problem and someone gives it a fancy label, but the reality is: is it something effective that means that more people have a willingness to put their head above the parapet and report concerns about a colleague or colleagues, when they know they are going to work the next day with the same persons?

A. Yes, well, there is that, there is a particular issue in the uniform discipline organisations where do you depend on your colleagues to come to your assistance in all circumstances, and that's a separate topic, that's about

making a complaint in the first place, even to your line manager.

Q. It could have relevance in the context of a closed environment, whether a secure care environment for children --

A. Yes.

Q. -- or an open school --

A. Oh, yes.

Q. -- where you have to work with colleagues and to some extent deal with people who at times may display aggressive behaviour and you may have to rely on your colleagues to support you?

A. Yes. I mean the fact is in a Kerelaw or another similar place you can have disorder, things go wrong, things will happen, however much you try for it not to happen, and you will need your colleagues to come and help you, and you will need to go and help them, in particularly difficult or particularly violent situations, which will arise from time to time.

Now, if you have just raised a complaint against somebody they are not going to be terribly keen to come and help you.

Q. No, and can we go back to page 8. In fact I think this to some extent maybe is relevant to what we have just been discussing, if I go back to what we have on the

screen:

'"Q" suggests that the issue of staff collusion [because we saw this earlier, this idea of collusion] is a complex one, it is important to recognise how hard it would have been for individuals to have spoken out and challenged the regime. Staff worked together intensely, shared lifts to school and lived in the same communities as each other. In such a context motivations and values can be confused. There may well have been a recognition that things were wrong but it would have been difficult to challenge. Others may not have made connection between longstanding working practices and abusive behaviour and the impact on young people.'

So that's the Kerelaw situation, but it is a wider point as well, is it not, that as we have just said, that even if you don't have the degree of connection that some of the staff at Kerelaw had with each other, socially and professionally, you can still have a problem. It is hard for people to speak out about colleagues?

A. Yes, I mean there was a particular issue at Kerelaw to do with the local nature of the three towns, as they were called, from which recruits tended to be drawn. They did work together, they shared lifts to school, lived in the same communities. I think one or two lived

in the same house, or at least from time to time. So there were some very complex relationships that did explain some of the collusion.

Q. So it may exacerbate the point, but the general point still remains, even if you strip away all of these connections you still have an issue --

A. Yes.

Q. -- with whether someone will blow the whistle, even if they feel it is an occasion where they should do?

A. Yes.

Q. Because of the reasons we have discussed?

A. Correct.

LADY SMITH: Eddie, what about this terminology, whistleblowing. I have often wondered whether it is unhelpful in that it connotes an ongoing activity that somebody blows the whistle with a view to stopping it, whereas that's a very narrow definition of what you are really looking for, which is people also to feel able to speak up about their worry that something might be happening that needs to be addressed, or even to use something else, that a system has been put in place that has obvious flaws in it and doesn't adequately protect children.

A. I think that's a very interesting thought, because I have always felt whistleblowing kind of implies

a nuclear option of some kind, when in fact there are below nuclear options that could perhaps be deployed if you make people confident enough to raise a concern.

LADY SMITH: If your concern is to protect children, you want to stop the abusive activity before it happens?

A. Yes, yes.

MR PEOPLES: I suppose -- or I take the point, and we have discussed changes in language over time, including from physical restraint, to physical intervention, to safe holding. That in itself is not enough, because we still have ... even if you use the soft language of raising concerns, depending on the nature of the concerns we may have still some of the underlying potential consequences that the person may feel will follow if they raise their concern rather than blow the whistle.

A. Yes.

Q. It is not just a matter of encouraging a different language, although that may help?

A. It is just one of these words. I think it is an invention of the press, originally, 'whistleblowing', it is like 'watchdog'.

LADY SMITH: Yes.

A. We keep hearing about the watchdog and the whistleblowers and so on, when in fact slightly less emotive language reflecting the gravity of something

that you need to worry about would be more helpful. But behind all of that, nevertheless, I stand by what I say, but you need to have a culture though in which people are not going to be blamed for raising an issue, or --

MR PEOPLES: Yes, a culture, in which it is seen as beneficial to the organisation and everyone in it to raise concerns, like the aircraft industry approach, that's what you are trying to achieve perhaps?

A. Yes.

Q. Okay, if we go back to page 8, again there is a heading 'Attitudes and emotional abuse'. We have already seen earlier that there was negative attitudes, according to the children's rights officer, and this may be same person that said this, but it is recorded that the CRO, the children's rights officer, said:

'The attitude to young people at Kerelaw was terrible.'

That was the way it was put?

A. Yes.

Q. Then on the specific matter of 'Safeguarding and child protection', which is clearly of relevance to this Inquiry, you have recorded a contribution:

'Child protection did not feature at Kerelaw. The child protection procedures did not operate [whoever said this] cannot remember getting any child protection

training ... it was just not a feature of their thinking.'

Was that something that was coming across more generally?

A. Yes, there were some people that said they did get training in this, I am quite sure, but the more common view was this was not something that was high priority.

Q. Yes.

A. I mean there was formal safeguarding, I put 'Safeguarding/Child protection' there were formal safeguarding things going on, and the CROs were supposed to deal with that, but ...

Q. Is that not again an example of -- it is very common for organisations faced with a criticism to say, 'Oh, but we had a policy on safeguarding'.

A. Yes.

Q. But the issue isn't did you have a policy, but did that policy operate effectively in practice?

A. It may well have been that. I mean it is just another part of -- you know, it is one of the bricks in the edifice that is getting built here.

Q. Then going on to the next paragraph:

'Children had been forgotten about at Kerelaw and staff rarely engaged with them positively.'

This may be the same person, I am not sure, but:

'There was no encouragement and staff talked to and about them in a disrespectful way ... there was no culture of record keeping in relation to physical restraint.'

Indeed, this individual says:

'She had to actively seek out information on serious incidents. She described the reporting process as deeply flawed and considered children were vulnerable ... she was aware of an excessive number of restraints, often conducted by the same workers.'

A. Was this the CRO who said this, it might have been.

Q. Might have been?

A. I didn't put that, I think that was a CRO, yes.

Q. Okay, but that was an outsider's view of the situation?

A. Yes.

Q. With some direct experience of dealing with the organisation, and looking at records?

A. Yes.

Q. Then, going over to page 9, there is a contribution at the top of the page by 'C', who concluded:

'Kerelaw did not sit on the spectrum of safe care. In his view an establishment is only safe when both staff and young people are empowered. They all need to feel able to speak out.'

That echoes, to some extent, what you have just been

saying about feeling confident you can raise concerns, whether staff or in this case children, and be confident that it would be dealt with in a way that will not bounce back to hit you?

A. Yes.

Q. Then you have a section 'Internal procedures' and one person said, 'He would argue about whether there was standard operating procedures as even when he was a unit manager he hadn't come across any'.

That wouldn't be a great state of affairs, would it? In a large organisation?

A. Yes, you would expect there to be these, maybe there were, but he hadn't come across them.

Q. Yes, and then it says in the next paragraph, is this 'G' I think -- well, no, it is not going to be 'G', it is another contribution that starts with:

'Overall she had a positive impression of Kerelaw [this is someone from former staff] drawing on all her training, including the postgraduate child protection course, she knew that nothing in child care was perfect. She realises now the management in Kerelaw were working with some very poor systems [but then adds] there were a lot of people getting away with poor management.'

So there is a criticism on two fronts there.

One was the systems themselves, which were described

as poor.

But also, presumably, the way that people managed.

A. Yes. That second paragraph, that is not the same person as the 'G', the 'G' there who introduced the comment was the reformer who didn't last long.

Q. Didn't last long?

A. This is a separate person, I can't recall who.

Q. It doesn't matter, I am just trying to get that obviously this was being said and by a reflection or analysis they are seeing (a) what they consider to be very poor systems but (b) that there were a lot of people who were managing poorly, so it is a twin criticism, is it not?

A. Yes.

Q. I think you found that too?

A. Yes.

Q. Then on 'Supervision', a person who is referred to as 'BB' stated:

'... she did not receive regular supervision during the early stages of her employment.'

Although she said it had improved over more recent times.

Then another person, 'F', said:

'In all of his time at Kerelaw he only had formal supervision twice.'

Then maybe another one that captures the essence of the situation, and is very quotable:

'Supervision was just a word, it did not happen.'

A. Yes.

Q. So quite memorable. But maybe sums up a general feeling.

A. Well, I mean it clearly did happen sometimes, but in that particular case not.

Q. But in the broad sense, what you would expect by way of formal supervision of all staff, that wasn't happening?

A. Not on a regular basis and within a reasonable time in the way it was intended.

Q. Then we turn on page 10 to a heading 'Relationship with Glasgow and external management', because again you were quite critical of that aspect of Kerelaw as well.

I just take a couple of things that are said there before we perhaps break, and there is three comments that maybe we will get, if the third paragraph:

'Throughout [I don't know whether this is 'G' saying this] he didn't ever see an external Glasgow City Council manager.'

A. Yes.

Q. So they were quite thin on the ground, it would appear?

A. Yes, I mean I wonder if that was 'G', if it was somebody else. But it looks as if it possibly was. They were --

occasionally the external council person went, but for all kinds of reasons, being involved in what was going on at headquarters, it wasn't as often as would have been helpful. There was also a bit of an issue with the principal at one point around the grading of the person who was the external manager.

Q. Who was a --

A. Wasn't senior enough.

Q. He was on a lower grade than the person that he expected to be his manager?

A. Yes, I could --

Q. Yes, there was an issue about that. But even so, the point is being made, maybe with a certain amount, maybe, of, I am not saying exaggeration, but perhaps it wasn't quite as clear cut as this, but the next paragraph says:

'External management didn't exist in relation to Kerelaw.'

To some extent you endorsed the view that that wasn't really -- there wasn't a proper system of external management?

A. No, it wasn't good enough. No question it wasn't good enough.

Q. In terms of the frequency of visits, even if there were visits, and you say that there was clearly evidence that there would have been visits, you were also told:

'External managers of units are expected to be regular visits to units so children know who they are and can approach them. At Kerelaw this did not happen. Children would not know who the external manager was.'

So even if they did make the odd visit, this point is the children had no idea who they were --

A. No.

Q. -- and no opportunity to --

A. And they wouldn't, unless it was a regular occurrence and they were told what this person was for. This was a very regular complaint from staff.

MR PEOPLES: That may be as good a time as any.

LADY SMITH: We will pause, Mr Peoples.

I think we will take the lunch break now, if that will work for you, Eddie, and I will sit again at 2 o'clock.

(1.02 pm)

(The luncheon adjournment)

(2.00 pm)

LADY SMITH: Eddie, are you ready for us to carry on?

A. Yes, absolutely.

LADY SMITH: Thank you very much.

Mr Peoples.

MR PEOPLES: My Lady, good afternoon.

We were looking at your record of things that were

said by former staff and to some extent some others, like the children's rights officer in relation to Kerelaw and we had been looking at some comments and statements made in relation to external management on page 10 and I can pass on, there is another heading 'Resources', I am not wanting to go through the nitty-gritty of this, but at the same time I just want an understanding of there were issues with resources and I think at one point someone said that management of Kerelaw was very resource driven, with no consideration given to practice. I don't know whether that, and there was background to that about budgets and disputes about levels of fees and things, but can you give us in a very succinct way to what extent resources was a problem, or the way that the resources were used was a problem?

A. Well, had the place still been there and had one been able to walk around, you could generally tell walking around whether there was a problem, certainly as far as the fabric is concerned.

As to staffing, it would have been astonishing if there hadn't been an issue about resources for staffing. I can't imagine any part of the public sector where there isn't an issue around staffing resources.

Q. It is a perennial problem?

A. It is a perennial problem, it is.

Now, there will have been an issue, definitely, around the financial settlement with the local government reorganisation, and I am quite sure that Glasgow would have felt it wasn't properly treated, Edinburgh felt it wasn't properly treated. This is a perennial problem.

Right now Edinburgh thinks Glasgow is getting better treated under the Local Authorities issues that are going on just now, than Glasgow is. This is almost something unremarkable in a formal sense, because it just kind of goes with the territory.

So lots of people didn't tell us this, but it was a theme that came up, and it wasn't a surprise, and we are quite sure there were issues. We certainly got evidence that one of the distractions for the senior management in Glasgow City Council HQ, in the education bit, I can't remember if it was children and families was the overall bit and the social work part, that there was constant discussion about how money was going to be allocated, because once they had been set up, as it were, and the organisation took place, the reorganisation took place, then they would have to determine what the budgets were for the different departments. That did seem to -- we were told by several sources, it occupied a lot of very senior

management time.

Q. Was there a separate issue -- it is maybe just at the top of page 11 -- about some prior agreement, and trying to keep the level of fees at a certain level. It seems to --

A. Yes.

Q. -- was this to attract more people from other Local Authorities to use Kerelaw in place of other possibilities?

A. Yes, I mean Glasgow, of course, were in the position of having to pay Kerelaw. I think there would be direct funding for things, but they were also having to pay fees to Kerelaw, and of course the other Local Authorities would. I mean that is the current -- the models have changed, but the current arrangements are basically the placing authority pays for places in the four residential schools with secure units, including, I may say, Local Authorities in England, because there is a fair bit of cross-border traffic.

Q. Do they purchase a number of places or was it done on a case-by-case basis?

A. It is a bed, basically, there is a bed-night charge, and they pay that.

Q. But they don't have a block booking --

A. No, they don't.

Q. -- in advance? No.
A. No, there is not a block booking. You get referrals and the number of placements that take place don't necessarily equal the number of referrals, because you can refuse a referral or it might not work out, they decide they don't want to pay for it and so on. And there are some extra charges you can levy for additional support, but that is the model. It is basically the same in that placing authorities pay for the places as they use them.
Q. I suppose one of the attractions of lower rates than the private or charitable sector is that there is an expectation that more people will come knocking at Kerelaw's door rather than alternatives?
A. Yes, probably, yes.
Q. But they may not be getting as good a service?
A. No. It depends. It is a very strange kind of model in a way, but not all Local Authorities, particularly, want to pay for some special service, you know, they just want you to take the child. That can be true of some of the English authorities, sometimes.
Q. So even today, and I am not wanting to stray into your other role, but even today is there perhaps a reluctance on cost grounds on the part of some Local Authorities to make use of specialist services that may require

a greater staff-child ratio --

A. Yes.

Q. -- and a greater weekly cost?

A. Yes.

Q. Is that just, again, because money is tight, resources are limited, and so forth?

A. Yes, yes.

Q. So --

A. Money's always tight in this kind of area. I mean it is not particularly strange that these points should come up, but whether it was worse in Kerelaw than anywhere else, I couldn't honestly say.

Q. It doesn't seem, although you touched on it, I think, it doesn't seem to be something that was one of the key failings, if you like, that was identified as Kerelaw. It was probably -- as you say, it was a perennial issue about --

A. Yes.

Q. -- did you have enough money and if you had more money could you have, maybe, better arrangements, or whatever, or more staff?

A. Well, I mean it is not immediately clear that just giving them more money would have changed a culture at Kerelaw. It would depend on whether it opened up time for people to be less stressed, less busy, it might have

enabled supervision to take place more, but there was no guarantee of that.

Q. Unless it was a voluntary redundancy scheme.

A. Or a compulsory redundancy.

Q. Compulsory. I don't think that happens much in the public sector?

A. No, with Local Authorities there is a policy not to have that.

Q. Yes.

A. Yes.

Q. Going on, then, to 'Investigations', and I am not going to, again, I think you made the point under this head earlier today, and I am not going to labour it, is that clearly there was quite a body of evidence given to you to the effect that the people weren't happy with the investigative process that Glasgow had conducted, and I am not going to labour. I think you deal with that --

A. Yes.

Q. -- in the report and I think to some extent you agreed with, that there was a basis of criticism for the way that matters were handled, even if there was a basis for investigation?

A. Yes, and there was a lot of evidence to that effect.

Q. Yes.

A. Yes.

Q. Then going on to 'Senior management in Kerelaw', at page 12, halfway down, I will just pick out a few things. I think there is quite a bit of criticism of the principal.

A. Mm-hm.

Q. We see that the under the head 'Senior management in Kerelaw':

'The principal approach was laissez faire and arm's length.'

Was one contribution, but there was also some criticism of other senior managers, including 'E', who we have heard about already, one person describes him as 'arrogant and guarded', and she found him quite frightening.

Someone says, maybe the same person:

'"E" walked the job too.'

Can you just explain what that's intended to convey?

A. I think that's somebody making a positive comment --

Q. Oh, I see.

A. -- rather than a not positive comment --

Q. Oh, right.

A. -- walking the job, in that he went out and about --

Q. He would be seen.

A. -- which raises the question then of what he saw he was happy with, or was he not happy with it --

Q. So it could be double edged?
A. Yes.
Q. If he wasn't happy with what he saw, you didn't think on the evidence he should have been?
A. No, but given what we knew about him, and his history and all that, then he wouldn't necessarily be unhappy with some of what he saw.
Q. Then another person, 'D', described the head of the secure unit and I think that's someone below the principal level --
A. Yes.
Q. -- as 'Charismatic but erratic, he was not a developer, he talked constantly about how many years there were until he retired.' So he wasn't going to necessarily bring about changes in practice and culture, according to this person?
A. Yes, that's somebody who is not going to embrace change, if he is constantly talking about how many years there were until he retired.
Q. There was someone who was pretty critical of the principal, he said the biggest failing was he couldn't manage, which is an unfortunate failing if you are the manager in charge?
A. Yes, he couldn't manage the deputy, basically, that was what he is saying.

Q. Oh, I am sorry, you are perfectly right?
A. Yes.
LADY SMITH: He couldn't be an effective manager, he couldn't do the management work.
MR PEOPLES: Including the managing the next person in line.
A. Yes, there was a lot of negative activity around the next person in line, and the 'G' person is the new principal that came in --
Q. The new principal, I see.
A. -- and he recognised there was a need for a level of accountability. I remember the interview with him.
Q. So did 'L' come before 'G'?
A. Yes.
Q. And then 'E', who was second in command, perhaps, or thereabouts?
A. 'E' was second in command, yes.
Q. 'Was said to be clever, intimidating, obstructive, along with a gang of other men he obstructed progress at the school and 'AA' described him as dangerous'. So that wasn't a very complimentary thing to say?
A. No, no.
Q. But we have already seen the tension between 'E' and 'A'?
A. The what?
Q. The tensions between 'E' and 'A', the person --

A. Oh yes, that went way back, that was the breath of fresh air, who didn't get --

Q. Yes, and then someone says who knew 'L' as a principal teacher, so 'L' had been there before as a principal teacher and became the principal, 'Found him to be so laid back he was horizontal'. So that's quite a --

A. Yes.

Q. -- colloquial way of putting it, but I think we get the message?

A. Yes, I mean you can see the message building up here.

Q. Yes, and there was some other descriptions of him, I think, which I don't need to go into. But if we go over the page to page 13, I think the nub of the matter is at least some were saying 'He just was not a good manager', when all is said and done, that is at the top of page 13, the first paragraph, I think, third line down?

A. Yes.

Q. In a nutshell was what was being said by some.

A. Yes.

Q. If we go to the next heading, 'TCI', which is therapeutic crisis intervention --

A. Yes.

Q. -- which can involve, but not necessarily should involve, physical restraint, or physical intervention,

you have recorded a number of things there, and I will just pick out a few, if I may.

'GG', second paragraph down, makes the point:

'TCI doesn't assist you to stop a young person going for another young person with pool balls in a sock, nothing teaches you how to intervene to stop this happening and if necessary restrain the child.'

He went on to say:

'Many times he had to restrain someone outwith procedures, but it was always to prevent something worse happening and wasn't [in his view] abusive.'

A. Yes, we took that to mean that in a particularly violent situation, where the de-escalation option may not be likely to be effective, and if you spend time doing the de-escalation option then the violence may just get worse. So there are times, and I think we accept that, there are times where sometimes you just have to step in and prevent it happening. It is not always the way to prevent it happening, but you will understand that there are situations where it is the only way to stop something getting out of hand.

Q. Or, at any rate, someone making that judgment, even if someone later disagrees, might at least be making a judgment call that maybe in hindsight it might not be, but it is not something that's open to serious

criticism. Is that something that they were trying to convey at times?

A. Yes, I mean, I think again you come back to something like, as long as you don't use more force than is absolutely necessary in the situation, the kind of thing that comes up in a normal court, for example, how much force was needed.

Q. Did you get the impression, though, that action taken during what were considered to be restraint situations/intervention situations, that people who were talking to you were saying that 'some of the time when we didn't do it in a textbook way, that we were really acting in self-defence', or was it more a case of, 'I can only do this in this way to deal with the situation, I am not defending myself, but in order to bring the person under control I have to do things which the training itself isn't really designed to allow me to do'. Was that a type of thing that was being said?

A. Yes, I mean people would argue that. And sometimes that would be genuine enough. You see the earlier bit that needs a fit 18-year old to do it, if you are going to engage in that.

So we didn't take all of that as a sign of abuse, I mean that may not have been avoidable, that they had to intervene, but it can't be an excuse for them just

doing it that way, instead of doing it the correct way. But there will always be a crisis situation in which there may be no alternative but to intervene fairly robustly.

Q. Indeed, however, a separate point was made to you, by 'PS' it says:

'Staff had been trained in painful holds. Then they were taught TCI and told not to use the old method. A lot of staff struggled with TCI.'

A. Yes.

Q. So there was a background, was there, that at least some staff had been trained in techniques of intervention that involved the use of pain by some sort of technique that --

A. Well, it is the aftermath of the Gartnavel training, I mean apparently that's where they learned it.

Q. Is that something that, for example, was at least taught historically in the Prison Service and to the police and others?

A. Yes, I don't know how historical it was, but getting a more orderly method of restraining a prisoner was the response to the need to stop having half a dozen, or ten, prison officers, as my deputy used to say to me, who was a long-serving prison person, not to have up to ten people rolling about the floor with a prisoner.

LADY SMITH: Eddie, when you said Gartnavel training, I take it you are referring to the hospital?

A. It was the mental hospital provision there, I think, that was it, and this was -- I was surprised to discover that this was a fairly normal procedure in the mental health institutions, that's what we were told, and of course Gartnavel did have that, and I don't know whether it still does.

LADY SMITH: And it was West of Scotland.

A. Yes. I don't know what the situation now is in the Prison Service, but there was a very structured approach to dealing with a violent prisoner, and depending on the level of violence, if it was normal violence, and moving somebody, it should be what was called a three-man team.

MR PEOPLES: Well, we did hear a bit about this, I have to say, you don't need to worry about it, before Christmas, but I think like all of these things, we were told that all of these things undergo review in the light of experience, and I think there was a review --

A. Was there?

Q. -- or there is a review which was looking at methods of restraint. So it is perhaps something that's not a completely settled position, particularly in relation to restraint of young people?

A. Well, yes, young people. It would be used in young

offender institutions as well as the adult prisons. I would hope it hasn't been replaced by having ten prison officers rolling about the floor.

Q. No, I think I can assure you that wasn't the evidence we got.

A. Right.

Q. Then we have a point, this echoes what you just said, 'HH' said:

'He had not had other training, and before TCI you had to roll about the floor.'

Which is what you described could happen if you had no training.

This individual said:

'Even when TCI was introduced it was difficult to get on the training, yet you were still expected to restrain. The aftermath of the Gartnavel training was still present in how staff behaved, he thought people went too quickly to the last stage.'

So that was something that people felt was happening.

A. There was quite a lot of evidence to that effect, that it was not a last resort, but a first resort.

Q. Then 'HH', the same person, seems have been suggesting:

'... the training in TCI was not all that realistic and cited as an example that they were shown how

an American child who gets into a temper because he can't find his jeans in the laundry, how he would be restrained, I don't know what age the child was supposed to be, but he then suggested that some of the violence and threats of violence at Kerelaw were much more extreme than this. Also, TCI talks about the different stages children go through ending in a violent incident. Some children go through these stages very rapidly and they and staff are not always able to recognise them. 'HH' suggested that at times what staff faced at Kerelaw was similar to what police faced on the streets on a Friday night -- Kerelaw staff were expected to use de-escalation techniques, whereas the police had handcuffs and sprays.'

So--

A. Yes, I mean there may well have been young people who behaved like that. Again, if you have a regime and a culture in which staff had a chance to develop a relationship with a young person, or you had an approach with a young person that wasn't just about control, then at least there is a chance that you will begin to see signs or you know when behaviour is changing, I think that's quite important.

Q. That's the importance of the relationships which can, in fact, if they are constructive, and good, in general

terms, that they can perhaps minimise the times when you are going to be in this situation?

A. Yes, you can't stop it, we have to be realistic about this, and if you are getting emergency admissions, and you have not got a care plan in place, and you have not had time for any kind of therapeutic approach, it is going to be very difficult to do, but the only response will be that.

But, again, what we weren't persuaded of was that this excused all of the examples of violence that we were getting told about.

Q. There might be occasions when this was a perfectly valid point to make --

A. Yes.

Q. -- but it wasn't something that was a universal explanation that exonerated people from the way they handled a restraint incident; is that in essence?

A. Precisely.

Q. There is a sort of mix of situations and some weren't well handled and indeed some might have gone beyond poor practice to assault, effectively?

A. Yes.

Q. Then if we go over to page 14, if I can, just to pick up, again:

'"K" stated that trainers had to stop training three

or four times as they found the conduct of the staff too problematic. Staff were said to consider aggro and a square go as a legitimate part of the job.'

That's a slightly different point to what someone earlier said about them reading the newspaper and walking out, but it is still another sign, perhaps, that they couldn't embrace too readily the newer techniques and newer principles?

A. Yes, just part of the culture. This is a macho culture, this is --

Q. Old habits die hard?

A. This is all Janet and Jim, you see, that is where that comes from.

Q. And 'K' developed that point by saying:

'TCI is great in principle, but in practice is open to abuse.'

A. Yes.

Q. '... whether it works or is used properly depends on the managers and staff and it is hard to put into practice. It was okay for dealing with a ten year old but not so good for hard-core offenders as they had in Kerelaw.'

He says:

'When TCI was introduced the number of violent incidents went through the roof. It seemed that TCI was taken as a licence to restrain young people. 'H' said

there were resistance from some quarters, staff were quite open about these fucking stupid ideas, and so on, so that was being voiced openly.'

A. Yes.

Q. But it was also seen well, if TCI permits you to physically intervene, we have the green light?

A. Yes, I think that's what's being implied here. That's one example of how we were told. And that's a fairly extreme example. But, yes, the key point here is resistance to the change.

Q. And the idea that --

A. At the same time you have a licence now to lay hands.

Q. And the idea that they perhaps placed more focus on the last resort than the antecedent principles that we try to de-escalate so you never got into that situation?

A. Yes.

Q. That was maybe the way they perceived it?

A. Yes.

Q. Wrongly?

A. Yes, it sounds as if that was the way a lot of people interpreted all this, yes.

Q. Of course another point is made in the next paragraph by, is it 'U', that:

'If TCI was followed properly it was fine, but there were concerns it was being used for swearing, for

example. It seemed to depend on who your unit manager was. It was a staff-centred culture. If you brought these issues up you were dismissed as too liberal.'

This seems to be the point that TCI, I think, really sees intention as necessary on safety grounds, either the safety of the person being restrained, or the safety of those around him or her, whereas it seems that in some cases you were being told that intention was used as a response to someone who might have been swearing or being cheeky or something along those lines?

A. Yes.

Q. Which wasn't what it was supposed to do?

A. No.

Q. Then the point's made directly:

'TCI was taken as a licence to restrain young people.'

Then 'J' says:

'The aim of TCI is to prevent and reduce the use of physical restraint.'

That was the key point about it, was it not?

A. Yes.

Q. Or should have been?

A. Yes.

Q. Then it says:

'If managers do not understand the purpose and

practice of TCI then its use will be skewed. The prevention skills are the most difficult ones to use. If staff were not getting good supervision and reflection on this then the view could develop that TCI was about restraint.'

So it is important that the managers get across what it's all about --

A. Yes.

Q. -- and also try and develop the prevention skills if you are going to do the job properly?

A. Yes, clearly, yes.

Q. That didn't seem to be happening at Kerelaw, at least on a consistent basis?

A. It wasn't.

Q. Then we have 'D' saying:

'There were many inappropriate restraints ... he quickly became part of the culture and took part in restraint ... at Kerelaw they talked about TCI as a restraint technique rather than as a wider method. At Kerelaw there had not been an emphasis on TCI as a way of avoiding restraint ... when restraint did occur people ended up reverting to old techniques.'

There are a few points being made there, but one is that they probably didn't see the bigger picture of why they were being trained in this way and that if they did

in fact end up in a restraint situation, they reverted to old habits?

A. That was a recurrent message, definitely.

Q. Then perhaps just finally on this page, we have a contribution from the children's rights officer on the use of language, and the language often used being things like 'decked', or 'arm up back'. Which perhaps tells, again, its story about how it was seen?

A. Yes. I mean arm up back can be part of it, you know, once you have had to do the restraint. But, yes, that's kind of reflective of the macho culture, using language like that. That was the CRO who commented on that, who was outside that culture, you know.

Q. I suppose it is maybe to take a different situation, that language can work different ways, these days, for example, in rugby they talk about 'collisions', whereas in my youth they talked about 'tackles', and perhaps it conveys the wrong message as to what the purpose is?

A. Yes.

Q. So language can be important?

A. Yes.

Q. And it may instill in someone a particular idea of what needs to be done?

A. Yes, I mean there is a lot of examples of this in other organisations. I remember in the Prison Service there

was frequently a reference to 'feeding time' --

Q. Yes.

A. -- by which they meant meal times. But, you know, that was part of the culture change there, to try and use appropriate language, and it is quite important, the continuing issue, in this kind of context.

Q. Well, particularly if it is a situation of imbalance, in the sense of adults and younger people that you have to be very careful about the language the adults use, either in earshot of the young people or indeed to colleagues?

A. Yes.

Q. Then just finally at page 15, and I am just picking out one part under 'Competences and training, 'E' said -- this is 'E' we have heard about before, is it?

A. Oh, yes.

Q. 'The problem was that none of the staff were qualified; they all came off the streets.'

Did he have a point?

A. Yes, well, as I say it was a lot of local recruitment from people who had been made redundant in the Garnock Valley steel mills, and places like that. They were part of a community where they had to be pretty robust, and they tended not to have qualifications then, but, of course, they were required to get them as the

registration arrangements got phased in --

Q. This is the SSSC, which was established in 2001/2002?

A. ... ran sort of behind, it kept getting put off, but they were sent on the training to get the qualification and get registration.

Q. Just on 'The future', I am going to come to -- but one of the managers in Glasgow was saying that, she said:

'A whole systems approach was what was needed, with properly joined inspections. We need to hear the child's voice, they need positive relationships with adults and need to feel confident about both. Each child needs to have at least one person they can rely on. Supervision needs to be effective ... need to do more to ensure the right management skills are in place.'

I suppose she was capturing quite a number of things that you eventually said were required?

A. Yes.

Q. Then 'J' suggested, I won't pick them all out, but some were, for example, that 'Kerelaw was too far away from its external management', I think you agreed. There 'Needs to be robust external management', I think again your inquiry agreed.

Towards the foot, the final two bullet points, 'Better training for staff', I think again that was

something you agreed, and also the need for 'Clear aims and functions', and I think again that was something that you --

A. Yes.

Q. -- also agreed with.

So I think we capture there, do we, the sort of essence of --

A. Yes.

Q. -- how things were --

A. Yes.

Q. -- and perhaps why you were so critical in your report about the situation that was there?

A. Yes. Might I say, just finishing on TCI, before you move on, because I know you want to, I know some of this might be criticised and was criticised by some people as being an overly sort of rose-tinted spectacles approach to just how difficult it can be to manage young people in that kind situation. I just want to emphasise that nobody had rose-tinted spectacles of this, we were very clear it could be very difficult for staff to manage, but they went beyond the bounds in too many cases of what was really an acceptable response, particularly to lower-level incidents. And, you know, we took a fairly hard-nosed assessment, we made a fairly hard-nosed assessment of this.

So it is not all about saying -- this should not be dismissed as, 'Yes, oh, they were too squeamish about having to intervene to restrain', it was not about that, it was about doing it properly.

Q. Wise men in ivory towers do not know the real-life situations and the problems that are faced?

A. Exactly.

Q. Because you had already been in, by then, the Scottish Prison Service from 1991 to 1999 and I think you have told us that to some extent you were faced with a situation where there had to be a significant changes --

A. Yes.

Q. -- and indeed including changes in culture, after the background of the rather turbulent 1980s?

A. Yes, this was moving from the control thing to a different approach.

Q. Yes.

A. But it didn't mean that staff didn't have to deal with very difficult situations, I mean there was still disorder from time to time, and there were daily incidents that had to be dealt with.

Q. Can I just refer, I was trying to find it earlier on this morning, but I have found it now, we discussed attitudes and language, and you have said there was

tensions, and divisions, and there was also our discussion this morning about the attitude of some male members of staff towards their female counterparts.

A. Mm-hm.

Q. Can I just take you to one document at this stage, it is CFS-000014646. You probably haven't seen this document, well, you might have done, it was written around late 2005 --

A. Mm-hm.

Q. -- by a member, I think, of the night staff at Kerelaw, I think he was possibly in the secure unit. But it really doesn't matter where he was, I am just raising it with you.

The context was, I think, that he had been the subject of disciplinary proceedings and this I think was around the time when he may have been appealing against a dismissal, and also responding to what I understand was a disqualification from working with children list referral, because I think Glasgow were doing these things at quite an early stage?

A. Yes.

Q. Including referring people who hadn't yet been through the disciplinary process?

A. Yes, yes.

Q. That was a criticism, I think, made of Glasgow?

A. Yes.
Q. I think you did say that that was not maybe the way things should be done?
A. Yes.
Q. But at any rate, the reason I am raising it is that this person who was there is responding, I think, to provisional referral --
A. Yes.
Q. -- to the DWCL. If we go, I think, down, scroll down, I think it is perhaps on page, maybe, 2, he is making various points, and then I think if we keep going, yes, just keep going, perhaps if we scroll down, I am trying to find ... just keep on going again. Yes, just stop about a third of the way down there. No doubt we have to bear in mind the background to this letter being written by this individual, but we see here that clearly he has some hostility or antipathy to certain individuals, both staff members, people who perform functions at Kerelaw and indeed some of the joint investigation team.
A. Yes.
Q. Generally speaking all female. But we see here, just, I will start reading and I will miss out the names, because I don't think it is relevant who they are, other than to point out that they are women it says:

'This category of YP (persistent offenders) need no encouragement to complain and, when idiotic people like [he names four individuals, two of whom I think were staff and two who did provide services to the school] are telling them that they will get criminal injuries compensation, the outcome was obvious.'

A. Mm-hm.

Q. Then in response to evidence that there was a macho culture within Kerelaw, and we have seen that was being said by a lot of people, his position seems to be that he denied there was such a culture, and described a number of female staff whom he said had described the culture in this way as 'the witches coven'. So that was how he was grouping them.

Then when he was asked why young people were saying things about him, he was saying along the lines, and I quote:

'Well, that is simple ...'.

He has in bold -- I think the person who asked him this was one of the investigators.

A. Right.

Q. He says:

'Well that is simple [he has in bold] these are not rational people we are dealing with. They are young thugs who think they have carte blanche to do what they

like, to whom they like, when they like, and get away with it. Should staff have to stand by and be punched, have televisions and stereos thrown at them, be grabbed round the neck and have speakers smashed over their heads, be stabbed in the face by sharp objects and do nothing to defend themselves.'

I don't know whether anyone ever expressed it in quite as strong terms to you, but what you do you make of that? If that had been said to you, what would it have said to you about the attitude of the individual who wrote that? Towards colleagues and towards the young people?

A. Well, I mean I am not disputing this may have happened from time to time. The answer to it is you are not paid to be assaulted, you are entitled to self defence, and you have to deal with it.

I don't know whether it is being suggested here that this is a regular occurrence, repeatedly said to me I should evidence any rationale, well, it is simple. Yes, presumably this has happened at some point.

Q. But is he saying something about the population as a whole here, almost? It appears that way, doesn't it? He is making a generalisation about the people?

A. It is saying about some of the population, at particular times, possibly. It will be, I mean they are not

angels, they are young people who are there for a variety of reasons and there will be in a spectrum of people who have all kinds of problems and issues, and there will be those who are already well into some kind of contact with the courts and the criminal justice system.

But all of them, it won't be all of them all of the time, it won't be some of them all of the time, it will be some of them some of the time, and all of them some of the time may even be involved in incidents, but we weren't certainly given the impression it was quite like that all the time.

Q. I am not suggesting it was like that, I am just more interested in the language, because no doubt that person could make the very point you have made and perhaps make it in the way you have made it, but they choose not to, they come out with that sort of diatribe?

A. Yes.

Q. It is not exactly encouraging if you think that was their mindset when they were in charge?

A. Yes.

Q. Do you disagree or do you agree?

A. Yes, it is kind of evidence of a mindset which is that this is what they are dealing with all the time, and I don't think that's true, that that's what they are

dealing with all the time.

But the language is all very interesting, I mean then carried on by the witches coven, and then the names are all given. Yes, this is clearly not a happy person and because of the way the investigation has been done he is certainly making quite a lot of extreme statements. It doesn't mean it is all entirely untrue, that is I think what I would say.

Q. He may have had disagreements with female colleagues and he may have felt in some ways that there is a perfectly adequate basis for that, but we can all have disagreements with colleagues, female or male, but we don't necessarily then describe them collectively in the terms that he has. Surely that's the honest difference of opinion, expressed as a view, exchanges of view and so forth, but that's not perhaps the type of way that you would expect a team that are supposed to be acting together in the interests of the people under their care to behave --

A. No.

Q. -- or to describe each other?

A. No, and it is indicative of the divisions that there were there.

Q. Yes, and the strength of the divisions?

A. Yes.

Q. Okay, moving on, can I take you to your report, very briefly, at this stage. It is GLA.001.001.3627. I think one can tell, we have the report in front of us, we have read it and we can read it again, and it was a published report as well, but can I just ask you this introductory question: did your inquiry focus mainly on the period 1996 to 2006, the Glasgow City Council era?

A. Yes, it was pretty much from the point when Glasgow City Council took it over. I can't remember what the terms of reference actually said, but that was pretty much what we were asked to look at.

Q. Yes, although I think you did, obviously, hear things about earlier periods and you to some extent made some comments and observations about the prior situation. I mean for example -- I am presuming that restraint training, even at Gartnavel, was not something that was introduced at the start of Kerelaw's period of operation. We are talking about the 1990s, early 1990s --

A. Yes.

Q. -- through to the mid 1990s when TCI was introduced?

A. Yes, we assumed that. Yes, I remember. The purpose was to:

'Secure comprehensive insight into the circumstances that led to the abuse that occurred at Kerelaw from

April 1996 until closure.'

Then:

'It is expected the inquiry will encompass consideration of the school at the point of local government reorganisation.'

So we took that as the beginning. But, yes, TCI would be around before then, I think there is a date --

Q. I think the evidence was to the effect, to you, that TCI was introduced around about the mid 1990s --

A. Yes.

Q. -- having been acquired from Cornell University --

A. Yes.

Q. -- and it replaced, insofar as they were training people at Gartnavel Hospital, it replaced other techniques that were being employed before then.

A. Yes.

Q. But there must have been a long period in Kerelaw's existence where neither TCI nor some other method was being -- that staff were being trained in?

A. Yes, it was 1995 that the regional council adopted TCI --

Q. Yes.

A. -- and we had been told that some staff said that they had been trained in the 1980s and early 1990s on this pain-infliction regime from Gartnavel, basically.

Q. We can perhaps reasonably infer that from 1970 until perhaps the late 1980s when they started to send people to Gartnavel to learn techniques, including pain-inducing techniques, that really it might be a bit like the Scottish Prison Service, you could have basically people without any training just doing what they thought was the appropriate thing to do?

A. One would infer that. That it was the kind of rolling around the floor, cuff around the ear, and worse that would happen. People would just deal with it as the way they thought they should.

Q. If we look at your report now, just against the background of what you were being told, just initially if we look at page 4 in front of you, not page 4 of your report, but page 4 of our one, just the foreword. You kind of capture some of the main problems. I will just identify what I think they are.

One was that staff were lacking in direction at one point, and I suspect that was from all managers?

A. Yes, this was about the lack of a clear vision for the organisation, you know, rolled down to staff and staff being expected to understand the vision, and aims.

Q. Then you also say there was inadequate leadership, and again that would be at a number of levels. Leaders mean to some extent managers at various levels in the

organisation?
A. Yes, but starting at the top, I mean you need to have proper leadership at the top.
Q. That includes the governing body?
A. Well, it would in an organisation with governing bodies, but you would expect the chief executive/principal, or whatever, to be the person showing the leadership to the staff within his or her control.
Q. But you would expect in this case the council as a governing body to also --
A. Yes.
Q. -- hold their chief executive to account to say, 'Well, we expect you to display certain leadership and we expect certain performance from you and those below you'?
A. Precisely.
Q. And they should take an interest in that?
A. Yes.
Q. Then you also say in the foreword that there was a failure to uphold appropriate values. Did you, in the end, conclude that really they didn't have a clear statement of values at any level, including at senior management level, within social work headquarters?
A. Well, none that were very evident.
Q. You also said in that part of the introduction, 'There

was failure to challenge poor attitudes'.

I take it that's why people who had direct experience of seeing attitudes and seeing a particular type of culture being exhibited, they didn't speak up?

A. Yes.

Q. We have seen, to some extent from what you have been told, perhaps some of the reasons why that didn't happen?

A. Yes.

Q. If we go from there, briefly to the summary at paragraphs 140 and 141, which in our document starts at page 13, which I think attempts to capture the overall conclusions of your inquiry.

We have read this yesterday, and can I perhaps try and take out of this a certain number of conclusions, and you can tell me if I have this right or wrong, rather than just reading out the whole passage, so I will start with this, and I think this is clear from what you say, indeed it is said --

LADY SMITH: Mr Peoples, just before you do that, Eddie, this isn't an oral exam, but if you are asked now what pops into your head about the most important aspects of what you concluded in this report, what is it?

A. The most important aspect, I think, was a lack of a clear vision and leadership. It is very hard to take

it all down to one word, and significant -- the third thing would be significant abandonment by Glasgow.

LADY SMITH: That's a theme that arises again and again, I think, in what you are doing.

A. The local leadership was poor at various levels, and there wasn't a proper check being made at Glasgow.

LADY SMITH: Thank you. That's very helpful.

A. It is difficult to say just one thing.

LADY SMITH: No.

MR PEOPLES: Can I try and break it down, then, using your paragraphs 140 and 141, if I may.

The first conclusion was abuse did take place at Kerelaw after 1996 and physical abuse was, as you put it, prevalent. That was one conclusion.

A. Yes.

Q. I think you find there was also emotional abuse?

A. Yes.

Q. However, your inquiry didn't really hear evidence of sexual abuse?

A. No.

Q. But you were aware at the time that you were conducting your investigation, and at the time that you prepared your report, that two members of staff had been convicted of physical and sexual abuse of quite a number of young people at Kerelaw, Matt George and

John Muldoon?

A. Yes.

Q. You were aware?

A. We were very much aware of the art teacher in particular, because his were the more serious charges. It was explained as one particular young person who was no longer at Kerelaw who had come back and was allegedly surprised to find him still there and so on.

But we deliberately kept away from all that because it wasn't in our remit to do it and, you know, there was still an appeal ongoing, so it was all being dealt with --

Q. You say an appeal, is that Matt George --

A. That's Matt George.

Q. -- after conviction appealed his conviction and sentence?

A. Yes.

Q. He was convicted and sentenced in 2006, but for reasons which I don't think we need to go into here, these appeals weren't heard until 2011. So it took a very long time, and I think meantime for part of that period he was on interim liberation?

A. Yes.

Q. Whereas John Muldoon received a lesser sentence, served a part of that sentence --

A. Yes.
Q. -- and was then released?
A. Yes. The main thing we were aware of with him was the physical abuse.
Q. Yes.
A. All of a piece with, you know, the whole thing that had kicked off with Millerston.
Q. That was coming out of what people were telling you?
A. Yes.
Q. Although you will be aware that what he was convicted of involved a sexual element?
A. Yes.
Q. At the first trial?
A. Yes.
Q. I think there were four charges, all of which, according to the narrative, did involve what you described as an indecent assault or sexual assault, rather than physical assault?
A. Yes, but, as I say, we didn't go into the detail, we weren't going to talk about it in the report so we didn't get into it.
Q. Unless you had evidence --
A. Oh yes, if there had be something else --
Q. -- given to you directly.
What you also didn't know at the time, but you know

now, is that there was a second trial in 2022 where the same two individuals were tried again, there was a large number of complainers, different from the first trial --

A. Yes.

Q. -- and both were convicted again and received quite lengthy custodial sentences --

A. Yes.

Q. -- for indecent assault, assault to injury, of persons who were resident at Kerelaw, over a long period of time?

A. Yes.

Q. So the first conclusion was on abuse, and you concluded that a weakness in TCI training contributed to poor practice that was often abusive. So that was how you couched matters, that the TCI training contributed to a situation where there was poor practice, and that there was often abuse. Can I perhaps just put to you at this stage something that was said when your report was published. If you just bear with me.

If we go to a document called -- if I can just move from your report mean time to a document INQ-0000000804 at page 3, this is a document that tries to draw together from various sources the published reaction to your report, in various quarters, from politicians and others. I think it is fair to say, and I won't go

through all of the documents that we have, that your report and its conclusions were generally welcomed.

However, you will see there, if we scroll down to page 3 I think it is, of the document, I am not sure if it is the page I am looking for?

A. In the report?

Q. Sorry, did I say INQ- --

LADY SMITH: 3.3 Kerelaw is referred to again, is that what you are looking for?

MR PEOPLES: No, it is further down, actually, sorry, it should go further down. Yes, keep scrolling down. It starts with annotations 'John Murdoch'.

A. Oh yes, mm-hm.

Q. I will just read to you what John Murdoch is reported as saying, and by way of introduction he was formerly a joint branch secretary of Unison in Glasgow and you may take it that he at least represented a number of the individuals who were involved in disciplinary action and he attended, I think, some hearings, and I think he was also involved in their appeal processes for some at least.

A. Right.

Q. What he says, so I am just wanting you to just perhaps, I will read it and you can maybe comment and tell me what you think:

'The Frizzell report was able to conclude "abuse was prevalent in Kerelaw" without examining individual cases. As one who represented some Kerelaw workers at their (unsuccessful) appeals against dismissal I realise that this is par for the course as far as Kerelaw is concerned.

'What did this abuse consist of? The inquiry is not clear on this other than stating that allegations of sexual abuse were rare. The major problems seem to revolve around the use of restraints.'

He goes on at page 4:

'Intervention, TCI, which allows (pain free) physical restraint as a last resort after other attempts at de-escalation have failed. This is admirable, but the decision that non-physical de-escalation has failed or is impossible is a subjective one. A worker in a crisis situation may opt for a physical course of action that an investigating officer considers precipitate under the last resort terms of TCI. This is simply a difference in judgment -- the one formed in the heat of the crisis and the other formed at the desk after the event. Even so a precipitate physical action is a breach of TCI (a matter of training or discipline) but it is not of necessity abusive. The formula -- precipitate physical action equals inappropriate

restraint equals abuse -- unfairly and illogically condemned many workers. The restraint method used in Kerelaw required two restrainers, moving their bodies, legs, and arms at the same time and in a coordinated manner within a period of some 16 seconds, acting in a synchronised way to subdue a young person. According to research (see Social Work Research Findings Number 21 Measuring Competence in Physical Restraint Skills in Residential Child Care by Lorna Bell and Cameron Stark) it was possible to make 44 errors during this manoeuvre and this was assuming the person being constrained was compliant. In real life, if the young person (and he could be a young man of 16) struggled, the method would lose its coherence and, with that, its efficacy, probably resulting in pain or injury to the young person. Workers accepted the truth of this and readily admitted to having participated in or seeing poorly executed restraints. This is by no means the same as admitting to abuse, for a poorly executed restraint is not necessarily abusive. In short, a failure to follow TCI guidelines or engaging in a flawed restraint may be training/disciplinary matters but they are not by definition abuse. The Frizzell inquiry and others have not noted these distinctions and have failed to recognise the weaknesses of TCI leading to the erroneous

conclusion that abuse was prevalent in Kerelaw.'

Would you like to respond to that? Did you say, did you use the formula precipitate physical action equals inappropriate restraint equals abuse, or did you take a different approach?

A. Well, I would expect the ex joint branch secretary of the Glasgow City Unison to make this argument, and of course we didn't look at every individual case, how could we, we didn't know what they were, although we had a couple of examples of young people telling us how it was used in their case, one young person saying that she was dragged out of her bed, physically, in her housecoat, because of something to do with breaking something in the communal area.

For example, I don't disagree that in certain situations with a large 16-year old struggling it might be very difficult to do it exactly by the book. I don't think it is a measure of judgment as to whether you have managed to, if you like, de-escalate, I mean I think that's something you either observe or don't observe. We certainly had enough people saying that there wasn't much attention -- at the very best there wasn't much attention paid a lot of the time to de-escalation. We also heard evidence from people, staff, and young people that it was a first resort, not a last resort.

So this is all good, you know, stuff if you are arguing against it and you are fighting somebody's corner in a tribunal, but, you know, to say that it is not abuse because you were involved in the framework of TCI and trying to do your best, that's a bit of a matter of judgment, it is abuse if you do it deliberately, if you decide that while doing it you can inflict a bit of pain, if you can make it more difficult, if you can push an arm up a back harder than is really necessary. Then I think that probably is abuse, actually.

Q. I think one point he seems to be making perhaps, and I think you are disagreeing with it by the answer you are giving, is that every time someone said a restraint wasn't done according to the textbook, or was in their view inappropriate, that you automatically put it into the abuse compartment. Now, that's not I think what you have just said. You said it depends on the circumstances?

A. It does depend on the circumstances. I mean I am sure what we did say, I can't quite find the place here, but it was a spectrum that we reckoned was abusive. In terms of TCI, at one end it was people who simply didn't know any better, and they did it wrongly and they did it with the best of intentions. That is not necessarily -- it is not a deliberate abuse. You could argue well, it

is still abuse, but that's not what we are talking about, we are talking about when it was done badly and consistently badly because they hadn't been properly trained, and retrained. It was done badly because they were quite clear that they wanted to inflict some pain while doing it, and we got people telling us that, and in other cases where they just used it as a first resort, which is the other end of the spectrum.

So I would suggest it is a perfectly reasonable conclusion that abuse did occur at Kerelaw --

Q. Yes.

A. -- and it happened partly during TCI but wasn't all through TCI. We were told about kids being bounced off the wall to be taken upstairs to bed, that's not TCI, that's just manhandling, to use a kind of euphemistic expression.

Q. I think you were told, were you not, according to some of the reports, that there was what people regarded as just a simple assault outwith a non-restraint situation. Sometimes young people would be saying that for not in the context of restraint or someone kicking off, they were assaulted --

A. Yes.

Q. -- by staff?

A. Yes.

Q. So you had a range of things which you fed in to reach the conclusion you did?
A. Yes. And, as I say, TCI isn't the whole story here, it is not all happening in that context.
MR PEOPLES: Is this a good time for a break?
LADY SMITH: Mr Peoples would usually break just for a short break at this point.
MR PEOPLES: Yes.
LADY SMITH: I normally take a five-minute break or so at this stage, Eddie, as much as anything so the stenographers can get a breather, is it okay with you if we do that now?
A. Of course.
LADY SMITH: Let's do that.
Thank you.
(3.04 pm)
(A short break)
(3.12 pm)
LADY SMITH: Is it all right if we continue, Eddie? Thank you.
Mr Peoples.
MR PEOPLES: My Lady.
We were looking at paragraphs 1.40 and 1.41 of the summary in your report. I have already mentioned your conclusion about abuse taking place at Kerelaw after

1996, and that physical abuse was prevalent, and also there is a conclusion about the weakness in TCI training contributing to poor practice that was often abusive. So we have discussed that.

Then a third conclusion you reached was at Kerelaw there was an over emphasis on control, which I think was to some extent a legacy of its past as a List D school. So I think that was another thing that you were able to, another conclusion you reached.

Then you also said that while there were attempts by some staff to change the culture, such attempts were inhibited, maybe in some cases thwarted would be a stronger word, by cliques, factionalism, and inappropriate relationships, is that right?

A. Yes.

Q. Just in case for the avoidance of doubt, 'inappropriate relationships' in this context means perhaps the connections people had with each other, socially and professionally, or do you mean something stronger than that?

A. There was a complex series of relationships among people, and some of them changed from time to time.

Q. Okay, so it wasn't necessarily just the fact that they went out to the pub together after work, there might have been some other relationships that perhaps were not

conducive to harmony and shared --
A. Yes, I mean there were familial relationships.
Q. Yes.
A. We were also told there were other closer relationships.
Q. Okay, I think I get what you are saying.
Then as regards leadership, the next conclusion I think was that there was a lack of strategic direction, both within Kerelaw itself and in social work headquarters in Glasgow?
LADY SMITH: Mr Peoples, which page in our numbering are you on now?
MR PEOPLES: I am on page 13 and 14, I am really just distilling --
LADY SMITH: So we can get it up on screen, that would be helpful.
A. I am still looking at Mr Murdoch's.
MR PEOPLES: Apologies, I should have said we are back in the report.
LADY SMITH: When you said 140, you meant paragraph 1.40 --
MR PEOPLES: Yes, paragraphs 1.40 and 1.41 on pages 13 and 14 of GLA.001.001.3627, is that right?
A. Yes, pages 10 and 11 on mine.
Q. Sorry, I got rather carried away with the note I have rather than looking at what was on the screen.
As regards leadership, there was a lack of strategic

direction, both in Kerelaw itself and in the social work headquarters in Glasgow.

Then, as far as training is concerned, such training as there was did not support culture change as there was no shared view, I think was the way it was put, of the kind of establishment that Kerelaw should be. That was another, I think, point you made as part of your conclusions.

A. Yes.

Q. Then a point that you also made, there was no robust system for performance management and supervision of staff at Kerelaw. It was inadequate. So both the absence of performance management --

A. Yes.

Q. -- and also the supervision itself, such as it was, was inadequate?

A. Yes. I mean we were conscious -- there is an issue about what you might call the appraisal of teachers generally, it is a kind of sensitive issue and has been for a long time really with EIS, among others. What we were talking about here was an appraisal of people who were in management positions in particular and we were talking about supervision of the care staff. But there was people in management positions who I think would have benefited from a rigorous appraisal system.

Q. That might have exposed their weaknesses, improved their performance, and in turn improved the performance of the front line staff?
A. Yes, appraisal is how you do a performance management system. We are really saying that it wasn't evident there was a performance management ethos.
Q. Yes. So it wasn't just front line staff who didn't get the supervision from their immediate line managers, it was further up the chain as well at Kerelaw?
A. As far as we could tell, yes.
Q. Then in terms of Glasgow City Council's stewardship, you concluded it was lacking in important respects. Not helped by the distraction of local government reorganisation. I think that was the conclusion.
A. Yes.
Q. In developing that you said there were poor professional relationships at senior level within the Council's social work department?
A. Mm-hm.
Q. Kind of rounding things up, you said overall there was a significant failure in leadership and management that led to the relative neglect of Kerelaw, and as a consequence the dual abandonment of those who lived and worked there.
You just added on that point that that failure

didn't only occur in Kerelaw's final years, it grew over many years, under changing circumstances and different management regimes.

Does that pretty much capture what you have said --

A. Yes.

Q. -- as your broad conclusions?

A. Yes, I think we were keen not to pin all the blame, if you like, just on the last two principals. It was a longer running thing.

Q. Yes. Of course in saying all of this you weren't pinning the blame entirely on either Kerelaw itself or certain people within Kerelaw, you were casting the net a bit wider in terms of responsibility for the situation, including the stewardship by Glasgow, and the senior management team within Glasgow at that time?

A. Yes, definitely a responsibility lies there, but the first responsibility was on those running Kerelaw to just move with the times and look to change with the times. I mean that was the problem. There was no sign of that.

Q. There is one other point I want to just ask you at this stage. Is that we saw some reference by staff, and perhaps also in the letter that I showed you at the end, from the staff member, the one that was in rather intemperate terms. There seems to have been a belief

that there was some motivation for making complaints and allegations that was driven by compensation and to some extent that was fuelled by statements being made by certain members of staff?

A. Yes.

Q. That this all explained why the complaints were being made. And there may be an implication, or a suggestion, that the complaints didn't have substance because they were simply driven by a desire for money?

A. Yes.

Q. Can you just respond to that? You heard from a lot of staff, and you heard from young people, and so what do you say in response to that suggestion?

A. We found no evidence that that was the motivation for the complaints that we heard. We didn't get a lot of young people, we were disappointed in the number of young people who were willing to come forward and go through it all again, if you like, because they had done it before. But it was not the impression that we got that they were all in it for the money.

Obviously they are not going to come and say we are doing this for the money and we hope to get compensation, but just having long conversations with them, it didn't look as if that was a primary motivation. It may have been a factor for one or two of

them, I don't know, but we were constantly being told by the deniers that anything was wrong that this was what it was all about, it was all about getting money. There is still people saying that today, that if young people complain, that's what it is for.

Q. I suppose it could be pointed out that your inquiry wasn't a way in which people could get money --

A. No.

Q. -- and, secondly, the people who were telling you this were telling you it under a cloak of anonymity, so it wasn't going to advance their cause if that was the motivation to come to you and talk?

A. Yes.

Q. Would that be a fair point?

A. Yes, I think that is a fair point.

Q. I think was it pointed out, maybe in the report, or perhaps in your statement, that by the time that you were involved Matt George and John Muldoon had been convicted, so therefore there was proven abuse against a number of young people? Did you make the point that some of, such claims that there were, were made after the convictions, and no doubt in light of what they were convicted of?

A. Yes, and I think we felt that some of the young people felt encouraged to come forward, because they knew these

convictions had taken place. And that the motivation that they might actually be believed was probably stronger than another motivation.

It is impossible to say, and I don't know what, in the fullness of time, played out after this with people. There was certainly one young person we saw who had a bit of a public profile and had been a fairly consistent campaigner about Kerelaw and so on. She had been a kind of public face of the complainers. But the others were not people who were in the public eye at all, or in the press.

Q. Is that a woman?

A. Yes.

Q. I think we -- her name does appear in some of the documents --

A. It may well.

Q. -- the public documents we have seen.

A. It may well, yes.

Q. Can I just now turn briefly to what I would describe as an issue of history repeating itself.

I think you were asked to read the Larchgrove Report, I don't think you had seen it before?

A. No, I hadn't.

Q. Can I ask you this: having read the Larchgrove Report, and you can take it we are quite familiar with it, we

went through it in some detail yesterday, would you say that there were, to some extent, striking similarities between the failures your independent inquiry identified and those which were identified by the independent inquiry in 1973? Would you accept that proposition?

A. I thought there were remarkable similarities. Certainly to do with the cultural picture that was painted and with the easy resort to physical violence, if you like.

I thought it was very much a product of its time, though, 1973, these were List D schools, and it was in a context in which the state sanctioned violence against children by the use of the belt in schools. So, you know, it was in a sense less surprising, in some ways, because that was the overall environment, if you like, in which these schools operated.

Q. But I --

A. Assessment centres, as it was then, operated.

Q. Do you agree that within the report in part 2, once it dealt with the specific allegations of physical abuse, it identified what appear to be both internal and external management failings?

A. Yes.

Q. Poor or inadequate leadership and support at various levels?

A. Yes.

Q. And failure by staff to challenge poor attitudes and poor practice?

Would you say that you can see all that in that report --

A. Yes, definitely.

Q. -- just as we can see it in your report?

A. Yes, it was very striking.

Q. We are dealing with to some extent -- I accept your point about that was an era when corporal punishment was permitted, whereas it wasn't by 1996. But both institutions were accommodating children with significant behavioural, emotional, and/or educational needs?

A. Yes, and I thought actually in part 1 the analysis of what took some young people into a place like that was a pretty sound one that holds good today.

Q. Right, so can I move on, then, to perhaps my final section that I want to deal with, which is the difficult question to answer, which is how do you change culture, attitudes and practice, both to achieve high quality care and also to protect children from abuse?

Can I just put a series of propositions to you and see what you say on them, and we can see where we go from here on that big question, because there is a question that's just as important today as it was in

the days of Kerelaw and the days of Larchgrove, because you always have to be conscious that you need to perhaps change with the times?

A. Yes, you definitely do.

Q. Can I ask you this: would you say that changes to legislation and regulation alone cannot change culture, attitudes and practice?

A. Well, it may have a part to play.

Q. But alone it can't?

A. No, alone it can't.

Q. Having systems and policies -- which people love to tell us about -- are not enough in themselves?

A. No, you are right. Again, it is quite important to have systems and policies, but --

Q. Yes, I am not suggesting otherwise.

A. No, but just having them doesn't do it.

Q. Can I just put this point, because it is a point that has sometimes come up, I think, in various contexts. Can too much of what I call 'guidance', it may be described as guidance overload, can that be counter productive and obscure key messages on values and principles?

A. Oh, well, yes, you can certainly have too much guidance. I mean right now I would call it rather than guidance I would talk about the further development that is

evident, because I see it in other things I do, of the tick-box culture, where you have more and more things to tick off when you are doing something, or when you are putting something together --

Q. But say I am a front line care worker, or even a manager of a front line care worker. If I am constantly getting bombarded by a piece of guidance every week or every month and it is there, could I be forgiven for thinking what on earth am I supposed to make of all of this? Am I seeing the wood or is it obscured by the trees?

A. Yes, I think one would be forgiven for thinking that. I mean you can't -- there is a space for all of these things and there may be a need for regulations, or legislation. We were very clear in the Kerelaw Report we were not going to recommend some other set of regulations, or rules, or whatever.

What matters is getting the people to do what's required of them, consistent with the regulations and rules. But just doing what is required of them in terms of the purpose of the organisation they work for, their role in it, what the values are, what the standards are that are expected of them, again, a lead has to be set from the top on that. Setting standards is very important.

And working within the overall direction. There has

to be some direction and some vision for the organisation that people buy into. Ideally they buy into it when they want to apply for a job there. It is already there when it is developed, then they should have been involved in developing it and then they need to be constantly encouraged to live it. And if you are new to the organisation, then the induction is very important and what will be expected of you and how you do your job is very important. That gets backed up with a proper performance management system.

That's the shortest management book you have probably ever heard, but --

Q. It may be answered by earlier --

A. -- to my mind --

Q. -- points, too much guidance obscures the key principles?

A. Which are the key principles?

Q. No, I am saying if you have too many books on management they might obscure the key principles of management and you have attempted in short compass to say what are key elements?

A. Yes, these are key elements. Vision and leadership from the top really is where it has to start. And you can have a debate about where the top is in a public service, is it at political level or is it at management

level. I would argue it has to be management level, because at political level it won't be sustained, and a politician will move on. But vision and leadership from the top, then communication, and the various support systems to make sure it happens, and you have to identify the blockages to change. I think that's very important.

Q. Yes, I may come back to that in a moment.

Again, I think we touched on this earlier today, you had some criticisms of the number of inspectorates that were around at the time of Kerelaw, and no doubt you welcomed the existence and creation of a single inspectorate, the Care Commission, now the Care Inspectorate, with enforcement powers. I am sure you think that was a good development?

A. Yes, and these things have moved on, and the Care Inspectorate now is a rather different beast. To be fair, they were more likely to detect some issues at Kerelaw than HMIs who were looking at the education provision pretty narrowly.

Q. I put the point to you earlier, and I suspect that inspectorates, even the current ones, have said that they maybe don't generally detect abuse, they exercise this preventative function by looking at organisations --

A. Yes.
Q. -- and how they are run and what systems they have --
A. Yes, yes.
Q. -- and I think you wouldn't disagree with that --
A. No, I don't disagree with that.
Q. Because there may be this assumption that the inspectors will tell you if there is anything fundamentally wrong, or if your children or young people are not being treated well enough on a daily basis?
A. Yes.
Q. That's not, probably, very fair on them because they are not seeing the situation on a daily basis?
A. No, they are not. I think there has been in the past too much of an expectation that if you simply have an inspectorate it will do it.

That's not to say they are no good at doing it, I am not being critical at all, and certainly not of current regimes. The Care Inspectorate nowadays are pretty clear about what they are going to look at and how things works, and they are interested in the dynamics and they are interested in the relationships between staff and young people. There are a whole bunch of things that are pretty important that they look at now which I don't think were necessarily looked at in the same way before.

Q. Can I turn it round, though, as well, and make a point about the historical reports in contrast to the modern reports. While no doubt the modern reports have a consistency because they have a format, not entirely a tick-box format, but a standard format --

A. Yes.

Q. -- and that gives consistency, some might say that reading some of the older reports, particularly if they were in a narrative style, were more informative about life on the ground than the modern reports, which are published, and maybe it is not so easy to be as detailed or specific, but you maybe don't get quite so much from a modern report, other than the very high level conclusions --

A. Yes.

Q. -- expressed in a certain language which can sometimes be misleading, can it not?

A. Yes, I don't necessarily disagree with that. They were very much more narrative in the past.

I suppose I would say the advantage of the more modern approach is a clear consistency in how you are comparing, for example, one school with another school and so on, and there is a marking system. I don't know the detail of it, but top mark is 6, let's say, in an HMI inspection.

If you get a 5 or a 4, or something, the 4 brings down the overall mark to 5, and it becomes a little bit mechanical. So maybe a bit more nuance would be helpful.

On the other hand the old style of report, I mean unless, yes, I don't think it would be unfair to say that the final reports are generally negotiated a little bit, and it wasn't always clear what was meant. I mean I misunderstood when I started looking at the education side when I was doing the Kerelaw thing, I actually thought a fair mark, if you like, by the schools inspectorate meant things were broadly okay. I was then told no, it doesn't mean that, it means they are broadly not okay.

I thought this is a very strange kind of language to use, then, if it means broadly not okay, say broadly not okay.

So, you know, there is much to be said for the more hard-nosed tick-box thing, I don't mean that in a derogatory way, but making sure that you cover all the same ground --

Q. But be clear what you are saying?

A. Yes, be clear what you are saying, yes.

Q. Don't use these general expressions that might mean different things to different people?

A. I think you have to be careful about this, though. There was all that controversy about the report in England.

LADY SMITH: The Ofsted Report?

A. Yes.

LADY SMITH: I wonder, Eddie, you said something earlier that may be relevant here, and the idea you were promoting was, as I understand it, finding something that somebody is doing well.

A. Yes.

LADY SMITH: Take that as a starting point --

A. Yes.

LADY SMITH: -- and help them to build on that --

A. Yes.

LADY SMITH: -- so that everything they do is to at least that standard, a bit like building a wall.

A. Yes.

LADY SMITH: You take a few foundation bricks, think we can build a better wall, keep going, keep going, and don't dwell on what's bad or what's gone wrong.

A. Yes, I mean finding something that they are doing well, yes, is good and when they do find something they are doing well, they tend to say so now, and they will say there could be learning from that.

There still is a language that says if you are not

doing very well, they say it is called a 'learning point', I think that, I don't know the language changes, but a learning point is a kinder way to say you are getting this fairly badly wrong, and I think that is quite a good report, to try to make a positive out of it.

MR PEOPLES: Maybe it is like the old records on children in the Skinner point that you should talk up the strengths as well as identify the weaknesses --

A. Yes.

Q. -- otherwise the child's confidence, if they ever got to find out what you had written, would be dented, then or later, and it may be the same is true of people who work in challenging care jobs --

A. Yes.

Q. -- that if they just read what appears to them to be the negative, then they don't get sufficient praise for the positives, then that has a knock-on effect on their morale, performance, and value. They feel as if they are undervalued and so forth. So there is maybe a balance to be struck as to how you assess a situation, but also making sure that you are not concealing some of the problems and difficulties that have to be tackled?

A. I think the balance point is an absolutely valid one. That's not to say, though, if something is not right and

it is really not right, you have to say that and you have to be clear about it and then find a way to get the improvement that you are looking for.

Q. I think we have discussed this, and I think it remains a real issue, that whistleblowing, or should we now call it 'raising concerns', can be difficult, especially if you are raising concerns on a colleague or colleagues. I mean, that remains a real issue that has to be -- perhaps there has to be more discussion about how you manage to get people to be able to raise concerns, perhaps without the fear of the consequences and the blame culture point that you made earlier. If you are wanting it to work so that everyone works together without saying if I see anything either I might lose my job or someone else will or I won't be promoted or it will all just end badly for everyone, you have to probably feel that it is almost like a culture that you can do that, and it will have a better outcome for all?

A. Yes, I mean I don't for a minute think this is easy to create. I mean there are efforts going on, and the Government is taking an interest in this, to make it easier for whistleblowers or whatever to raise their complaint without having the damaging consequences. But it does definitely remain an issue and a lot of it's to do with I think how immediate managers deal with it as

well.

I mean part of the difficulty is that if a formal complaint is raised you can't unraise it. So it can be quite difficult then to deal with something informally that might have been better dealt with informally. But that can become impossible to do.

I don't know what the answer is to that, it is a real, real problem.

Q. You have had long experience of working in either a large organisation, take the SPS for example, presumably you had some of these issues to deal with and you, obviously, have had issues since, I suppose, in some of the roles you have played, and you are saying that it is a difficult one?

A. It is a difficult one. It is a very difficult one.

And there can be a bit of a tendency for other managers to regard the priority as finding out who made the complaint if it is an anonymous one, they really want to know who said this.

Q. For perhaps not the best of reasons?

A. Er, for a mix of reasons.

Q. Well, not all --

A. Well, if you can find out it was somebody who was a known disaffected person, you see, the theory goes, then you can discount the complaint.

Q. Well, they might just have a legitimate difference of opinion with the prevailing approach, just like the people who come into Kerelaw who were seen as too liberal. They had a view and no doubt they were regarded as people that were trying to rock the boat --

A. Yes.

Q. -- so it is a danger that people don't take seriously a perfectly legitimate position, or argument?

A. Yes.

Q. By dismissing people, 'Oh, he or she is just a troublemaker'?

A. Yes.

Q. If that's the perception that you might feel that's how you will be characterised, it is not an incentive to speak up?

A. Yes. Sometimes it is a troublemaker --

Q. Well, I am not suggesting --

A. -- but the problem is there is a kind of assumption that there will always be that.

Q. But for every troublemaker there is probably a lot of people that are simply trying to raise legitimate concerns to make things better. So there is a danger that you generalise and see people who raise concerns as just stirring the pot and being troublesome, particularly if you think you are doing things right,

when you perhaps aren't?

A. Yes.

Q. Just on a point, this is something I think you have said in your statement, I think I picked it up, that achieving change in a large organisation can be difficult, and change can take a considerable time. I think you referenced research to suggest that in some cases a period of 14 years or beyond is not unusual to turn the ship around?

A. Yes, I mean it partly depends on which management textbooks are current at the time. But that has certainly been argued, that it can take 14 years, and it may be 15, I don't know, but --

Q. It is a long time?

A. Well, if you boil it down, it is long enough for some of the obstacles to change, actually retiring from the organisation. If people are retiring at 60 then the 45-year old or 50-year old middle manager who is a blockage will be gone, if you haven't managed to do that earlier.

Q. That, unfortunately, if I am the young person in care, at the time change is called for, who is 14 or 15, it is no consolation to me to know that the future generation will benefit from the culture change but unfortunately I won't, although I know it's required.

A. No, it is not something that can be done very quickly. You hear people talking about culture change as if it's something that you can just do. It really requires a lot of hard work over a long period, I think that's the key point, whether it is 7 years, 10 years or 14, it will not happen overnight and it will not happen in two to three years. You really need to give it a bit longer than that with a very consistent drive, and with all your people who can make it happen bought into it.

Q. Obviously you have talked about the importance of leadership. You have also said it is important to have a performance management system and I think by that you mean one that is a system in which everyone in the organisation in terms of a management or leadership role is subject to, front line staff, internal managers, external managers, senior management team in the organisation, they all have to be subject to this system?

A. Yes, they should be, strictly speaking.

As I put it, I think a line of sight from the person at the top down to the front line manager, down to the porter in the hospital, wherever, I think it's quite important. And so you get the same message down, and you get the same expectation down. Obviously the performance management system for somebody on the front

line will be different from a senior manager, but you need some kind of performance management. I also think giving people responsibility for things so they can feel they can own it, but within parameters that are set down and an understanding of the values.

Q. Too much autonomy is a dangerous thing, but too little discretion is equally dangerous?

A. You can get -- if it is too little, then people just wait until they are told what to do. And it doesn't encourage initiative, it doesn't encourage, you know, taking ownership of issues.

Q. As far as systems are concerned, for example complaints systems, performance management systems, systems of professional supervision, systems for raising concerns, which are no doubt intended to ensure high quality, in this context, care and safe care, I take it you are saying that they are only effective safeguards in this context against abuse if they function effectively in practice. There is no good just having them, they have to function effectively in practice. They are of vital importance, but only if they are effective will they make a difference?

A. Yes, I mean people have to use them for the purpose that they are there, to enable you to do the job properly, and it depends on the systems. Let's take for example

in this kind of area if there is a policy or a system that supports risk assessment of young people, alongside the other things that you need to have, then it's important that you apply the risk assessment system that you are meant to apply, and apply it properly, and that will get you a better outcome in terms of what you then do with the young person.

Q. We have got the need for systems to work effectively. That's of vital importance. We also have the need for effective leadership, something that was clearly lacking in Kerelaw, and also at Larchgrove it would appear, and that's also of vital importance, and also so too a culture and attitude is of importance. They are all of vital importance --

A. Yes.

Q. -- and they all have to be aligned --

A. Yes.

Q. -- in an effective way?

A. Yes.

Q. Therefore does it follow that a combination of effective systems and effective leadership can change culture and attitudes and practice? I am just putting the formula, I am not saying it is easy to necessarily achieve that, but is that at least the way to try and achieve culture change, attitude change, and practice change?

A. I think there is a bit more to it than that --
Q. Okay.
A. -- I think it is: leadership; communication, very important, communication, yes; systems that support it all, definitely; standards, clear standards; expectations, what you expect; and basically giving staff responsibility within the parameters that all the foregoing set.
Q. I think you said at some point, I may have picked you up wrongly, sometimes in terms of the importance of communication in a large organisation perhaps that there may sometimes be a problem at certain management levels, perhaps middle management at times, in communicating from the top to the front line. In your experience it can be a problem?
A. Yes, in a largish organisation there is quite a lot of research that does show, and empirical, I can say, as well, empirical research, that middle management can be the layer at which you get blockages to change. It is not unexpected, because that's where you can find quite a lot of people who have got to that level and are quite happy at that level, or are unhappy at that level because they are not going to get to the next level, and therefore just want to be comfortable and stay there. So that can be an area where you have to look very

carefully at who you have got and how you get the communications.

It can also be a level at which they tune out of communicating the message and would rather the message went down over them in some ways. So there is certainly a challenge in certain organisations. Now, I don't know, things may have moved on since I was doing all of this in a big organisation, but that's a fairly common problem.

Q. I just wanted to see whether we can get some assistance as to how things can go wrong and how things can be put right. You have said that could be a potential problem, but you have told us what's important, systems, leadership, communication, and then just looking at training, does training have the potential to change culture, attitudes, and practice, even where the relevant workforce has done things in a certain way for a long period of time? It has the potential?

A. Oh yes. Learning and development, as it gets called nowadays, are important in all of this. But a lesson, and this came into the Kerelaw inquiry a bit, it is important that the responsibility for communicating difficult messages to a resistant staff, about the change that is required, is not somehow delegated to the people responsible for learning and development.

Management has to take that responsibility and the learning and development then is another supportive thing.

Q. It is a way of giving effect to what the management require of the training?

A. Yes.

Q. Just following that up, assuming that is done, how does the organisation ensure that its workforce applies the training they receive on a daily basis in their own practice, because, as we have seen, there was some evidence at Kerelaw that there was a degree of training for some, but they didn't seem to be taken too seriously by some staff and then others may have gone back and just carried on as before?

A. They did.

Q. How does the organisation make sure that the training is applied or embedded and how is that done?

A. Well, one quite important thing, but I have to say not all organisations do this, and I can't say I have been in all organisations that did this. One thing you should seek to do is to ensure that if someone's been in a learning and development course or has done some -- done it, it tends not to be that way now. People kind of do a lot of this online and individually. But if they do it, there should be some discussion with your

line manager as to what benefit you think you got from it, did you think it was going to affect how you do your job now, do you think you need any more of this, and was it useful. That can be a very good point at which you can assess whether it is going to make a difference.

The second thing is the context in which you might do this, and it is possibly an obvious context, is your appraisal discussion or your supervision discussion.

Q. Is there another aspect to this that is it the case that leaders, even those that sit on high, must be visible and communicate the message or the vision or the values personally, is that something you would subscribe to? That the top must engage with those in the front line, not just leave it to those in between?

A. No, the top has got to be seen, that has to be seen to live it, if you like, and to show they mean business.

On the other hand, they can't relieve successive layers of management, they can't relieve them of their responsibility to communicate the message as well.

Q. No, it has to be done jointly, there has to be the personal message, but also the management message through the normal management hierarchy?

A. Yes, and I mean I think this would apply generally, and I think the private sector would certainly agree with this, the top person being seen around the organisation,

whether one place or in a dispersed organisation, is very important.

Q. Is it also important sometimes, because I seem to remember this from another inquiry where someone who was in a high position said he would effectively go in incognito and see how things were done on the front line or the shop floor, is that something that you would --

A. Oh, yes, very important to go out, because you get a perspective then that is not all filtered up through the people who are giving you the story in headquarters.

Q. Yes.

A. This is fairly elementary management stuff. I visited a prison every week. Ideally it would have been a surprise visit, but it couldn't work that way, so it was actually built into my calendar to go every week, and I pretty well managed to do that. That involved not just going to see the governor, that involved walking round and talking to the prisoners and staff, and then also generally lunch with the more senior managers.

And in the Ambulance Service -- I wasn't the only person who did this, this was as a board member -- I used to visit ambulance stations from time to time and do the odd observer shift in an ambulance. You do pick up, you learn a lot and you understand better what people are dealing with. But the chief executive of the

Ambulance Service did that.

Q. Well, it is a good thing, you say, and you say it is elementary stuff, I suppose the concern might be that it is probably elementary stuff for many years, but we still find the situations like the Kerelaws, as late as 2009, and going back to Larchgrove. I am sure that to some extent the things we have been discussing were also things that were elementary in the early 1970s, and --

A. Oh, I am not sure they were in the 1970s.

Q. Okay.

A. There were different management styles and different approaches then. I would think, if you like, the consensus, if you can call it that, is more around now than it was back then. I don't know. I don't know where the academics have got to in writing this up now, because I have stopped reading all these academic textbooks, so maybe I am now out of date, but I don't think that is out of date.

Q. No, but you are not just telling us things you have read, you are applying your own direct experience of, certainly in the 1990s, for example, running a big organisation that some of the things that we are discussing today had to be considered and addressed?

A. Yes.

Q. No doubt at least then, whatever was happening in the

1970s, that these things that we have been talking about were certainly features, or aspects, of importance that should have been present, and should have operated effectively in the manner you have described?

A. Yes, but thinking back to my own experience, you know, being managed in organisations, that things were a bit different in 1973, and even later than that.

Q. Okay.

A. There was just a different approach. These things do develop over years. My view of the academic work, a lot of which is quite useful, is that yes you can take it on board but you must adapt it to the reality of the situation in which you find yourself.

Q. Is that a bit like TCI training?

A. Well, no, it is not.

Q. No?

A. No, not really.

Q. You have to have regard to the reality of the situation?

A. You have to have the reality of the type of organisation you are in. So if it's a disciplined organisation you maybe have to adapt it a bit to how that affects how people view it.

Q. So that you don't make the mistake of being a breath of fresh air, but you don't carry out good changes in the right way, you don't --

A. You do have to do it in the right way, you want to try and identify people who will agree that this is a good thing to do.
Q. In the context specifically of residential child care, where such care is required after a full needs assessment, which I think is the modern way, is it also important that placing authorities select for every child a residential child care establishment which, by reason of its facilities and the skills and qualifications of its workforce, has the ability to meet their particular needs?
A. Yes, of course that should be the case, to the extent that if you can find out that or if that's obvious, I am never sure that that is all that obvious to the courts. If it is a court process it should be available, I think, to a Children's Panel, but I don't know, you would have to consider a variety of things, including the location and so on.
Q. The reason I am asking is that historically there were very few options of residential child care. You went to an approved school or a List D school --
A. Yes.
Q. -- there wasn't the range of residential options that may exist today in the more specialist, smaller units, and therefore it was a one size fits all and you had

people with varied needs in the same place, side by side. You can see that that's not a recipe for success, if you operate in that manner. I am not saying that that wasn't the way -- that was the way it was done, but that's what we had.

A. Yes.

Q. Maybe we have something different, but today it is important that you do match the facility and the child?

A. Yes.

Q. You can't just say, 'Oh, well, I am looking for a place, it is not the ideal, but there is a place, so I will just take it'.

A. Yes.

Q. You may have to even pay to get to a specialist provision that costs more than the one you have available?

A. Yes, I mean I don't know to what extent the placing authorities are fully aware of differences, I mean at the moment we now only have four places that have a secure unit attached to it.

Q. Well, for secured services I agree with that, but also if you look at, say, residential child care, I think the modern tendency, and you can just Google it if you want, you can see lots of small units that then have a list of their specialist expertise --

A. Yes.
Q. -- and say this is what we offer specifically as a bespoke service?
A. Yes.
Q. We didn't have that historically, but we do today.
A. That's true, and obviously you want to --
Q. And so as far as looking at the components that we have been looking at of vital importance, I suppose we mustn't forget that the organisation, apart from getting the right leaders, must recruit staff with the right personal qualities having already identified, of course, the qualities which will be required to do the particular job. You can't just do it in the abstract, you have to work out what the job does require, what the qualities are, and then fit that into your spec or your description, and then make sure when you then do the recruitment that you make sure you test the matter appropriately to say, 'As far as I can be confident, I am getting the right person for this job'.
A. Yes, well, that's a good start, to get the right person, if you can get them, and there are some issues about recruitment now, but it is not enough. You still have to get the induction right, and from then on you have to make it work.
Q. I am not going to go to Rossie, but can I tell you this,

I certainly saw recently, it is not maybe very recent, but an advert from Rossie for a sessional worker and it was quite a detailed advert setting out a host of information, including a fact sheet, so that you had all manner of information conveyed to the potential applicants and also a very detailed list of the sort of qualities that the person was required to have to have any opportunity to get the job.

That seems to be perhaps a modern approach --

A. Yes.

Q. -- that you would never have found in the past?

A. That's correct.

Q. You would have had a short job advert, a couple of references, an interview, and start on Monday?

A. Yes, that's the way one would expect to do it now.

I should add, however, what would be ideal, but is almost certainly unobtainable, is if you had information of what the outcomes were.

Q. Of?

A. Outcomes.

Q. Outcomes of what?

A. What have the outcomes been from particular placements.

LADY SMITH: For the individual children?

A. Yes. What are we looking for, I don't see a lot of discussion around this, and even the kind of edifice

that has been built to deliver the Government's Promise, which is the big initiative, or it was a big initiative when it was announced, and which is being implemented. There has been criticism from the, as I say, if you like the edifice that was built to deliver this that the Government have still not been very clear about what the outcomes that The Promise is looking for should be, other than that children should leave care feeling loved.

Now, that's good, they should, but how do you know? How would you know?

LADY SMITH: Do you believe you can require of members of staff that they love the children for whom they are responsible?

A. I think you can develop -- you can do your best to ensure that the relationships between the staff and the children are more in that direction than in the control direction. I think you can do that. But there are a whole lot of other outcomes that ought to be getting talked about.

LADY SMITH: You pose some interesting questions, I think, towards the end of your statement which are not being answered, for example: are children's outcomes now that they are significantly less likely to end up in the criminal justice system?

A. Well, that's one.
LADY SMITH: That would be a good objective, for example.
A. That would be quite a good one, you would have to track the person for quite a long time, and in some cases not for a very long time.

But there are other outcomes that one could think of around personal development, basically, and the like.
LADY SMITH: Physical health.
A. Sorry?
LADY SMITH: Physical health.
A. Yes, all of these things, return to education, engagement with education, a whole bunch of things. But I don't get the feeling -- a number of initiatives like that get announced, but not much thought goes into what is that meant to achieve, other than better behaviour in establishments, better staff attitudes, and people working towards delivering the how, but what do you want at the end of it?
LADY SMITH: Is the hardest question to answer whether the outcome for the child is that they are in a better place, to use a euphemism, than they would have been if you hadn't put them in the establishment initially?
A. Yes, and how is that better place? What are the -- how would you know? This kind of stuff. There we go, I mean we have got half a dozen outcomes, but I don't --

LADY SMITH: We have no data.

A. I don't -- I seriously don't understand why we are not having more discussion, I don't mean in here, but why we are not having more discussion around that.

MR PEOPLES: Well, we are having a discussion here, because I am trying to work out what are effective components to protect children and give high quality care, but I am interested and I do ask people and I did ask yesterday what Glasgow was doing to prove that all the initiatives and other things they have done since Kerelaw have proved to be more effective and have reduced the risk and improved the quality of care. So we have answers to say that they are at least thinking about it. Whether they are able, whether people would agree that their measures are good or not is no doubt for discussion and further debate. But you do have to do something along those lines, you can't just put some initiative in play and not evaluate its effectiveness by an appropriate measure of valuation, not just something airy-fairy that doesn't really have any evidence base. I mean you do have to follow it through, don't you?

A. Yes, I mean you do have to follow, as we say in the trade, a cohort of young people to see how they have done, and that's expensive and difficult.

Q. Yes, it is almost like these programmes seven years on,

14 years on, 21 years on, that you want to know how life has played out for people in care.

A. Yes.

Q. Also I think Glasgow did tell us -- you might think this is positive -- that they do have an initiative now where they have some independent reviewer that when there is a placement breakdown they will review the situation, examine the situation, why it broke down, and sometimes try to be preemptive to ensure it doesn't break down when they sense it is happening. So at least they are trying to tackle the problem of multiple placements of what were historically regarded as troubled or troublesome teenagers?

A. Yes.

Q. That I suppose is a positive thing.

A. Yes.

Q. Just lastly, we have talked about recruitment, and this is something that didn't happen at Kerelaw, it is important that there is a united staff with appropriate shared values. You have to have a team that's united with shared values, appropriate ones?

A. Yes.

Q. If you don't have that --

A. Right values.

Q. The right values, yes. I think appropriate ones.

A. Yes.
Q. If you don't have that, then you are liable to have a history repeating itself for perhaps the third time?
A. Yes.
Q. It won't be Larchgrove, it won't be Kerelaw, it will be somewhere else?
A. Yes, and that's where your regular supervision and all performance management comes in.
Q. These are all my questions, but is there anything you would like to add before we leave today?
A. No, I apologise if I have gone off piste from time to time, but I think that's been an interesting discussion for me.

I don't think there is anything I was really keen to say that I haven't said.

Yes, I suppose I would come back to the key point that I have made a couple of times and which we have discussed again, and that is the solution to all of this I have never regarded and still don't regard as being yet another raft of legislation, regulations, and a blizzard of paper, now electronic, and boxes to tick.

It is about hearts and minds, getting people to do what they should do.

MR PEOPLES: Thank you very much for your time today and answering all of my questions.

A. Okay.
LADY SMITH: Eddie, can I add my thanks. You have been very patient with us as we have explored above and beyond what we have trailed previously in our questioning of you that led to your really valuable statement, and of course what we have from your report. But it has been so helpful. Thank you.
A. Thank you very much.
LADY SMITH: Do feel free to go and put your feet up, you have worked hard today.
A. Thank you.
LADY SMITH: Thank you.
A. Okay.
Right, I had better take what is mine and not what isn't mine.
LADY SMITH: Don't take what is ours.
A. I will leave that.
Okay. Good.
Okay, thank you very much.
LADY SMITH: Thank you.
(The witness withdrew)
LADY SMITH: We will stop there for today --
MR PEOPLES: Stop for today.
LADY SMITH: -- Mr Peoples, and tomorrow morning, tell us the plan?

MR PEOPLES: We have some live evidence tomorrow. I think there was scheduled for three live witnesses, but due to last-minute circumstances we have, I think, only two, but I think there will be time for other things.

LADY SMITH: We may read in a statement or two, perhaps, tomorrow.

MR PEOPLES: Yes, I think that's a possibility, yes.

LADY SMITH: Very well. Thank you very much.

I will rise now until 10 o'clock tomorrow morning.

(4.08 pm)

(The Inquiry adjourned until 10 am the following day)

I N D E X