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Thursday, 4 April 2024

(10.00 am)

LADY SMITH: Good morning, and welcome to the third day this week of our evidential hearings in Chapter 4 of Phase 8 of our case studies, principally looking into Kerelaw and Larchgrove.

Now, we have a witness in person, I think, ready to give evidence this morning; yes?

MR PEOPLES: Yes, my Lady. The next witness is James Hunter, who I think is usually known as Jim.

LADY SMITH: Thank you.

James Hunter (sworn)

LADY SMITH: Do sit down and make yourself comfortable.

A. One second, Mr Peoples.

LADY SMITH: There's no problem. You just take your time.

Just before we start, a couple of things. Can you help me with this: would you like me to call you Mr Hunter or would you prefer Jim?

A. Jim's great, thank you very much.

LADY SMITH: That's very helpful, Jim.

The red folder there has your statement in it and thank you for helping us by providing that statement. It will be available for you to refer to, if you want to do so.

We will also bring the statement up on the screen at

1 the different parts we'd like to take you to. So it
2 will be available as well.

3 A. Okay.

4 LADY SMITH: Unless you prefer to have the screen switched
5 off, as some people do.

6 A. I think I would prefer to see the ...

7 LADY SMITH: Right, we'll do that as and when we get to the
8 particular parts of your statement.

9 A. Thank you, my Lady.

10 LADY SMITH: Otherwise, Jim, I know what we're asking you to
11 do is not forward: we're asking you to come into
12 a public forum and give evidence about things that
13 happened quite a long time ago now, actually, with the
14 passage of years since Kerelaw was in operation and you
15 were involved with it, and your daily life there and the
16 work you did there and some of the difficulties that we
17 know there were in working at Kerelaw.

18 If at any time you just want a breather, let me
19 know. If you want a break by leaving the room or just
20 sitting there and having a pause, do say. Or if there's
21 anything else that I can do to help you give your
22 evidence as comfortably as you can, speak up, don't sit
23 quietly not mentioning it.

24 If you are ready, I'll hand over to Mr Peoples and
25 he will take it from there; is that okay?

1 A. Thank you, my Lady.

2 LADY SMITH: Thank you, Jim.

3 Mr Peoples.

4 Questions from Mr Peoples

5 MR PEOPLES: Good morning. Do you have any objection to me

6 calling you Jim?

7 A. None at all. And can I call you Jim? Is that okay?

8 Q. You can call me anything you like.

9 So can I begin, for the purposes of the transcript,

10 by giving the reference we have assigned to your witness

11 statement, which is WIT-1-000001400. You don't need to

12 worry about that.

13 A. Okay. Okay.

14 Q. But, if I could ask you at this point to turn to the

15 final page of the statement, which is in the red

16 folder --

17 A. Okay.

18 Q. -- and can you confirm that you have signed the

19 statement, and you did so on 18 March of this year?

20 A. Yes, indeed I did.

21 Q. Can you also confirm that you have no objection to your

22 witness statement being published as part of the

23 evidence to the Inquiry and that you believe the facts

24 stated in your witness statement are true?

25 A. I have no objections to it being published and, yes, to

1 the best of my knowledge, they are absolutely true.

2 Q. So if I can take you back to the beginning of the

3 statement --

4 A. Okay.

5 Q. -- if I may. You tell us, Jim, that you were born in

6 1951. I don't need the precise date.

7 A. Indeed, yes.

8 Q. You tell us, at the beginning of your statement,

9 a little bit about your background before you became

10 employed at Kerelaw Residential School. Can I just take

11 it very short: we have read this, as I think I've

12 explained before. You tell us that you have a degree,

13 an MA from Glasgow and you obtained a certificate in

14 secondary teaching from Jordanhill College in 1974.

15 I think that the early part of your teaching career was

16 spent at Garnock Academy in North Ayrshire --

17 A. Yes.

18 Q. -- between approximately 1974 until 1982 in various

19 roles?

20 A. Yes, indeed.

21 Q. I think initially you were teaching French and modern

22 studies, and then French. In 1979, you became

23 an assistant principal teacher of guidance at the

24 academy.

25 A. That's correct.

1 Q. I think you tell us -- just in passing, you tell us that
2 you did also work part-time as a care officer at
3 Geilsland School for about a year, between July 1978
4 and June 1979.

5 A. That's correct.

6 Q. Just before I pass on: was that simply to provide extra
7 assistance at any particular time?

8 A. I worked evenings and weekends, outwith my mainstream
9 job, as it were.

10 Q. Yes.

11 A. I had entertained the notion of -- possibly, this was
12 an avenue of work that I would like to explore.

13 Q. I think at that point Geilsland was what was known as
14 a List D School.

15 A. I do believe it was still categorised as such, yes.

16 Q. I think you can take it from me, I think we understand
17 that the List D designation survived until around 1986.
18 So if we move on, after your time at
19 Garnock Academy, I think from 1983 to 1980 ...

20 A. 1987, Jim?

21 Q. It says 1987, yes. You were a principal teacher of
22 guidance at a school, Brannock High School, in
23 Motherwell?

24 A. Yes, that's correct.

25 Q. Sorry, I was thrown by the next part. But you were also

1 doing something similar at that time because you were
2 also a part-time care officer in another residential
3 school, which was called Loaningdale School near Biggar?
4 A. Indeed.
5 Q. I think that would probably straddle the era between
6 List D schools and residential schools?
7 A. Well, yes, indeed. It probably did, yes.
8 Q. And I think in fact, shortly after you left, you tell us
9 Loaningdale closed, did it not?
10 A. It did close. It closed shortly -- well, I had the
11 opportunity to apply for a job in Loaningdale School as
12 a deputy head of education and, at roughly the same
13 time, the same post came up in Kerelaw Residential
14 School in Stevenston. And so I took the view that
15 because Kerelaw was a local authority establishment that
16 there might have been more security, in terms of
17 employment for the foreseeable future.
18 Q. As it turned out, there was.
19 A. Well, yes, indeed, because Loaningdale -- just after
20 I had applied to Kerelaw School, Loaningdale was forced
21 to close.
22 Q. Yes. Now, beginning at paragraph 5 of your signed
23 statement, you tell us that in May 1987 you secured the
24 post of deputy head of education at Kerelaw Residential
25 School and that you held that position, I think, between

1 1987 and the end of 2000. And that in January 2001,
2 after a competitive interview process, you were
3 appointed as principal of Kerelaw School and that you
4 held that position from January 2001 until June 2004; is
5 that --

6 A. That's correct.

7 Q. So we have our dates?

8 A. That's correct, yes.

9 Q. Now, I'm not going to take you through some of the other
10 parts. We have read this and it will be considered
11 again, because you tell us things about the school -- we
12 have a reasonable familiarity now with the school itself
13 and I'll perhaps pass on.

14 But what I do want to pick up is something you say
15 at paragraph 16, where you tell us that not long after
16 you started in Kerelaw, which you tell us that the --
17 you were called -- or you were asked to sit in on
18 a meeting with the headmaster, who was then Bob Forrest?

19 A. That's correct, yes.

20 Q. And that you recall the headmaster, on that occasion
21 speaking to a part-time care worker -- who was asked
22 outright if he had punched a boy at the school.

23 A. That's correct, yes.

24 Q. You say, on being asked that question, the care worker
25 concerned admitted doing so and that he was, I think, in

1 the legal parlance, was summarily dismissed by the
2 headmaster.

3 A. Yes, if I remember correctly, the part-time care worker
4 said that the boy had been cheeky to him, inordinately
5 cheeky to him, and he had simply -- he had simply
6 punched the boy. He gave no other explanation.

7 Q. I suppose his mitigation was that the boy was being
8 cheeky, but it wasn't a sufficient reason for the
9 headmaster to --

10 A. Well, absolutely not. It was -- it was a common
11 assault.

12 Q. Yes.

13 A. There was no pretence to any sort of restraint or any
14 other measure.

15 Q. Have you any idea -- I know we're both going back a long
16 way. Do you have any idea how this matter came to
17 light?

18 A. It came to light because the young lad involved, if
19 I remember correctly, complained to a member of staff in
20 the unit, another member of staff in the unit. That's
21 my recollection.

22 Q. Yes. No, don't worry. I just --

23 A. It was a long, long time ago. We were talking 36 or so
24 years ago.

25 Q. But, at any rate, it did come to the attention of the

1 headmaster, clearly.

2 A. It did, yes.

3 Q. And he took the action that you have told us about?

4 A. Yes, and he asked me to sit in as a witness to the
5 interview.

6 Well, it wasn't an interview, really. It was just
7 he asked a question, he got an answer, and he promptly
8 dismissed the chap.

9 Q. I suppose nowadays that might be more difficult to just
10 achieve in quite such a peremptory fashion, but that's
11 the way it was done?

12 A. That's the way it was done on that occasion.

13 Q. Now, can I move on, if I may. Before I do that, perhaps
14 I could go back to something you tell us at
15 paragraph 14, just to get an understanding of some of
16 the personnel when you started.

17 You've told us Bob Forrest was the headmaster. You
18 were the recently appointed deputy head of education,
19 and was there also a deputy head of social work in
20 what's called the open school, because there was also
21 a secure unit?

22 A. Yes.

23 Q. The then deputy head of social work was a woman called
24 Krystine Bennett?

25 A. That's correct.

1 Q. There was SNR [REDACTED] based in
2 the secure unit and, at that time, it was a person
3 called LEF [REDACTED] ?
4 A. LEF [REDACTED] was SNR [REDACTED].
5 Q. Sorry, SNR [REDACTED].
6 A. And there was also, in the secure unit, a chap called
7 GOM [REDACTED], who was SNR [REDACTED]
8 SNR [REDACTED].
9 Q. Now, so far as deputy head of education is concerned;
10 did you have responsibility for both the open school and
11 the secure unit in that role?
12 A. Yes, that's correct.
13 Q. Effectively, would the head of education at the school
14 be the headmaster, Bob Forrest?
15 A. Yes.
16 Q. Now, can I move forward, again, if I may, to -- can I go
17 to paragraph 20. There you mention a person who is
18 known to this Inquiry, an art teacher called
19 Matt George?
20 A. Yes.
21 Q. I don't want to get bogged down in the niceties of this,
22 but I think what happened was that Matt George started
23 at Kerelaw. And you may or may not know this, he
24 started in the 1970s as a teacher. He was there for
25 some time before you arrived?

1 A. I do know that, yes. I do know that.

2 Q. I think when he started he had just come out of art
3 college and he took up a position at Kerelaw as an art
4 instructor. And I think you tell us about that in
5 paragraph 20. But that he, at some point in the
6 1990s -- you tell us he completed what's called a full
7 conversion course to become a fully qualified secondary
8 teacher. So he moved from the status of instructor to
9 fully qualified secondary teacher, and that brought
10 certain benefits, I think, financially and in terms of
11 terms and conditions; is that correct? I don't want to
12 get into the nitty-gritty.

13 A. I don't know that necessarily it was for financial gain.
14 But, certainly, if I remember correctly, the way he put
15 it to me when he asked if he could do a conversion
16 course was that it opened up a pathway for him into
17 mainstream schools.

18 Q. I see.

19 A. Because the qualification which he had was
20 a qualification to teach in technical colleges --

21 Q. Right.

22 A. -- as a sort of craft and design teacher or something
23 like that. It certainly had no currency, as it were,
24 within a mainstream school environment. So he had to --
25 he did two ten-week placements in Largs Academy and then

1 Garnock Academy in Kilbirnie.

2 Q. Right.

3 A. Which meant that he had full GTCS Scotland status as
4 a teacher.

5 Q. Just help me with this, and you probably know this
6 better than most: I think the General Teaching Council
7 for Scotland was established in 1964 or thereabouts, and
8 that there was a system of registration with GTC.

9 Now, before Matt George became a fully qualified
10 secondary teacher; would he have been eligible for GTC
11 registration?

12 A. No.

13 Q. No. But once he became a qualified teacher; would he be
14 eligible?

15 A. Yes.

16 Q. Would one consequence of being registered be that if
17 there were any issues or concerns over a teacher who is
18 registered, the GTC had powers to take action, which
19 could result in you losing your employment?

20 A. Indeed.

21 Q. Because if you weren't registered in certain situations,
22 you couldn't teach?

23 A. You needed to be GTCS registered to teach, full stop.
24 There's no equivocation in the matter.

25 Q. So, if the registration was removed because of some

1 particular cause, then the knock-on effect was that,
2 although your employer was something different, you
3 couldn't remain in your employment as a teacher?
4 A. Certainly not in a mainstream setting.
5 Q. No.
6 A. I'm not sure how it applied to List D schools.
7 LADY SMITH: I suppose, Jim, what we mustn't lose sight of
8 is the other aspect to GTC registration is that once
9 registered, you are expected to comply with certain
10 standards and ethics of being a qualified teacher. So
11 your professional practice should be better --
12 A. Indeed.
13 LADY SMITH: -- yes?
14 A. And there are certain aspects of your own personal
15 probity and professionalism that you are required to
16 keep up.
17 LADY SMITH: It gives you a certain status, but you need to
18 earn and maintain that status; yes?
19 A. Indeed, my Lady. Indeed.
20 MR PEOPLES: Also, it's well known, I think, that if -- at
21 that time, when he became a fully qualified secondary
22 teacher; did he register with the GTC? Do you know?
23 A. I do believe he did.
24 Q. But, in addition to that, this would still be in the
25 Strathclyde Regional Council era before the

1 reorganisation in 1996?

2 A. Yes.

3 Q. Strathclyde would, separately from any standards
4 expected, GTCs would also have their own codes of
5 conduct for staff working in schools; are you aware of
6 that?

7 A. Yes. Yes. I'm saying 'yes' hesitantly because I --
8 I'm not 100 per cent sure in that, Jim. But yes.

9 Q. Well, I think it's -- perhaps I can say that it would be
10 unusual by 1990 if a large regional council didn't have
11 formal policies on various matters, including codes of
12 conduct with staff. Whether those working in schools
13 run by the authority knew the policy or had seen the
14 policy in writing may be another question.

15 So obviously your answer suggests to me, certainly
16 when you were at Kerelaw, if there was such a policy you
17 didn't see it?

18 A. That's correct. But there would be, no doubt,
19 a standard circular in schools, in mainstream schools,
20 to -- outlining the very matter that you have just
21 delineated.

22 Q. And if there was a code of conduct that was specifically
23 applicable to residential schools, such as Kerelaw,
24 which is what we're dealing with here --

25 A. Yes.

1 Q. -- as I understand your answers, you did not have sight
2 of it during your time at Kerelaw?

3 A. I did not, no.

4 Q. No.

5 Now, I'm going to come back to Matt George. But
6 I'll just say at this stage that you mentioned finally,
7 at paragraph 20, in the final sentence, that he was
8 involved in -- I think certain matters came to light and
9 I think there was a police involvement, and he was
10 interviewed in relation to historical allegations of
11 abuse of a young person at that time.

12 A. Yes.

13 Q. But I think your position is that while you were at the
14 school, you knew nothing of any of these things?

15 A. I had absolutely no idea of the allegations which
16 surfaced in April 2004.

17 Q. Okay. And I'll come back to that, because I think later
18 on we learn that other people maybe did know something,
19 because someone came to the school in your time and
20 passed some information to someone who was working at
21 the school. But you weren't made privy to that
22 information?

23 A. Do you want me to expand on that?

24 Q. Well, I'll come back to it.

25 A. Okay.

1 Q. But, just at this point, there was information before
2 2004 about Matt George that came to the notice of
3 a member of staff and you tell us about that later.
4 I'll come back to it.

5 A. Okay.

6 Q. Now, just to be clear, so far as other staff are
7 concerned, Matt George wasn't the only art teacher at
8 the school when you started, and you tell us that there
9 was another person who taught art called G UW ?

10 A. G UW . He taught art in the secure unit.

11 Q. Right.

12 A. But he had previous experience in mainstream schools.

13 Q. Okay.

14 A. So there was no -- no problem there whatsoever in terms
15 of --

16 Q. So Matt George would be teaching classes in the open
17 school, teaching art?

18 A. Yes.

19 Q. And G UW would be teaching classes in the secure
20 area --

21 A. That's correct, yes.

22 Q. -- or secure unit. And as we understand it, just to
23 deal with this, the classes in the open school were in
24 an education block as part of the open school complex,
25 whereas there were classrooms within the secure unit

1 which were used to teach subjects.

2 A. The classrooms in the secure unit were upstairs, though.

3 They were in their own discrete area.

4 Q. So we don't have a mixing of children from the secure

5 unit and children from the open school; they are in

6 different areas being taught?

7 A. The only time children from each campus would be

8 together would be during SQA or SCE examinations, as

9 they were at that time. So they would be in the games

10 hall, in the open --

11 Q. To sit their exams?

12 A. To sit their exams. That would be the only time that

13 they would be together.

14 Q. Okay.

15 A. Which of course entailed certain measures of

16 supervision. You know, people at the door and so and

17 so. But it was -- that's the only time it happened.

18 MR PEOPLES: Yes. So far as --

19 LADY SMITH: But they wouldn't be doing that for art exams,

20 would they?

21 A. No, no, that would be in their usual setting.

22 LADY SMITH: That would be in the respective art rooms?

23 A. Yes, that would be in the art rooms in either campus,

24 my Lady.

25 MR PEOPLES: But, if you were sitting, say, an English

1 qualification to get a national qualification, they
2 would go to the gym hall to get their papers and be --
3 A. I think latterly -- now that I think of it, I think
4 latterly we engaged a second invigilator to look after
5 the children in the secure unit, when it came to SCE
6 exams because they -- the logistics of taking children
7 from the secure unit to a large open -- but it did -- at
8 the beginning that was how it worked. It was one
9 invigilator.
10 Q. So far as the open school is concerned, the classes, the
11 various subjects, the classes were mixed, in the sense
12 that boys and girls would attend the same class?
13 A. Indeed.
14 Q. For example, girls and boys might be in an art class --
15 A. Yes.
16 Q. -- getting taught by Matt George, and that was the way
17 things were.
18 A. Yes.
19 Q. And the boys and girls in a particular class could come
20 from different units within the open school?
21 A. Yes, indeed.
22 Q. And they could be of different ages?
23 A. Well, they tended to be banded a bit more narrowly than
24 that. But there sometimes -- there would be, perhaps,
25 a bit of a spread in terms of their age.

1 Q. So they wouldn't all be the same age, as you would get,
2 perhaps, normally in a mainstream school?

3 A. It's possible that perhaps one or two might have been
4 a year older than others, ah-ha.

5 Q. Going on to paragraph 22, just briefly, if I can --
6 sorry, can I just take one other point from you from
7 paragraph 21 before I pass on?

8 A. Yes.

9 Q. You tell us there was a science teacher whose name was
10 [REDACTED]; that's a male, [REDACTED]?

11 A. Yes.

12 Q. And that that teacher died in 1992?

13 A. He did. He did.

14 Q. Then there was -- obviously, at Kerelaw, there was
15 a teaching staff component who taught in classes?

16 A. Yes.

17 Q. While some might do additional duties that would involve
18 being in units or activities, they would work a fairly
19 standard school day?

20 A. They did. 9.00 to 3.30, something along those sorts of
21 lines.

22 Q. But the units were staffed by what would be called the
23 care staff.

24 A. Yes.

25 Q. And there would be a person in charge of the unit;

1 I think you term that person a unit manager?

2 A. Indeed.

3 Q. We've heard some evidence that, certainly, maybe
4 historically, the person who became the unit manager may
5 have been referred to as a team leader; was that before
6 your time?

7 A. No. The term -- I think the term 'team leader' might
8 well have been used when I went to the school initially,
9 but I think it mutated into unit manager. I think,
10 latterly, that was the term that was used.

11 Q. There were some changes over time when you were depute
12 head of education, in terms of the organisation of
13 Kerelaw as a whole, and I'm not just meaning the
14 teaching side. I think you tell us, in paragraph 22,
15 that the unit managers were -- there came a point where
16 they were assisted by a deputy unit manager and that was
17 certainly latterly during your period at the school; is
18 that correct?

19 A. Yes. If my memory serves me correctly, that would have
20 been 2001. 2000/2001.

21 Q. So it was quite late on?

22 A. Quite late on, if I remember rightly.

23 Q. Was that your initiative or your predecessor's?

24 A. I think that was my predecessor's.

25 Q. And your immediate predecessor was whom?

1 A. Chris Holmes.

2 Q. Do you know who was there before him?

3 A. Malcolm Day.

4 Q. Both for relatively short periods?

5 A. Malcolm Day was there from around about October 1997
6 until July or August 1998. And Chris Holmes was the
7 principal from July 1998 until December 2000, and then
8 I held the post from January 2001 until June 2004.

9 Q. Now, could I test your memory, again: who was SNR
10 [REDACTED] ?

11 A. LEF [REDACTED]

12 Q. Was that in an acting position?

13 A. That was in an acting position. And LEF [REDACTED] took
14 up that post in September or October 1995, and he was
15 unsuccessful, in 1996, to get the substantive post of
16 SNR [REDACTED]. In fact, no appointment was made. And then
17 subsequently the post -- subsequently, the posting -- if
18 you could just bear with me a minute.

19 The post in early 1997 was again re-advertised, and
20 it wasn't filled, and then LEF [REDACTED] gave up his
21 SNR [REDACTED] in 1997. He had asked to be returned to
22 his substantive post, which was SNR [REDACTED]
23 SNR [REDACTED].

24 Q. Then, before this acting up position that LEF [REDACTED]
25 held for quite some time, for the reasons you've given;

1 A. She left the school on [REDACTED] 1999, and I remember that
2 clearly because, on that same day, a former colleague,
3 GOM [REDACTED], who was SNR [REDACTED] in
4 the secure unit, that was the date of his retirement and
5 she left on that day. I don't know why she left.

6 Q. I was going to ask you this at some point, but you've
7 answered my question before I asked it.

8 A. But what I do know was that I was not told why she left.
9 But she went off on sick leave for about a year and then
10 left Glasgow City Council.

11 Q. Okay. So there was a lengthy period when she was not at
12 the school due to sickness absence?

13 A. Now ...

14 Q. Before she left Kerelaw?

15 A. Her position was taken up by a KBE [REDACTED].

16 Q. So was he acting up as SNR [REDACTED] --

17 A. SNR [REDACTED] in the --

18 Q. -- SNR [REDACTED] in the open school?

19 A. From [REDACTED] 1999. And the then principal, Chris
20 Holmes, advertised the post, substantive post of SNR [REDACTED]
21 SNR [REDACTED] in the open school, and KBE [REDACTED] was
22 successful in gaining that post.

23 Q. Okay. So I maybe misunderstood that KAB [REDACTED] ceased
24 to be at the school on [REDACTED] 1999 and then, for
25 a time, KBE [REDACTED] was acting up and then secured

1 the substantive post --

2 A. That's correct.

3 Q. -- when Chris Holmes was still head of Kerelaw School;

4 is that right?

5 A. Yes.

6 Q. Just while we're on these individuals: did Chris Holmes

7 move to a more senior position within the council?

8 A. He moved to become the head of service in Glasgow City

9 Council. Head of service, children and families. That

10 post had been vacated by Romy Laingland, who had become

11 depute director social work in Glasgow.

12 LADY SMITH: Is that Romy? Romy Laingland?

13 A. Romy Laingland, yes.

14 MR PEOPLES: R-O-M-Y?

15 A. R-O-M-Y. Short for Rosemary. Rosemary is her proper

16 Christian name, I believe

17 MR PEOPLES: We have heard from her in this Inquiry before,

18 so you can take it we know who she is.

19 A. Right.

20 Q. At that point, she was a senior figure in the social

21 work department in Glasgow?

22 A. Indeed.

23 Q. And had just moved to a more senior position at that

24 time?

25 A. Yes.

1 Q. Who was the director of social work, at that stage?

2 A. The director of social work at that stage was

3 Ronnie O'Connor, and he had gone to become director of

4 social work from Glasgow City Council education

5 department, and I believe -- if my memory serves me

6 right, I believe that was in 1999 or 2000.

7 Q. Okay. Now, I'm conscious I'm asking you a few questions

8 here also about the social work side, but I'm also

9 conscious that you didn't become the head of the school

10 until 2001.

11 But so far as you can help us, there were obviously

12 four units in the open school, Baird, Wilson, Fleming

13 and Millerston, and they had these unit managers or team

14 leaders at one point, and they would also have basic

15 grade residential care workers --

16 A. Mm-hm.

17 Q. -- as well, in each unit? And the units would work

18 a shift system of -- is it three shifts, an early shift,

19 a late or back shift, and a night shift? Is that --

20 A. Yes, the early shifts and the late shifts were sort of

21 rotatable, if that make sense? You know, you may well

22 one week work earlies and then the next week work lates,

23 and it was a pattern of so many on and so many off or

24 whatever.

25 Q. Sorry, I wasn't trying to suggest -- but there were

1 three distinct shifts?

2 A. Yes. Indeed, yes.

3 Q. But it wasn't the same people working the early shift
4 continuously or the late shift continuously?

5 A. No.

6 Q. But in practice, as we understand it, the same people
7 worked the night shift?

8 A. Yes. They worked solely on the night shift and they
9 didn't, to my recollection, ever work earlies or lates.

10 Q. Do you remember an individual called KGN ?

11 A. I do.

12 Q. I think he worked in a unit, I think it was Fleming
13 Unit, from 1990 or thereabouts, to about 2000, for about
14 ten years. So he overlapped with your time at Kerelaw.

15 A. Mm-hm.

16 Q. During that time, he, I think, was what I would call
17 a night care officer --

18 A. Night care officer. Yes, that's --

19 Q. -- who would be working the night shift, from around
20 maybe 10.00 at night to, what, 7.30 or something in the
21 morning, thereabouts? Would he be -- so far as night
22 care officers are concerned; would there only be one
23 night care officer in a unit throughout that period,
24 from 1990 to 2000? The night care officer level;
25 I'm not talking more senior positions.

1 A. The numbers of night care staff were increased.
2 I cannot remember exactly when they were increased, but
3 they were -- they were increased because we had -- there
4 was an incident around about 19 -- I'm going to say
5 1995, but I can't honestly say that I can say that with
6 any certainty -- where a member of staff was in Fleming
7 Unit, I think it was, and there was an intruder who
8 scared her, basically, and she had to call for
9 assistance. And unfortunately, in calling for
10 assistance two night care staff had to desert their
11 post.

12 So, after that, there were an additional two
13 floating members of staff made available to the open
14 campus.

15 And then -- and I know this because I actually
16 interviewed the people involved -- and then there were
17 a number of depute unit managers, night staff appointed
18 in the early 2000s to further bolster the night staff.

19 Q. That was later on, though?

20 A. Aye, that was a good bit later on.

21 Q. But, after this incident you've described where one
22 member of staff was on a unit at night, sort of
23 supervising the children --

24 A. Well, in actual fact the children were in bed, but the
25 difficulty was, of course, that the member of night care

1 staff couldnae leave all these children to --

2 Q. So had to summon assistance?

3 A. Yes, so had to summon assistance.

4 Q. The point I'm trying to get to understand is that the
5 person at the unit, whichever unit it was, was on their
6 own as a night care officer in charge of a group of
7 children?

8 A. Yes, indeed.

9 Q. And an intruder came in and that required the person to
10 get assistance from other staff, which she did -- and
11 we'll come to, perhaps, what happened, because I think
12 you tell us about that.

13 But the upshot of that, as you recall, is that after
14 that there was additional -- what you call floating
15 staff, who would be available to --

16 A. Yes.

17 Q. -- work between the various units at night time?

18 A. Yes. Yes, indeed.

19 Q. So there's not just one person in each unit?

20 A. Aye.

21 Q. But did there come a point where each unit in the open
22 school at night had pairings, where there were two night
23 care officers in each unit? Did that --

24 A. I don't recollect that. I don't recollect that.
25 I can't definitively say that was ever the case.

1 I don't think so. I think there were -- a member of
2 care staff in each unit plus two people floating, one of
3 whom would have been a depute unit manager night care.

4 That's my recollection of it.

5 Q. Okay. So, at night, there might be, on any particular
6 day -- or any particular night, I'm sorry -- there might
7 be six people --

8 A. Yes.

9 Q. -- covering the four units?

10 A. Yes.

11 Q. One who would be supposed to stay in the unit itself --

12 A. Ah-ha.

13 Q. -- in each unit, and then there would be two people who
14 had the ability to move between units as required?

15 A. Yes.

16 MR PEOPLES: Yes, I understand that.

17 LADY SMITH: We also heard some evidence about a change
18 whereby the night care officers from having originally
19 only had an office on the ground floor got somewhere on
20 the same floor as where the children were sleeping, so
21 that if they did need to call for help, they didn't have
22 to leave the floor where, if there was a problem with
23 the children, the problem was arising. They had
24 an office there; do you remember anything about that?

25 A. I don't recall that, my Lady. I don't recall that.

1 LADY SMITH: Would you necessarily have been aware of such
2 a change?

3 A. Possibly not, my Lady.

4 LADY SMITH: Do you also know what would have happened if on
5 any particular night, say, two units had problems
6 brewing with the children and so they both needed the
7 floater, and the floater couldn't be in two places at
8 once?

9 A. Well, in addition to the floating members of staff,
10 there was also a senior member -- a member of the senior
11 management team on call --

12 LADY SMITH: Ah, right.

13 A. -- for the whole campus.

14 LADY SMITH: Okay.

15 MR PEOPLES: But that person was on call. They weren't
16 actually at the units. They could be brought in. When
17 you say on call --

18 A. Indeed, and that was provided 365 days a year.

19 Q. And different people would take turns to be the on call?

20 A. Ah-ha.

21 Q. Was that called the duty officer or is that a different
22 position?

23 A. That's a different position.

24 Q. Okay. And is that different from floater?

25 A. We were on call. We were on call. So you could be

1 woken at 2.00 in the morning. Sometimes you had to go
2 in to settle a matter, sometimes it was merely for
3 advice, and sometimes that advice was: that the local
4 police station is a lot nearer to the school than I am
5 to you, so call the police first and I will come in as
6 a matter of course to decide how things are going to pan
7 out thereafter.

8 Q. So, just so that I'm clear, then, you have told us about
9 the floaters, the night care officers and the numbers at
10 night time, and there was the on call availability as
11 well.

12 I mentioned another name, duty officer; was a duty
13 officer a position that was held during the day or at
14 night, or both?

15 A. It was -- it was a position which was held between the
16 end of school and 10.00 at night. Now, that position
17 could be a unit manager or it could be one of the
18 principal teachers, for example, in the open school, for
19 example.

20 Q. So the teachers could also act as duty officers?

21 A. Yes.

22 Q. And in some cases -- and this is going back to the
23 historical position, if I'm not mistaken -- the older
24 contracts required teaching staff, or people doing
25 teaching or instructing, to be -- it required them to at

1 least be available during these hours each week; is that
2 right?

3 A. They were called -- they were called extraneous
4 residential duties. It was a rather pompous sort of
5 term.

6 Q. But it was a contractual requirement?

7 A. But it was -- well, I don't know that it was
8 a contractual requirement. But it certainly, I think,
9 added to the mix of childcare, in terms of safeguarding
10 children and whatever, in as much as the teaching staff
11 usually did these extraneous duties. The principal
12 teachers, in both the open school and the campus, they
13 actually then managed the evening, the principal
14 teachers. That's why they were called duty officers.

15 Q. So there's a crossover. You have the teaching staff who
16 are doing their normal teaching day and the principal
17 teachers, particularly, and others, could be doing these
18 stints as duty officers, but it could also be a unit
19 manager doing a stint, depending on how the rota was
20 made up?

21 So it could be a mixture?

22 A. Yes. And the teachers -- the teaching staff were a very
23 useful adjunct, shall we say, to the care staff, in
24 terms of going out for the evening. Sometimes they
25 would take kids to classrooms to do cookery or to do

1 art, or various other things.

2 Q. Or take them to the gym?

3 A. Well, indeed, aye.

4 Q. You could have either the duty officer could organise,
5 for example, between the end of the school day and the
6 start of the night time shift, they could organise
7 an activity that would be within the school, and it
8 could involve doing something in the gym? It could be
9 going to a class to do a particular subject, like art,
10 or they could organise somewhere, to take them to the
11 cinema or skating, or whatever?

12 A. So the duty officer -- if I give you the example of
13 a chap called **KBK**, who was one of the
14 principal teachers in the open school.

15 **KBK** would go round each unit after school had
16 closed with a wee notebook and a pen or pencil or
17 whatever, and he would get details from each of the
18 units about what the kids in that unit were doing, where
19 they were going, how many were going, and so on and so
20 forth. So that at any given time, if there was
21 a problem, he would -- he would be --

22 Q. Coordinating?

23 A. -- apprised of -- yes, and he could coordinate, but --

24 Q. Was the general idea, though, that the duty officer
25 would ensure there was some degree of meaningful

1 activities for the young people during those hours?

2 A. Well, yes. Aye, aye. He --

3 Q. Did he have a bit of discretion as to what activity was
4 organised? Could they, for example, decide: well,
5 tonight I think some boys from a particular unit should
6 go off to the cinema or bowling, or McDonald's or
7 whatever?

8 A. He would have that ability, that right to do that, yes.

9 Q. And could he also, the duty officer, whoever that was --
10 it could be a he or a she, I suppose -- could that
11 person also agree with a particular unit member of staff
12 that that member of staff could take children outwith
13 Kerelaw between the end of the school day and the -- and
14 10 o'clock to go to some activity? Would that be the
15 sort of matter they could discuss with each other?

16 If someone in the unit said, 'I think I want to take
17 the boys out to the moors, for example, just to give
18 them a bit of fresh air'; would that be something that
19 would be discussed between the duty officer and the unit
20 members that were intended to do this?

21 A. It would be -- I would think that the duty officer would
22 need to have an eye, shall we say, to what was --

23 Q. What was happening?

24 A. What was happening. And obviously to the activities and
25 whether the children would be safe doing them, and stuff

1 like that.

2 Q. So I think we can get the picture.

3 Now, just finally on this, the unit manager, in that
4 person's substantive post, that would be a post, as we
5 understand it, that would mean that the person would
6 turn up in the morning and would, if they weren't a duty
7 officer, they could leave at, what, around 4.30/5.00?

8 A. Indeed.

9 Q. So they weren't staying on either for the evening or
10 during the night, normally?

11 A. My recollection is that duty managers normally worked --
12 or, sorry, unit managers normally worked office hours,
13 as it were. But, where they needed to, they would come
14 in for a late shift. Some of them may well have come in
15 for an early shift and left a wee bit earlier. So it
16 was a kind of discretion in terms of the hours.

17 Q. And they could have been a duty officer?

18 A. They could have been a duty officer, absolutely.
19 Because there were only two principal teachers. So for
20 five days of the week that meant that three unit
21 managers had to be the duty officers for those --

22 Q. Okay. Could we move on to paragraph 27, Jim, if I can?
23 Just one thing I want to pick up there is: there was
24 quite a significant development, wasn't there, in 1989?
25 That was about two years after you started. The boys

1 open school became mixed. Previously, all the units in
2 the open school were boys. But, in that year, you tell
3 us, I think, was it some of the units became -- well,
4 were they mixed initially, but then became distinct
5 units of girls and boys?

6 A. That's basically it. We tried to have mixed units.
7 But, after a wee while, the kids themselves actually
8 said that they would prefer to be in single sex units.
9 It was just a wee bit difficult, particularly at
10 bedtime, you know, when there would be like a -- there
11 would be a bedroom upstairs, which was, like, two
12 corridors, and the girls would go up the stairs and then
13 go right, and the boys would go up and go left. It was
14 easier having single sex units and the kids preferred
15 that.

16 Q. Did that happen relatively quickly?

17 A. Oh, it did happen relatively quickly. I think there was
18 only maybe a year or so when we had two -- in fact,
19 I think we started with one. Girls in one unit, with
20 a view to moving to two units. But, by the time we got
21 to two units, it was two girls' units and two boys'
22 units.

23 Q. And the girls' units were Wilson and Baird?

24 A. That's correct, yes.

25 Q. And the boys' units were Millerston and Fleming?

1 A. That's correct.

2 Q. Once the girls were admitted to Kerelaw; did the
3 composition of the staff in the units change? Were
4 there more women becoming either unit managers or care
5 staff, or was there already a fair mix of male and
6 females?

7 A. I would say, thinking back -- and, gosh, I'm now going
8 back over 30 years. But I think the preponderance of
9 staff in a girls' unit would be female and the
10 preponderance of staff in boys' units would be male.
11 But there would still be -- the other gender would be
12 represented, as it were, within the staff group.

13 Q. Okay. Just one other thing I'll just ask you in terms
14 of this section, at paragraph 30 -- I should start with
15 paragraph 30 -- you tell us in the course of your work
16 as deputy head of education you used to take assemblies
17 in the open school. Can I just ask you this: was that
18 a daily assembly or was it just a weekly assembly?

19 A. It was a weekly assembly, as I remember.

20 Q. Okay. And how long would that last, roughly?

21 A. Oh, it would be about 15 minutes, maybe. It was
22 an opportunity to give information to kids just on
23 a kind of general basis, and sometimes there were
24 special visitors, like Gideons, who came and gave out
25 bibles and things.

1 Q. Another -- well, something I think you tell us about
2 that was quite a big task in your early days -- is at
3 paragraph 32 -- is you say you had the job of tidying up
4 the unit logs, which proved to be a monumental task. It
5 took you a year or two until you started to make some
6 sense of the logs and had all the Kerelaw dead files
7 moved on.

8 Now, can you just help me: what was the state of the
9 record keeping at that time?

10 A. Well, I think I could liken it to -- was it the Aegean
11 stables that Hercules had to vacate? It was almost like
12 that. Not that I needed to divert a river.

13 But it was a big task. There had been obviously
14 a lot of stuff put in there and not moved on to another
15 dead file option, which is outside of the school.

16 LADY SMITH: Jim, are you talking about how things were in
17 1987, when you took on the job?

18 A. Yes, indeed. Yes, indeed, my Lady.

19 MR PEOPLES: So there was perhaps a place where all this
20 material was kept in the school, but not in
21 a particularly organised or easily understood fashion?

22 A. It took a long while to work through it and to put some
23 kind of sense of order into it, basically.

24 Q. Yes, and some of it was historical, to the extent it
25 wasn't needed to be stored in the school?

1 A. That's correct. I can't remember the criteria now for
2 retaining it. But, yes, that's effectively how it
3 worked.

4 Q. Once the dead files had been identified or the material
5 that wasn't required; was that then passed on to the --

6 A. It was passed on initially to social work headquarters,
7 which was in Irvine at the time, because that was who
8 really were our external management people.

9 Q. Well, you say -- yes, because we're talking about 1987.

10 A. Well, 1987, when --

11 Q. Strathclyde was there, but it was broken into districts
12 or areas, social work areas?

13 A. Yes, indeed.

14 Q. Are you saying that the social work offices for the
15 Kerelaw area would be the place that these files would
16 be sent, rather than to headquarters in Glasgow?

17 A. That's correct, yes.

18 Q. Because that was the organisation, I think, of the
19 social work at that time; that there would be districts
20 and various people within the district --

21 A. Yes.

22 Q. -- that would have responsibility for places such as
23 Kerelaw and other places within their district?

24 A. Yes.

25 Q. Now, you tell us, at paragraph 33, that you weren't

1 given any induction training when you started at
2 Kerelaw; was that a surprise to you?

3 A. Well, yes, I suppose it was. It was quite difficult
4 coming from a mainstream setting. Although I had worked
5 as a care officer in Loaningdale and, previous to that,
6 in Geilsland School, Kerelaw was a huge organisation
7 compared to those two. And there were certain matters,
8 particularly pertaining to the secure unit, that really
9 I could have done with a starter pack, shall we say?

10 Q. I think you tell us that at paragraph 35, if we can just
11 move down. I think that's what you are probably
12 thinking of. In retrospect you look back and --

13 A. Yes, a potted or condensed course about social work
14 practice, aye. That would have been useful.

15 Q. Because you were coming into a place which was providing
16 two distinct services, in one sense the educational
17 provision, but also the care service, a residential care
18 service. Your background was largely on the teaching
19 side and yet you were faced with a group of individuals,
20 and you would have to deal with all of them, some of
21 whom were on the social care side.

22 A. There was a -- I mean, there was a particular problem
23 not long after I started about putting a boy into
24 security. I'm not going to go into the details of the
25 actual incident, but it -- shall I say that the deputy

1 head social work in the secure unit had to sort the
2 thing out for me, and I felt, actually, that I needn't
3 have got into that sort of difficulty in the first
4 place.

5 Q. Had you known more?

6 A. Had I known more. Had somebody said to me: if A
7 happens, then you should do B, and if B -- you know the
8 idea.

9 MR PEOPLES: Okay.

10 LADY SMITH: Just to intervene there a moment, Jim. Are you
11 telling me that you had no briefing or prior knowledge
12 about the legal basis on which children would come to
13 Kerelaw and then on which children would go to the
14 secure unit rather than the open unit?

15 A. I was aware of the section 44(1)(b) of the 1968 Social
16 Work Act.

17 LADY SMITH: Okay.

18 A. I was aware of children's hearings and that sort of
19 thing. But the secure unit was a particularly
20 specialist area which I had never come across, because
21 obviously Geilsland School and Loaningdale School didn't
22 have any secure facilities.

23 LADY SMITH: Yes.

24 A. So it would have been helpful if somebody had given me
25 a steer, if you like, as to -- because I didnae realise,

1 for example, that a child could be placed into security
2 on the basis of a phone call, provided that subsequently
3 that was then ratified by a Children's Panel, et cetera,
4 et cetera. These sorts of things.

5 Now, eventually, over time I did come to learn about
6 them, but it was basically done more by me interrogating
7 my social work colleagues than them giving me a little
8 potted course, shall we say.

9 LADY SMITH: Yes, it sounds like somebody needed to brief
10 you fully on what the process was that would be followed
11 in relation to putting a child into the secure unit in
12 relation to how the decision was made, who was involved,
13 what steps had to be taken, when it could be
14 short-circuited and when it couldn't.

15 A. Indeed.

16 LADY SMITH: That sort of thing.

17 A. Indeed, my Lady, yes.

18 LADY SMITH: Thank you.

19 MR PEOPLES: I take it, then, when you started you had no
20 idea that there was a separate set of regulations
21 applying to secure accommodation which were introduced
22 in 1983 and took effect in 1984?

23 A. That's correct. I wouldn't know that, that's correct.

24 Q. You wouldn't know that.

25 A. When I started, that's correct.

1 Q. You probably learned of it later on?

2 A. I did, indeed, yes. But, when I started, that was the
3 case, Jim.

4 Q. Now, you tell us a bit about -- you say, at
5 paragraph 36, that while Bob Forrest was head of the
6 school you saw him as the person who effectively was
7 your supervisor?

8 A. Indeed, yes.

9 Q. Can I ask you this, though, Jim: when you talk about
10 supervision, it's obviously someone you could go to and
11 discuss things with, but was there anything equivalent
12 to what we might have today of a formal system with
13 supervision, with regular meetings recorded, minuted and
14 so forth?

15 A. There was nothing like that. I was never supervised,
16 I suppose, in the true social work sense of the word.

17 Q. Okay. Indeed, if I can pass on, you tell us about the
18 time you became principal. We can obviously read some
19 of that. But what you tell us is that ultimately the
20 external manager or person with responsibility,
21 effectively your line manager, was not Chris Holmes, who
22 had become head of service, head of children and
23 families head of service, it became a person called
24 Bill Adam?

25 A. That's correct, yes.

1 Q. Who in fact was on a lower grade than you?

2 A. Indeed.

3 Q. Just so far as that individual is concerned, you tell
4 us, towards the end of paragraph 37, that you never saw
5 him within the school itself while you were principal;
6 is that right?

7 A. The only time I remember Bill Adam being in Kerelaw
8 School was in 2003. He had a management meeting with
9 John Muldoon, the unit manager in Baird at the time, and
10 I was present at that meeting. This was as
11 a consequence of a fact-finding about John Muldoon,
12 which didn't result in disciplinary action. But it was
13 felt that it was required to put to him that his
14 management style was unfortunate, shall we say.

15 Q. Can I just follow that up?

16 A. Yes.

17 Q. Bill Adam came to the school for what might be called
18 a counselling session with John Muldoon --

19 A. Yes.

20 Q. -- which you sat in on?

21 A. Indeed.

22 Q. And that had followed upon some form of fact-finding
23 investigation into his style of management, if I put it
24 broadly, and that didn't result in any disciplinary
25 action being taken in terms of warnings or other

1 sanctions.

2 A. No, indeed not.

3 Q. But it did result in a perceived need for counselling
4 about the way he managed --

5 A. Yes.

6 Q. -- his units.

7 A. Yes.

8 Q. At that stage -- just to be clear, John Muldoon at that
9 stage was the unit manager of a girls' unit, Baird.

10 A. Yes.

11 Q. And there were some issues as to, I think, the way he
12 related to the girls on the unit; was that the broad
13 picture?

14 A. John -- yes. John was very much his own man. I had to
15 speak -- sorry. John Muldoon, sorry. I had to speak to
16 him several times about the fact that he worked
17 inordinately long hours and he sometimes was there
18 until -- early in the morning until late at night, and
19 he never took holidays. And he was not, shall I say,
20 the sort of man to parlay with anybody. John's kind of
21 view of a conversation was: we'll sit down and have
22 a chat and then I'll tell you what you're going to do.

23 Q. And you knew him over a long period of time?

24 A. I did know him over a long period of time. John Muldoon
25 started in 1982 in Kerelaw, I believe, and I started in

1 1987. So I had known him about 16 years when this
2 conversation took place.

3 But that's the only time that Bill Adam actually was
4 ever in Kerelaw.

5 Q. Just following this through --

6 A. Sorry, I --

7 Q. No, no. Yes, you've answered that obviously you saw him
8 once --

9 A. Yes.

10 Q. -- the external manager. I should say that we had some
11 evidence already that at least there were certain
12 members of staff that had no idea there was a system of
13 external management, which bears out the point that you
14 are making: he wasn't a visible external manager in the
15 job he was doing?

16 A. Well, he only came that once. There were another couple
17 of times that he was at the school, but one of those was
18 to accompany me to speak to a local resident who had
19 a complaint about -- I can't remember what. But he --
20 but we saw him very, very rarely.

21 Q. And did he -- when he did turn up at the school on these
22 rare occasions; did he visit individual units and talk
23 to the staff there?

24 A. Well, the time that we went to see the local resident,
25 he was just sitting in the car park waiting for me.

1 And the other time -- I can't remember -- I think
2 I've got here that two or three times he came down.

3 The third time he was in the kind of corridor
4 between Fleming and Millerston Unit, but he was just
5 sitting. He wasnae particularly -- he must have been
6 speaking to somebody, but I don't think he was going
7 round talking to the kids, put it that way.

8 Q. So you're not surprised if people who were in units were
9 unaware that there was an external manager and what that
10 role involved?

11 A. No.

12 Q. Now, just going back to the counselling session with
13 John Muldoon, when he was unit manager in a girls' unit,
14 Baird; was a consequence of this whole matter that
15 John Muldoon was transferred from Baird to become unit
16 manager in Millerston in 2003?

17 Because he became unit manager in Millerston --

18 A. He did, he did.

19 Q. -- during a difficult period for the school, as I think
20 you're going to tell us, I think, in due course.

21 A. Yes.

22 Q. But was this related to the transfer? It was felt that
23 it was the best for all concerned that he moved to
24 a different unit and, indeed, a unit of boys rather than
25 a unit of girls?

1 Because he did move.

2 A. He did move. But I think that -- I think he was moved
3 because the unit manager in Millerston got promoted to
4 be acting depute head in the secure unit.

5 Q. Who was that?

6 A. That was Shona Kelly.

7 Q. Okay. So there was a vacancy.

8 A. I think there was then a vacancy, and I think that's why
9 he was moved.

10 Now, whether that was an additional factor of -- you
11 know, his behaviour in Baird Unit was an additional
12 factor, I don't really know.

13 Q. You're not sure if there was any connection?

14 A. I'm not sure if there was any connection.

15 Q. But it didn't prove to be a happy move, at the end of
16 the day, as we'll discover?

17 A. It did not prove to be a happy move.

18 Q. Whether there was a connection or not?

19 A. It did not prove to be a happy move.

20 Q. Now, I'll come back to that, I think, if I may. You
21 tell us, at paragraph 39, that even when you became
22 principal, which was quite late on in the life of
23 Kerelaw School --

24 A. Mm-hm.

25 Q. -- there was no appraisal system at Kerelaw?

1 A. No.

2 Q. No. And I think that's something that you're probably
3 aware of, that the Independent Inquiry that was
4 conducted and reported in 2009 was highly critical of?

5 A. I am aware of that. And I think that it would have been
6 beneficial for me to have had some sort of performance
7 grid or performance targets to meet, which I could have
8 discussed with my external manager, my line manager, but
9 it didn't happen.

10 Q. So, just to be clear: there wasn't an appraisal system
11 and, indeed, you tell us, at paragraph 40, that during
12 your time as principal there really was no proper social
13 work supervision; that's of care staff, is it?

14 A. No. I think I've said here there was no proper social
15 work supervision and no performance target setting for
16 me, as head of Kerelaw.

17 Q. Was that something that you were raising with either
18 headquarters or your external manager, or was it
19 something simply, on reflection, you think would have
20 been an appropriate thing to have?

21 A. I think it's the latter. I think that's on reflection.
22 I feel that that would have been valuable.

23 Q. But what you do say is at the time you were preparing
24 what's called a principal's report, annually.

25 A. Yes.

1 Q. Just to pick up some of the things you say on that, at
2 paragraph 40, you say one of the things that you covered
3 in one of your reports when you were principal was the
4 care staff's training levels; can we take it, therefore,
5 that the care staff's training levels was a concern for
6 you?

7 A. I had devised a grid not long after I became principal
8 of Kerelaw. I devised a grid for every member of staff
9 in which I had put in the various courses which they
10 should have been attempting or completing.

11 We were actually, I think, on target, at the end of
12 2002, to achieve the -- now, would it be the SIRCC
13 recommendations?

14 Q. I think that the time that you're talking about was
15 quite an important time, in the sense that there was
16 legislation that introduced the Independent Care
17 Commission and the Scottish Social Services Council?

18 A. Yes.

19 Q. Indeed, I think the idea was that there would be
20 a registration system and that people would have to
21 register and achieve certain minimum qualifications by
22 a certain period of time. That obviously took time to
23 bed in and to establish. In fact, not everyone had to
24 have the qualifications at the start of their employment
25 and, indeed, some workers had to have them quicker than

1 others: social workers first, residential care workers
2 later.

3 That may or may not mean anything to you, but that's
4 the time we were in?

5 A. I believe the target was 2009; am I right in thinking
6 that?

7 Q. What you were faced with when you became principal, and
8 something that had happened over a long period of time,
9 was that there were quite a large number of residential
10 care staff who didn't have any qualifications or any
11 appropriate qualifications for the job they were doing;
12 is that not the reality?

13 A. That's correct. That's correct.

14 Q. But there was obviously legislation that was intended to
15 remedy that state of affairs, that long-standing state
16 of affairs. Not just in Kerelaw, but I think across the
17 residential care setting as a whole; is that -- I don't
18 know if that, again, is familiar to you?

19 A. Well, there was also -- there was also the problem of --
20 sorry, I'm leaning too near that microphone.

21 There was also the problem of people getting
22 qualifications and then leaving the residential sector,
23 which is a -- if I can use the analogy of a bath filling
24 up with the plug removed.

25 So that, as well, made, I think, life quite

1 difficult.

2 Q. So it was difficult to retain qualified staff once they
3 obtained the qualifications because there was richer
4 pickings for them elsewhere, if I can use another term?

5 A. Well, unfortunately, yes.

6 Q. That was the reality?

7 A. But the -- I remember we had visitors once in the
8 school, who were two Danish social workers, and they
9 were residential workers, and they were quite surprised
10 that there were so many staff who had no qualifications
11 to work in residential care, because they had done
12 a basic social work qualification and, thereafter, had
13 specialised in residential setting. And they -- their
14 rationale was that it seems ironic that the most
15 challenged and sometimes troublesome children in the
16 country are looked after by the people who are least
17 qualified to do so.

18 But that's how things were. I don't know how they
19 are now, but that's how they were.

20 Q. I'm obviously interested in knowing. We're not in the
21 dark ages here.

22 A. Yes.

23 Q. You're talking about the start of the new millennium?

24 A. Yes, indeed. Indeed.

25 Q. Now, just on this matter of changes which were afoot, if

1 you like, you tell us, at paragraph 41, that when you
2 became principal you didn't make significant changes to
3 the structure. But it wasn't for the want of trying,
4 I think you say, because you say that you took
5 various -- you made various requests, with a view to
6 strengthening what I would call the management
7 arrangements, both internally and externally in relation
8 to Kerelaw; is that correct?

9 A. Yes, indeed. Indeed.

10 Q. And you tell us at paragraph 41, first of all -- almost
11 like out of Oliver Twist, this -- you asked if you could
12 have a senior deputy for the establishment, but that was
13 refused.

14 A. That's correct.

15 Q. So who was refusing that?

16 A. Well, it would be refused, I take it, by social work
17 directorates, in Glasgow.

18 Q. Okay. Then you say you also felt that Kerelaw could do
19 with a board of governors being established. And then
20 you say you asked if you could establish a Kerelaw
21 management group made up of senior staff from the school
22 and also senior staff from the council, which would meet
23 every six months to discuss issues, and that was also
24 refused by the council. So you were getting knocked
25 back.

1 A. Indeed. Indeed.

2 LADY SMITH: Jim, what were you thinking of when you
3 suggested a board of governors might help?

4 A. Well, the two establishments that I had worked in
5 before, at Loaningdale School and at Geilsland School,
6 both had boards of governors.

7 LADY SMITH: Right.

8 A. And there seemed to be a lot of interested and
9 interesting people who were involved in the management
10 of the school. And it was also a way to present,
11 I suppose, not an image of the school, but to present to
12 people who would be able to contribute to the
13 development of the school, to present facts and figures
14 to them, whatever.

15 So it would be a sort of extension of the annual
16 report, which I had already.

17 LADY SMITH: Yes, thank you.

18 MR PEOPLES: Well, you're raising, I suppose, a fundamental
19 question that probably the officials have wrestled with
20 over the years, if we go back to files that are now
21 available to us, that how one manages residential
22 schools, whether they should also be run by the private
23 sector or the public sector, because there was a lot of
24 debate historically about that. I'm not sure if you are
25 aware of that? But also what's the best form of

1 management. Because I think you'll know, and you have
2 just told us, essentially, for local authorities, your
3 managers were committees or subcommittees of the council
4 which had many responsibilities, and they weren't --
5 there was no dedicated, I think, committee that dealt
6 exclusively with schools like Kerelaw.

7 A. Well, that's the sort of ...

8 Q. Thinking?

9 A. -- direction I was travelling in. Yes, indeed.

10 Q. Whereas at least with a board of management, even if
11 it's open to criticism -- what do they manage and what
12 do they take an interest in? -- at least they are
13 dedicated to a particular institution, with
14 responsibility --

15 A. Indeed. Yes, indeed. Yes.

16 Q. -- in a range of ways, and indeed there were
17 regulations, which you may or may not be aware of, that
18 told them what their responsibilities should be and what
19 matters they should concern themselves in.

20 So was this the sort of direction of travel?

21 A. Yes, in -- my recollection of Loaningdale School, for
22 example, was that on several occasions I saw people who
23 were not members of staff, and when I inquired I was
24 told that they were board members and that they had just
25 come to visit.

1 Q. Well, I think that under the board system it would be
2 open to a board not just to -- well, I think they had
3 a requirement to come to schools like Loaningdale from
4 time to time. But, in any event, they would be entitled
5 as board members just to walk in and see things for
6 themselves?

7 A. Indeed, indeed. Which is what Bill Adam --

8 Q. Didn't do.

9 A. Quite.

10 Q. Now, you had limited success, because you tell us, at
11 paragraph 42, that you eventually secured the services
12 of an external consultant called John McKiernan, who was
13 delegated to come from the council; was he based at
14 council headquarters?

15 A. He was. He was. He was based in Glasgow. Now, I don't
16 know what his title was, but he did come
17 from August 2003 right up until I was removed from post
18 on 18 June 2004. And in actual fact, he --

19 [REDACTED] LEP [REDACTED], who was [REDACTED] SNR [REDACTED] in the
20 open school, went off sick at the beginning
21 of April 2004 and John stepped into his shoes,
22 basically, and he became [REDACTED] SNR [REDACTED] in the open
23 school.

24 Q. Yes. So, just to be clear, John McKiernan wasn't
25 an external consultant in the sense he was external

1 consultant to Glasgow; he was an external consultant to
2 Kerelaw?

3 A. That's correct.

4 Q. And he had some kind of position at headquarters?

5 A. He had.

6 Q. He came for the period you've told us, while you were
7 still principal, and he would, as you say, attend senior
8 management meetings, spend time in units, and because of
9 LEF going off sick from April 2004 for
10 a period of maybe three months or so, while you were
11 still principal, he was filling the role of SNR
12 SNR in the open school for ?

13 A. And he did some useful work while he was in that role,
14 and he did an audit of kids' care files and came to me
15 and explained that he thought there was room for
16 improvement and made suggestions as to how they could be
17 improved. Nothing desperate, but, you know, we had
18 a very profitable time.

19 Q. And just before -- I'm conscious of the time, and maybe
20 we'll have a break, but there's one more question just
21 to finish off this.

22 Bill Adam, a sort of invisible man, if you like, who
23 was the external manager, when you eventually were
24 suspended from principal; did he take over as acting
25 principal?

1 A. I think I was removed from post on the Friday and he was
2 in Kerelaw on the Monday.

3 Q. In June 2004?

4 A. Yes. Indeed. And by August 22, 2004, there were
5 children smoking cannabis in front of staff members,
6 they were drinking alcohol in the grounds, the staff
7 were reporting to the Care Commission, who did
8 an inspection on that particular date, that the staff
9 were saying that they felt the kids were now in control
10 of the school.

11 We had kids -- this was reported in The Herald by
12 David Gleeson, and that kids were climbing out of
13 windows, climbing onto roofs, and basically the place --
14 all notion of care for the kids had actually
15 disappeared.

16 MR PEOPLES: Well, that's a good point, I think, to stop
17 there for the moment.

18 LADY SMITH: We'll stop for the morning break.

19 Jim, I usually take a break of 15 minutes at this
20 point in the morning; is that all right for you?

21 A. Yes, all good.

22 (11.31 am)

23 (A short break)

24 (11.46 am)

25 LADY SMITH: Welcome back, Jim. Are you ready for us to

1 carry on?

2 A. Yes, my Lady.

3 LADY SMITH: Thank you very much.

4 Mr Peoples.

5 MR PEOPLES: Jim, if I could go back to your statement, you

6 have a section which is headed 'Culture', and you say,

7 in paragraphs 43 and 44, Kerelaw was a very open place.

8 You give some examples of why you say that about --

9 particularly about the visitors that would come from

10 time to time.

11 Indeed, you told us shortly before the break about

12 the Danish social workers who came to visit.

13 A. Yes. Indeed, yes.

14 Q. Also how one of your unit managers had a contact in

15 Leipzig and there was some sort of exchange programme

16 was instituted, or at least a visit. It wouldn't be

17 an exchange, necessarily.

18 A. We had --

19 Q. Or was it?

20 A. Yes, we had -- my German is rusty, but I was able to

21 give a talk in German to these good people. And we had

22 some German students who visited as well, and they were

23 in the secure unit particularly, which was of interest

24 to them.

25 Q. When you say 'students'; what age would they be?

1 A. Oh, they would be -- I would think they were
2 postgraduate students. They were early 20s, I think, if
3 I remember correctly.

4 Q. Do you know what they were studying?

5 A. I don't know. Childcare, possibly. It might be
6 childcare.

7 Q. But they were interested in seeing Kerelaw and the
8 secure unit?

9 A. Yes, they were indeed. And we had a Romanian group who
10 came in the early 1990s, and they spent quite a long
11 time in both the open school and the secure unit looking
12 round and talking about childcare, basically. Which was
13 really non-existent in Romania, to be honest.

14 Q. The unit manager who had the contact; can you recall who
15 that was?

16 A. KBW [REDACTED], his name was.

17 Q. Yes. Now, when you say it's an open place, I can see
18 what you're saying, it's open, at least in the sense
19 that it welcomed visitors?

20 A. Yes.

21 Q. But, if we look at new staff; was it just as welcoming
22 a place for new staff or was it a difficult environment
23 for new staff?

24 A. Well, I think, unfortunately, induction training for new
25 staff was, 'Shadow so-and-so and you'll get the hang of

1 the place', which probably maybe isn't the very best way
2 to introduce people to an environment that's new to
3 them.

4 Q. And if you shadowed -- well, first of all, if you came
5 in with no qualifications, that's going to be
6 a difficult situation to handle, obviously, as we've
7 discussed. If you shadowed a particular unit manager
8 with a particular style of management, that it's my way
9 or no way, that could be difficult; you would only learn
10 his way, not necessarily the best way.

11 A. Indeed.

12 Q. So there are problems with that.

13 A. An induction package for new staff would have been
14 immensely beneficial, as it would have been to me for
15 that matter.

16 Q. I mean, we've heard -- and this won't come as a surprise
17 to you, it's in the Independent Inquiry report about
18 how, at least latterly, there were divisions amongst
19 staff at Kerelaw at all levels. There were factions and
20 cliques. Staff were disunited. Staff didn't have
21 shared values. Perhaps there was too much autonomy at
22 unit manager level. These things are, I think, if you
23 have seen the report of the Independent Inquiry, are
24 things that have been picked up as part of, maybe, some
25 of the problems. Not the whole cause of what may have

1 gone wrong at Kerelaw at times. But do you accept that
2 these became features of Kerelaw in its dying days or
3 dying years?

4 A. I don't think that it was half as bad as has been
5 portrayed.

6 Now, what happened was that in 2000, Chris Holmes,
7 who was still the head, he appointed -- well, not he
8 individually, but KBE [REDACTED] was appointed to
9 become SNR [REDACTED] in the open school
10 and then he was promptly 'promoted' to the secure unit,
11 and LEF [REDACTED] was moved from the secure unit to the
12 open school. Not only was KBE [REDACTED] put in the
13 secure unit, he was also given -- well, what
14 LEF [REDACTED] regarded as a very good swap of staff,
15 shall we say.

16 Now, I think there were reasons for that. The
17 secure unit had plans to introduce cognitive behaviour
18 programmes, anger management programmes, and they
19 needed, perhaps, staff who were up to the mark in that
20 regard. But a lot of people in the open school regarded
21 it as being a very poor swap. Some were actually quite
22 equanimous about it. LEF [REDACTED] didn't complain
23 about the move, and I have to say that the whole of 2000
24 and 2001 for that matter, when I took over, were quite
25 quiet. There were no major problems.

1 We got a HMIE inspection in the open school in the
2 autumn of 2001. That came back as a pretty favourable
3 report, I have to say. Probably more so about the units
4 than about the education provision, but it was,
5 nevertheless, a fairly positive critique of the school.

6 And then, in 2002, well, something really rather
7 stupid happened, which I think was then, by some people,
8 blown out of all proportion.

9 It now seems a bit stupid, but this is what
10 happened: KBE [REDACTED], his wife had given birth
11 to -- I think it was a wee boy, and LEF [REDACTED], as
12 only LEF [REDACTED] could, because he was kind of
13 renowned as a bit of a wag and so on and so forth, went
14 round the open school units telling everybody that
15 KBE [REDACTED] had left work early the day before, or
16 whatever. And as he went from one unit, the rumour went
17 from wetting the baby's head to KBE [REDACTED] being
18 drunk and disorderly and arrested by the police and held
19 overnight.

20 And what then happened was that somebody told
21 KBE [REDACTED] about this, and I think he complained
22 directly to Chris Holmes, who by that juncture was head
23 of service in Glasgow. The upshot of that was that he
24 suspended -- without my knowledge and consent, but then
25 he was my line manager -- he suspended LEF [REDACTED] and

1 [REDACTED] went to fact-finding on the matter, and
2 then to disciplinary, and he was moved from the school
3 to, I think, a unit manager's job somewhere else, but it
4 was a huge demotion.

5 Now, we, as a senior management team, survived that.
6 We had a person called Frances Tran, a woman called
7 Frances Tran, who came to join the senior management
8 group, and the four of us -- that was [REDACTED],
9 myself, Frances Tran, who was the acting deputy head
10 social work in the open school, and Colin McQuarry, who
11 was doing my job on a temporary basis as head of
12 education, we worked wonderfully well together. In
13 fact, I have to say that, in the three and a half years
14 that I was principal at Kerelaw, 2002 was by far the
15 best year that I had. And we revamped the school
16 development plan and we put in various recommendations
17 that we should improve supervision and put in training
18 programmes in the whole of the school, and we should
19 bolster training for care staff and so on and so forth.

20 Now, concomitant with Frances Tran's secondment to
21 the open school, there was this fact-finding that took
22 place. The fact-finding entered, shall I say, territory
23 outwith the original slander on [REDACTED], and
24 I was asked to take part in the fact-finding. I went
25 along and I was quizzed about homophobic remarks made by

1 staff in the school. I was asked if there were members
2 of staff who were in the Masonic Lodge, and one or two
3 other things.

4 They apparently, in this fact-finding, established
5 that there were certain facets of the unit manager's
6 behaviour that they didn't like. It was a woman called
7 Liz Bravender, who conducted this, along with someone
8 from personnel.

9 I heard no more about the matter. But I did read in
10 Eddie Frizzell's report that this was sent to the head
11 of service and the deputy head social work, this report,
12 but nothing happened about it.

13 And I have to say, LEF [REDACTED] did come back to
14 Kerelaw, because he appealed the demotion to
15 a children's unit, and I felt that in the round --
16 because I didnae know anything about this report that
17 had gone up the road to Glasgow -- I felt that in the
18 round, while it was a silly thing to have said, it
19 didn't warrant the demotion that he'd had and the huge
20 cut in pay that accompanied it.

21 And the then head of service, David Cumming --
22 because by this time Chris Holmes had left -- the then
23 head of service, on appeal, rescinded the demotion and
24 the cut in pay and LEF [REDACTED] came back to Kerelaw.
25 Whereupon I sat down with both LEF [REDACTED] and

1 KBE and said that this was no way for two
2 senior people in a school to be behaving, and that the
3 matter would end here and they should look after their
4 respective campuses within the school.

5 And thereafter they seemed, if not to work amicably,
6 at least to work together. And I got no further
7 complaints from KBE about LEF.

8 But I think that what happened was there were --
9 there were camps set up, if you know what I mean? And
10 I think when -- I think when matters became very
11 difficult in late 2003/early 2004, I think there may
12 well have been a measure of taunting from the secure
13 unit against the open school, because the secure unit,
14 SNR KBE, and, shall we say, the new staff
15 and the programmes that they had initiated about
16 cognitive behaviour and so on and so forth, the secure
17 unit received a very, very good inspection report, part
18 of the three-yearly cycle of inspections in the secure
19 unit. They received an exceptionally good inspection
20 report in about the middle of 2003.

21 But to say that there were groups tearing at each
22 other's throats is a bit, I think, of a --
23 Q. Maybe not as overtly as you may be thinking, because
24 I think that there has been some evidence that there
25 were divisions and tensions. They weren't always openly

1 displayed in front of individuals. But one individual,
2 for example a unit manager, might have a way of doing
3 things and try to enforce that way. Others would
4 listen, but would not be happy and, when they came to
5 implement the approach, they might take a different
6 approach, such as an approach to restraint, for example.

7 So I'm not sure that seeing them as at each other's
8 throats, literally, is perhaps what was being conveyed.

9 A. Well, yes, okay. I am speaking metaphorically.

10 Q. Yes, I get that. But can I then try and see how this
11 fits into the great scheme of things? Because what
12 I was going to say is that -- well, can I just go back
13 to what I said before about how new staff were welcomed?
14 That was really how this conversation began.

15 If I could put it colloquially, there was an old
16 guard at Kerelaw, people who had been there for a long
17 time, including people like John Muldoon, Matt George
18 and others. Putting it in simple terms: did some of the
19 members of what I call the 'old guard' welcome warmly
20 new recruits or did that create some disunity, divisions
21 and tensions, because they maybe held different
22 approaches and different ideas? For example, if someone
23 had come straight out of a social work qualification
24 with the modern ideas that might not necessarily gel
25 with the old-school styles of people like John Muldoon,

1 who was perhaps brought up in the good old days of
2 List D schools and control and discipline?

3 A. Well, there weren't very many people who came with
4 social work qualifications to work. They were --
5 usually, they were without any qualifications. Although
6 they did, throughout their time in Kerelaw, gain
7 qualifications, and a lot of the people who did gain
8 qualifications -- dips, for example -- remained in the
9 school.

10 I think my whole point about a lack of induction and
11 shadowing people means that possibly you pick up more
12 bad habits than good habits.

13 Q. Okay. But those who did come -- and we've heard
14 evidence of someone who did come with a qualification,
15 which maybe was unusual to some extent at that time --
16 and I think that they had difficulty with their unit
17 manager and how his approach didn't necessarily coincide
18 with what she understood was the modern practice and
19 modern approach to childcare, and that created problems
20 within the unit, particularly if there were those within
21 the unit, below the unit manager, who perhaps were in
22 the unit manager's camp, if you like, who had learned
23 his ways, and she found it difficult, perhaps, to agree
24 with the approaches she was seeing.

25 A. I could appreciate that.

1 Q. You can see how that could --

2 A. I can see how that would come about.

3 Q. Yes. And if she was then being told if she raised the
4 idea of 'Can we change things?', if she's going to get
5 the kind of response that we've talked about earlier
6 this morning: it's my way or no way --

7 A. Well, it's my way or the highway, really, if you get my
8 drift.

9 Q. Yes. You can see how that could create problems?

10 A. I would see how that would create problems, yes. I do.
11 I do, because -- sorry, could I just interject here?

12 Q. Yes, sorry.

13 A. Because I was having, at the time that Millerston was --
14 I don't think it would be an overstatement to say that
15 Millerston was in crisis.

16 I was having discussions with other unit managers,
17 and there were two units managers in particular who were
18 female, who were telling me that what was happening in
19 Millerston was not acceptable.

20 MR PEOPLES: Right. Because I'm going to now try and --

21 LADY SMITH: When about was that, Jim?

22 A. That would be ... let me think, my Lady. That would be
23 early 2004.

24 LADY SMITH: Thank you.

25 MR PEOPLES: I'm going to try to piece together -- because

1 you've told us about the problem between LEF
2 and KBE, and how that arose and the upshot
3 of it and how it ended, and that was going back to 2002
4 or so?

5 A. Mm-hm.

6 Q. And how that led to certain changes in senior management
7 and how life seemed to be going along quite well. But,
8 if we go to paragraph 87 of your statement, what you say
9 is, just towards the foot of page 22:

10 '... if you look at the situation in Millerston Unit
11 at the middle half of 2003 and the first half of 2004,
12 there was something evidently not working with TCI.'

13 Now, that might sound a very limited problem, but it
14 was a bigger problem perhaps for the reasons I've just
15 outlined; that there were obviously divisions in that
16 unit and there obviously -- I think, as you probably
17 know -- were quite a lot of restrains in Millerston in
18 that period?

19 A. There were a lot of restraints in Millerston in that
20 period. We attributed that to the difficulties that
21 were being presented by an older group of boys from
22 Glasgow, whose numbers had risen from 50 per cent to
23 80 per cent, and who were running wild in the community,
24 were out of control and I think, looking back, that
25 possibly John Muldoon's solution to the problem was to

1 restrain young people.

2 However, I don't know. All the violent incident
3 forms which came back to us indicated that it had been
4 the young person who had attacked a member of staff or
5 had instigated some kind of difficulty.

6 LEF was telling me that sometimes there
7 were restraints taking place that required three or
8 four, sometimes more, adults.

9 Q. I think you mentioned six, I think you said?

10 A. Well, indeed. Aye, indeed, on one occasion six, aye.

11 Q. There would have been something wrong if it took six
12 people to deal with one young person?

13 A. Yes.

14 Q. Clearly, you're telling -- as a matter of fact -- and
15 I think perhaps the statistics that you were getting
16 would bear this out -- that compared with previous years
17 the number of restraints that were being recorded and
18 coming to the attention of senior management from
19 Millerston were high, compared with previous years.
20 This was in the period particularly 2003 going into
21 2004, when John Muldoon was now the unit manager; that's
22 fact, isn't it?

23 A. It is.

24 Q. Then whatever had gone on between LEF and
25 KBE, as you've told us, there were problems

1 emerging from Millerston because, I think in 2004, while
2 you were still principal, two members of staff in
3 Millerston lodged some form of grievance or complaint
4 against John Muldoon in relation to his style of
5 management. That gave rise to what, I think, is
6 colloquially called the 'Millerston Investigation' in
7 the first half of 2004.

8 A. That's correct.

9 Q. That investigation mushroomed, if you like, into a much
10 wider investigation in due course, which was called the
11 Joint Investigation, by the summer of that year, which
12 carried on for a long time. And in the course of that,
13 a lot of allegations about how children were treated,
14 particularly in the context of restraint, emerged and
15 were investigated by what was called the joint
16 investigation team; is that a fair, broad summary of how
17 things developed?

18 A. Yes. Initially it actually kind of mushroomed from
19 staff complaints about their treatment into kids'
20 complaints about their treatment, in fairly short order,
21 actually. And that information was being fed back over
22 my head to Bill Adam, who seemed to have doubts in his
23 mind about LEF and, by extension, about me as
24 well.

25 LADY SMITH: Are you telling me these complaints didn't

1 actually pass over your desk?

2 A. No.

3 LADY SMITH: So it wasn't just that you knew about them, but
4 you knew about Bill Adam being told about them; you
5 didn't know about them at all?

6 A. I didn't know about them at all.

7 Now, the policy I had adopted, my Lady, was that
8 whenever there was any question of physical, or sexual
9 abuse for that matter, I referred the matter outside.
10 And in actual fact when the two members of staff had
11 complained to LEF [REDACTED] about John Muldoon,
12 LEF [REDACTED] came to me and we had a discussion, and
13 I said to him: you will need to suspend him.

14 That was the first thing that happened.

15 He was then moved to Centenary House to work while
16 an investigation took place in the school.

17 I don't know why it necessarily took place in the
18 school, but it did. But my role in any of these sorts
19 of investigations is to stay out of them, because
20 I don't want to be seen to be influencing anybody in any
21 way, and that the people who would do the fact-finding
22 would be extraneous to the school and dispassionate.

23 MR PEOPLES: So, to be clear: there was the complaint or
24 grievance by the staff against John Muldoon, that was
25 the subject of discussion internally between you and

1 LEF ██████████ and the upshot was that what I call
2 external investigators from Glasgow, from headquarters
3 or wherever, came in and looked into that matter. But
4 it did seem to widen into more information about things
5 that were said to have been happening within the unit,
6 and that eventually caused Glasgow, both the social work
7 department and the education department, to establish
8 a joint investigation, in about August or thereabouts of
9 2004.

10 And, separately -- and this is maybe something that
11 I think you've touched on -- Bill Adam wrote some sort
12 of report that you didn't see, which called into
13 question the management, or internal management, of
14 Kerelaw, which by implication, as you say, would be
15 a matter that related to you and others in the senior
16 management position. That, too, led to a form of
17 investigation into the management of Kerelaw by those at
18 Kerelaw, and that was all going on. What you didn't see
19 was what the initial report by Bill Adam, which
20 triggered this whole episode; is that --

21 A. I did see it, actually. I got it, first of all, in
22 a redacted version. But then after I -- late in 2005,
23 I saw the original version.

24 Q. But you didn't see, in 2004, when this was --

25 A. I didn't see it in 2004, no.

1 Q. No.

2 A. I had no idea, absolutely no idea about what had been
3 happening in Millerston Unit.

4 Q. Okay.

5 A. Except that -- except that I did get a letter from a lad
6 called Gary Bryce, who -- he sent me a letter to say
7 that other people had been getting advice that if they
8 had been wrongly or harmfully restrained that they would
9 be liable to receive compensation, and complaining that
10 he hadn't got a similar letter.

11 Q. When did you get that letter?

12 A. I got that March 2004?

13 Q. Okay.

14 A. There or thereabouts, I think. And I sent that --
15 I think I sent it up the road, initially to Bill Adam.
16 I think I faxed it up.

17 Now ...

18 Q. So far as -- if I could go back just to the general
19 situation. Can I say that you've described what appears
20 to be in -- the LEF [REDACTED] KBE [REDACTED] problem,
21 you've explained how that arose and how it played out.
22 Then there seems to have been a period of calm and then
23 things were running smoothly. Then it would appear that
24 in this period, between mid-2003 and March 2004 or
25 thereabouts, this becomes the problem about Millerston,

1 because of the grievances that are being raised, and
2 you've told us how that was -- how you dealt with that
3 matter, and this brought in external investigators.

4 I think it's fair to say that the period between
5 mid-2003 and March 2004, at least so far as Millerston
6 was concerned, was a very turbulent period?

7 A. It was a very turbulent period. And similarly, not to
8 the same extent, but I think in Fleming Unit next door,
9 there were difficulties there as well, but not to the
10 same extent as in Millerston.

11 I had campaigned against an increase in the number
12 of Glasgow kids coming to Kerelaw, and I had campaigned
13 against it over quite a long period of time. But it
14 would appear that the Glasgow numbers were going to be
15 raised. I think it was all a matter of finance.
16 I think there was no appreciation on the part of
17 anybody, from Bill Adam upwards, that Glasgow children
18 were more difficult to care for than children from other
19 authorities.

20 Q. So if -- just so that we're clear: one of the problems,
21 as you saw it -- and I think you tell us about this in
22 your statement -- is that part of the problem was that
23 from an historical position that perhaps Kerelaw was
24 taking in 50 per cent of what I call 'Glasgow boys', and
25 50 per cent of boys from other parts of Scotland, and

1 that that mix seemed, at least generally speaking, not
2 to create undue problems. There came a time during your
3 period as principal when the percentages changed
4 dramatically. There was upwards of around 80 per cent
5 of boys were coming to you from Glasgow, usually as
6 emergency admissions from other placements in Glasgow
7 where there had been problems or breakdowns and you were
8 getting them -- they were coming to Kerelaw, often
9 without any pre-planning, because it was just
10 an emergency. And so the percentage of Glasgow boys --
11 and quite a few were ending up in Millerston -- was
12 80 per cent, as opposed to 50 per cent, historically.

13 So that was seen by you as a contributing factor to
14 this turbulence that was going on. I think that you
15 raised that issue with Bill Adam and external management
16 at the time, and I think you asked them to take certain
17 action. And, indeed, they did, because they stopped
18 admissions for a time, did they not? And they also
19 reduced the number of boys in each unit.

20 A. Well, at my insistence they reduced the numbers in the
21 open school from 50 to 32, and that kind of coincided
22 with John McKiernan's position as an acting deputy head
23 social work in the open school. And for two months we
24 had peace and calm.

25 Q. So you have this -- can I just call it 'the period of

1 turbulence'? -- between summer 2003 and
2 maybe March 2004. And from then until you left Kerelaw,
3 having been transferred, you would describe that as
4 a period of calm? Things got back to -- pretty much
5 back to normal, is it?

6 A. I made a point of going around each of the units and
7 asking them how things were. And they said that having
8 reduced the numbers to 8, it was a lot calmer.

9 Q. And just to be clear: the other factor that you tell us
10 about in your statement, that you feel was going to
11 address the situation that had arisen, was that some of
12 the boys, who seemed to be the ringleaders in this state
13 of chaos and disturbance, were reaching an age when they
14 would be leaving Kerelaw that summer. They would be
15 leaving May/June and being replaced by a new intake, and
16 that you felt, at the time that when that happened,
17 there would be a continuation of the period of calm; was
18 that your thinking?

19 A. That was the matter in a nutshell.

20 Q. So -- but, obviously, we know that the action taken,
21 however, in your case was that you were removed from the
22 position of principal in June 2004, and so you didn't
23 get a chance to continue running the school at that
24 point and you were moved elsewhere?

25 A. I was moved to work in the education headquarters, in

1 Glasgow.

2 Q. And --

3 A. So I had no -- I was totally in the dark about whatever
4 investigations were taking place in Millerston Unit.

5 Q. Of course, we know, obviously, that this joint
6 investigation that started in the summer of 2004, that
7 became quite a big exercise, and you were drawn into
8 that to an extent, in 2005, perhaps, and while you were
9 transferred elsewhere. And lots of people were the
10 subject of fact-finding investigations who had been at
11 Kerelaw, many were suspended, and a considerable number
12 were dismissed, including yourself, ultimately; correct?

13 A. Yes, that's correct.

14 Q. For various reasons.

15 A. Yes, yes, yes.

16 Q. In your case, the basis was gross misconduct, but it
17 wasn't to do with your treatment of young people. It
18 was to do with what they considered management issues.

19 A. Yes, indeed.

20 Q. If I can put it as broadly as that? I don't want to get
21 drawn in too much.

22 A. Yes. Yes.

23 Q. But other people had various sanctions. At the same
24 time some had final written warnings, some had written
25 warnings, some were dismissed, and some had no further

1 action, or perhaps what's called counselling or
2 something along those lines. That was the sort of thing
3 that was happening in 2004 and beyond.

4 Of course, the other development was, after you
5 left, there was a critical inspection report of the --
6 is it the open school, in 2004?

7 A. It was.

8 Q. By a joint inspection by the Care Commission and the
9 HMIE. The response of Glasgow at that time, whatever
10 was previously being talked about with Kerelaw, was to
11 close the open school and transfer young people either
12 back to their community or to other places; does that
13 capture what was going on?

14 A. It does.

15 Q. Then, subsequently, the secure unit, which remained in
16 place, was closed in 2006, and that was the end of
17 Kerelaw as a place for young people.

18 Then, subsequently, Glasgow Council and the Scottish
19 Government commissioned an independent investigation
20 into the situation at Kerelaw --

21 A. Yes.

22 Q. -- what had gone wrong, what happened.

23 A. Yes, indeed.

24 Q. That led to the Independent Inquiry report in 2009?

25 A. Indeed. Indeed.

1 Q. Obviously, some people, including yourself, were very
2 critical of the way that Glasgow handled this process of
3 investigation, particularly because they were claiming
4 it was done under a disciplinary procedure of their own,
5 and that you took action, as did others, some others.
6 You went to an employment tribunal, and you won your
7 case and were held to have been unfairly dismissed --
8 A. Yes.
9 Q. -- because there was a non-adherence to the Glasgow
10 disciplinary process. That was -- I don't want to --
11 A. Yes, that was a contributory factor. But, I mean,
12 I think I've put in the report what the judge said at
13 the end of this --
14 Q. Yes.
15 A. -- employment tribunal, in her judgment.
16 Q. Because I think you felt that your position, put quite
17 simply, was: you did your job, you didn't feel that the
18 actions you were taking as principal in any way
19 contributed to the state of affairs or that you did
20 something that warranted, some criticism that it was
21 a failure in management that amounted to gross
22 misconduct.
23 A. Yes.
24 Q. Even if there were things in retrospect that you might
25 have said, 'Well, looking back I could have -- maybe

1 other things could have been done and it might have had
2 a better outcome'; am I putting that fairly?

3 A. No, that's fair enough. No, no, that's fair enough.

4 Q. Can I just go back to some of the situation at Kerelaw?
5 Please tell me if you don't -- if it's something you
6 can't comment on.

7 You had a piece in your statement about culture.
8 Now, a number of people, and certainly in giving
9 evidence to the Independent Inquiry, described the
10 culture as a macho culture, and I think you're maybe
11 aware of that expression being used and, indeed, the
12 Independent Inquiry seemed to feel that description was
13 warranted, given the attitudes and the approaches of
14 particularly certain individuals who had a certain style
15 of management which some might call macho culture.

16 Now, is that a --

17 A. I think that's an exaggeration.

18 Q. Okay.

19 A. There were certainly two female unit managers that I can
20 remember. There may well have been a third. And,
21 roughly, I think, 40 per cent of the care staff were
22 female.

23 Q. I think with -- well, in fairness to the Independent
24 Inquiry, I don't think they based that conclusion on the
25 relative numbers of male and female at the time; it was

1 more the way in which the male staff, even if they
2 were -- they had female colleagues -- were behaving and
3 acting both towards pupils and towards other staff.
4 There was a -- it was a certain style, a macho type of
5 style and, indeed, I think to some extent that maybe was
6 the basis of the grievances by two female members of
7 John Muldoon's unit in 2004, was it not?

8 A. That may well have been the case.

9 Q. Yes. So --

10 A. But, equally, there were other women, other female care
11 staff, who did not espouse the notion of a macho
12 culture.

13 Q. Well, maybe this goes back to my earlier point, that at
14 that time there were clearly differences. They were
15 disunited in terms of what they thought the culture was,
16 what they considered to be the type of approach to care
17 and so forth. So there was clearly -- there was no
18 united team below -- I know your position is that wasn't
19 something that was brought to your attention or you were
20 conscious of at the time, but that seems to have been
21 what was happening below your level, there were these
22 difficulties?

23 A. I would say that there were certain units, particularly
24 Millerston, within which there was a macho culture, if
25 we have to put a label on it.

1 Q. Okay.

2 A. I don't know that that could be universally said.

3 Q. No, well, can I put it this way as well then: another
4 way in which it's been put, I think, to this Inquiry,
5 and I think probably to Frazell's Inquiry in 2009, is
6 that the unit managers had in practice a high degree of
7 autonomy when it came to how their particular units were
8 run, which meant that not all units were managed in
9 substantially the same way. So if there was a unit
10 manager who was female and a unit manager who was male,
11 then they could run them in very different ways.

12 A. That's a reasonable comment.

13 Q. Of course, it wasn't helped by the fact that in most
14 units there was a lot of untrained, unqualified staff.
15 So they didn't even have the background of consistency
16 learned from training?

17 A. I'm sure if a new member of staff were to have been
18 moved from, say, Wilson Unit to Millerston Unit, they
19 might be a bit perplexed.

20 Q. If I go to your management approach, I think you made
21 the point, both in your Tribunal hearing and also,
22 I think, possibly here, the way you managed as principal
23 was to delegate responsibility for certain matters, such
24 as, for example, supervision and appraisal of those
25 further down the chain to your senior managers at

1 Kerelaw, your deputy heads and so forth. If
2 I understand your position, it was that they were not
3 coming back to you at the time and saying that there
4 were problems. So you were left with the impression,
5 rightly or wrongly, that they were -- that things were
6 running relatively smoothly.

7 A. Well, I don't think they were saying that things were
8 running relatively smoothly. But what they were --
9 what -- and this may well be the difficulty here -- was
10 that we had a lot of kids absconding, a lot of
11 restraints, and I think we attributed that solely to the
12 age profile of the young people involved and the manner
13 in which they came. And it was also at times quite
14 difficult to get my external manager to, for example,
15 put a child into security.

16 Q. Yes. Because you tell us, I think, that certainly there
17 were issues over one boy who was seen as maybe causing
18 particular problems, Gary Bryce, you've mentioned him.

19 At some point -- and I'm not going to go into the
20 ins and outs of it, but at some point there was
21 a discussion about whether he should move from the open
22 school to the secure unit and, ultimately, he was moved
23 to the secure unit and you explain how that decision
24 came about.

25 He was the boy, was he not, who was the subject of

1 a petition by staff, who wanted him transferred out of
2 their unit to somewhere else because he was seen as
3 a big part of the problem, in terms of what was
4 happening both in the unit, in the school as a whole,
5 and in the community surrounding the school; is that
6 a fair comment?

7 A. The one and only child in the 17 years I was at Kerelaw
8 that was ever made the subject of a ...

9 Q. A petition?

10 A. A petition.

11 Q. You will appreciate -- because you will have seen what
12 he says in his statement -- he takes issue with the
13 decision to transfer him to a secure unit and, to some
14 extent, mentions figures who were involved in one way or
15 another in doing that, and I think you were named.
16 Also, people who actually took him to the secure unit
17 are named and so forth. You'll know all about that.

18 A. I do. And I did spend time with Gary, advising him that
19 if he pursued the track that he was on, then there was
20 every possibility that he would need to go to the secure
21 unit.

22 Q. Okay.

23 A. Which eventually happened, with the agreement of
24 Bill Adam.

25 Q. Yes, and it happens in the way you have told us. The

1 way that you didn't realise when you started off that
2 a person could move from the open unit administratively
3 to the secure unit without a Panel decision. But,
4 afterwards, it would be followed up with a Panel
5 decision, and that's what happened in his case?

6 A. That's what happened in Gary's case, yes.

7 Q. Now, can I just move to something else that you tell us
8 about, at paragraphs 63 to 66 of your signed statement?
9 It's this issue of staff taking children out of Kerelaw
10 on what I term a one-to-one basis.

11 A. Mm-hm.

12 Q. You say something about this matter, and indeed you
13 start with saying:

14 'Staff were not supposed to take children out ... on
15 a one to one basis. They were told not to do that.'

16 Now, can I just be clear that when you arrived at
17 Kerelaw in 1987, was that your understanding of the
18 position, they were not supposed to take them out as
19 a matter of policy or did that come in later?

20 A. I wrote a memo in 1999 and I can't remember the reason
21 why I wrote the memo. But that was about a member of
22 staff going out in a vehicle with a member of the
23 opposite sex.

24 Q. Yes.

25 A. That was the reason why that was written.

1 Q. So that triggered a memo from you?

2 A. That was in 1999.

3 Q. Yes. So that was well after you started at Kerelaw.

4 A. Oh yes, yes. Yes, indeed. Yes.

5 Q. But, before then, we understand from the evidence we've

6 heard so far that it was perhaps, whatever the council's

7 policy may have been generally, that it was

8 an established practice that some staff would take

9 children out on trips, sometimes on their own, sometimes

10 with one child only, and in some cases would take

11 a child or children to their own homes; that was not

12 seen as objectionable within Kerelaw?

13 A. There was a memo written in 1996, saying that taking

14 children out of the school to a member of staff's home

15 should cease forthwith. But that would have been one of

16 the first memos, I think, that was written by Glasgow

17 City Council.

18 LADY SMITH: Am I to take it from that, that your evidence

19 is that you weren't aware of there being any direction

20 not to do that before 1996?

21 A. That's correct, my Lady.

22 MR PEOPLES: But you can see the obvious risks of not having

23 such a policy or the risks of the situation --

24 A. Yes.

25 Q. -- that we're discussing.

1 A. Yes.

2 Q. Indeed, we know, I think from subsequent events, that
3 the risk in some cases materialised because there were
4 children taken from Kerelaw to the homes of certain
5 staff and they were physically or sexually abused?

6 A. Yes, indeed. Absolutely.

7 LADY SMITH: Did you know it was happening before 1996?

8 A. I wasn't personally aware of anybody who took kids from
9 Kerelaw to their home. But I do know that some staff,
10 for example at Christmas, would maybe take a child to
11 their house to give them a meal or whatever, if they
12 were -- if there was nobody else in the unit, that sort
13 of thing, my Lady.

14 LADY SMITH: Thank you.

15 MR PEOPLES: If I could just move on in the statement, then,
16 having dealt with that.

17 A. Yes, yes.

18 Q. Sorry, before I move on, you told us about the memo that
19 you issued, and the reason you issued it in 1999 or
20 thereabouts; was it complied with, including by the
21 female member of staff who had taken a boy out?

22 A. Well, I think it was complied with, but not by the
23 female member of staff in question.

24 Q. Generally there was compliance, but not by this
25 particular individual?

1 A. That's correct, yes.

2 Q. I think that individual, without going into too much
3 detail, subsequently faced criminal proceedings arising
4 out of alleged activity with a boy who was in Kerelaw.
5 Although she was subsequently, I think, in those
6 proceedings, found either not guilty or not proven.

7 A. I think it was a not proven there, yes.

8 Q. Now, just passing on to paragraph 72, because you
9 mentioned Bob Forrest before and the action he took with
10 the person who admitted punching the boy, and I think
11 this is the incident that you mentioned earlier on about
12 the female member of staff --

13 A. Yes.

14 Q. -- and what led to the increase in night staff.

15 A. Yes.

16 Q. It appears that the people who came to the assistance of
17 the female member of staff in the unit were other night
18 care staff members; is that correct?

19 A. Yes, and it was a member of the day staff who was in the
20 unit or still in the unit beyond bedtime. I don't know
21 whether she was waiting for a lift from someone.
22 I don't remember the exact details.

23 Q. But what she did was, she phoned for assistance,
24 assistance came, and what -- presumably, these were
25 established members of the night care staff, the two

1 individuals, they are named; do you understand them to
2 be?

3 A. Yes, I know the people in question. I know their names.

4 Q. And what they -- their response was that they left the
5 school and went in search of this individual and beat
6 someone up.

7 A. They did.

8 Q. And the upshot was they were removed from the school,
9 suspended, and, your understanding was, sacked, and this
10 happened in Bob Forrest's time.

11 So their reaction wasn't just to make sure she was
12 all right; their immediate response was: we'll go and
13 get him. We'll leave the school. We'll beat him up.

14 That seems to be the --

15 A. Well, yes. And I think the irony of it is that they
16 didn't beat up the intruder.

17 Q. It wasn't the right person?

18 A. They just beat up, you know --

19 Q. Someone?

20 A. -- a John Doe, as Americans would say.

21 Q. Does that tell you anything about their attitude, in
22 terms of how they would respond to a situation?

23 A. Well, I would determine that as a macho response.

24 Q. Yes. I mean, we don't know what they said in
25 mitigation, whether it was out of character for them? I

1 don't know if you can help us with that?

2 A. No, I couldn't help you with that, I'm sorry.

3 Q. Now, can I move to another topic? This is bullying.

4 You tell us, at paragraph 77 of your statement -- you

5 say 'we', I think you probably mean the staff in

6 general, including the senior managers:

7 '... had suspicion that peer to peer bullying was
8 going on.'

9 You say that you heard stories of older kids:

10 '... either bullying younger kids or sometimes
11 sending younger kids to bully other kids. It featured
12 in the school quite a lot, but I don't remember getting
13 a complaint from a young person getting bullied by
14 another person.'

15 So the absence of complaint isn't something that
16 necessarily said to you there's not a problem?

17 A. No, indeed. No, no.

18 Q. And the stories that you were hearing, can you recall:
19 where were they coming from? Staff discussions? Young
20 people being overheard or --

21 A. Actually, quite a few of the stories I heard came in the
22 wake of Matt George and John Muldoon's imprisonment.
23 There were articles in the newspaper. Quite a few
24 articles from former residents who were saying that they
25 had been sent by a member of staff to bully other kids.

1 Q. So that's maybe how you came to --

2 A. That's how I came across it.

3 Q. Now, you also have a section on restraint; could I ask

4 you a few questions about that?

5 You tell us what we know as TCI training,

6 therapeutic crisis intervention, came in in 1996?

7 A. Indeed.

8 Q. It was then a four-day course; was that an external

9 course? In terms of you had to go somewhere?

10 A. No. The training was held in Kerelaw School.

11 Q. Okay.

12 A. I think it was in the staff room, but I might be wrong.

13 Or it might have been a big classroom. But it was held

14 in the school. And it was a four-day course, and it was

15 only latterly that restraint was actually taught.

16 There was a great deal of time taken by the

17 trainers. These were TCI approved trainers from

18 Glasgow, who had come down. But there was a great deal

19 of time spent indicating that this is not a restraint

20 course. It's anything but a restraint course and: the

21 methods that we will teach you, before we come to the

22 inevitability, sometimes, of a restraint, the techniques

23 that we will teach you will mean that you don't need to

24 restrain a child.

25 Q. So maybe the clue is in the words. It's intervention,

1 crisis intervention in a therapeutic way, not physical
2 intervention in a crisis. But I'm getting the
3 impression from what you say in paragraph 81, where you
4 say:

5 'I think there were some members of staff that
6 didn't really do the intervention part very well or
7 chose to move to the restraint part a lot sooner than
8 was warranted.'

9 You say that was a gut feeling rather than anything
10 else; was that based on conversations you have had
11 since?

12 A. It was a gut feeling at the time.

13 Q. Right.

14 A. But there was nothing in the paperwork which we got, the
15 violent incident forms, to confirm that.

16 Q. But it would be easy enough in a paperwork not to
17 disclose that particular type of thing.

18 A. Absolutely.

19 Q. You're not going to write -- if you do a form, you're
20 not going to say, 'I went in straightaway' or
21 'I implemented my unit manager's zero tolerance policy'.

22 A. No, no, no.

23 Q. That's being naive to think you would see that.

24 A. No, that's quite correct.

25 Q. And if you ask the people involved -- and it's usually

1 many more the staff than the young person -- I don't
2 suppose you were getting reports back saying they were
3 saying, 'Oh, I think I went in too early' or 'I think
4 I went over the top' or 'I think I used the wrong
5 technique' or 'I think I used a wrist lock when I should
6 have used some other proved method'?

7 A. Jim, there is a numbers game here in as much as there is
8 one child involved and there are very often three, maybe
9 four members of staff. And in fact I helped at
10 a fact-finding for a TCI restraint, alongside Sandy
11 Cunningham, who was principal officer of education in
12 Glasgow at the time, and that's what it came down to.
13 There was one young person saying one thing and four
14 adults saying something altogether different.

15 Q. And I bet I can guess the outcome?

16 A. Yes.

17 Q. It wouldn't be difficult in that situation to see
18 whether the young person's got an uphill struggle?

19 A. Indeed.

20 Q. If they maintain a united front.

21 A. Indeed.

22 Q. And they say: all the paperwork says we did it by the
23 book.

24 A. Indeed.

25 Q. The other point you make is -- you say this training was

1 around 1996, this four-day intensive course at the
2 school, and you say a lot of people, I think, recruited
3 after 1996 had not done TCI training, and those that did
4 it in 1996 had not done refresher training; now, is that
5 something you picked up when you became principal?

6 A. Indeed it was. And it was mentioned in the
7 redevelopment of the school plan in 2002, that there was
8 a -- well, it didn't say a desperate need for refresher
9 training in TCI, but there was a need, a very important
10 need for that.

11 I mean, I had been looking at the current iteration
12 of TCI, as it were, and if you will just bear with me
13 for a minute -- this is from Cornell University, and
14 what they're saying is, currently now, for practitioners
15 there should be a refresher course in TCI -- sorry,
16 I'm all fingers and thumbs here. There should be
17 a refresher course in TCI every six months for people
18 who are qualified in it.

19 LADY SMITH: And can you tell me what the date of that
20 Cornell guidance is?

21 A. Ah, now that's a good question, my Lady, because I don't
22 actually have it here, but I think it's fairly up to
23 date. I'm pretty sure it's up to date. It's the
24 seventh edition of TCI.

25 LADY SMITH: Okay, the seventh edition. From Cornell?

1 A. Aye, Cornell University.

2 MR PEOPLES: So this idea came from Cornell in the 1990s and
3 training was given. I think we'll either know or we'll
4 hear that from time to time there will be updated
5 versions. So it wasn't just a matter of refreshing what
6 you had learned before; it was a matter of finding out
7 to what extent it had changed since the previous
8 training.

9 So there is a need to have training on a regular
10 basis for restraint. If you were -- particularly if
11 your chosen method was TCI, because they clearly do
12 issue different editions over time.

13 A. Yes. It says here that:

14 'Training for direct care staff to refresh skills is
15 required semi-annually at a minimum. Refreshers are
16 designed to give staff the opportunity to practice
17 deescalation skills.'

18 I could go on. There's a lot there.

19 Q. No, it's okay.

20 A. But you get the drift.

21 Q. I get the drift. And can I say this: I don't know if
22 you are aware of this, but Glasgow, in 2016, changed
23 their approach. They no longer use TCI training. They
24 now use something called promoting positive behaviour,
25 which is a ...

1 A. Okay.

2 Q. So they have a different approach. I think in many
3 respects there are similarities between the two, and
4 they are certainly not reverting to the methods of using
5 pain-inducing techniques, or wrist locks or arm locks,
6 but they do have a different method.

7 So whatever Cornell is saying now, that's not the
8 method that Glasgow is following. Although there may be
9 other authorities --

10 A. Well, is there not a programme called 'Holding safely'?

11 Q. There is. That's a guidance in terms of, is it not,
12 Scottish Government guidance that was issued to assist
13 people as to holding safely, and indeed I think the
14 terminology has changed as well. It's no longer
15 'restraint', it's 'holding safely'.

16 A. Yes.

17 Q. Maybe to try and convey some of the things that perhaps
18 those who were trained didn't pick up adequately when
19 they had the training in the first place.

20 A. Indeed, indeed.

21 Q. Indeed, we have heard some evidence that people who did
22 attend training sessions for TCI were pretty dismissive,
23 and indeed some would read a newspaper during the
24 training; was that something that came to your
25 knowledge?

1 A. It was not something that came to my knowledge, no.

2 Q. What would be your reaction if that had come back to
3 you?

4 A. Well, I would have had strong words with the people
5 involved.

6 Q. Okay.

7 Now, if I could -- could I just ask you about
8 recruitment, briefly?

9 We kind of have a typical picture in our minds about
10 the sort of people that were recruited as residential
11 care workers at Kerelaw, going back some distance. They
12 seem to have had certain attributes, physical size,
13 perhaps, fitness, maybe an apparent capacity to deal
14 with sometimes aggressive young people who are in their
15 teenage years, males, and that they might have come from
16 a background of the Prison Service, the army, the
17 police, or even professional footballers who were fit
18 and capable of handling themselves; does that sort of
19 description fit quite a number of people who were
20 working at Kerelaw in your time as residential care
21 staff?

22 A. Well, I didn't take these people on board, as it were.
23 But yes, aye, there are certain characters -- I've got
24 certain characters in my head who fit that description.

25 Q. Most of the time these people would come from the

1 locality, because there was a lot of people from, maybe
2 three towns in Ayrshire, for a lot of Kerelaw's
3 existence and they would come without any childcare
4 qualifications in addition. So it's not, maybe, the
5 ideal way to recruit people for maybe the hardest job
6 that they will ever have and where they're dealing with
7 very vulnerable young people with complex needs, is it?

8 A. No, it's not. I -- certainly the people I recruited
9 post 2001 weren't necessarily in the categories you've
10 just described.

11 Most of the people who did work in Kerelaw worked in
12 the three towns, which means they were maybe only
13 a maximum of five or six miles away from the school.

14 Q. And quite a lot of them knew each other?

15 A. Well, a lot of them did know each other. They were
16 either at school with each other or they lived near each
17 other, or in some cases they may well have had
18 a relationship with each other.

19 Q. Do you accept, given that as well, anyone who wanted to
20 put their head above the parapet and raise concerns
21 about a colleague, or even a young person who wanted to
22 do so, would face difficult challenges and might think
23 twice about whether this was a good idea?

24 A. I think that's probably the case.

25 Q. Now, if I can just deal with a couple of other matters.

1 You have looked at the Independent Inquiry report and,
2 generally speaking; do you accept the findings of that
3 report? Because it was critical of Glasgow City
4 Council, it was critical of the external management of
5 Kerelaw and, to a degree, it was critical of the
6 internal management of Kerelaw.

7 Now, what do you have to say at this stage on that?

8 A. I think the report was quite well researched. I think
9 it was balanced and I agree, by and large, with the
10 conclusions it came to.

11 Q. So far as your position is concerned, so we've got this
12 clear; does it really come to this: abuse, sexual and
13 physical, as we now know was happening, was happening
14 when you were at Kerelaw between 1987 and 2004. But
15 your position, as I understand it, is that that was
16 happening without any knowledge on your part, or
17 awareness?

18 A. I had no knowledge. I had no awareness that these
19 things were happening.

20 Q. Broadly speaking, you had, perhaps entirely, you had no
21 concerns on that score about any member of staff,
22 including Matt George, John Muldoon, Thomas Howe, and
23 others?

24 A. I had none. Matt George was a well-liked member of
25 staff. There was never any problem with kids going with

1 him to his art room of an evening or whatever. Any time
2 I had seen him with kids, they seemed to relate very
3 well, very easily to him.

4 John Muldoon could be difficult at times, by virtue
5 of the fact that he worked inordinately long hours and
6 never took holidays, and seemed to be a bit
7 authoritarian. But for a very long time in Baird Unit,
8 Baird Unit was a very quiet unit, so it would appear,
9 and never --

10 Q. Quiet maybe, but things did happen in it when he was
11 there --

12 A. Yes, indeed.

13 Q. -- as you know now.

14 A. Yes, yes.

15 Q. So far as complaints of abuse are concerned whether they
16 came from either young people or what might be termed
17 whistleblowers; you weren't getting those either as
18 principal or you weren't becoming aware of them when you
19 were head of education, or deputy head?

20 A. No.

21 Q. Of course, you're now saying that isn't to say that the
22 absence of complaints is proof that there was no abuse,
23 because we now know there was.

24 A. That's correct.

25 Q. And you, I take it, do accept that abuse did happen and

1 has been proved, for example, by the convictions of
2 Matt George, John Muldoon, Thomas Howe, and indeed there
3 was another individual who had a single conviction for
4 assault, Jim Boyd; I don't know if you knew that?

5 A. I did not know that.

6 Q. Well, I can tell you that he was, for one episode of
7 assaulting a girl when she was returned from absconding
8 in the custody of policemen --

9 A. Right.

10 Q. -- and, in their presence, he assaulted her.

11 A. I knew there had been a conviction for assault. I did
12 not know the name of the person who had --

13 Q. You can take it from me that's who. But you accept that
14 these prove that certain staff, at any rate, were
15 abusing, and indeed in some cases over a very long
16 period of time.

17 A. Indeed.

18 Q. Do you also accept, therefore, that these convictions
19 prove that over a long period of time all children at
20 Kerelaw were at risk of physical and sexual abuse due to
21 the presence of these individuals and that
22 a considerable number of pupils were victims of serious
23 physical and sexual abuse with lasting consequences? Do
24 you accept that it follows?

25 A. I do. And I'm very sorry for that.

1 Q. Yes. Because there were a large number of people
2 involved in the convictions, people who gave evidence,
3 you may or may not know, in two trials of Matt George
4 and John Muldoon in particular.

5 A. I don't know terribly much about the second trial guys,
6 but I do know from the first one.

7 MR PEOPLES: Take it from me, there were quite a large
8 number of people who were what we would term
9 'complainers', against whom it was proved that both of
10 these individuals physically and/or sexually abused
11 them.

12 I think, Jim, these are all my questions today.
13 I hope I've given you an opportunity to say anything you
14 wanted to say and that, other than that, I would just
15 wish to thank you for coming today and answering all my
16 questions. So thank you very much.

17 A. Fine, thank you.

18 LADY SMITH: Jim, let me add my thanks to you for engaging
19 with us as frankly and openly and helpfully as you have
20 done. As I said at the beginning, I knew we were asking
21 you to do something difficult and I'm sure it's also
22 been an exhausting morning for you. We've been
23 questioning you for a long time. So I'm delighted to be
24 able to let you go now. You go with my thanks. You
25 have added to my learning and understanding and I hope

1 Yes, the next witness is to be known as 'Ken', and
2 he is someone who would require to be given a warning.

3 LADY SMITH: Yes. Thank you.

4 'Ken' (affirmed)

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

6 'Ken', thank you for coming along to engage with us
7 this afternoon so that we can explore some aspects of
8 your time at Kerelaw in evidence with you. It's very
9 helpful to have you here to be able to do that.

10 I know what we're asking you to do is difficult.
11 Not many people would choose to come into a public forum
12 and be questioned about events in their working and
13 personal lives going back many years, particularly in
14 a context such as Kerelaw, which has so much difficulty
15 and sadness attached to it. But you're helping us by
16 being here.

17 If at any time you want a break or a pause, just
18 sitting where you are, please don't hesitate to let me
19 know. I can do that. Or if you are not following
20 anything we're asking you or why we're asking you about
21 it, do speak up and ask. It's our fault if things don't
22 make sense, not yours.

23 Separately, can I just say, you probably appreciate
24 that you may be asked a question or questions, your
25 responses to which could incriminate you, depending on

1 what they may be. Although this isn't a courtroom, it's
2 a public inquiry, you have exactly the same rights as
3 you would have in a courtroom, so that means you can
4 choose not to answer such a question. But, of course,
5 if you do answer it, you must answer it fully, and you
6 need to be aware that a transcript is being made of the
7 evidence, so it will be available at a later date; does
8 that all make sense?

9 A. Yes.

10 LADY SMITH: Thank you.

11 If you are ready, 'Ken', I'll hand over to Ms Forbes
12 and she'll take it from there.

13 Ms Forbes.

14 Questions from Ms Forbes

15 MS FORBES: Thank you, my Lady.

16 Good afternoon, 'Ken'.

17 A. Good afternoon.

18 Q. The folder that you have in front of you has a copy of
19 your statement and that has a reference number for our
20 purposes. I'm just going to read out the reference
21 number for the transcript, it's WIT-1-000001407.

22 If you could go to the last page of your statement,
23 'Ken', there's a paragraph that's at paragraph 128, and
24 this is where there's a declaration made at the end of
25 the statement that says:

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

5 Now, the statement that's shown on the screen has
6 not been signed or dated, the digital copy, but the one
7 that you have in front of you is one that you have
8 signed today; is that right?

9 A. That's correct.

10 Q. So it has your signature and today's date on it; is that
11 the position?

12 A. Yes.

13 Q. If you just go back to the front of your statement, or
14 put it to one side, it's a matter for you, I'm just
15 going to start by going through some of your background
16 to see how you made it to Kerelaw.

17 I think you tell us, 'Ken', you were born in 1963;
18 is that right?

19 A. Yes.

20 Q. Educationally, you have a BSc in biology, and you
21 obtained that in 1983?

22 A. Yes.

23 Q. Then you have a postgraduate certificate in education?

24 A. Yes.

25 Q. And that was in 1991?

1 A. Yes.

2 Q. And then I think later on you obtained a diploma in
3 special educational needs, in 2000?

4 A. Yes.

5 Q. By that time, I think, you were working in Kerelaw; is
6 that right?

7 A. I was, yes.

8 Q. In relation to your work history, you tell us that you
9 were initially employed as a lab technician, and this is
10 from 1983 to 1985.

11 A. Yes.

12 Q. So was that after you left university?

13 A. It was. I was a bus driver after finishing up at
14 Paisley College, and then I managed to get a job working
15 as a lab technician.

16 Q. Now, 'Ken', I notice you're quite softly spoken. There
17 is a microphone in front of you. It might be useful if
18 either you could move yourself forward or move the
19 microphone slightly closer.

20 A. Is that better?

21 LADY SMITH: Yes, you don't need to be too close, but being
22 directly in line with it will help.

23 A. Okay.

24 MS FORBES: Thank you very much, 'Ken'.
25 I think you tell us you were a coach driver from

1 1985 to 1990?

2 A. Yes.

3 Q. A teacher from 1991 to 2005, and then we'll come to the
4 reasons why you went back to being a coach driver again
5 and a bus driver after that. That's what you continue
6 to do now; is that right?

7 A. It is, yes.

8 Q. Now, in relation to Kerelaw, 'Ken', you tell us about
9 going to Kerelaw from paragraph 4 in your statement.
10 I think initially you are asked about your sort of first
11 impressions and what Kerelaw was all about. From your
12 point of view, you saw it as having a purpose of the
13 social care, welfare and education of young people?

14 A. Yes.

15 Q. You say your first impressions of Kerelaw was that it
16 was very informal and not like a mainstream school?

17 A. Yes.

18 Q. And that you did observe, though, that it could go from
19 being relaxed to volatile very quickly?

20 A. I did.

21 Q. Was that due to the nature of the children that were
22 there?

23 A. Yes. But I think on reflection, perhaps, it was the
24 nature of the establishment at different times. At
25 different times we maybe dealt with things better or

1 worse. And sometimes how staff organise themselves,
2 whatever protocols you follow can actually lead to
3 instability in young people's lives. I can see both
4 sides.

5 Q. So this is -- on reflection now, you think that there
6 were issues from children, but also issues in relation
7 to how staff maybe dealt with the young people that were
8 in their care?

9 A. And the number of young people that were in their care.

10 Q. I think you say that you did find the school to be
11 a caring environment that tried to help very socially
12 and emotionally troubled young people, and this would
13 often need -- they would often need that help during
14 crises; this is crises that the children were having?

15 A. They did, yes.

16 Q. And that staff were generally supportive of what they
17 believed the best interests of the individual to be and
18 of the greater school?

19 A. I believe that to be true.

20 Q. You go on to say, 'Ken', that relationships between
21 young people and staff were generally very supportive
22 and caring?

23 A. Yes.

24 Q. And that was your impression?

25 A. That was.

1 Q. Just looking at your time at Kerelaw, from paragraph 7
2 onwards, you tell us that you were a teacher of maths
3 and science whilst you were there?

4 A. Yes.

5 Q. And you were what you've described as a key teacher in
6 the open school and secure unit from 1992 to 2004; what
7 was a key teacher?

8 A. Each young person had an assigned teacher, so they would
9 have an overview of their educational progress from
10 getting reports from their colleagues. You would take
11 that into meetings with maybe the external social worker
12 and the school-appointed key worker, and we were really
13 used as a yardstick to try and encourage and promote
14 improvement, and also highlighting, perhaps, things that
15 needed highlighted, too.

16 It was a system of working in both schools because,
17 for a while, it became them and us with social work and
18 education. You know, there would be the argument from
19 social work that we didn't take care of our own problems
20 and were always looking for them, and they had enough
21 problems with the kids. So it was a way that we could
22 work altogether. I'm not saying they didn't come and
23 help. They did come and help. But, in the main,
24 I think we took more responsibility for the young people
25 and their difficulties, rather than just saying: oh ...

1 Q. Okay. The Inquiry has heard evidence, 'Ken', about the
2 term 'key worker' and children having a key worker; was
3 that then from the care staff side?

4 A. From the social work side, yes.

5 Q. But there was this other role, which would be key
6 teacher, and that would be in relation to educational?

7 A. Yes. I mean, it wasn't like -- you know, we didn't do
8 the RHA-CA(?) forms or anything like that. It was
9 basically glue to hold the place together, so we all
10 were seen to be coming from the same page and that we
11 all had cognisance of what we needed to know.

12 Yes, and we had meetings with the kids. I often get
13 asked -- I don't know why, but I often got asked to be
14 key teacher in one unit I was in, and it was all the
15 kids that I would now know were autistic. It was one
16 person that always approached me for those kids.

17 Q. From what you're describing there, 'Ken', was there,
18 from your point of view, a sort of divide, a sort of
19 'them and us' between the care staff and the teaching
20 staff?

21 A. There was for a bit. But, as I mentioned, I felt we
22 came closer together in how we all worked together
23 because of how the school was set up, in terms of
24 meetings, key teacher, key worker, and the kids got to
25 know who their key teacher was, whether they liked them

1 or not. So, no, I think we all improved.

2 But I remember a time when it was them and us, and
3 it wasn't nice.

4 Q. This key teacher role; was this something that was in
5 place when you first started at Kerelaw?

6 A. No, it wasn't.

7 Q. Do you remember when that originally began?

8 A. I think it sort of started when FSR became
9 principal teacher. It was some of the things he
10 introduced.

11 Q. And when was that, roughly?

12 A. I don't know, sorry.

13 Q. Are you able to say even generally? The mid-1990s or
14 something like that? The late 1990s?

15 A. I would say mid-1990s, possibly. It's as good a guess
16 as any.

17 Q. I think you tell us, 'Ken', that you also took up the
18 role of senior teacher and you were duty officer in the
19 open school and the secure unit as well at times?

20 A. Yes.

21 Q. And that you carried out both roles for some time --

22 A. I did.

23 Q. -- whilst you were there.

24 Did that mean, then, as duty officer you would be
25 involved in the care side of things as well?

1 A. Not necessarily decisions about the individual care of
2 a child, but in terms of the health and safety of the
3 child or the young person and the people that were
4 working with them.

5 [REDACTED] used to say that you were
6 a facilitator for the school to work in an evening, and
7 that's the way I viewed the job; that you tried to help
8 and encourage and sometimes put your foot down. And
9 also you were there if there was unsafe situations to
10 look over, if you felt the need escalated to the police
11 involvement or you could add something to de-escalate.
12 You know, you were generally -- you were where you were
13 required of an evening.

14 Q. You say 'evening', that was going to be my next
15 question: was this a role that you would generally
16 perform outwith the school day?

17 A. Yes. It was overtime. We were a very unusual instance,
18 we were teachers who got overtime. So we got it at
19 a teaching rate. And I did work in the units as
20 a teacher who worked with the kids in the evening, but
21 I also then became a duty officer. So I had an overview
22 of the school and would report to an on-call senior, if
23 I needed to, for advice or help.

24 Q. Was this something that you were required to do, this
25 evening work, in addition to the school day? Or was it

1 voluntary?

2 A. It wasn't contractual, no. It was something that we all
3 chose to do.

4 Q. I think you tell us later, 'Ken', that there were duty
5 officers who operated in both secure and open units and
6 that I think later on you say that when you were in the
7 role of duty officer, you would be called to help and
8 supervise during critical incidents, and in that regard
9 you would then be involved in the supervision of other
10 staff.

11 A. Yes.

12 Q. But, generally speaking, your role as a teacher, even
13 when you moved to senior teacher, didn't involve a line
14 management of anyone?

15 A. No, I had no responsibility.

16 Q. You tell us a little bit about how you came to apply for
17 the role at Kerelaw after seeing an advertisement. When
18 you first started there your line manager was
19 Jim Hunter, who was the head of education; is that
20 right?

21 A. Yes.

22 Q. And Winnie Goodwin, who was the principal teacher?

23 A. I think she became principal teacher, but she wasn't
24 principal teacher when I first started.

25 And I should add that I was there on supply, as

1 a supply teacher, from, I believe, February 1992. 1992.
2 Before I got the job, it would be about May or June of
3 that year.

4 Q. So there was a period where you don't have a permanent
5 role there, but you're there helping out?

6 A. Yes.

7 Q. And you also mention FSR as a principal teacher?

8 A. Yes.

9 Q. You've already mentioned him as well.

10 I think you go on to say that there was a summer
11 mountain leader training course that you undertook in
12 1995 as well, and we might come to talk about that
13 a little bit later.

14 But, also, there was some training on what you call
15 a caring approach to violent behaviour at Gartnavel
16 Hospital?

17 A. Yes.

18 Q. But you're not sure of the dates of that?

19 A. I'm not sure at all.

20 Q. Now, we might have heard about some training at
21 Gartnavel before; was this something that involved
22 training in restraint or pain-inducing techniques?

23 A. Yes, it was developed at Broadmoor, and the -- it was
24 cascaded out and Gartnavel did training for it. And it
25 was basically using pain to control violent behaviour,

1 and it was -- I think it was targeted more at the secure
2 unit. I don't even remember if I was working there or
3 not, but I was selected to go along for the training.

4 Q. But you don't remember when that was?

5 A. No.

6 Q. Do you know whether it was close in time to you starting
7 your role or not?

8 A. I think it would probably be between, perhaps, 1992 and
9 1995, but that's purely a guess.

10 Q. You tell us a little bit about the structure of the
11 staff, as we go forward in your statement, at
12 paragraph 11. We have heard evidence about the staff
13 structure and there being the heads of school and the
14 principal teachers and teachers.

15 You've mentioned senior teacher; was that something
16 different from a principal teacher?

17 A. It was going back to an older time, whereby they wanted
18 people to stay in that line of work who maybe weren't
19 that interested in promotion. So what they'd come up
20 with was a senior teacher and there was only so many
21 senior teachers per establishment. There was a round of
22 interviews. I didn't get one, but I had only just been
23 there a short while. But, later on, there was one that
24 came up and I did get it. It was really a way of
25 keeping -- people wouldn't leave if they got that

1 increment because other jobs wouldn't be as attractive
2 and they could still do what they always liked doing,
3 just working with young people.

4 Q. So it had an increase in pay?

5 A. Yes.

6 Q. But did it have an increase in responsibility?

7 A. Minimally so. I think there was -- I can't even
8 remember what it was, but it was minimal. And it had
9 no -- it wasn't really that useful to the school; it was
10 more a carrot for employees.

11 Q. Okay. And I think you go on to tell us, 'Ken', that the
12 head of the school was in charge and, from your point of
13 view, the head was very experienced and let staff
14 manage, but was always available to help when needed.

15 You're saying that -- is that Jim Hunter at the time
16 you were there or someone else?

17 A. It was Bob Forrest at first and then it was Jim Hunter,
18 but I would say that what I said applied to both.

19 Q. You say that there were no volunteers who worked at
20 Kerelaw; is that in relation to teaching or is that your
21 understanding of the whole --

22 A. Full stop. No, everybody was there on the payroll and
23 they were all vetted.

24 Q. Okay, because we've heard evidence about a time when
25 people from the local area, for example, or who knew

1 people who worked at Kerelaw, could volunteer for shifts
2 there, and that could oftentimes lead to a temporary
3 position and then a permanent position. But that's not
4 something you were aware of at that time?

5 A. Well, they would have to apply. I don't think they just
6 picked up the phone and said: oh, come and help. They
7 would have had to have made a proper application,
8 whether it was Ayrshire that was running the school or
9 whether it was Glasgow City Council. It was all -- to
10 my knowledge, it was all done appropriately. There were
11 all designated people who were supposed to be there and
12 not -- they might well have connections within the
13 school that led them to apply to the school, and there
14 was people that came along and worked that did know
15 people in the school. So that did happen. But they
16 were all supposed to be there.

17 Q. Okay. So that's not the understanding that you had
18 whilst you were there?

19 A. No.

20 Q. And in relation to how other -- how staff knew each
21 other; was your impression that a lot of people who
22 worked at Kerelaw, whether that be on the care side or
23 the teaching side, knew one another from the local area
24 or were related to each other in some way?

25 A. There was those connections within the care side, but

1 not within the teaching side.

2 Q. I think you tell us that in relation to policy, really
3 your only involvement was through expressing opinions at
4 meetings that would happen within the individual units
5 that you had the key teacher responsibility for?

6 A. Yes. And at, obviously, an educational level we have
7 staff meetings, I think it was every Friday. So I would
8 be able to express what opinions I had on a Friday.

9 Q. And in relation to strategic planning, again, you say
10 that you had no involvement in that, but you do make
11 a comment there, 'Ken'. You say:

12 'My impression of working at Kerelaw was that we
13 were constantly fire-fighting and playing catch up.
14 This was particularly the case latterly, as admissions
15 were often unplanned and due to a crisis in some other
16 establishment.'

17 A. Yes.

18 Q. And is that how you saw it?

19 A. That's how I saw it, yes.

20 Q. You talk about the type of children that would come to
21 Kerelaw, from paragraph 24, 'Ken'. You give us the
22 types of routes that they would make their way to
23 Kerelaw, and that's emergency admissions, Childcare
24 Panel orders and court orders, and they all had these
25 different background circumstances. I think you talk

1 a little bit about that later on.

2 So there was a big difference in the type of child
3 or young person that was at Kerelaw while you were
4 there; is that right?

5 A. There was a big variety of ...

6 MS FORBES: Right.

7 LADY SMITH: Were you able to easily find out what had been
8 a particular child's route into Kerelaw when they
9 arrived?

10 A. As a duty officer I probably would know because if they
11 were new to that unit I would be -- I would be doing my
12 rounds and would be -- talking to people was a big part
13 of the job, and you would find out, maybe, where they
14 came from.

15 As a teacher, you would find out -- usually the key
16 teacher would find out from the key worker, once they
17 were appointed, and a brief would be -- what was
18 pertinent for the rest of the teaching staff to know.
19 So, as a teacher, it was kind of informal. You waited
20 for it to happen. But, as a duty officer, yes, I would
21 know if I was working that evening anyone that was new,
22 why they were there.

23 LADY SMITH: Would you want to know as much as you could
24 about the child's background?

25 A. No.

1 LADY SMITH: What would you want to know?

2 A. I'd want to know their history of self-harming
3 behaviour. I'd want to know if they perhaps were
4 a danger to others, what -- if they had any ideas about
5 trigger points. But as regards their own personal life
6 history, I never -- I found I could work with anyone
7 without knowing. You maybe -- you got to know kids, you
8 got to know what they were like and you could guess,
9 perhaps, what was in their background. But, no, knowing
10 all information, definitely not.

11 LADY SMITH: Thank you.

12 MS FORBES: 'Ken', you tell us a little bit about the
13 numbers of pupils that would be in the various units,
14 and we have that there. I'm not going to go through it.

15 You also set out some of the routines in relation to
16 where the food was cooked and leisure time and things
17 like that.

18 You go on to say that there were some organised day
19 trips at weekends and holidays in the open school, but
20 rarely in the secure unit.

21 A. Yes. It was rare because the kids all had orders that
22 held them to that secure unit, and there would be
23 a programme of working through what they could and
24 couldn't do. So it depends which stage -- if it was,
25 perhaps, by order of a court, then perhaps they couldn't

1 move. They'd been sentenced and that's why they were at
2 that school.

3 But I took a variety of kids even out in the secure
4 unit, sometimes just one on one, and that included court
5 referrals as well.

6 But these things were planned and you had to have
7 what they called an exeat and that was signed by the
8 head of social work. So that way it was known
9 throughout the school who was going, it was authorised,
10 and you had to take them. Whereas open school didnt'
11 have that because they didn't need to.

12 But, in the secure unit, it was rarely. They were
13 basically there most of the time with the odd -- they
14 would be more likely to be taken out for, maybe, a home
15 visit or things like that than for any other reason.

16 Q. When you say 'home visit'; do you mean to their home or
17 to a staff member's home?

18 A. To whatever relative or person it was designated that
19 they should go to. Not the staff's, no.

20 Q. But I think you do tell us, 'Ken', that when you started
21 at Kerelaw you did hear about staff taking young people
22 to their homes, but that was at the start of your time
23 in Kerelaw?

24 A. It was. I think there was a -- I saw benefits in it,
25 but I think as the world changed, it wasn't -- you know,

1 it was kind of hard to justify that -- why are they
2 doing it? Why are they doing it with them? There's
3 a whole host of questions could come along with someone
4 doing something that could be quite innocent. And
5 I think the world changed. It was still there when
6 I started.

7 Q. And that was in 1992?

8 A. Yes, but not that -- it wasn't like an everyday thing or
9 everyone does it. There was the odd one and then it
10 just died away.

11 Q. I think you tell us that the young people were educated
12 at the schools, both in the open and secure units.
13 We've heard that there was a different set-up for the
14 secure unit and the open unit, in the sense that the
15 secure unit had classrooms within the secure unit
16 itself; is that right?

17 A. They did, yes.

18 Q. Just moving on, then, 'Ken', I'm not going to go through
19 some of the things you tell us about, living
20 arrangements and things like that. But you do talk
21 about a section, 'Discipline and punishment', so if
22 I could just go to that.

23 You say in relation to discipline and punishment
24 that the individual units, through their care staff,
25 would negotiate and implement sanctions and rewards with

1 the young person based on their circumstances.

2 A. Yes.

3 Q. So that was care staff in the residential part?

4 A. It would really be more -- that would be for the open
5 school more so, because the secure unit kids didn't go
6 out as much. So there was more things could be
7 implemented to a child in the open school, rather than
8 the secure unit.

9 Q. Is that -- I think you say punishment was really
10 sanctions and rewards; would that involve, perhaps,
11 taking away some recreation time or some outing that
12 perhaps a child was supposed to go on?

13 A. Yes, those sort of things. It was never, ever --
14 although I've known teachers who thought they
15 shouldn't -- home leave should be dependent on doing
16 well at school. I thought that was just nonsense. And
17 it never ever was anything about their home leave or
18 going back into their own communities, or people coming
19 to visit. It was solely about using things within the
20 school, like you would with your own child, to actually
21 say, 'Oh, you don't deserve this' or 'You deserve this
22 because you've done really well'. It was both reward
23 and forfeit.

24 Q. And I think you say the education department had a point
25 system to praise and reward young people whilst you were

1 there?

2 A. Yes, it did. And that was like part of the framework of
3 discussion of the meetings with the units. How well the
4 unit was doing as a whole and trying to get the kids to
5 encourage each other. So we had like a term award.
6 There was an amount of money for that unit and, if they
7 won out -- in the open school out of the four units, if
8 they were the winner, they got the money and they could
9 decide to do what they wanted to do on a day out.

10 Yes, it made a big improvement; the meetings; the
11 awards; the discussion. We had a framework to talk
12 between social work and education, and the kids were
13 involved in it as well. It was good.

14 Q. Is that from when you started, in 1992, or did that come
15 in later?

16 A. No, that came in probably under the tenure of FSR
17 as principal teacher.

18 Q. So we are thinking then about mid-1990s or so?

19 A. Mid-1990s, yes.

20 Q. Onwards?

21 I think you're clear here, 'Ken'. You say you didn't
22 discipline children. That's what you say at paragraph
23 44; is that right?

24 A. That's correct, never. No.

25 Q. And the only disciplinary consequences that you could

1 impose as a teacher would be a short 15-minute detention
2 or a referral sent to the school unit meeting for
3 discussion?

4 A. Or -- there are points every day. Every period they get
5 points, so therefore if they didn't have a good period
6 then you weren't going to give them any points.

7 Q. But you weren't responsible for making the ultimate
8 decision of taking away a recreation or a trip, or the
9 example you gave which was removing home leave?

10 A. No. We weren't involved in that at all. That would be
11 the care staff that would make any decisions as regards
12 to the recreation or anything else.

13 Q. I think then you move on to tell us about restraint.
14 You say that restraint was used during your time at
15 Kerelaw in violent situations, where there was a danger
16 to young people or staff, and it was only used by
17 trained staff?

18 A. Yes.

19 Q. And you say that you, yourself, used restraint in
20 violent situations, such as the one as you've described
21 there.

22 A. Yes.

23 Q. Where there was a danger to the young person or staff?

24 A. Yes.

25 Q. You then go on to talk about the therapeutic crisis

1 intervention techniques, and that that's what Kerelaw
2 used in relation to restraint?

3 A. Yes, it was when I finished in the school. That was
4 what we used.

5 Q. Okay. So there was a point in time when that came in;
6 did you receive training on that?

7 A. Yes. The whole school did.

8 Q. Do you remember when that was, roughly?

9 A. I don't, actually. My guess would be between 1995 and
10 2000. But it's purely a guess.

11 Q. We talked earlier, 'Ken', about the Gartnavel training,
12 which was this restraint using pain-inducing techniques;
13 was the therapeutic crisis intervention training after
14 that?

15 A. Yes, it was.

16 Q. So, before you received the training, or the TCI
17 training, as I think it's known; what approach were you
18 using to restrain if you were involved in it?

19 A. In terms of the restraint itself, it probably was what
20 TCI said. I don't think that the caring approach to
21 violent behaviour really took on, apart from the secure
22 unit, to be honest. Because it was mostly directed at
23 the secure unit, and I don't think it was really
24 appropriate, to be honest.

25 Q. Is the principal of that really using pain --

1 A. Yes.

2 Q. -- techniques to bring someone under control?

3 A. Mm-hm.

4 Q. Whereas TCI, 95 per cent of it is about trying to avoid
5 a restraint?

6 A. That's absolutely right, yes. TCI isn't just about
7 restraint. It's about a whole scheme of working with --
8 it's designed to be productive, for the young person to
9 learn from it, to engage in the process. And people
10 tend to focus on the restraint part, but there was
11 a whole lot more to it than that.

12 Q. Was your understanding of that type of approach that
13 restraint was really to be the last resort, as opposed
14 to the first?

15 A. Yes.

16 Q. I think you have mentioned there about diversion tactics
17 or alternatives to putting your hands on someone?

18 A. Yes.

19 Q. You comment there that you did not see excessive
20 restraint being used on children at Kerelaw whilst you
21 were there?

22 A. I saw a lot of restraint being used and know of a lot of
23 instances of restraint in really bad periods in the
24 school, but I wouldn't say it was excessive.

25 Q. Now, when we're talking about 'excessive', I suppose it

1 could be seen in two ways; excessive restraint could be
2 restraint being used on the person physically in
3 an excessive or heavy-handed way. So if we deal with
4 that first; is that something that you saw whilst you
5 were at Kerelaw?

6 A. No.

7 Q. Another way it could be interpreted is excessive
8 restraint could be restraint being used when it was not
9 needed at the time, and that perhaps other techniques,
10 like the diversion techniques, could have been
11 implemented first?

12 A. I think people did -- we used to talk about TCI-ing
13 kids, you know, until we're blue in the face, but we did
14 tend to do that, certainly in the school. But sometimes
15 you reach an end point and you're stuck with what you've
16 got.

17 Within the classroom, as a teacher, you would use
18 various techniques to try and do it. I even used: could
19 you take that over to another teacher?

20 And it is just a note and there's nothing on it.

21 Things like that, just to get them away for a few
22 minutes and come back. And you could maybe try: could
23 go away down to talk to such and such?

24 Which is a way of getting them to sit quietly in a
25 room themselves, so they calm down. We've done loads of

1 things.

2 But sometimes you reach a point -- and at really
3 troubled times there was a knock-on effect that if
4 somebody was restrained others were hyper from it. And
5 if we were going through a bad spell in the school,
6 sometimes there could be two or three restraints in one
7 day. Not often, but there could be.

8 Q. And in relation to anyone using restraint more like a
9 first resort than a last resort; was that something you
10 ever had a concern about?

11 A. No.

12 Q. You talk about particular concerns in relation to
13 Kerelaw, and I think you are asked about them from
14 paragraph 49. You say that you were aware that latterly
15 in your employment at Kerelaw -- so this would have been
16 2004 or so --

17 A. Yes.

18 Q. -- there was an investigation into the Millerston Unit;
19 is that right?

20 A. Yes.

21 Q. That then turned into the Kerelaw Inquiry, which was the
22 joint independent investigation?

23 A. Yes.

24 Q. There were concerns raised during the course of those
25 investigations about, as you say, a wide range of abuse

1 that then turned into Police and Social Work Inquiry.

2 A. Yes.

3 Q. So you did become aware of the fact that there were

4 concerns that had been raised, and certainly these

5 inquiries ultimately found that there were issues in

6 relation to the way that young people were being treated

7 in Kerelaw?

8 A. I did, yes.

9 Q. But, in relation to you at the time, when you were

10 working there; they're not concerns that you had?

11 A. No, there weren't.

12 Q. You're asked a little bit about complaints and what

13 a young person could do, and you say that there was

14 a complaints and reporting process at Kerelaw, and that

15 was used regularly by key workers taking young people

16 through the process. You tell us that complaints were

17 received and processed, and that you received complaints

18 of abuse in relation to violent incidents and

19 restraints?

20 A. That's correct, yes.

21 Q. And was that from young people?

22 A. Yes.

23 Q. And was the nature of those complaints that they had --

24 that the restraint was heavy handed or had gone too far,

25 or wasn't appropriate? What was the nature of those?

1 A. They were a kind of mixture.

2 Q. Mm-hm. And when you received such complaints; what
3 would you do with them?

4 A. Well, the complaint would be investigated, and if it was
5 found there was need for the next step, the next step
6 would be a fact-finding and where you would be
7 interviewed, quite often by external people now, not
8 just with the colleagues you knew.

9 Q. So when you received a complaint; were you then involved
10 in any of the investigation thereafter?

11 A. No.

12 Q. Was it passed to someone?

13 A. It would be passed on. It could have been principal
14 teacher, it could have been head of school. They might
15 have passed it across to the head of secure unit, if it
16 was an open school investigation.

17 Q. Okay. And I think you say, 'Ken' -- and this is at
18 paragraph 54:

19 'Complaints were recorded in the complaints form,
20 which was passed to a unit manager, and also in
21 a "violence to staff" form, if it was a violent
22 incident.'

23 So I think what you're referring to there is
24 something whereby -- is this a staff member making
25 a complaint?

1 A. The violent incident form was a form we filled out for
2 every violent incident and not necessarily every
3 restraint. There could be other incidents that were
4 violent, but no restraint involved. And these we kept
5 a tracker on. So it was the responsibility, I believe,
6 of the principal teacher for you to fill out a form if
7 you had been involved in a violent incident. He would
8 have to log it, and that was there for senior management
9 to overview just how many restraints are taking place
10 and where each one was.

11 I can't remember whether it was a spreadsheet and
12 they had to make comments at different stages. But
13 there was a process there to overview violent incidents.

14 Q. So, in addition to complaints, then, there was supposed
15 to be a record of any restraints that had been carried
16 out?

17 A. Yes.

18 Q. And forms filled in?

19 A. Yes.

20 Q. Who would fill in the form?

21 A. The person who was involved would fill in the form.

22 Q. And that was supposed to be logged somewhere and
23 a record kept?

24 A. It would be within the open school where, when the
25 scheme came in, it would be given to the principal

1 teacher and he would log them.

2 LADY SMITH: So, when you say the 'person who was involved';

3 are you talking about the member of staff --

4 A. Yes.

5 LADY SMITH: -- or the child?

6 A. Yes.

7 LADY SMITH: When you were talking about receipt of

8 complaints yourself; are these complaints from children?

9 A. Yes.

10 LADY SMITH: Would you just deal with them sometimes on

11 a verbal basis or would you always go through a form

12 with them that was filled out?

13 A. What we had was a process. If there had been a violent

14 incident with the child, which I would fill out the

15 form, then afterwards, whether it resulted in

16 a restraint or not, there has to be some sort of coming

17 together and trying to prevent what had happened. And

18 so that was part of the violent incident form. You have

19 to interview afterwards, and that would be recorded on

20 the form, so it would go to the principal teacher. So

21 if that incident had been resolved in a better way --

22 because if these things happen you almost don't want

23 them to happen again, so you are looking to improve. So

24 we did have that and it was recorded.

25 LADY SMITH: Would these be children for whom you were the

1 key member of staff or could it be any children?

2 A. It could be any child that are taught in the school.

3 LADY SMITH: Thank you.

4 MS FORBES: You say, 'Ken', there should have been a sort of

5 debrief after a restraint or a violent incident?

6 A. Yes. I can't remember the term for it, but there was

7 an actual term within TCI for that process.

8 Q. There may well be a term for that, but I'm sure we maybe

9 had evidence about that, 'Ken'.

10 But in relation to this post-incident conversation;

11 who would be involved in that? Would the young person

12 be involved in that along with a member of staff?

13 A. Crucially, the young person, and it should be the person

14 who has filled out the form and had the violent

15 situation with the young person, because otherwise it's

16 meaningless.

17 Q. Okay. So did you see that as an important part of the

18 process?

19 A. Yes.

20 Q. I think the term might be 'life space interview'?

21 A. Yes, it was.

22 Q. This receiving of complaints; was this something that

23 all teachers did within Kerelaw or was it particularly

24 you, for any reason?

25 A. I think it was the people who were involved in the

1 restraints. The problem might not have been with you at
2 the beginning, but you maybe got it -- you were saying
3 about all the things that could be done, you might be
4 the person who is on corridor duty or you might be the
5 person that had to be with them in detention because of
6 whatever incident had happened.

7 So you'd generally find it was certain people would
8 be more comfortable in dealing with situations like
9 that. There were others that weren't as comfortable.
10 So, yes, there wasn't -- it wasn't equal across the
11 board.

12 Q. Okay. And I think you tell us that if there was
13 a complaint, often the practice was to move the staff
14 member to another children's home until the complaint
15 was resolved. This is at paragraph 56.

16 A. Yes, this is what happened in Glasgow City Council's
17 children's homes. And we got a lot of kids that came
18 from children's homes where they had been serial
19 complainers because it often meant if there were staff
20 that would confront them, challenge their behaviour, the
21 easiest one was to get them moved by making a complaint.
22 So we had a lot -- about the time of the Millerston
23 Inquiry, there was a lot of kids that came from that
24 general background.

25 Q. The role that you had as a duty officer would mean that

1 sometimes you would be working in one of the four units,
2 on the open units; is that right?

3 A. Yes.

4 Q. Would it also mean that you would work in the secure
5 unit, as well?

6 A. I did that latterly. I can't remember. I don't know
7 whether they stopped teachers getting overtime as a duty
8 officer in the open school. I was offered the chance to
9 work in a secure unit, but I don't think it was for very
10 long, to be honest.

11 Q. Now, you're then asked about abuse and your knowledge of
12 abuse at Kerelaw, 'Ken'. That's from paragraph 59.

13 In relation to a definition of 'abuse'; I think you
14 tell us that you didn't know of any definition of
15 'abuse' that Kerelaw applied in relation to the
16 treatment of children?

17 A. Really, I can't think that there was anything specific
18 that was -- I think they all -- they just assumed that
19 we all knew what abuse was, we worked with children that
20 had been often abused.

21 There was no -- I know that the world has changed
22 and we have, like, key statements and we have different
23 things, but it didn't seem to be anything at that time
24 I could see I could remember that was like: this is set
25 in stone as to what we believe that abuse is.

1 I think we all knew what abuse was. And I would
2 think -- I would hope that people I worked with, the
3 same with myself, you had an idea what was abusive and
4 what wasn't in relation to your practice.

5 Q. I think you go on to say that you didn't see any
6 behaviour that you considered to be abuse of any kind
7 taking place at Kerelaw?

8 A. That's correct.

9 Q. But children did report abuse to you, and I think you
10 tell us it was mostly people in their lives outside
11 school?

12 A. Yes, they did. And often the way to deal with that is
13 you would give them empathy. You would be supportive in
14 a very positive way about what you felt about them, but
15 you would also have a quiet word with who was maybe
16 their key worker. And often it was just a way of saying
17 to you: I'm going through a bad time.

18 And I didn't need to know any more than that; that
19 was enough.

20 Q. When you say 'mostly'; do you remember any reports to
21 you from children or young people at Kerelaw about abuse
22 at Kerelaw?

23 A. Och, there was always stories, and you knew some of them
24 weren't true. And the stories were sometimes that
25 they -- how can I put it? -- it was to build up their

1 part and, like, 'I knocked out FSB', the PE
2 teacher and things like that. And you knew it was just
3 part of the banter. It was just the same as they used
4 to talk about the police cells, and if they got held
5 over the weekend, they talked about fighting with the
6 police and that was like -- they all spoke about it. I
7 don't know whether it was true or not.

8 Q. When you say they 'all spoke about it'; was that
9 somebody coming to you and officially making a complaint
10 or was this just a general --

11 A. No, it was more just the general banter about the place.

12 Q. So you would become aware of them saying things had
13 happened, but you didn't know whether or not these
14 things were true?

15 A. Some things. But, if you listened carefully enough, you
16 knew that it just part of their banter of building up
17 their own part.

18 Q. You mentioned a PE teacher; did that involve sometimes
19 them mentioning people who worked within Kerelaw?

20 A. Yes, they spoke about us all to each other. So I knew
21 what was going on in home economics, I knew it was going
22 on in arts. They just do, they just talk. And talk --
23 and it wasn't a bad thing, because you would be
24 supportive of your colleague by supporting the story, if
25 you like, by saying: that was really good. You did that

1 there or you did that.

2 So you all reinforced what was going on in other
3 places by the stories. Or you would jokingly say,
4 'I think you're exaggerating', and they would often just
5 laugh.

6 Q. I think you tell us, 'Ken', that you can't be
7 confident -- I think you're asked that question: you
8 can't be confident that if any child was being abused or
9 ill-treated it would have come to light at or around the
10 time it was occurring?

11 And you comment that convictions during the time
12 period that you were at Kerelaw happened years after the
13 abuse had taken place?

14 A. But that's exactly why. Because there's been five
15 convictions in total and, really, there's -- I've had to
16 soul-search, you know: what did I see? What did I think
17 happened?

18 And if the abuse took place, I wasn't there. And
19 I would suspect if it did take place, which -- there's
20 been convictions, so it must have -- then it didn't
21 happen within other staff member's eyesight or hearing.

22 LADY SMITH: And, 'Ken', when you say 'five convictions';
23 you mean five people?

24 A. No, five convictions.

25 LADY SMITH: There are more than five charges.

1 A. That's the ones I am aware of. I'm aware of three
2 people --

3 LADY SMITH: Three people.

4 A. -- who -- I'm not sure about any other ones. There's
5 just the three people I know of.

6 LADY SMITH: Thank you.

7 MS FORBES: I think for that reason you quite frankly say,
8 'Ken' -- it's paragraph 63 -- you can't be confident
9 that no abuse took place, and you make the observation:
10 'Abusers would not abuse in front of other staff.'

11 A. Yes.

12 Q. Abuse could have happened and gone undetected during
13 your time there?

14 A. Yes.

15 Q. And from what you've, I think, just agreed, it did.

16 A. Yes.

17 Q. You were asked to think, then, about child protection
18 arrangements, and we have that there. We can read that,
19 so I won't go through that with you.

20 But, certainly, I think you say that at the time --
21 this is at paragraph 66 -- you thought that the child
22 protection arrangements that were in place worked, but
23 given the convictions of colleagues that you're aware of
24 you find that now difficult to say, especially after
25 20 years?

1 A. Yes.

2 Q. So this is looking back and knowing now what you know?

3 A. Yes.

4 Q. You also talk about external monitoring and record
5 keeping, and we have that there. You tell us, 'Ken',
6 that you were never involved in any investigation on
7 behalf of Kerelaw into allegations of abuse.

8 Thereafter, I think you tell us about a police
9 investigation and that you're aware that there was
10 a police investigation into alleged abuse at Kerelaw,
11 and that it started just before you left the school,
12 in June 2004 --

13 A. Yes.

14 Q. -- and carried on for some years? And you say that you
15 were interviewed by the police over previously
16 investigated allegations as well?

17 A. I was.

18 Q. As we've just talked about in relation to convicted
19 abusers; you know that there were people convicted of
20 abuse of children at Kerelaw?

21 A. I do.

22 Q. And they were people that you had personal dealings
23 with --

24 A. Yes.

25 Q. -- over the time that you worked there?

1 A. I did.

2 Q. And I think you say, at paragraph 76, you had a lot of
3 respect for one former colleague and believed he was
4 an advocate to get the best for the children in his
5 charge. I was extremely surprised at his convictions'.
6 Who do you ...?

7 A. John Muldoon.

8 Q. So that's a reference to John Muldoon; was he at one
9 stage a unit manager in open units?

10 A. He was in Wilson Unit when I started. And when the
11 Millerston Inquiry came into being, he was the unit
12 manager at Millerston.

13 Q. In relation to another former colleague, I think you
14 describe him as someone you thought was very arty, a bit
15 off the wall, and you thought he communicated well with
16 and cared for the young people. Again, you were
17 surprised by his conviction; who do you mean --

18 A. Matt George.

19 Q. Matt George. So he taught art?

20 A. He did.

21 Q. So he would have been one of the teaching staff along
22 with you?

23 A. Yes.

24 Q. But certainly in relation to both of them; you were
25 surprised by their convictions?

1 A. Yes, I was. I have to say.

2 Q. And you talked about some other members of staff, and
3 who you say recall -- this is at paragraphs 79 and 80,
4 and you say that you liked them all and they were all
5 very different and some were very charismatic
6 characters. You comment, 'Ken', that you thought they
7 were all very good at working in very difficult
8 situations and all had a very effective way of dealing
9 with the young people; that's your position in relation
10 to the people that you have named there?

11 A. Yes.

12 Q. Then I think you go on to talk about people
13 individually, and we do have that there.

14 But, ultimately, in relation to all the people you
15 talk about, who you knew to be staff at Kerelaw that you
16 knew whilst you were there, you say you didn't see any
17 of those individuals abuse children and didn't hear of
18 them abusing children whilst you were there?

19 A. That's correct.

20 Q. You then talk, 'Ken', about leaving Kerelaw, and that
21 was in 2004. This was, again, around the time that the
22 Millerston Inquiry was ongoing; is that right?

23 A. Yes.

24 Q. You say that you were dismissed and had to wait some
25 years to successfully go to an industrial tribunal for

1 wrongful dismissal?

2 A. That's correct.

3 Q. And was that successful?

4 A. Yes, it was.

5 Q. Was it in relation to the Millerston Inquiry that led to
6 you being dismissed?

7 A. No. It was really the widening Inquiry of Operation
8 Chalk, the police inquiry, and -- well, no, that's not
9 accurate.

10 It wasn't really the police inquiry that got me
11 dismissed. It was the social work inquiry into me that
12 got me dismissed by Glasgow City Council. I was
13 suspended the day of my mother-in-law's funeral, and it
14 was not until either May -- I think it was May of the
15 next year that I was dismissed.

16 Q. Then I think you say it was quite a period of time then
17 before you were able to challenge that and then --

18 A. It was.

19 Q. -- have an outcome.

20 A. It was 2008, September, was my employment, eventually
21 got to the employment tribunal.

22 Q. Okay. And I think since then, as we've gone over,
23 you've not had a position in relation to the care of
24 young people; is that right?

25 A. That's correct.

1 Q. Is that because you don't want to go back to that?

2 A. Yes, pretty much so. I don't want to go back. I can't
3 go back to teaching because I don't have a -- I'm not
4 a registered teacher anymore. The GTC took away my
5 registration.

6 Q. Was that something that happened as a result of the --
7 following on from the dismissal?

8 A. Yes. It was after the tribunal.

9 Q. I think in relation to helping the Inquiry, 'Ken',
10 you've told us already about some of the stories that
11 you would hear from the young people, and we have that
12 there and what your view was at the time. I think you
13 comment at paragraph 107 that in relation to what young
14 people would say, you never saw signs of physical injury
15 that weren't --

16 A. No, I didn't. No, if every story I heard was true they
17 would be like the walking wounded. You know, there were
18 stories about -- everybody was getting battered by
19 everybody. It was part -- it became part of the general
20 conversation.

21 Q. I think you say, at paragraph 109, kind of what your
22 thoughts, looking back, are on Kerelaw. I think you say
23 it was too big, first of all.

24 A. In the open school, yes.

25 Q. And it was dealing with very disturbed and vulnerable

1 young people who couldn't have their needs met when
2 there were so many of them with such a variety of
3 problems?

4 A. Yes, I believe that to be true.

5 Q. And that really young people's needs weren't met --

6 A. Yes.

7 Q. -- because of that.

8 A. I think -- I believe that now, yes.

9 Q. And that violent outbursts were all too common and staff
10 would have to deal with violent incidents on a daily
11 basis sometimes?

12 A. Yes, the fire-fighting I was referring to earlier.

13 Q. You talk about the fact that there was some very bad
14 assaults that took place against staff whilst you were
15 there?

16 A. Yes.

17 Q. Did that result in injuries to staff?

18 A. I was punched in the face at a childcare review when
19 I said that the child was outwith control in the school.
20 The unit had a different view. But he was, he was
21 just -- he was just wild, and he lost his temper and
22 I wasn't quick enough.

23 Q. You also go on to say that the training that was given
24 at the time was not adequate to meet the needs of those
25 children?

1 A. Yes, I do believe that.

2 Q. And you have mentioned this a little bit about the
3 suspicion I think you had at the time that these people
4 would perhaps now be on the autistic spectrum --
5 disorder?

6 A. At the time I had this impression, and looking back over
7 the period I worked with those young people, yes.
8 It's -- when you have a child that's autistic it does --
9 there's things that people do, you just, like that, you
10 just notice. And it's wee things that if you didn't
11 have that experience you wouldn't notice. And looking
12 back, I think there was a lot of autistic kids I worked
13 with.

14 Q. I think you made the comment as well that if there had
15 been training in learning and reading difficulties, that
16 would have been beneficial, rather than the more general
17 special educational needs qualification.

18 A. The special educational needs qualification allowed
19 a lot of people to get out and get promoted. I didn't
20 leave. I stayed. I think we were poor in terms of
21 worksheets, adapting things, understanding why someone
22 couldn't get things. And it was a lack of understanding
23 of the basics of learning. But we did have a special
24 educational needs teacher and she was very good, and she
25 helped a lot. But I think we needed better training.

1 And the SEN diploma looked great for the school and so
2 many people have got this, but it's the nuts and bolts
3 we should have been better at.

4 LADY SMITH: What do you mean by 'nuts and bolts'?

5 A. Nuts and bolts of learning, and it's more back to
6 primary. It's to do with primary learning and also the
7 fact -- being able to recognise dyslexia, knowing what
8 to do with that. Recognising autism. You know, how to
9 make your room a better environment. There's lots of
10 ways we could have been better with the right training,
11 but we didn't get the right training.

12 I'm not really being critical of my employer. All
13 the other schools were like that in SEN. We were all
14 secondary teachers with one year of educational
15 training.

16 If I'd done the BSc as a teacher, teaching biology,
17 I'd have been a far better teacher than going through,
18 doing my degree, and then the year's -- in PGCE. So
19 there were a lot of avenues of what we did in our
20 education could have been better and there could have
21 been better training while we were there.

22 But nobody was really getting what I'm alluding to
23 at that time.

24 MS FORBES: A lot of the young people that were in

25 Kerelaw -- I think we've heard evidence of this -- some

1 of them really needed to be taught the basics because
2 they hadn't even been through the primary school system.

3 A. That's right. They didn't have the basics, and we were
4 all secondary trained.

5 Q. As you say, if some of those people had what we now know
6 to be ASD, or some form of that, then being in
7 an ordinary classroom environment could have been quite
8 challenging for them, also?

9 A. Yes. I think an awareness of people on the spectrum is
10 a lot greater and better now than it was back then.
11 Back then, I think we were in the darkness compared to
12 now. I would like to think it's done better now.

13 Q. Just at the end of that paragraph, 'Ken', you do say
14 that you feel that you had very vulnerable young people
15 living close to some very violent and abusive young
16 people, who at times were lacking in restraint and any
17 care for others. So there could be young people at very
18 different ends of a spectrum?

19 A. Yes, very much so. And I really felt that we -- if
20 someone needed moved, we got them, regardless of how it
21 fitted in with the other residents of that unit or the
22 whole school. I felt there was no cognisance of the
23 whole school picture, of the unit picture. If they
24 needed them and we seemed like the only place they could
25 go, we got them, and that didn't help.

1 MS FORBES: I'm just about to move on to specific
2 allegations. I don't know, my Lady, if that's --

3 LADY SMITH: Shall we take the afternoon break? 'Ken', I
4 usually take a break of about 10 minutes at this point;
5 would that work for you?

6 A. That would work for me.

7 LADY SMITH: Very well. Let's do that.

8 (3.00 pm)

9 (A short break)

10 (3.11 pm)

11 LADY SMITH: Welcome back.

12 Is it all right if we carry on?

13 A. Yes, please.

14 LADY SMITH: Thank you very much.

15 Ms Forbes.

16 MS FORBES: Thank you, my Lady.

17 'Ken', this is the part of your statement where you
18 are asked about specific allegations. First of all,
19 it's dealt with from paragraph 111 of your statement.

20 The first allegation involves someone called
21 Brian Gallacher, and I think you tell us that he is
22 somebody that you remember; is that right?

23 A. Yes.

24 Q. This is at paragraph 112. You say that you're aware of
25 his background, and you describe him as a very disturbed

1 boy, who had a very sad and difficult upbringing?

2 A. That's correct.

3 Q. You were of the view that he was very emotional and felt
4 very ill at ease with everything?

5 A. He definitely did.

6 Q. I think before you go to the part of his statement that
7 refers to you, I think you make the statement that you
8 didn't sanction or punish Brian Gallacher whilst you
9 were at Kerelaw?

10 A. That's correct, I did not.

11 Q. And you did not abuse Brian Gallacher?

12 A. I definitely did not.

13 Q. Just to go to the part of his statement, first of all,
14 that mentions you, 'Ken', at paragraph 98 of his
15 statement, Brian Gallacher says:

16 'There was no nurse or doctor in the home. I had
17 a cut on my head once after a door was slammed in my
18 face when I was trying to run away. I still have the
19 scar. They just gave me butterfly stitches in-house and
20 didn't take me to the hospital. It was 'Ken' who did
21 it. I think he should have been teaching maths.
22 I can't remember who gave me the stitches. I think it
23 might have been [and he names a person]
24 I remember it was Matt George that came and lifted me
25 after, when I was pouring with blood, and [then he says

1 HRW] ... took me for a McDonald's to shut me
2 up. McDonald's solved everything and was a way to pay
3 people off.'

4 There was something additional, 'Ken', that I made
5 you aware of in relation to Brian Gallacher's live
6 evidence. In relation to the incident we're talking
7 about, it may be that there is a slight difference and
8 I will just let you know what that is. But, again, that
9 is something I have already made you aware of. He says:

10 'In relation to this incident I was getting bullied
11 in class and I tried to run away out of the class and he
12 booted the door open, right in my head.'

13 And then he says:

14 'Matt George had to take me to get stitches and then
15 brought me back.'

16 And he says this was in your class.

17 So I think in the statement that was put to you he
18 is talking about the door being slammed in his face and
19 then, in his live evidence, he is talking about the door
20 being booted open into his head?

21 A. Would that not suggest he was on the other side of the
22 door?

23 Q. Yes. In relation to that, 'Ken'; what's your position
24 in relation to what Brian Gallacher says?

25 A. I don't recall what Brian is talking about, to be

1 perfectly honest.

2 Q. I think you say you don't have any recollection of
3 slamming a door into anyone's face?

4 A. It's not something I would do to anyone, let alone
5 Brian.

6 Q. These aren't things that people would associate with
7 you?

8 A. Absolutely not.

9 Q. In relation to booting a door open; is that something
10 you have a recollection of either?

11 A. No, I have none.

12 Q. I think you also say that if there was a young person
13 pouring with blood that you would have taken action?

14 A. I think I would remember that to this day. It's not
15 something you forget.

16 Q. Okay.

17 Thereafter, Brian Gallacher says, at paragraph 109
18 of his statement, and this is in relation to a larger
19 paragraph, but what he says is:

20 'It was daily physical attacks for me at Kerelaw
21 from the staff and other boys.'

22 Then he goes to paragraph 110, he states:

23 'If I stood at the office near the fish tank to get
24 help from the bullying, the staff would come out and
25 either punch me in the chest or scrape my face down the

1 fish tank brickwork. The staff that assaulted me
2 regularly were ...'

3 And then he lists 12 names of which yours is one
4 included.

5 What's your position in relation to that, 'Ken'?

6 A. I believe there was a fish tank in Millerston Unit,
7 where Brian was a resident. I didn't work in Millerston
8 Unit to do overtime and I think when Brian was there we
9 didn't have the school meetings. But I would have been
10 in Fleming Unit, the other boy's unit. And I would
11 really -- Brian's been posting things on social media
12 since social media started about the school and
13 everything that's been done to him, because my wife kind
14 of keeps track of stuff like that, and I don't know
15 which stories are mixed in with which, but I certainly
16 didn't do that to Brian in that unit or anywhere else.

17 Q. Because I think there's parts where he's saying staff
18 would come out of an office and assault him. But then,
19 separately, he's making a general statement that the
20 staff that assaulted him regularly were -- and then he
21 lists some people?

22 A. Well, I wouldn't be in that office working in that unit
23 and I didn't assault him.

24 Q. Now, I don't think you were necessarily asked this
25 before, 'Ken', but: is there any reason that you would

1 think that Brian is mentioning your name in relation to
2 these incidents?

3 A. I've absolutely no idea.

4 Q. There is a reference to maths, in the first allegation.
5 We've obviously talked about the fact that you had
6 a degree in biology, but was maths something you taught
7 at all?

8 A. I did teach maths, actually, at the beginning, because
9 they had a science teacher and so, therefore, they
10 needed a maths teacher, but they couldn't get anyone to
11 apply. So that's how I managed to get the job, although
12 I wasn't qualified in maths -- was because nobody wanted
13 to work there.

14 Q. Would you also teach science sometimes as well, though?

15 A. At that time it was purely maths, and then when the
16 science teacher -- he sadly died. I taught more
17 science, and I went to the secure unit with was science
18 and, when I come back from the secure unit, it was
19 science again.

20 Q. Okay. Did you ever teach any other subjects?

21 A. Never.

22 Q. But certainly in relation to what Brian Gallacher is
23 talking about; these aren't incidents that you recall?

24 A. No, I don't recall them at all.

25 Q. Moving on, then, 'Ken', to the next part of this section

1 of your statement, and this is in relation to a boy and
2 he has been given a pseudonym of 'Kieran', and I think
3 you've been told his name. But, in relation to this
4 we'll refer to him as 'Kieran', and this is from
5 paragraph 119. I think he is someone that, again, you
6 remember being at Kerelaw?

7 A. Yes.

8 Q. You describe him as being:

9 '... a big boy who had very much a mind of his own,
10 but a good sense of humour.'

11 A. He did.

12 Q. Again, you make the statement that you didn't ever
13 sanction or punish 'Kieran'?

14 A. Never.

15 Q. And you did not abuse 'Kieran'?

16 A. No.

17 Q. In relation to specifics that are said, paragraph 41 of
18 'Kieran's' statement was put to you. So I'll just read
19 out what it says at paragraph 123 of your statement, and
20 'Kieran' is saying:

21 'Sometimes at the weekends we would get taken out
22 for the day or go somewhere on a day trip. One time we
23 went hiking somewhere. I don't know where it was, but
24 it must have been a Munro we climbed. Me and a few
25 other boys fell back from the main group, including the

1 teachers and the guide, so we could smoke cannabis. We
2 thought it would be good fun to get high on a mountain.
3 We were caught in a blizzard and got separated from the
4 main group. It was one of the most terrifying
5 experiences of my life. I thought we were going to die.
6 The guide came back and rescued us and put up a tent
7 where we took shelter until the blizzard passed. The
8 guy who organised these trips did a lot of hiking and
9 I always wanted to go with him. His name was 'Ken'.
10 This was the only time I went with him. The supervision
11 wasn't great on this trip, the fact that this was
12 allowed to happen.'

13 In relation to what 'Kieran' is describing there,
14 I think the position is that it was he and other boys
15 who fell back from the main group and were involved in
16 smoking cannabis?

17 A. Him and one other boy.

18 Q. This is an occasion you recollect; is that right?

19 A. Yes, I do.

20 Q. Yes. What's your recollection of what happened?

21 A. Well, I didn't actually know the reason why they held
22 back. I've only found that out recently.

23 I remember he was very calm because there were two
24 of us who were qualified and knowledgeable. Sometimes
25 kids decide, even though they're desperate -- and

1 usually the kids had to advocate for themselves to get
2 to come if they had never been before. Once they had
3 been and they could be relied upon, they were regulars.
4 But these were two new kids. And sometimes the new kids
5 try and decide what's happening that day. So, like,
6 normal kids, just they don't want to walk that day, they
7 can't be bothered. So our strategy was always we'd walk
8 a wee bit further on and they always came. They never,
9 ever didn't. They couldn't stand the: what do we do?
10 What do we do?

11 And we would just wait on them and they didn't come
12 because they went in another direction because obviously
13 they had something they wanted to do.

14 So it was very, very calm. I basically took out my
15 portable shelter -- it's just like a polythene sheet --
16 and we pulled it over the top of us and we sat down in
17 it, and it's like a wee igloo and it just gets warmer
18 and warmer, and we sat and had lunch. And Tom, who was
19 with me, he went and found them and brought them back.
20 Then they had their lunch and then we just stopped for
21 the day and went back. It was very, very -- there was
22 no -- I think Jim Hunter was more worried about it, my
23 boss, because, you know, they were looking at what could
24 have happened and all the rest of it, 'Thank goodness
25 the two of them knew what they were doing', but, for us,

1 it was very calm. Yes, I didn't think it was a big
2 deal, but I had to write a report on it.

3 Q. I'm not sure, 'Ken', but I think the criticism here
4 perhaps is the supervision wasn't great, that that was
5 allowed to happen. But you've obviously explained how
6 it came to be.

7 A. I'll take that one on the chin.

8 Q. But certainly this was -- this meant that 'Kieran'
9 wasn't taken hill walking again after that?

10 A. Jim Hunter made a decision on it. And I believed it was
11 the correct decision because it affects the safety of
12 all the other young people and ourselves if wee people
13 just go ahead and do something on the spur of the
14 moment. We couldn't have that, so ... and it sent
15 a message -- although we didn't know at the time the
16 reason, the message would have got across to other kids
17 that came regular that, you know, it might be a very --
18 when we're on the hill it's maybe there's not very many
19 reasons we need to tighten up and be very strict, and
20 it's a very easy-going day, but that's not tolerated.
21 You have to be part of the group or you're not in the
22 group at all.

23 Q. And weather conditions on these hills can change
24 quickly.

25 A. We were in the Southern Uplands; it was not a Munro. We

1 were not even anywhere near the top of a hill. It was
2 just walking along a moorside. There was snow in the
3 air, but it wasn't a blizzard. It was only flecks of
4 snow.

5 Tom and I, if it had been a blizzard, we would have
6 had all the kids back. It sounds good, though.

7 LADY SMITH: I suppose he may not have experienced it
8 before.

9 A. No. He wouldn't have, no. I'd actually wished he'd
10 told me at the time what he did because we might have
11 worked round that because I really liked him and
12 I thought he would have been good at hill walking. But
13 Jim Hunter's decision was the right decision.

14 LADY SMITH: Thank you.

15 MS FORBES: I think you say that there were years that you
16 had of successful trips and this was the only one that,
17 ultimately, you ended up having to write a report on?

18 A. That's correct, yes. We'd been all over Glencoe,
19 Loch Lomond. We'd been camping. We'd done loads of
20 stuff with the kids over a number of years. This was
21 only one. And I would settle for that. If you had said
22 at the beginning, 'This is the worst thing that will
23 ever happen taking kids hill walking', I'd have been
24 delighted.

25 Q. Then the next part of 'Kieran's' statement where you're

1 mentioned, 'Ken', is dealt with at paragraph 127 of your
2 statement, and this is paragraph 43 of his. He states:

3 'Ken' taught geography or history. Basically,
4 there was no attempt to educate me.'

5 I think that is the extent of the reference to you
6 in that statement. So I think the blanket criticism
7 there is there being no attempt at education in relation
8 to him.

9 You've commented, 'Ken', that you remember teaching
10 science to this particular boy; is that right?

11 A. I did, yes.

12 Q. Not geography or history. And you can recollect him
13 doing standard grade science examinations?

14 A. I do, yes. It was the investigation part I recall.
15 I can't recall whether he actually went to sit the exam
16 or not.

17 Q. But certainly that's the extent of the criticism of
18 yourself in relation to 'Kieran'.

19 Yes. Is there anything else you want to say about
20 what he says there?

21 A. I think a lot of kids at that time in their lives didn't
22 really want to be educated. They had enough going on in
23 their heads. We didn't always appreciate that.

24 So, if that's a criticism, then I don't think it's
25 too bad a criticism, to be honest. I think if you like

1 the children that you spend time with, then that was
2 bigger than what you educated them, at times.

3 Q. Just separate from that, then, 'Ken', from what we've
4 talked about today, I think you now accept that, despite
5 the fact that at the time you didn't witness any abuse
6 of children or young people at Kerelaw, you accept that
7 abuse did happen during the period that you worked
8 there?

9 A. I do.

10 Q. And convictions of John Muldoon and Matt George are
11 particular examples of that.

12 A. Yes.

13 Q. I think in relation to John Muldoon, the Inquiry has
14 heard that he has been convicted of committing 20
15 offences against 13 young persons over the period 1985
16 to 2004 at Kerelaw -- of pupils at Kerelaw. It may well
17 have been in other places as well, and this was physical
18 and sexual assaults.

19 And in relation to Matt George, he has been
20 convicted of committing over 50 offences against 32
21 young persons over the period 1975 to 2000 and that's,
22 again, physical and sexual assaults, and that was over
23 two separate High Court trials.

24 Are you aware of the fact that there were two
25 separate High Court trials in relation to them?

1 A. Yes, I am, sorrily, yes.

2 Q. So that's a significant number of offences involving
3 a large number of young people who were pupils or young
4 people, at Kerelaw, and some of which covers the period
5 of time that you were there?

6 A. That's correct, yes.

7 Q. In addition to that, there have been another two
8 convictions of two other members of staff that the
9 Inquiry has heard about as well.

10 A. Right. I'm only aware of Tom Howe.

11 MS FORBES: Okay. Well, 'Ken', thank you very much for
12 answering my questions today. I don't have any more
13 questions for you.

14 Is there anything that you want to say that you feel
15 like you haven't had a chance to say today?

16 A. No.

17 MS FORBES: Well, thank you very much.

18 LADY SMITH: 'Ken', can I add my thanks. It's been really
19 helpful to hear from you this afternoon. I have your
20 written statement. Thank you for signing it today.
21 That's part of your evidence, but it has been enhanced
22 by what we've been able to discuss with you. I'm really
23 grateful to you for that, and I'm now able to let you
24 go. Thank you.

25 (The witness withdrew)

1 LADY SMITH: Ms Forbes?

2 MS FORBES: My Lady, I think we're now going to have to
3 read-ins from Mr Peoples.

4 LADY SMITH: Yes, Mr Peoples looks raring to go.

5 While he gets organised, just two names to my list
6 of those who mustn't be identified outside this room.
7 One was FSR and the other was HRW.
8 Thank you.

9 MR PEOPLES: My Lady, the next read-in is from a person who
10 will be referred to today as 'Karen'.

11 'Karen' (read)

12 MR PEOPLES: And her reference is WIT.001.002.1538.

13 LADY SMITH: Yes, whenever you are ready. Thank you.

14 MR PEOPLES: 'Karen' was born in 1983. She tells us about
15 life before care, starting at paragraph 2, and I'll just
16 pick out one or two things.

17 She describes her home life as being horrendous.
18 Her father an alcoholic and her mother physically and
19 emotionally abused her. She was also sexually abused by
20 her uncle and says, rather depressingly:
21 'I don't have one, single happy memory of my
22 childhood.'

23 She goes on to tell us about social work
24 involvement, at paragraph 5, on page 2, and tells us of
25 a particularly bad beating she received from her mother

1 in that paragraph, which resulted in her teachers asking
2 how she came by bruising when she went to school. She
3 told them how it had happened and social work became
4 more involved.

5 She says, at paragraph 7, she kept asking them to
6 allow her to go into care.

7 Then it appears that there was abuse by her uncle,
8 which came to light because around her 14th birthday she
9 was getting social education at school and being told
10 about what was inappropriate behaviour. She says that
11 until then she thought that what was happening to her
12 was normal.

13 She then approached her guidance teacher -- this is
14 in paragraph 9, towards the end -- and told her what was
15 happening. The police became involved. She says she
16 was angry because initially they were making out that
17 she was lying. She then says that the matter wasn't
18 taken further because her mother wanted her not to
19 pursue the matter because of the impact it would have on
20 her grandfather, with whom she was close.

21 She then says after she made this disclosure she
22 wasn't coping well at home and was asking again to be
23 taken into care for the various reasons she has already
24 explained, about her father's drinking and her mum's
25 treatment of her and her uncle's abuse.

1 She started to self-harm, took overdoses and, on one
2 occasion, she went to school and said something to the
3 teachers. It didn't appear that their response
4 satisfied her, and she walked out and took an overdose
5 [REDACTED]. Her next memory is waking up in hospital in
6 intensive care, and she refused to go back home at that
7 point.

8 At that stage, she was taken, as she tells us at
9 paragraph 16, to a children's home in Ayrshire, which
10 I think is her first care setting. Secondary Institutions - to be publi

11 Secondary Institutions - to be published later

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20 Secondary Institutions - to be published later

Really, the next thing
21 she says, at paragraph 23, she is placed in Kerelaw's
22 secure unit.

23 She says, at paragraph 24, where she starts telling
24 us about her time at Kerelaw, that she was always in
25 the secure unit, where all the doors were kept locked.

1 That's at the end of paragraph 24.

2 At paragraph 27, she describes her impressions. She
3 says:

4 'I thought it was a prison and I didn't know what
5 I'd done to deserve to be there'.

6 She tells us a bit about the routine. At one point
7 she tells us about the issue of privacy, at the top of
8 page 8, even when getting dressed in the morning, she
9 says:

10 'We didn't have privacy because there was a window
11 in our doors.'

12 She says that the bedroom she used didn't have
13 a proper bed. That's at paragraph 31. It was made of
14 solid wood, built into the wall with a thin rubber
15 mattress and thin pillow. She was given a bottom sheet,
16 a woolly blanket and another sheet. She says there was
17 nothing else in the room at that point, no wardrobe,
18 sink or anything else. There were no curtains on the
19 windows and bars on the outside. She says if you wanted
20 furniture, you had to earn it. I think that's a form of
21 privilege system that they introduced that you would
22 effectively be rewarded, that you would eventually get
23 some possessions for your room if you were well behaved.

24 She said if she wanted to leave the room there was
25 a buzzer system. She said:

1 'We didn't even have control of our lights.'

2 I think that echoes what we've heard before.

3 LADY SMITH: We've heard that before, yes.

4 MR PEOPLES: There was a switch that could disable lights
5 from the outside.

6 Then she says about schooling, at paragraph 36, that
7 the only time the different units mixed was at school.

8 She says she didn't feel she had any education at
9 Kerelaw, saying:

10 'We went into the classrooms and we just did
11 whatever we wanted.'

12 At paragraph 37, she says:

13 'We were mixed into classes with children from
14 different units.'

15 As for leisure, she says, at paragraph 39, on
16 page 10, essentially there was nothing to do and she
17 says at weekends, at paragraph 41:

18 'We were bored. There was nothing to do. I would
19 sit and draw and spend most of my time in my room. The
20 door would be locked.'

21 As for visits, or official visits, at paragraph 45
22 she says she doesn't remember any social work visits.
23 She said she had a different social worker every three
24 months because they were short-staffed. And that's,
25 again, perhaps not an unfamiliar experience that we've

1 become aware of.

2 At paragraph 47, in relation to healthcare -- and
3 this picks up on something that we explored with another
4 witness this week -- she says that, towards the foot of
5 page 11:

6 '... all the girls in Kerelaw were put on the pill.
7 They just said it was a standard measure to help
8 regulate our periods.'

9 She says considering she was sexually abused, she
10 looks back on it now and wonders if it was because they
11 were aware of her particular history, and knew that
12 things were going on, indeed, within the institution.

13 She then says that so far as the pill was concerned
14 it was given every morning, staff would make sure it was
15 taken, would get girls to open their mouths and lift up
16 their tongues.

17 She had a short spell, she tells us at paragraph 51,
18 in Ladyfield East because of an eating disorder at the
19 time. She then says that when she was back in Kerelaw,
20 she recalls an occasion when she had a urinary tract
21 infection, quite a severe one, and it caused increased
22 need to use the toilet. Now, she is in the secure unit,
23 in a locked unit, obviously, and she said if you needed
24 the toilet at night time you had to ring the bell and
25 staff would come and let you out. And the night that

1 she had this infection she was going quite frequently
2 and needed to go another time, and she says that the
3 male on the night shift refused to let her out. She
4 describes him by age and build, and she says she was
5 left in her room for four and a half hours and ended up
6 urinating on herself. She says:

7 'I'm ashamed of it. It was really degrading.
8 I ended up peeing on my clothes because they wouldn't
9 let me out for the toilet.'

10 So far as discipline is concerned she has a section
11 there. Just picking up a point she made earlier, that
12 while she had devices like music players in her room, as
13 she puts it, halfway down paragraph 53:

14 'They [meaning the staff] controlled our electric.
15 If we didn't do what they said, they could tell us that
16 we'd lost our privileges, which would mean we'd lose
17 power in our rooms and our lights. I once lost my
18 privileges for answering back. They actually emptied my
19 room and all I had left was my bed.'

20 She says that she never saw other girls in Kerelaw
21 being sexually abused, but she says that she saw other
22 girls getting hurt, at paragraph 54. I'll just read
23 what she says there:

24 'Staff would take advantage if we didn't do what
25 they wanted. They wouldn't let us go for our

1 cigarettes. They would grab us by the arm to put us in
2 our rooms. We were scared. We were all scared. We had
3 very little and they had control. They had control if
4 we got TV at night, they had control of our lights, they
5 even had control over whether we could go to the toilet.
6 Somebody might say, "For God's sake, do you want to shut
7 up?" that would be it, she'd lose something or she could
8 be restrained and put up to her room.'

9 She recalls an occasion where there was an argument
10 between two girls. Somebody was attacked by a pool cue
11 and she says the staff let this happen. She says:

12 'The person who carried out the attack wasn't
13 disciplined. The person who had to go to the hospital
14 had her room emptied for speaking up.'

15 Then she has another section which is headed
16 'Abuse', starting at paragraph 56. She recalls
17 an occasion when she asked for a razor to shave her legs
18 and there seemed to be some difficulty getting this.
19 There seems to have been a sort of exchange, where
20 I think she became, I suppose it might be said, lippy,
21 as it were.

22 LADY SMITH: Yes.

23 MR PEOPLES: And says that the member of staff grabbed her
24 left arm, that's 'Karen's' left arm, and bent it right
25 the way up her back. She said:

1 'She forced me up the stairs. There was no need for
2 it. I was just being lippy. I wasn't being abusive or
3 threatening. That wasn't in my nature.'

4 She goes on, I assume this is when she's still being
5 taken upstairs, she says:

6 'I said, "You're hurting me. Can you stop it?"
7 [she said] I was kicking her.'

8 She said she wouldn't let go, so she bit the member
9 of staff. She said was trying to defend herself and she
10 said for that she was stuck in her room for the rest of
11 the day, didn't get an evening meal, wasn't allowed out
12 for her cigarettes, and her room got dark early because
13 her lights were switched off at 8.30 rather than the
14 usual time.

15 She remembers another occasion, where another female
16 staff member ended up restraining her. On this
17 occasion, she tells us that she, 'Karen', fractured her
18 right elbow. It seems again to have started with some
19 sort of exchange with the member of staff, and that led
20 to 'Karen' being taken to her room, protesting that she
21 hadn't done anything, and she says:

22 'She started getting really aggro with me, so I got
23 aggro back. She ended up restraining me and forcing me
24 up the stairs. She grabbed my right arm by the wrist.
25 It was really painful because she was holding on so

1 tightly. She held on even tighter. Because I was
2 trying to get free, she ended up holding on to both my
3 arms. She yanked my right arm right up my back.
4 I still have problems with my right shoulder because of
5 that incident.'

6 She then says -- and I think this is then how she
7 came by the fracture:

8 'I whacked my elbow on a door at the top of the
9 stairs [during this restraint]. She was restraining me
10 and I was fighting back to get out of it. I think I hit
11 my arm because of the way I was struggling. I was
12 screaming with the pain. I pressed the panic button.
13 Only staff were meant to touch it. I was kicking out
14 because of what she was doing. She just wouldn't let go
15 of my arm. If she'd let go of my arm, it would have
16 been fine. I was put in my room. I rang my buzzer
17 about six times. Each time I told the member of staff I
18 thought my arm was broken, but the staff didn't do
19 anything.'

20 She continues, at paragraph 60, that her mother came
21 to visit that evening at around 7.00. She recalls
22 hurting her arm at lunchtime the same day. She says she
23 told her mum that she thought her arm was broken. As
24 she puts it:

25 'My mum went ballistic at the staff. She could see

1 that my arm was clearly swollen.'

2 And that was when she got taken up to the accident
3 and emergency at the local hospital. She tells us that
4 she sustained a hairline fracture of her elbow and her
5 arm was put into a sling.

6 She talks of being put in some form of cell by the
7 night shift, in paragraph 61. She thinks she was put
8 there because she had been cheeky. I think she says, on
9 another occasion she was placed in a cell when she had
10 a urinary infection. She describes the cell as a really
11 cold room with no windows, a concrete floor, and no
12 mattress. She recalls that it was during wintertime
13 that she was put in the cell and she was wearing pyjamas
14 and was not given a blanket, and tells us that she was
15 in that location for four or five hours and she fell
16 asleep curled up in a ball.

17 She goes on to deal with a section which is headed
18 'Sexual abuse', and she tells us that when she was aged
19 14, in late 1997, she was sexually abused by an art
20 teacher for the first time -- and it's not the one that
21 we've been dealing with --

22 LADY SMITH: No, it's a different one.

23 MR PEOPLES: -- it's a different art teacher -- having just
24 come back from the unit in Dumfries. This person was
25 acting as a duty officer at that time. She describes,

1 at 63, the first time this happened to her; that she was
2 upstairs drawing in the art room. She said her
3 shoulders were sore, and she said that and the teacher
4 said he would massage them and started to do so, but
5 then his hands moved to other places and he started
6 touching her over her clothing. And she was wearing
7 a top, a vest top, and he moved the straps and started
8 touching her chest area underneath her clothes.

9 She tells us that at the time this made her feel
10 uncomfortable, but she was too scared to say anything
11 'Because I could lose all my privileges', and she
12 explains:

13 'When you don't have much to do, losing privileges
14 like cigarettes or telly is a big thing.'

15 So I suppose to others that might not seem a big
16 thing, but, to them, it clearly was.

17 LADY SMITH: It was. I think she also talks about the time
18 when her mum stopped visiting, so she didn't have her
19 mum bringing her cigarettes as well. She was dependent
20 on the school.

21 MR PEOPLES: Yes, and she says later on the same night the
22 teacher came to her room before he went off shift, took
23 her downstairs to get some drawing materials, took her
24 down via some back stairs and started touching her again
25 and kissing her. He said to her that if she wanted more

1 art materials that's what she had to do to obtain them.
2 And she says that the first few occasions he touched her
3 on her chest area, under her clothing, but that it
4 progressed to touching her private parts underneath her
5 clothing, and this would happen on the back stairs or in
6 the teacher's classroom and, mainly, in his -- she
7 describes it as a cupboard. And she says:

8 'If he could get me on his own, he would abuse me.'

9 And she tells us when it generally happened.

10 She says:

11 'I didn't like the touching.'

12 She says by then her mum had stopped coming to visit
13 and 'He would give me cigarettes and things', so her
14 source of cigarettes was dependent on the staff.

15 Then she says -- she leaves the matter there and she
16 says:

17 'It's difficult. It got worse, but I don't want to
18 talk about [this matter] in any more detail.'

19 She says it went on until the summer of the
20 following year, when she would be about age 15.

21 She describes staff searching her room on
22 an occasion and found two notes which the teacher had
23 written to her, which were under her mattress. She
24 says:

25 'He would write me notes to build my confidence.'

1 Saying she was doing well with her art, and at the
2 end he signed it with 'love' and his initial, but she
3 says they weren't love notes. She says a member of
4 staff took her to the office, spoke to her and told
5 'Karen' that somebody had seen 'Karen' kissing the
6 teacher in the cupboard. At that point she denied doing
7 so.

8 She then goes on to say, however, that she did talk
9 to someone that she trusted, who was a member of the
10 permanent night staff, and said that about four or five
11 days after the notes were found, she told her what had
12 happened and she told her that when she had initially
13 been spoken to she had denied it, but that's because she
14 felt uncomfortable and didn't trust the people that she
15 was speaking to, but told this individual that it was
16 true.

17 The matter was reported, and she tells us, 'Karen',
18 that after this the teacher was suspended and the matter
19 was reported to the police. They came and spoke to her
20 and she gave a statement, and then she says she never
21 heard anything further from the police at that time.

22 Then she says that other than the person she had
23 confided in, all the staff started to treat her
24 differently and it was as if she had done something
25 wrong. She lost all her privileges and wasn't told why.

1 Shortly after, she said, she was placed in foster care,
2 so she was moved on.

3 I'll not deal with after Kerelaw. I think we can
4 read that, if I can pass on.

5 LADY SMITH: Indeed.

6 MR PEOPLES: She was in foster care. She tells us about her
7 life after care and impacts.

8 Indeed, if we go to paragraph 86, I'll just in
9 passing say at one point she managed to obtain a degree
10 in psychology. But she's telling us all the usual
11 things about people, she can't trust people and so
12 forth, and she indeed had to go through a process where
13 her own daughter was placed at birth on the Child
14 Protection Register because of her past. But that she
15 was removed from that register within a short period of
16 time, having proved to them, I think, that she could
17 look after her daughter properly.

18 Just on the matter of the reporting, at paragraph 93
19 she says, at least at the time that she provided this
20 statement, which was some time ago, that she was
21 contacted again by the police in 2004 or 2005. I think
22 they were investigating allegations about the teacher
23 concerned, or re-investigating. She tells us about
24 that. She felt she had been a bit pressured to give
25 a further statement, but she did end up doing so. But

1 then says a year later she received a letter from the
2 Procurator Fiscal that there wasn't enough evidence to
3 proceed against this individual. She says that two
4 years before giving the statement to the Inquiry the
5 matter was under re-investigation and she gave a further
6 statement, but hadn't heard anything at that stage from
7 the police on the matter.

8 She signed her statement on 2 October 2018.

9 LADY SMITH: Thank you very much.

10 MR PEOPLES: Can I move on to another one, if I may?

11 LADY SMITH: Yes, please do.

12 MR PEOPLES: The next read-in is from a person who will be
13 referred to as 'Jane' today.

14 LADY SMITH: Thank you.

15 'Jane' (read)

16 MR PEOPLES: 'Jane's' signed statement is WIT.001.002.8063.

17 'Jane' was born in 1974 and she went into care in 1987,
18 she tells us by way of background, having previously
19 stayed with her father, stepmum, and an older brother.
20 So she went into care, I think, about aged 13.

21 Her life before care. She explains that her parents
22 had divorced when she was 5 years of age and her mum
23 moved out. She describes the situation after that and
24 there was a degree of unhappiness, particularly,
25 I think, living with her stepmum, and she started to run

1 away, she tells us at paragraph 9. There were clearly
2 difficulties with relationships with her stepmum, and
3 she says that her first experience of a children's home
4 was, she tells us at paragraph 10, a children's home
5 near where she was living.

6 She tells us about that home at paragraph 17 --

7 I'm sorry, it's a home in Glasgow. Secondary Institutions - to be publis

8 Secondary Institutions - to be published later

9

10

11 Secondary Insti she ends up at Newfield Assessment Centre,

12 which she tells us about at paragraph 27 and following.

13 She was there for about four to five months. I think

14 that would be 1987, if my arithmetic is correct.

15 LADY SMITH: Yes.

16 MR PEOPLES: What she does say about that is she was running

17 away from this place and she tells us the reason at

18 paragraph 35, which was because the person who ran the

19 unit at that time was a bully. She names him. She says

20 that he was calling her names in front of other children

21 and she describes him as a 'disgusting animal' in

22 paragraph 35.

23 Under the heading of 'Abuse at Newfield Assessment

24 Centre', she goes on to tell us a bit more about this

25 individual and describes him as a 'horrible human

1 being', a 'bully'. He would throw her about. When she
2 ran away, he would throw her in her room when she came
3 back. She says he would treat her terribly, call her
4 names all the time:

5 '... would ask her who she thought she was.'

6 And she said that he was really saying anything to
7 scare her.

8 Indeed, she wasn't given clothes when she first went
9 there, but was staying in her pyjamas as a way to try to
10 stop her running away.

11 LADY SMITH: To stop her running away, no doubt.

12 MR PEOPLES: Yes, no doubt. Of course, that didn't help
13 because it made her different from the rest and made
14 things worse, from her perspective.

15 She says, at paragraph 47, she recalls the person in
16 charge describing a boy with special needs in a rather
17 derogatory term.

18 She says, at 48:

19 'This was the worst time of my life.'

20 Just because of the way this person treated her.

21 She said kids were restrained too roughly, and she used
22 this expression 'pin down', which is an expression that
23 has been used in other inquiries.

24 LADY SMITH: Yes.

25 MR PEOPLES: And she says:

1 'If kids didn't do what they were told their arms
2 were put up their backs and they were dragged away.'

3 She then had a spell in Loaningdale. I think she
4 says she was 14 at the time and she was there for about
5 a year. She seems to have no problems, generally
6 speaking. But, at paragraph 54, she says:

7 'I can't say I didn't like any of the staff there
8 apart from ... [SNR] .'

9 The reason she says this is found at paragraph 61,
10 on page 11. [SNR], as she puts it, could be
11 a bit heavy handed with the boys. She said he was a new
12 person when she was there. She said:

13 'When he restrained the boys he was over the top.'

14 Indeed, she says there was an occasion when a black
15 boy was there and [SNR] called him a 'Nigger'
16 and bent his hand back until the boy cried.

17 Then she tells us that she ran away from Loaningdale
18 numerous times, at 64. But she did say that nothing
19 happened to her when she went back. There was really no
20 discipline.

21 She does say, at 65, that she ran away:

22 'I ran away because other people were doing it, not
23 because I was treated badly. Just for a laugh, out of
24 boredom.'

25 She then says that this is really the time near the

1 point of closing. It does appear that they were having
2 problems in the locality.

3 LADY SMITH: Indeed.

4 MR PEOPLES: There was a little bit of what we heard today
5 about Kerelaw; that there was chaos from young people
6 around the town, and she described it as:

7 'Riots inside the place every night.'

8 It was shut down quickly, she says. She says that
9 she was moved to Cardross Assessment Centre. She tells
10 us about that from paragraph 68 onwards and describes it
11 as 'good'.

12 Interestingly, she does say, so far as that's
13 concerned, at paragraph 70, [REDACTED]

14 [REDACTED]:

15 'The place was just different. The staff interacted
16 with you more. They ate with you and sat and talked to
17 you. It was secondary school age groups. They were
18 totally different. They sat and took time with you and
19 did things with you. One of the staff brought in a big
20 fish tank and we would help him clean it.'

21 She also was -- she was complimentary of the social
22 worker that she had and also her key worker within the
23 establishment, which I think sometimes we get varying
24 reactions --

25 LADY SMITH: Indeed.

1 MR PEOPLES: -- to these individuals.

2 She says the routine was quite strict, at
3 paragraph 73, and that there were boundaries and,
4 indeed, they seemed to have operated a star system, that
5 if people were bullied then they'd have stars taken from
6 them. It's, again, this reward and sanction system that
7 she seems to have no problems with.

8 She also says, at 74:

9 'All the staff spoke to you more. They were a team.
10 They worked together. They seemed happy at their work
11 and due to this we were happy, too.'

12 That's an interesting observation. If the team that
13 are looking after them are not happy that may also be
14 reflected in the degree of happiness of the children
15 they're looking after.

16 She then tells us about Kerelaw Secure Unit, between
17 paragraphs 77 to 83. Now, she was 15 at the time, that
18 would be around 1989. It's paragraph 77. She went to
19 the secure unit, she says, when she was 15, before going
20 back to Cardross for four or five months. She tells us
21 the reason she was sent to Kerelaw was because on one
22 occasion she went home from Cardross, but didn't go home
23 and she went to Dumfries. Well, she got into quite
24 a bit of trouble there, and there seems to have been
25 an exchange which involved some sort of stabbing or

1 cutting by both participants.

2 She was remanded at Kerelaw, and she tells us about
3 Kerelaw Secure Unit at paragraphs 79 and following.

4 First of all, she says:

5 'Kerelaw was horrible. Everything was locked, like
6 a mini-jail.'

7 She tells us a bit about the routine when she was
8 there. She said there was a school --

9 LADY SMITH: So this would be about 1989, at her age, would
10 it?

11 MR PEOPLES: Yes, I think so. Yes, it would be. So late
12 1980s. And she says there was a school within the unit,
13 but basically consisting of three classrooms:

14 'People were lying about, refusing to go in, and
15 getting dragged away to their rooms. Teachers were
16 swearing at kids. It wasn't a school. I didn't get
17 taught anything.'

18 She says she would just sit and watch the teacher
19 and slowly but surely the boys would get taken out the
20 class, physically.

21 She says she was treated differently because her
22 father knew some staff members there. So this I think
23 explains that she had an advantage over some of the
24 others who were there, and her dad was a regular visitor
25 and she wasn't getting hassle from members of staff, but

1 she makes clear that others did. She mentions one
2 occasion, at paragraph 81, where one time one of the
3 boys threw his dinner off the table and four members of
4 staff grabbed him and restrained him badly.

5 She says:

6 'One of the girls told us to watch out as they
7 [I think that's the staff], come into your room at
8 night.'

9 And she says:

10 'It wasn't until later I thought I should have
11 spoken up.'

12 She said:

13 'Some of the girls were in for absconding and
14 getting into prostitution and were vulnerable. Nobody
15 came into my room, but I wasn't vulnerable. It helped
16 my dad coming in every day and knowing the staff.'

17 But she obviously feels that there were a group of
18 children that, for the reasons she gives, were perhaps
19 more vulnerable than others.

20 She says, at paragraph 83:

21 'It was a regular occurrence for members of staff to
22 encourage bullying in Kerelaw.'

23 As an example, she gives one of a boy watching TV,
24 who said something cheeky to the member of staff. She
25 says the member of staff told another boy to get him and

1 he just attacked the boy while the member of staff
2 watched.

3 Then she tells us that she returned to Cardross Park
4 after her period at Kerelaw, when she was about 16.

5 She then tells us about her life after that. So,
6 again, I would probably leave that to be read over, if
7 I may.

8 LADY SMITH: Indeed, yes.

9 MR PEOPLES: She signed her statement on 21 August 2019.

10 Now, I don't know whether you're able to --

11 LADY SMITH: Well, if we have one that's not too long we
12 could maybe add it on just now because we have
13 (overspeaking) to get through.

14 MR PEOPLES: I hope it won't be too long, but perhaps it
15 would be useful to get through it. It's someone that
16 we've heard about today.

17 LADY SMITH: Well, that would really fit very well then.

18 MR PEOPLES: It might be useful just to take it.

19 LADY SMITH: Which one is that then?

20 MR PEOPLES: It's a statement of Gary McMenemy, or 'Bryce'.

21 LADY SMITH: 'Bryce'.

22 MR PEOPLES: Who has waived his anonymity, I should say. So
23 I can perhaps take that one, if I may, just to deal with
24 it today.

25 LADY SMITH: Let's do that.

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Gary McMenemy (read)

MR PEOPLES: His statement is WIT-1-000001054.

Gary was born in 1988 in Glasgow. He tells us about his life before care and the fact that his mum suffered from some form of mental illness and basically he had no dad, he wasn't on the scene when he was growing up before care, and that they were moving regularly from house to house. Clearly that had a knock-on effect on his schooling, as he tells us at paragraph 3.

He describes, as he puts it, 'problems at home' between the various family members and hearings before the Children's Panel, and then says he was in care about 85 per cent of his childhood life from the age of 4. So he spent most of his childhood in care.

Passing on, just to summarise, he does say he has an early memory of the care system when he was about four years of age, of staying with foster carers at that point.

But he seems to have spent time at home because he does talk about, at paragraph 6, an occasion when he [REDACTED] went to the local police station and would say he hadn't had a proper meal in five or six days. [REDACTED]

[REDACTED] --

LADY SMITH: Indeed, yes.

1 MR PEOPLES: Then he tells us, from paragraphs 7 to 23, of
2 a spell in residential care in a children's home when he
3 was aged 10 or 11.

4 He says, I think -- Secondary Institutions - to be published later
5 Secondary Institutions - to be published later

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8 However, after he had been there, he does end up in
9 Kerelaw Residential School between 2001 and 2004.
10 According to his signed statement, he had been admitted
11 around the age of 13, as he says at paragraph 24.

12 He thinks, at paragraph 27, he was one of the
13 youngest when he went in. I'll just mention in passing
14 paragraph 29. He does mention something that was
15 mentioned in the statement of Mr Hunter, who he says was
16 in charge. He mentions his success at unfair dismissal
17 claim, but says that he was in charge when all the abuse
18 was happening. He said he didn't know what was going
19 on.

20 So clearly that's an implication that he believed
21 that the staff, including the headteacher, was well
22 aware of what was happening. I think we've heard the
23 evidence of Mr Hunter on that matter.

24 He tells us, at paragraph 31, that he went into the
25 Millerston Unit at Kerelaw, so he was in the open school

1 at that time. Although we'll find out he did move
2 within it.

3 He talks about the routine, but really in a way of
4 being able to say things about the way the staff
5 behaved. Quite a theme of this section is staff
6 effectively inciting problems between boys and then
7 using that as an excuse to, as he puts it, put their
8 hands on the children.

9 If I pick out some of that, if I may. I don't want
10 to read it all. But, at paragraph 33, he gives
11 a situation where you would be woken in the morning with
12 a whack on the door:

13 'That's assuming that you had been able to sleep
14 without getting woken up through the night or that you
15 weren't awake in pain from being restrained the day
16 before.'

17 So there is a couple of things being said there, but
18 one of them being painful restraints, but the other is
19 what people get up to during the night shift.

20 Then he goes on to say -- to develop this theme:

21 'From my very first night the staff used to chap or
22 bang on the door, knowing that kids would bounce out of
23 bed to see who was at their door. It was to incite
24 fights, so the staff could then put hands on you. It
25 was a mad situation.'

1 So that's his first example of the sort of thing
2 that the -- it would be the night staff getting up to.

3 He goes on to develop that at 36, paragraph 36:

4 'I can remember being in bed and staff would open my
5 door and then kick the door of the person opposite me.
6 That person would get out of bed, see my door open, and
7 think it was me. That would cause issues between us and
8 the staff would just wait for the opportunity to put
9 hands on us.'

10 So he says that. At paragraph 37, without reading
11 the whole thing, he basically says as far as he was
12 concerned it was the staff that were causing issues, as
13 he puts it, between the boys, and then responding to the
14 issues between the boys in a certain way.

15 He then goes on to tell us, at paragraph 39, that
16 meals were supervised. He's critical of the fact that
17 the staff would be beating you up at one point and then
18 sitting down with you at meal times at another, and
19 saying that he could have had a burst nose or carpet
20 burns from the way he was being restrained, but then
21 they're sitting next to him or across from him at the
22 table at meal times, and he says he wanted to hit them
23 and would think about how to do it and get away with it.

24 So he's obviously speaking there, certainly, of
25 injuries sustained, according to him, as a result of

1 restraint.

2 LADY SMITH: Indeed, yes.

3 MR PEOPLES: Then he's got other criticisms. There's
4 a certain sense of a lack of structure in his opinion
5 and a degree of neglect on the part of the staff that
6 they didn't, for example, in paragraph 41, that nobody
7 was ensuring you were showering or keeping on top of
8 personal hygiene.

9 Then he says that so far as he's concerned that he
10 feels the staff were stealing some of his money. This
11 is at paragraph 42.

12 At paragraph 44, he says he did try to keep a track
13 of how much pocket money he had and would get into
14 arguments about how much money he had available, but
15 would be told that he had spent a certain amount. But
16 says that there was a system where withdrawals should
17 have been signed out.

18 So it appears that there was an issue between him
19 and the staff as to how much money he was spending and
20 how much money he should have had in his account.

21 But also between those two paragraphs he does talk
22 about another example of staff inciting trouble by
23 saying that clothes were washed and sometimes they were
24 deliberately, in his opinion, given the wrong clothes.
25 It meant -- I'll just read what he says:

1 'It meant you were wearing someone else's T-shirt
2 and people were going off their nuts. It happened too
3 often to be accidental. It caused massive issues
4 between the kids, but the staff were aware of what they
5 could get away with, so eventually they put name labels
6 on our clothes.'

7 So this, again, is the same theme of --

8 LADY SMITH: That should be basic from the beginning. Of
9 course children are going to get upset if they are given
10 the wrong clothes, whether it is intentionally or
11 carelessly.

12 MR PEOPLES: Yes. But if he's right on this theme of
13 they're doing things that he sees as some sort of
14 intentional way of inciting trouble and then responding.
15 That's his perspective, clearly.

16 LADY SMITH: There's possibly a misunderstanding about the
17 clothing allowance. I don't imagine that's money that
18 would go into an account with the child's name on it.

19 MR PEOPLES: No, there's an allowance to do things with
20 children, although children could bring money in and it
21 would be put in the account for them. But whether in
22 his situation a lot of money was in or not is not,
23 maybe, clear from the statement.

24 Of course, he's saying something which is a familiar
25 statement now: in terms of schooling, he didn't really

1 get any proper schooling, in his opinion.

2 A. Mm-hm.

3 Q. Although he does say, at 46, he did sit prelim exams.

4 Although he seems to take exception to the fact that he

5 sat them in the secure unit. That must have been,

6 perhaps, when he was taken there, because I think we

7 were told that exams were normally held in the gym at

8 one point, the sitting of external exams?

9 LADY SMITH: Yes. Yes.

10 MR PEOPLES: His position was really, at that stage of

11 Kerelaw, he felt he was falsely imprisoned. He was

12 seeing the secure unit as something maybe different from

13 the open unit, in that sense.

14 Then he says that -- and this is another thing which

15 I think is on the same example of staff stirring up

16 trouble, at paragraph 48, where he'd say:

17 'We didn't have any lockers, but your door to your

18 room was supposed to be locked. I used to have posters

19 of people like Tupac and Eminem. The staff would take

20 posters off your walls and swap them with another kid's.

21 The ceilings were really high. The walls were about

22 12 feet high, so the staff would have to help you put

23 your posters up. It was always the high posters that

24 went missing or got torn. Other kids wouldn't have

25 swapped them. We all had the posters we wanted; we

1 didn't want each other's posters. It was definitely the
2 staff who were doing it.'

3 So, again, he sees it as another example of the
4 staff up to tricks and mischief to create issues.

5 LADY SMITH: Yes.

6 MR PEOPLES: Then chores. He actually seems to feel that
7 had there been more things to do by way of chores it
8 would have given a sense of structure and discipline and
9 some life skills. He says he didn't know how to open
10 a bank account when he left Kerelaw, and there was no
11 progression into aftercare. The structure is another
12 theme, I think, that comes out of his statement.

13 He says in terms, at paragraph 50:

14 'After school it was a free-for-all. Kids were
15 fighting, running away, boozing. It was the most
16 volatile place I have ever been in. Nothing was
17 structured.'

18 And he says:

19 'Each child had different trigger points and nothing
20 was managed properly. It was just a horrendous place to
21 be.'

22 And then he is critical of the fact that there was a
23 denial of access to the gym because the gym teacher
24 would take the key home. He seems to think that had
25 there been that access that could have at least taken

1 their energy out and they could have gone to bed,
2 perhaps, and not got up to mischief.

3 You'll see, at paragraph 54, there are some members
4 of staff that he was complimentary about, and clearly
5 one reason why he had a particular liking for one member
6 was he was a good football player and that Gary, as he
7 puts it, was obsessed with football.

8 Unfortunately, one of his other memories is that
9 during some sort of football game, John Muldoon damaged
10 his ligaments and he didn't go back to playing. And
11 then he says, at 55, that he wasn't taken on trips, and
12 he says:

13 'If we were lucky some of us would [be] taken out at
14 the weekend ...'

15 But, again, the theme of: it had been more
16 structured it would have been better for him.

17 Then he tells us about one Christmas, at
18 paragraph 58, and this is a point of reflection for
19 Gary. He says that looking back, he realises there was
20 no sense of empathy or care or celebration of Christmas
21 at Kerelaw. There was no buzz. It felt nothing like
22 how Christmas should.

23 So this is another theme, I suppose, of a lack of
24 empathy that he felt.

25 Then, moving on, he has something to say on the

1 subject of appearances before the Panel as well, at 61.

2 He says:

3 'I had Children's Panels every six months or so.'

4 He says his social worker -- who I think he is
5 complimentary of -- would speak up for him at the
6 reviews, but the staff at Kerelaw were good at twisting
7 things. That's how he puts it:

8 'I feel that the reviews were pointless. I would
9 sit and question why they were allowing things to
10 continue in Kerelaw the way they were, but the Panel
11 members would just sit there and look at me it as if
12 I was an idiot. There were times I turned up at Panels
13 on crutches, with black eyes and carpet burns all over
14 my face.'

15 He says, at 63, he was put in the secure unit by
16 a Panel 'to keep a lid on me', and he thinks he was 13
17 or 14 when he went there. He seems to think there's
18 a disagreement between the social worker and the school
19 as to whether the secure unit was the best place for
20 him. But he, of course, was the person that I think was
21 the subject of the petition.

22 LADY SMITH: Yes.

23 MR PEOPLES: So clearly there's quite a difference of
24 opinion between the various professionals.

25 LADY SMITH: Mm-hm. He seems to think that he was taken to

1 the Panel for something else, but I suppose there could
2 have been something else as well that sticks in his
3 mind.

4 MR PEOPLES: There might well have been almost a regular
5 review in any event, so you would have to appear to see
6 how you're progressing. It could have been at that
7 point that they decided that some alteration in the
8 arrangements was required based on what was being said
9 at the time.

10 LADY SMITH: Indeed, yes.

11 MR PEOPLES: I don't think it's a situation where he
12 necessarily was brought by way of an emergency.

13 Then he says he was in the secure unit for about
14 nine months. At paragraph 65, at the top of page 14,
15 towards the end of that paragraph, he develops this idea
16 of he was put in there to shut him up. He says:

17 'Then they put me back in the open unit. I was ten
18 times worse when I got out. They had made their bed and
19 they were going to lie in it. I was causing havoc.'

20 So he was making a degree of admission about how he
21 was going to respond to how he had been treated and
22 where he had been put.

23 He then tells us about attending hospital on quite
24 a regular basis to be treated for injuries.

25 Then, on running away, he said his level of

1 absconding was unbelievable, as he puts it. He was
2 running away all the time. He says:

3 'I knew I would get caught by the police and then
4 I would have someone who was going to listen to me.
5 I would try for as long as I could not to get arrested,
6 but when they caught me I would tell them everything
7 that was happening.'

8 But I think his position is nobody was listening.
9 Then he says they might write down a statement, but they
10 never came back to follow matters up. He believes the
11 police just thought of him as a wee tearaway from
12 Kerelaw.

13 He said -- he poses the question at the end of
14 paragraph 69 on page 14:

15 'How many times does it take for a child to be
16 saying the same things before someone starts listening?'

17 There is an element of that in a number of
18 statements, of people who have said things, that they
19 feel however much they try they don't get anywhere.

20 Indeed he says that things were so bad at times that
21 he went back to his mum's [REDACTED]

22 [REDACTED]
23 [REDACTED], at paragraph 70.

24 LADY SMITH: And it was quite interesting, when I asked

25 'Robert' yesterday morning whether any attempt was made

1 to discover why children were running away, the answer
2 I got wasn't that: to try to talk to them and get to the
3 bottom of what the reason was. The answer was: I would
4 tell them I didn't understand why they were running away
5 because they would get caught, they would go to one of
6 three stations and everybody knew that's where they
7 would go and the police would pick them up and bring
8 them back.

9 So his idea was: I don't know why you're doing it
10 because it's pointless.

11 MR PEOPLES: Because you'll get caught and you'll come back.

12 LADY SMITH: Yes, not: why do you want to get away from
13 here?

14 MR PEOPLES: And also why you might want to go to see
15 a police station when you get caught to say something to
16 someone other than the staff.

17 LADY SMITH: Mm-hm.

18 MR PEOPLES: Yes. So perhaps he didn't see it from someone
19 like Gary's perspective.

20 LADY SMITH: Yes.

21 MR PEOPLES: There's also another interesting observation
22 he makes, is that when he did run away he tells us about
23 that, and would hang about with a particular individual,
24 at paragraph 72, and do things when he was on the run.
25 He says at 73:

1 'It was a brilliant time for me. I was living
2 a normal life. I was being labelled as this problematic
3 terror child. Then I would abscond, go outwith the
4 grounds of Kerelaw and I was expressing myself in
5 a normal way because I was normal. I was just in
6 an abnormal environment.'

7 So he's contrasting the life outwith Kerelaw, which
8 was normal, and the things that he did were normal. It
9 was Kerelaw where it was an abnormal state of affairs
10 and environment, and his behaviour clearly was
11 different. So he's reflected on that situation.

12 Then he has a section about abuse. I'm not going to
13 read it all, but at 76 he says physical abuse for him
14 was a daily occurrence. He talks about one person,
15 an ex-prison officer, whose name is familiar, who he
16 says would bounce his head off the floor, and indeed
17 assaulted him on his first day at Kerelaw:

18 'He was basically bouncing my head off the ground as
19 he dragged me up the stairs. If he was on shift, I was
20 getting it.'

21 And he says there was another matter in relation to
22 that individual that he was standing watching him in the
23 showers, 'But I don't want to get into that', but he
24 says the police are aware of what he has in mind.

25 On page 17 at paragraph 79 he says that Matt George

1 squeezed his penis. He mentions a member of staff who
2 would flick his testicles, and three other members of
3 staff, including John Muldoon, who would physically
4 abuse him.

5 He mentions an occasion when he was being restrained
6 by John Muldoon and two others, and one of the other
7 male members of staff, he says, was standing on the back
8 of Gary's ankles and caused damage to his ligaments.

9 He then says more generally:

10 'We were treated like prey. They were preying on us
11 like a pack of hungry lions. We were so young,
12 vulnerable, and alone. This became everyday life for me
13 ...'

14 Then at 82 he deals with restraint techniques, and
15 he says they were unbelievable:

16 'They would cross your legs and you would get bent
17 up so that the soles of your feet were touching the back
18 of your neck. Then they would sit on your legs so you
19 couldn't move. They used to do the goose-neck
20 restraint. They would bend your fingers back.'

21 So this is the type of restraints that he says were
22 happening to him.

23 And he talks about another member of staff, 84,
24 about squeezing Gary's hand, flicking him in the
25 genitals and pulling his hair, and who would do such

1 things not just during restraints but when Gary was
2 walking along the corridor. That's something that was
3 raised with the individual concerned, and I think his
4 position was he has denied any of these things, I should
5 say.

6 He talks about another member of staff, at 85, whom
7 he says he has made complaints about, who would grab his
8 genitals in the gym and pull his shorts down. He says:

9 'That's the kind of carry-on you might expect from
10 children together in the changing rooms but not from
11 an adult male.'

12 That may be termed an example of what may have been
13 considered horseplay in the past, but he's referring to
14 it, I think, in that way. But he also says about that
15 member of staff:

16 'He would slag you off if you didn't have any pubic
17 hair. He would call you "baldy dick" ...'.

18 And other comments that were, as he says,
19 detrimental and humiliating. And he says in that
20 environment those comments were magnified. Now, I think
21 we all know what he means by that: that if these sort of
22 things would be said in that --

23 LADY SMITH: It's not banter.

24 MR PEOPLES: It's not banter, no.

25 LADY SMITH: It's emotional abuse, and it can be very

1 harmful.

2 MR PEOPLES: Yes. Yes.

3 So it would be bad enough on a one-to-one situation
4 with an adult and a young person, but if that's said in
5 front of a group of people in a closed environment
6 that's -- well.

7 And then he says this, and this is something I think
8 we've seen in other case studies:

9 'There was a variety of different abuse. I would
10 say that the mental abuse was equal to the physical
11 abuse.'

12 And, of course, he has told us in a number of
13 paragraphs about what he saw as this inciting trouble
14 and things that were being done, not just the
15 name-calling but also things that were done that would
16 cause issues for him and others.

17 As for physical abuse, or the physical side, as he
18 puts it, at paragraph 86:

19 '... probably 80 per cent of the damage was done
20 while they were restraining you.'

21 So when he talks about it, he's clearly saying most
22 of that occurred in the context of restraint.

23 He clearly accepts, at 87, that there were what he
24 might consider good staff at Kerelaw. So he's not
25 saying they were all doing these things. But his

1 problem is, and he says that:

2 'Some staff members might like you, but the ones
3 that liked me obviously didn't like me that much because
4 they knew what was going on but they didn't put their
5 foot down and stop it. They definitely knew because
6 they were there when I was getting swung about like
7 an empty tracksuit. It wasn't happening behind closed
8 doors, it was blatant. The staff thought they could get
9 away with it.'

10 So that's his criticism, obviously, of those who
11 stood by and didn't stand up and either stop it or
12 report it.

13 He has a section on reporting, and I'm not going to
14 read this at any length, but he is critical of the
15 complaints system. I think he didn't really feel that
16 it was -- it was ridiculously long-winded and he also
17 tells us he also has a recollection if things were
18 written down they were written in pencil and things
19 might be rubbed out, or erased. And of course we have
20 had other evidence this week about what happened to
21 certain complaints once they got to the unit manager's
22 door.

23 LADY SMITH: Mm-hm.

24 MR PEOPLES: And I think he clearly did cause havoc when
25 he got back to the open unit, as he says at

1 paragraph 90, because he clearly was doing all sorts of
2 things, including getting on the roof, and so forth, he
3 says to attract the attention of the authorities, the
4 police and so forth, to make his point.

5 He says he was one of the last residents at Kerelaw
6 before it closed down. That would be 2004, if he was
7 back in the open unit.

8 He then tells us about his adult life, and I'm not
9 going to read this today, but clearly it tells how
10 matters progressed, and some of his thoughts.

11 Then he talks about the impact. The impact section
12 is, I think, to some extent, as much a reflection of his
13 life at home as it was in care.

14 LADY SMITH: Mm-hm.

15 MR PEOPLES: But I think both had a fairly significant
16 effect on Gary's adult life and experiences. So he has
17 got quite a lot to say there and why he thinks things
18 happened as they were. And he says at 121, he has some
19 of the familiar things that have happened once he got to
20 adulthood, and drugs was one of the features of his
21 life.

22 He says at 121:

23 'Before Kerelaw I was such a timid boy, someone who
24 was scared of their own shadow, but after suffering
25 daily abuse in there I turned into a ticking time bomb,

1 constantly angry at the world. I was shattered and
2 broken by the people who were supposed to be caring for
3 me. Instead these people were systematically breaking
4 me apart before I was 16.'

5 And he considers he was failed by Kerelaw, Glasgow
6 City Council and the police.

7 He's complimentary at least, he says at 122, if
8 I may point this out:

9 'I have nothing but respect for the people involved
10 in the Inquiry but it has taken years of abuse that
11 children have suffered for things to get to this point.
12 It should never have got to this point. Some of the
13 abuse was absolutely blatant.'

14 And I think there is a degree of anger about the
15 reporting to the police and the time it's taken to
16 perhaps make any progress about the matters that he has
17 reported from time to time.

18 LADY SMITH: Yes.

19 MR PEOPLES: I think that's all that I would need to read
20 out today, but obviously he has got a lot to say and we
21 can read the rest for ourselves. But he signed his
22 statement on 15 August of 2022.

23 LADY SMITH: It's interesting, because he is one of our
24 younger applicants in this cohort.

25 MR PEOPLES: Yes.

1 LADY SMITH: And he comes across as still very raw.

2 MR PEOPLES: Yes.

3 LADY SMITH: Despite some of the quite intelligent
4 reflections he is offering, they are not the calmer,
5 more mature reflections we've been getting from people
6 who are 20, 30 years older than him. Maybe he will get
7 there.

8 MR PEOPLES: There's still a lot of anger, but he obviously
9 seeks to explain why he is an angry person.

10 LADY SMITH: Yes.

11 MR PEOPLES: And what's happened. And clearly his whole
12 childhood was not a success: it's not as if -- some had
13 a happy life before care and an unhappy experience in
14 care. It seems to have been a totally unhappy
15 experience throughout for him. I think that's all.

16 LADY SMITH: We will leave it there for today, with thanks
17 to everybody for all the efforts put in. It's hard
18 work, but it's really important. And that takes us to
19 tomorrow, where we're taking evidence by video link.

20 MR PEOPLES: Yes.

21 LADY SMITH: Starting at 10.00?

22 MR PEOPLES: It will be at 10.00, there will be two live
23 witnesses tomorrow is the plan and they will both be
24 giving evidence via video link.

25 LADY SMITH: And then we'll get back to some read-ins.

1 MR PEOPLES: Yes.

2 LADY SMITH: Thank you very much.

3 Well, that's enough for now, until 10.00 tomorrow
4 morning. Thank you.

5 (4.35 pm)

6 (The Inquiry adjourned until 10.00 am the following day)

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