

1

Friday, 12 April 2024

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(9.30 am)

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LADY SMITH: Good morning, and welcome to the last day in

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this chapter of Phase 8, which, as you may remember,

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I indicated we were going to use -- we are going to

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use -- for two purposes.

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One is to finish a group of statements that we want

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to read in to evidence.

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Then we'll move on to closing submissions.

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If we have nothing else to think about at the

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moment, I think we can get right into the read-ins, is

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that so?

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MS FORBES: Yes, my Lady. Good morning.

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The first read-in is from an applicant who is

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anonymous and known as 'Brian'.

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LADY SMITH: Thank you.

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'Brian' (read)

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MS FORBES: His statement reference is WIT-1-000001238.

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Apologies, it is five zeroes, my Lady.

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LADY SMITH: It's often difficult to count. The print is

21

a bit small, yes. I think if there are four numbers on

22

the end there will always be five zeros before.

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MS FORBES: Yes. Thank you, my Lady.

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'Brian' tells us he was born in 1978 and he was

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brought up in a housing estate in Motherwell. His

1 parents were married and he has three brothers. He
2 describes themselves as being a normal family but then
3 they moved to a different estate, and the two estates
4 used to fight with each other. He says he knew he would
5 be in trouble when he moved to that estate and that's
6 when a lot of his troubles started, and he was 13 years
7 old at that time.

8 He says, and this is from paragraph 4, he was going
9 about with older ones and they were using him to break
10 into things. He was staying out late and his dad would
11 give him a couple of slaps and he knew that if he was
12 out after 10 o'clock at night he would get leathered so
13 he didn't go back home.

14 He was breaking into shops, houses, and cars and his
15 mum took him to the social work when he was running away
16 from home and he said that he wanted to go to
17 a children's home because some of his friends were in
18 them.

19 From the age of about 13 he appeared at Children's
20 Panels and he was put into an assessment centre because
21 of the trouble he was getting into at school and dogging
22 school.

23 He was sent to some place called the IT Centre,
24 which was known as the 'dogger school', and he went
25 there during the day on and off for about a year but he

1 was still getting into trouble. He was running away
2 from home, and he was set about by older boys. His nose
3 was broken, he had a concussion, and he was in hospital
4 for a few days.

5 He then told the police that it was his father who
6 had done that, and that was a lie. He was then taken to
7 a children's home. That was primarily because he was
8 absconding and running away, and he told the police he
9 had made it up about his father.

10 He said to the social work that he was running away
11 from home just to stay out later. He didn't let on
12 about his dad assaulting him now and then, because he
13 didn't want to get him into trouble. His mum and dad
14 didn't know what to do and they agreed to put him into
15 care.

16 He was then in a children's home in Lanarkshire.

17 Secondary Institutions - to be published later
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24 He was back at home for about a year, and he carried
25 on at the day IT Centre, but was still committing

1 crimes, and his mum and dad he says were at their wits'
2 ends because he was being cheeky, running about with
3 older boys, and they were using him to break into
4 places.

5 There was then an emergency panel at Hamilton
6 Sheriff Court and he ended up then in another children's
7 home. He was 14 years old at that time and he was there
8 for four or five months and he tells us about that from
9 paragraph 19 onwards.

10 Secondary Institutions - to be published later



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17 There was then an emergency panel as a result of
18 what had happened, and he was sent to Cardross. He
19 talks about Cardross from paragraph 34 onwards. He was
20 there for a couple of months when he was 14 years old,
21 and whilst he was there he talks about physical abuse
22 from staff.

23  at paragraph 44 he talks about being charged
24 with assaulting a member of staff. The morning after
25 that occurred, he was told he was going to Kerelaw.

1 Then he was taken to Kerelaw and this was supposed
2 to be on a three-month Children's Panel order and it was
3 in [REDACTED] when he was 15 years old. He
4 talks about Kerelaw from paragraph 48 onwards. I think
5 this would have been about 1993 or so.

6 LADY SMITH: Yes. If he is 15, that would fit, wouldn't it?

7 MS FORBES: If I could then go to paragraph 66 of his
8 statement, where he talks about discipline, and he says
9 that there was a big, empty cell they put you in to calm
10 you down. He says:

11 'I didn't really calm down. The staff stripped you
12 down to your boxer shorts and threw you in. The wee
13 window at the top was always open and it was freezing.
14 The staff must have thought that would calm you down.
15 It was solid concrete and there was no bed.'

16 Then he tells us at the end of that paragraph that
17 he spent three or four times in the cell because of
18 smashing up the unit.

19 He also says that he would annoy staff by hitting
20 the buzzer from the cell, and that also once he thought
21 they had calmed down they would give you a mattress, and
22 then an hour after that they would give you bedding, but
23 they never got clothes.

24 He talks about abuse at Kerelaw from paragraph 68
25 onwards. From paragraph 68 he says:

1 'Once, four night shift staff took me outside and
2 into the exercise pen. They opened the door and had me
3 sitting there, just in my boxer shorts. The cold air
4 was blowing. It was designed to calm you down but it
5 was intimidation. They were smoking. Then they brought
6 me back up and put me in the cell. I got my mattress
7 back.'

8 69:

9 'The third or fourth time I was put in the cell,
10 I had been banging the door all night. By this time,
11 I'd been noising the night shift up a few times. In the
12 morning, Bob and Matt George were there. I heard the
13 rest of the boys go down the stairs and Matt George said
14 he would get me showered. It was just me and him left
15 upstairs. I got ready for a shower wearing my boxers
16 and a towel. I was in the shower room with Matt George
17 standing there but I didn't know he was still standing
18 there. I came out of the shower and my towel and boxers
19 weren't there. He had thrown them into my room, which
20 was at the end of the corridor on the left. I asked
21 where my towel was and Matt George said, "You think
22 you're a wee wideo, a ticket, a wee Glasgow gangster",
23 I said I wasn't from Glasgow and he slapped me.

24 It was a short walk along the corridor from the
25 shower to my bedroom and I had no clothes on.

1 Matt George never restrained me but kept poking me in
2 the back and telling me to move. We got into my room
3 and Matt George put his arm around my neck and choked me
4 until I was out. I had tunnel vision and I was seeing
5 stars. He was punching me in the kidneys. I don't know
6 how long I was out for. When I came to, he sexually
7 abused me. That's all I want to say about that.
8 Matt George was growling at me and poking me in the
9 chest. I could hear him in my ear and his spittle was
10 on my face. He said this was the big boy's school,
11 I wasn't in a stupid wee home now and I could learn the
12 hard way or the easy way. He said something like, "You
13 know what we do with people like you here" and that he'd
14 dealt with people bigger and harder than me.

15 Matt George threw my clothes at me and said to get
16 dressed. He stood there the whole time. I got dressed
17 and he started talking in a dead calm voice. He said
18 when I went down, I wasn't to make eye contact with any
19 staff members. He said nothing happened here and they
20 had all different kinds of pain they could give me. He
21 gave me a roll up and asked me if I had a ghetto
22 blaster. When we walked into the unit Matt George said
23 to [he names another member of staff] he'd had words
24 with me and I'd learned. Matt George said to me,
25 "You've learned, haven't you?" I said "Aye". I felt

1 scared and intimidated because I thought [he names
2 another member of staff] knew what Matt George had just
3 done. Matt George was being brazen about it, I felt out
4 of my depth.'

5 He then describes sitting down with another boy, who
6 asked him if he wanted to play Super Mario and says that
7 he felt his eyes welling up and that he felt numb and he
8 felt like it was a dream. He went to the toilet to pull
9 himself together a little bit.

10 At paragraph 73 he says that in the daily report
11 about his behaviour, he says:

12 '... Matt George said I tried to stick the head on
13 him when I was upstairs on my own with him but I didn't.
14 I was scared of Matt George after that. He would go
15 from being nice to growling again. He gave me a ghetto
16 blaster but then he later took it away and gave it to
17 [and he names a girl].'

18 He then says in the same paragraph:

19 'He would kick my heels when I was walking and make
20 it look he was having a carry on.'

21 He says he tried to keep away from Matt George.

22 He says he was at Kerelaw then for another couple of
23 months and his behaviour changed and he got what he
24 called was movement done in two months, and then was
25 where he could go home on the weekend and go and visit

1 his parents, to be trusted not to run away. He says he
2 didn't tell anyone about what had happened and he didn't
3 want anyone to know, and he was too scared to mention it
4 anyway.

5 In relation to restraint, at paragraph 75, he names
6 a staff member called IHB, and he says:

7 IHB always grabbed my hair and pulled me forwards
8 by the hair while the others held my arms. Then they
9 walked me to the cell. The staff took your clothes off
10 you while they held you before they put you in the cell.
11 They put you in the cell, just in your underwear. Once
12 or twice, I was allowed to take my clothes off and give
13 them to the staff.'

14 Then after the three-month order was up he went back
15 to the Children's Panel and he had a good report from
16 the staff at Kerelaw and his mum wanted him back home
17 and he was taken off supervision just before his 16th
18 birthday.

19 He says it was bittersweet when he left. He says it
20 was his friends that he didn't want to leave and it was
21 the first time he had had friends his own age group.

22 After he went back home, he said he was glad to be
23 back home -- this is from paragraph 77 -- but he was
24 still stealing. His dad would throw him out for not
25 paying digs and bringing the police to the door and he

1 was getting involved in the drugs scene. He was taken
2 off supervision at 16, but he wanted to stay on so that
3 he would have supervision as a safety net. He was still
4 stealing and he thought that that was a way that he
5 wouldn't go to court and be treated as a young offender
6 and wouldn't go to jail. But he ended up in a young
7 offenders' at 16. He was caught shoplifting and
8 remanded at Longriggend for six weeks.

9 He talks about Longriggend from paragraph 80. This
10 was read in, my Lady, on Day 398, 13 December 2023.

11 LADY SMITH: Thank you.

12 MS FORBES: He tells us a little bit about Longriggend and
13 Polmont in the paragraphs that followed.

14 From paragraph 88 he talks about life after being in
15 care, and he says that he was involved with drugs from
16 the age of about 15. From 17 it was heroin, he was
17 stealing to pay for it, but that he has not got a drug
18 problem any more.

19 After Polmont he received a four-year sentence,
20 a five-year, and then a seven-year sentence, and he was
21 in prison more than he was out. And he names the
22 prisons he has been to. He talks about the fact he has
23 two adult children now from different relationships.

24 In relation to impact from paragraph 89 he says he
25 has been in and out of jail all of his life. That

1 prison staff have said to him that they think he has
2 post-traumatic stress disorder, and he has panic
3 attacks, anxiety, and depression.

4 At paragraph 93 he says:

5 'After what happened with Matt George at Kerelaw,
6 I stopped being cheeky with the staff and I calmed down.
7 I realised everything was real and I was scared. I was
8 scared of being taken up the stairs by one staff member
9 in case something happened again. I didn't see
10 Matt George again until he was in court and I saw his
11 picture. He looked different but I knew the name and
12 I knew it was him. I felt empty.'

13 At paragraph 94 he says:

14 'I blame myself for not coming out with what
15 Matt George did. He's been at it for 30 years. It's
16 hard to come out with something like that and I was
17 between a rock and a hard place. I couldn't come out
18 with it because it would kill my family. It's been
19 eating me up all these years and it has affected my
20 relationships. It took me a while to start going with
21 people and have relationships. It felt strange with my
22 first girlfriends, getting touched again.'

23 He then says that he doesn't link the beginning of
24 his drug use to being in care and says that heroin was
25 there at the time and he was in the wrong place at the

1 right time, and that heroin and any drug that was
2 a downer was the answer to things for him.

3 At paragraph 95 he says:

4 'Drugs blocked out what Matt George did to me. It
5 was a coping strategy.'

6 In relation to lessons to be learned at
7 paragraph 98, he says:

8 'The staff didn't speak to me like an adult. If
9 they'd listened to me then things might have been
10 different. What Matt George did was wrong. There
11 should have been a couple of staff members instead of
12 getting left with one staff member.'

13 Then 'Brian' has made the usual declaration and
14 signed the statement. It's dated 18 April 2023.

15 LADY SMITH: Thank you.

16 MS FORBES: My Lady, the next statement is from an applicant
17 who is anonymous and known as 'Daniel'. The reference
18 to his statement is WIT-1-000000995.

19 'Daniel' (read)

20 LADY SMITH: 995, that one. Yes, thank you.

21 MS FORBES: 'Daniel' tells us he was born in 1981 in
22 Glasgow, and he lived with his parents, he had an older
23 brother and a younger brother. His parents split up
24 when he was five and they lived in Castlemilk.

25 Before his parents split his life was hectic and his

1 dad was a drug addict. There was a lot of domestic
2 abuse that he witnessed where his dad was assaulting his
3 mum.

4 He said that later his mum moved in with another man
5 who he got on well with, and she had children with him.
6 He said he moved about to a lot of schools before going
7 into care, and he was truanting from school when he was
8 eight years old and was stealing money out of the house,
9 and this was money that he wanted to play the arcade
10 games.

11 It got to the point where he was buying slings and
12 lock knives when he was eight years old, he describes
13 himself as being out of control, and matters came to
14 a head and he went into care. And that ultimately it
15 was his grandmother who made the decision for him to go
16 into care.

17 He went to a children's home in Glasgow when he was
18 8 years old. He talks about that from paragraph 9. It
19 was only meant to be for three weeks' respite, but he
20 was there for a few months.

21 After that he was taken to Southannan and he was
22 still eight years old when he went there, and he was
23 there between 1989 and 1993. He talks about that
24 between paragraphs 13 and 42.

25 Whilst he was there, he talks about unusual

1 punishments and restraints.

2 I think thereafter he was sent to a children's home
3 in Glasgow, and that was between 1993 to 1994. He says
4 he was 13 years old at that time. He talks about that
5 from paragraph 44. Secondary Institutions - to be published later

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11 He thinks he was at that place for about a year, but
12 he's not sure, and he was briefly for a few weeks at
13 another children's home and then he went to Newfield
14 Assessment Centre in 1994. He talks about that between
15 paragraphs 55 and 59. He says he was always running
16 away from there, and the police would find him and bring
17 him back. He was getting into trouble. There were more
18 Children's Panels for new charges and offences, and he
19 was only there for a few months.

20 Then the decision was made that he would go to
21 Kerelaw. He talks about Kerelaw from paragraphs 61 to
22 98, and the timeframe he says is 1995 to 1996.

23 At paragraph 77 of his statement, he talks about
24 discipline at Kerelaw, and he says that the staff used
25 restraints. He says:

1 'It would depend who it was, whether it was
2 reasonable or excessive. If you got into an argument
3 with one of the staff, they might throw you about for
4 a bit before they put your arms up your back and sat on
5 you. That happened to me but I wasn't badly injured
6 from it, just sore. **KBE** was one of the ones
7 who would throw you about before sitting on you.'

8 Then he talks about abuse at Kerelaw from
9 paragraph 78 and he says that he was terrorised when he
10 was in Kerelaw by staff and pupils and his experience
11 wasn't good there.

12 At paragraph 79 he talks about being in maths class
13 and carrying on with another boy. He was told to stop
14 by the teacher but carried on. He can't remember the
15 teacher's full name but knows that it's **KBK**, and
16 admits that sometimes they would antagonise the teacher
17 to make him kind of growl, and then he says:

18 'One time I antagonised him, he pinned me against
19 the wall with a table, then dragged me over the table,
20 and threw me across the classroom. It was probably my
21 own fault but he was a teacher, so thinking back it
22 wasn't really OK what he did. I wasn't injured by that
23 incident but I got a shock. The other kids were
24 probably shocked as well. After he did that **KBK**
25 called me a "wee bastard" and threw me out of the

1 class.'

2 At paragraph 80 he says:

3 'The art teacher, Matt George, also assaulted me
4 a couple of times. He slapped me about, around the
5 face. He was actually all right but we antagonised him
6 a lot. The background to him assaulting me was that
7 I wasn't doing what he wanted me to do. I was supposed
8 to be making something out of clay. I think I was
9 making an ashtray. I was messing about with the clay
10 and he told me off a couple of times but I just kept
11 doing it. He confronted me about it and I think I was
12 cheeky to him. He slapped me across the face with the
13 back of his hand and then with the open palm of his
14 hand. I don't remember being left with any marks but it
15 was sore and I got a fright. I just left the class and
16 I think I ran away from Kerelaw that night.'

17 He then talks about another time when he was
18 assaulted by Matt George. He said that Matt George
19 looked like Super Mario from the Nintendo game so they
20 used to call him 'Super Mario' or 'Luigi', and that he
21 had really bad breath, so they called him 'Carbolic
22 coffee breath'.

23 At paragraph 81 he says:

24 'He used to tell us that he was a second dan black
25 belt in Karate and that he did Kung Fu. There were

1 times when he would try and show you things but he would
2 hurt you.

3 Matt George would always hurt people with arm locks
4 and hitting pressure points. He would grab you at
5 pressure points and put you down, or grab your head and
6 do things in a certain way to put you down by just
7 touching you. He would do it until you screamed. He
8 wasn't doing that all the time in class, just on
9 occasions. He did that to me to two or three times.

10 I saw Matt George hitting a few other people as
11 well. Matt George actually hurt a couple of people,
12 including me, with some of the things he did. There was
13 one boy called [he names him]. Matt George twisted his
14 arm up his back. I think he nearly broke his arm
15 because [the boy] had to walk about with his arm in
16 a sling for a week or so. I was in the class when that
17 happened.

18 In Kerelaw it wasn't always serious assaults but it
19 was brutal a lot of the time. A lot of the abuse
20 happened in the unit rather than the classrooms. There
21 was one time I was in the shower and KBE was
22 telling me to get out. I didn't want to, I was standing
23 there washing. I told him to fuck off. He dragged me
24 out of the shower, naked, and dragged me along a long
25 corridor. I had carpet burns on my back and my

1 backside. He gave me a lot of verbal abuse and put me
2 in my place.

3 KBE [REDACTED] assaulted me a few times. There was
4 one time that me and another boy were in the process of
5 running away. We sneaked in the office window and stole
6 the petty cash. It had all the kids' pocket money in
7 it. We ran away and I got caught and was sent back to
8 Kerelaw.

9 When I went back it was KBE [REDACTED] and KBL [REDACTED]
10 who met me and they were all nicey nicey.

11 KBE [REDACTED] said, "Sit down son. I just want to
12 talk to you". So I thought everything was all right.

13 KBE [REDACTED] shut the door and as soon as he did
14 that, he lifted me off my chair and threw me against the
15 wall. KBL [REDACTED] was outside when that happened.

16 KBE [REDACTED] then sort of ragdolled me about.

17 I wasn't badly injured by that, but I was scared of

18 KBE [REDACTED]. The other staff members knew what was
19 going on. They could have done something to prevent
20 that from happening again, but they never.'

21 He then talks about a time when they went on holiday
22 to a lodge in Dumfries and Galloway, and he says there
23 was about 12 of them that went. He said that the staff
24 were always drinking at night and would bring booze with
25 them.

1 He says -- this is at paragraph 87:

2 'That night, we went in to go to bed but our beds
3 had been terrorised. The staff had poured coffee and
4 cereal on our beds and they were soaking, so we couldn't
5 go into our beds. We thought it was just a joke but the
6 next night me and other boy [he names him] went upstairs
7 to go to bed, we walked into the room and

8 KBE [REDACTED] and another member of staff,
9 KBD [REDACTED], were pissing on the beds we slept in.

10 The boy I was with [he names him] started cracking
11 up. He said it was out of order that they were doing
12 that. It was one thing to have a carry on with the
13 cereal but not pissing on the beds. The staff had
14 a drink in them and KBE [REDACTED] grabbed [he names
15 the boy] by the throat and headbutted him. He burst his
16 nose and he ended up with black eyes as well.'

17 He then comments that the other member of staff that
18 was involved in pissing on the beds, KBD [REDACTED]
19 wasn't assaulting any of them, but he was involved in
20 it.

21 At paragraph 90 he says:

22 'KBE [REDACTED] was one of those ones you didn't
23 want to step out of line with. If someone was doing
24 something like that to my child, I would go mad. KBE [REDACTED]
25 wasn't assaulting people every day but if anyone stepped

1 out of line KBE would deal with them. I witnessed
2 KBE being violent towards people several
3 times. The other staff were aware of it. They were
4 complicit in it.

5 The other staff weren't violent in the sense of
6 battering you, but they would do things. For instance,
7 they used to take us into the gym for a game of football
8 or something. There was an unofficial rule that before
9 you got a game of football you had to have a game of
10 murder ball. Sometimes they used medicine balls, other
11 times the staff were using golf clubs to hit golf balls
12 at us while we were running about trying to avoid being
13 hit.

14 The murder ball didn't go on for too long. It went
15 on until the staff were satisfied or someone had been
16 hurt enough. I was hurt sometimes when they did that.
17 I don't remember someone being hurt to the extent that
18 they were badly injured, just getting the wind knocked
19 out of them, or getting a blow on the kidneys. There
20 were a few different staff who did that. I can't
21 remember all of their names but it would always be the
22 same kind of ones like KBE and KBS, who
23 was from another unit. I can't remember his real name,
24 I think he did boxing.

25 KBS would also do something that he thought was

1 a joke. He would throw a bunch of keys in the air for
2 you to catch, and while you were trying to catch it he
3 would punch you in the ribs. He thought it was a joke
4 but it wasn't funny.

5 I saw other young people being assaulted but I never
6 experienced any sexual abuse and I never witnessed that
7 happening to anyone else.'

8 Then he says all the stuff that happened to him or
9 that he saw was physical.

10 He goes on at paragraph 94 to say:

11 'The staff would sometimes burst into your room at
12 night and turn the fire extinguishers on us as we were
13 lying in bed. The staff also got kids up in the middle
14 of the night and had them run races through a burn and
15 then back. That didn't happen to me but it did happen
16 to others.'

17 He then says:

18 'Those were just a couple of things that happened
19 ... there were hundreds of instances of abuse:'

20 Although he says he doesn't want to say the staff
21 were always battering them, but there were a couple of
22 occasions when they did physically hurt him.

23 He also talks about a lot of bullying by other kids
24 in Kerelaw and that he was a victim of bullying. Staff
25 knew it was going on but they didn't often intervene.

1 At paragraph 97 he talks about an occasion, he says:

2 'There was one time these boys who were bullying me
3 shouted me up to a room. I knew what they were doing
4 because they had done the same thing to someone else the
5 week before. They put me in a wardrobe and put the
6 wardrobe on the ground with me locked inside and the
7 doors facing the floor. They put mattresses and beds on
8 top of the wardrobe.

9 I wasn't worried because I had worked out how to get
10 out, I let them get on with it, I was calm. They left
11 the room laughing, they thought it was funny. As soon
12 as they left I booted the bottom of the wardrobe, went
13 out the window, and went on the run.'

14 He then says he told his mum what had happened and
15 his lawyer, who intervened and he ended up being put in
16 Cardross.

17 He then talks briefly about Cardross and says it was
18 like being in jail and he was only there for a few
19 weeks. He said he ended up going back to Kerelaw
20 because compared to Cardross it seemed like the better
21 option.

22 He said he did tell his mum about the abuse in
23 Kerelaw and his mum got a lawyer involved and he told
24 the lawyer about the abuse.

25 He says that things escalated with his drug misuse

1 at Kerelaw. He was drinking, he was taking ecstasy.

2 At paragraph 104 he says he can't remember anything
3 good about Kerelaw and it was one of the worst
4 experiences of his life. He was about 15 by the time he
5 left Kerelaw. He thinks he was a problem for them at
6 that time. A placement came up to live with a family in
7 Livingston, and he went to stay with them, and he talks
8 about that from paragraph 106.

9 He was 15, and he gives us some information about
10 what life was like with them. He says during that time
11 he was working as a trainee joiner and he was being
12 pushed by his foster mother to join the army, and he was
13 training to do that, even though he was not completely
14 into the idea. But he was running five miles to work,
15 running five miles back, trying to get himself fit.

16 However, his placement with that family came to
17 an end abruptly, and he doesn't want to tell us about
18 why that was, and he went to stay with another family,
19 and at that point the idea of him going into the army
20 went out the window.

21 He tells us, then, about the next family from
22 paragraph 114, and he thinks he was only there for
23 a couple of months, and this was in 1997. He says
24 because of the problems he had in his previous placement
25 he just didn't want to be there. Then the placement

1 broke down. He's quite frank and says it wasn't their
2 fault, it was his fault.

3 Then he talks about life -- he says after that,
4 sorry, he went back to stay with his mother for a week
5 or two before he was given supported accommodation.

6 He talks about life after being in care from
7 paragraph 119. He was staying in high-rise flats in
8 Glasgow and that was his first experience of living
9 independently. He had his first child when he was
10 16 years old and he was there for about a year. He then
11 went to jail when he was 17. He went to Longriggend and
12 Polmont. And he was on remand at Longriggend a few
13 times before being sentenced. He does say that there
14 was bullying going on in those places.

15 At paragraph 123 he tells us that he has been in and
16 out of jail ever since his first remand at the start of
17 1999. He has only been out of jail for about 16 months
18 in total since then. Most of his offending has been
19 related to violence.

20 In relation to impact, he says from paragraph 125 --
21 I'll read out paragraph 125:

22 'Kerelaw had a big impact on me, again without
23 trying to justify my behaviour. My time in care had
24 a big impact on my education. I chose to leave school
25 without any qualifications. The older I have got, the

1 more education I have got. I have been in the jail for
2 ten years. About five or six years ago I thought
3 I should use my time to get qualifications. I don't
4 have any goals set for what I want to do but I thought
5 if I could get a Higher or two, maybe that could lead to
6 something else.'

7 At paragraph 130 he says that he thinks about his
8 time in care and dreams about it a lot. Sometimes he
9 has nightmares and flashbacks and he has had panic
10 attacks, but the older he gets the better he can deal
11 with them.

12 He still gets to see his kids, but they are older
13 now, his son is 18 and his daughters are 22 and 24.

14 In lessons to be learned, in that section from
15 paragraph 138, he says at paragraph 139:

16 'There are people in the same situation as myself
17 who were abused in care. Not everybody who is in care
18 goes to jail but I have met a lot of people who were in
19 homes in jail. There were things that happened that
20 should never have happened and should never happen, but
21 they did.'

22 Then 'Daniel' has made the usual declaration and
23 signed his statement, it's dated 26 May 2022.

24 LADY SMITH: Thank you very much.

25 MS FORBES: My Lady, the next statement is from an applicant

1 who is anonymous and known as 'Cameron'. The reference
2 is WIT-1-000001234.

3 LADY SMITH: Thank you.

4 'Cameron' (read)

5 MS FORBES: 'Cameron' was born in 1983 and he talks about
6 his life before going into care between paragraphs 2 and
7 5.

8 He says he was born in Maryhill, Glasgow, has
9 a sister who is two years older and he says that he was
10 abused when he was younger and when he was young his
11 father went to jail for murder. He lived with his mum
12 and her boyfriend, and that his mum was on heroin and
13 that Glasgow was flooded with it back then.

14 There was domestic violence and his mother's
15 boyfriend used to assault him and his sister and would
16 throw him down the stairs. Social work got involved.
17 He remembers being taken away and was snatched, as he
18 says it, by the social work. At that time, the social
19 work kept him and his sister together. He talks about
20 being in foster care in Whitburn from paragraph 6 and
21 says that he and his sister were living with foster
22 parents there for a little while. He thinks he was
23 there for about six months.

24 Then he talks about being adopted from paragraphs 11
25 to 26. He thinks he was four or five when that took

1 place, and the couple who adopted him and his sister
2 were a lovely couple, but there were real difficulties
3 whilst he was with them. He had anger issues, and they
4 didn't understand how to cope with him and his sisters.
5 He had problems with bed-wetting whilst he was there,
6 and he was always running away. They tried to keep him
7 and his sister together but his sister ended up going to
8 a children's home. He thinks he was 10 or 11 when they
9 were separated and she was about 13. He was left behind
10 with his adoptive parents, but he wanted to be with his
11 sister, and he thought that keeping them together was
12 meant to be part of the deal.

13 He ended up at Children's Panels quite a lot, and
14 was running away. Police were always looking for him
15 and he ended up being put into a children's home, and he
16 thought the children's home was just a stepping stone
17 for him to get back to his sister.

18 He talks about the first children's home from
19 paragraphs 27 to 59. He says he was 12 or 13 when he
20 went there and he was there for about a year and a half.

21 Secondary Institutions - to be published later
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1 Secondary Institutions - to be published later

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he was put into Kerelaw, and this was in 1996, and I think he would have been about 13 at that point, my Lady, or thereabouts.

He talks about Kerelaw from paragraphs 64 to 120.

At paragraph 70 he tells us about some of the staff that he recalls from there. He says:

'The staff that stick in my mind were FSL, KBS, Matt George, KBW who I think was a manager in Millerston, Matt George was an art teacher but he also covered staff on my unit and was a key worker, he was too involved with everybody. There was another rugby player type called KBL from Fleming Unit and he used to punch us for fags and stuff. He was a big ginger-haired guy.'

At paragraph 73 he talks about his key worker in Millerston and he says he was called HRW and he says:

'I feel he was one of the staff who actually cared and went out of his way. He didn't seem to like what was going on. He couldn't do anything because there was so many other staff doing bad things, but he still went

1 out of his way to make sure you were all right. To me
2 he was the only nice guy. I don't know if he did
3 anything to anyone else, but to me he was all right.'

4 If we could then go to paragraph 99 onwards, he
5 talks about running away, and says that he would just
6 jump out of the windows in the open part of the school,
7 so he was never inside. He'd steal a car and go back at
8 the end of the night or do something stupid and be
9 picked up by the police and taken back.

10 He talks about, at paragraph 101, a time when they
11 were on the roofs at Kerelaw running about. Staff were
12 trying to get them down, and he says:

13 'Eventually they got us down and we knew we were
14 getting battered. They battered us with torches and
15 whacked us over the head. They had to come on the
16 roof and they were complaining about that and
17 threatening we'd "get it" for that.

18 We were making it worth our while being up there.
19 When we eventually came down they battered us,
20 restrained us, and hit us over the head with their metal
21 torches. They were night staff and they all had
22 torches. It was night time and it was dark. I'm not
23 sure which staff were involved in that. There was
24 certain staff who always did night shift. When I was
25 restrained I couldn't remember much because they were

1 all over me and my face was on the ground and I couldn't
2 breathe and I was freaking out. It was more scary for
3 me because of my asthma.'

4 He talks about abuse at Kerelaw from paragraph 103
5 and he says that they were threatened with the secure
6 unit quite a lot, and that staff would shout at them and
7 say they were a waste of space, and 'Yous are going
8 nowhere with your life'.

9 At paragraph 104 he says:

10 'We got an allowance of six fags a day. That was
11 one of their things that if you wanted an extra fag
12 you'd have to take a punch in the mouth to get it from
13 a big [REDACTED] guy who would jab you. My
14 jaw would click when they were doing it and it was
15 agony. [REDACTED] KBL from Fleming Unit did that to me and
16 [REDACTED] KBS, known as [REDACTED] KBS, he was a boxer, he had
17 belts from his boxing that he would show us. [REDACTED] FSL
18 would punch you with all his gold rings on his fingers.
19 The "six-inch punch" it was called and that was for
20 a fag.

21 Instead of going on a rec trip they would buy us
22 a 20 deck of fags and take us on a drive in the van.
23 They would play games like Running Man, they would open
24 the back doors of the van and you had to run down
25 Stevenston Harbour and try to jump into the van. When

1 you were about to jump in the back they'd slam on the
2 brakes and you'd slam into the back of the van. We all
3 thought it was fun and games, but folk were getting
4 injured and thinking they'd broken their arm. The staff
5 were laughing at that and saying, "You got your fags and
6 you're not happy". A few of the staff did that,
7 FSL [REDACTED] was bad for that one at the harbour, I think
8 KBS [REDACTED] did it too. Everything was made out to be
9 games, even though it was sore and violent, you felt
10 like you had to be part of that culture.

11 In the classrooms it was different games with
12 different staff. In the PT hall it would be Matt George
13 and FSR [REDACTED], the PE teacher, with the golf balls and
14 they were the real balls that they'd fire at you using
15 golf clubs. They'd try and whack you. We were all
16 running about as if it was dodgeball. They made it
17 a game. I wasn't injured when that happened, as I was
18 quick enough to avoid the balls. Other boys got hit
19 with the balls and injured. To me it happened on one
20 occasion, but I don't know who else it happened to at
21 different times. There would be holes in the wall. Our
22 punishment was to fill in the holes.'

23 He talks about the fact that there was a boy whilst
24 he was there who had leukaemia staying in the end flat
25 and the staff were bullying him, shouting things at him,

1 even though he had no hair from his treatment and he
2 felt terrible for the boy, and he couldn't understand
3 why this boy was there when he was dying.

4 At paragraph 109 he said that the staff would be
5 taking the piss out of him and shouting and swearing at
6 him to get in his room. He says:

7 'They'd said to him, "Away you, hobble on", as he
8 walked funny because of how the treatment affected him.'

9 He also says there were other boys laughing at him
10 and he imagines how the boy must have felt.

11 At paragraph 110 he says:

12 'Matt George grabbed the inside of my legs. My
13 adopted dad used to grab the inside of my leg and "aye
14 eh" and laughing because it was sore and that. It was
15 all right my dad doing it, Matt George would do that
16 kind of thing to people in front of the class and he
17 would be really up close to you.

18 I was in the car one time on the golf club that he'd
19 taken me up to near to his house. It was just me and
20 him. I couldn't get out of the car. In the car he
21 grabbed my leg and he was telling me to call him
22 "King George". It was weird. It was him testing the
23 water with me and seeing what he could do. To me that
24 was normal cause my dad grabbed my leg and it was
25 a laugh and a joke, but Matt George should never have

1 been groping me like that.

2 He would be standing right in front of me and
3 rubbing himself. He did this to quite a lot of people,
4 standing in front of them and rubbing himself, that was
5 in the art room. You could tell that when he was
6 restraining people and talking to certain kids there was
7 a different side to him. He'd happily run up to
8 restrain someone, but to me it was so he could get close
9 to them and grab them in different places. He'd grab
10 young lasses under their breasts.

11 He used to take me to my mum's house for meetings
12 with her about me and he was totally different. He'd
13 pretend to be caring in front of her. He'd turn to me
14 and say, "I could just get you reported like that", as
15 if he had the power and he was using that power.
16 Because Matt George started taking me out to places, the
17 other kids were calling me Matt George's "lovechild".
18 That would get my back up. He didn't do anything sexual
19 to me but I felt as if he could have been. I don't know
20 if other staff knew he was taking me out on my own.

21 He took a group of us back to his house in Largs,
22 maybe six of us. I can't remember who. I remember he
23 came out with a conversation saying, "For all I know
24 you could make up a story". Why would he have us
25 sitting in his house and say that? To me, something

1 must have happened to one of the other weans in the
2 house that day. I think he took us to his house to show
3 off. He used to kid on he knew jiu jitsu and get you to
4 lie down in certain positions to crack your back like he
5 was a chiropractor, he did that with me a few times as
6 my back has been dodgy. He just liked to touch people
7 and I felt he was a creepy man."

8 He then goes on to say at paragraph 115:

9 'My coping mechanism was to run away. If other boys
10 ridiculed me because Matt George took me somewhere and
11 people were talking in the unit about it. I was just
12 going along with whatever I was meant to be doing that
13 day. Because we were already in Kerelaw he'd say, "Yous
14 are going nowhere with your life. Yous are already
15 where we want you".'

16 At paragraph 116 he says:

17 'The restraints in Kerelaw involved three or four
18 staff again. Kerelaw was a lot worse. They were
19 hunting you down to get to you. If you were running
20 away, they'd actually chase you rather than letting you
21 come back in your own time. They made it into a game to
22 catch you and drag you back. I'd look out of the
23 windows and see people getting dragged back. Then
24 they'd batter you and everyone was shouting "Leave him
25 alone" out of the windows. They'd whack you over the

1 head with the torches and sweep your legs away from
2 under you.

3 That happened every day to somebody. You could get
4 restrained if you were running away or if you weren't
5 complying with what they were telling you or fighting
6 with somebody. The way they were restraining was crazy.
7 There was a difference between restraining someone cause
8 they were in a fight and just not doing what they told
9 you to do. What they were doing was too much. People's
10 wrists were getting bent back and I couldn't breathe
11 when I was restrained. Matt George could do jiu jitsu
12 and he could choke me and I felt like I couldn't
13 breathe. That freaked me.'

14 At paragraph 119 he says:

15 'Even the techy and woodwork teacher used to play
16 "high or low" with cards in the classes. I can't
17 remember his name. He might have been called FRB
18 FRB . He was a bald guy and back then he was in his
19 40s. If you got a red card you'd get a certain number
20 of times with a ruler on the hand. If you got two tens
21 that were red, you'd get "red hard" and he'd whack you
22 20 times. He would tell us to run our hands under the
23 water and wrap tissues around them and then hide our
24 hands on the way out of the classroom. We'd have
25 blisters on our hands. There might be four or five of

1 us playing the game and he was whacking us with a ruler.

2 At night time when we were going up to our beds,
3 FSL would stand at the bottom of the stairs and
4 punch us as we went past, in the side of the body or the
5 back of the head. Anywhere on the body, just as long as
6 he made contact. He had all his gold rings on and it
7 would hurt. I remember boys were winded by him, it
8 happened to me too.'

9 He then talks about the fact that he denied later on
10 that any sexual abuse -- because it hadn't happened to
11 him, it was much later -- sorry, he denied that he had
12 been abused when he was in Kerelaw, because there hadn't
13 been any sexual abuse that had happened to him, but it
14 was much later on that he realised what happened to him
15 in there was abuse.

16 He says he got out of Kerelaw in 1999 when he turned
17 16, and that nothing was done to prepare him for leaving
18 or managing life afterwards. He was on a work placement
19 before he left with a fencing firm, and that was the
20 only stepping stone for employment.

21 He talks about life after being in care from
22 paragraph 123, and says that he went back at first to
23 his adopted parents, and that lasted only two weeks.

24 Then he ran away to Edinburgh and was sleeping on
25 the streets. He worked on the shows:

1 'I was travelling about with them.'

2 And he was only 16 or 17 and just surviving. He
3 says he moved to Ayr when he was 21 and then was in
4 a relationship for eight years.

5 He then says he went off the rails and was drinking,
6 and he ended up in a serious incident and received eight
7 years in prison in 2011. But since he has been released
8 he says it's been hard with anger, the anger side of
9 things. And he remembers the judge's voice in the back
10 of his head saying if he did anything else he would be
11 looking at double figures.

12 He started a gardening business in 2015 and put all
13 his energy into that. He says at one time it was in the
14 top ten gardening businesses in Ayrshire and got to
15 number one. However, he had issues with his mental
16 health and his physical health and he pulled himself
17 away from the business and stopped doing that kind of
18 work in 2019.

19 He talks about impact from paragraph 131 and says
20 that he was given a diagnosis by a psychiatrist of
21 complex PTSD. He says that he doesn't drink now. At
22 paragraph 136 he says, the last two sentences:

23 'In Kerelaw I was in the jungle and I had to defend
24 myself. It didn't help that the staff who did it, we
25 were looking up to them and they were meant to protect

1 us, but they were encouraging boys to bully.'

2 He talks about the fact that being in care impacted
3 his education. And he says that he's currently waiting
4 to see a psychologist from the local health team.

5 He talks about lessons to be learned from
6 paragraph 146.

7 He says at paragraph 147:

8 'I think it would help a child to speak up listening
9 to other people who have been through the same kind of
10 experience and knowing there is light at the end of the
11 tunnel if you just want to talk to people.'

12 At paragraph 148, he says that when he left Kerelaw
13 they said he was going back to his mum's and a plan was
14 meant to be in place. But he knew in his head he wasn't
15 going to do it, and he never stayed there long.

16 At paragraph 149 he says:

17 'The social workers could have spoken to me and
18 listened to me more and asked what was going on and
19 asked how my time was in Kerelaw, rather than just
20 putting their views down on paper.'

21 He has then made the usual declaration at
22 paragraph 151, and 'Cameron' has signed that, and it's
23 dated 12 April 2023.

24 LADY SMITH: Thank you very much.

25 Which one next?

1 MS FORBES: My Lady, the next one is a bit of a longer one.

2 It's from an applicant who is anonymous and known as
3 'Thomas'.

4 LADY SMITH: Thank you.

5 'Thomas' (read)

6 MS FORBES: The reference for his witness statement is
7 WIT-1-000001208.

8 'Thomas' was born in 1983 and he talks about the
9 fact that his mum had a family from her first marriage,
10 but then says that -- he talks about his siblings in
11 relation to that and having sisters, two big sisters and
12 two wee brothers later on.

13 There's quite a large section in relation to his
14 life before care from paragraph 2 onwards, but he says
15 that initially life was good when he was younger. His
16 mum and dad did everything for them, that they'd always
17 been loving. His dad was looked upon as a hard-working
18 straight businessman who always provided a good life for
19 them.

20 He was football daft when he was younger and played
21 for the school team. And he was looking at having a --
22 trying to have a trial with [REDACTED], and then
23 there was some talk of after a trial, Rangers being
24 contacted. He signed for a club and was hanging about
25 with boys from the football team.

1 However, his dad was protective and didn't want him
2 playing out in certain areas because of drugs, and he
3 was about 11 at this time. He started hanging about
4 with a boy who wasn't part of the football team and he
5 was getting into trouble. And that boy had a social
6 worker and would talk about how the social worker would
7 get him a new tracksuit and other things and would take
8 him here and there.

9 He got the idea that he wanted that also and he told
10 his mum and dad that he wanted a social worker.

11 He also comments that on his mum's side of the
12 family there was criminality and he kind of idolised his
13 mum's side of the family because people used to be wary
14 of them, but that's one of his biggest regrets now.

15 His mum took him to the social work office and told
16 him that she didn't understand but he was asking for
17 a social worker, and then he was told that they would
18 give him a befriender. But I think he later tells us
19 that who was appointed to him was a social worker.

20 He tells us about that social worker and some of the
21 issues that he had with him, but essentially this seemed
22 to be someone who was in debt to drug dealers and dodgy
23 car dealers from the local area.

24 If I could then go forward in his statement to
25 paragraph 25 onwards, he was saying that he didn't

1 really go to school at the time because the guys he was
2 hanging about with wouldn't go either, and his dad used
3 to try and keep him in to do school work. He would
4 sneak out the house to go and play. He wasn't going to
5 football any more because the people he was hanging
6 around with were not into it, and were stealing cars.
7 He started going down that path. His dad was telling
8 him he's going to ruin his life, and he didn't want to
9 say to his dad but at that time it was the kind of life
10 he wanted, because of the way you were looked at in the
11 area.

12 At paragraph 27 he talks about being stabbed when he
13 was in second or third -- sorry, by a boy who was in
14 second or third year, because of the area he came from.
15 He got a fright about that at the time, and then he was
16 locked up for stealing cars, and that was before he went
17 to Balrossie.

18 He says that some of the older boys would encourage
19 him and another boy to commit crimes because they were
20 the youngest and they would tell them it didn't matter
21 what they did because they couldn't get into trouble
22 because of their age.

23 He then ended up at a Children's Panel and there was
24 going to be a three-week assessment. His mum and dad
25 tried to take him to -- he was going to be coming home,

1 sorry, first of all, and his mum and dad tried to take
2 him to the Panel the next time but he ran away and then
3 agreed to hand himself in and went to the police
4 station.

5 He was told he was going to Balrossie and he talks
6 about Balrossie from paragraphs 34 to 57. At Balrossie
7 he tells us that he ran away. There was physical
8 assaults by a staff member. There was also issues with
9 restraint. And he thinks he was there for about two or
10 three weeks.

11 Then he ended up at Cardross Park Assessment Centre
12 and he talks about that from paragraphs 61 to 175. He
13 was there on two occasions, the first time was for five
14 to six weeks, and the second time was about 6 to 12
15 months.

16 Whilst he was at Cardross he talks about there being
17 sexual assault by a female member of staff, and that was
18 after the first time he went home, and there was to be
19 a placement at a day centre, but he was back with the
20 same friends, not going to school and doing his own
21 thing. He was running about stealing cars, breaking
22 into vans for tools, smoking hash, and other stealing.

23 He was always, he says, getting the jail from the
24 police and they were always on his case.

25 LADY SMITH: Do we have a date for when he went to Cardross?

1 The one I've been given doesn't look right if his
2 date of birth is, indeed, 1983.

3 MS FORBES: I'm not sure, my Lady.

4 LADY SMITH: I was given a date of 1985, but he went to
5 Cardross long after he was two years old.

6 MS FORBES: Yes. There is something I could check that
7 I have open to see if that helps. (Pause)

8 My Lady, the dates I have are 1995/1996 for the
9 first occasion for five or six weeks, and then 1996/1997
10 for the second occasion of 6-12 months.

11 LADY SMITH: That would make sense. Thank you.

12 MS FORBES: I think after the first time it was agreed that
13 he would go home and there was supposed to be
14 a placement at a day centre but as I've just said,
15 my Lady, he was still getting into trouble, and once
16 after a group of them stole a car, he was caught and
17 there was a Panel. This was about five months after
18 he'd originally left Cardross and he was told he was
19 going to be returned to Cardross. He had gone on the
20 run, but in his absence the Children's Panel had made
21 the order and the police caught him and took him to
22 Cardross.

23 He was running away, again, whilst he was there, and
24 he was usually on the run for about a week, but one time
25 he was away for about six weeks, and he was breaking

1 into cars daily with his friends.

2 Whilst at Cardross he talks about there being
3 physical assaults by staff, emotional abuse, staff were
4 sexually inappropriate. There was bullying from the
5 other boys, and there were issues with restraint.

6 Then whilst he was on the run, one time he told his
7 mum and dad about some of what was going on at Cardross,
8 and his mum got in touch with the social worker and she
9 was swearing at them and insisting that this was what
10 was going on. This is at paragraph 177. However the
11 social work were telling her that all the children were
12 saying this to try and manipulate their way out of these
13 places. But his mum insisted she wanted something done.

14 He was then told that he was getting relocated to
15 Ballikinrain and he talks about Ballikinrain between
16 paragraphs 181 and 247.

17 In relation to Ballikinrain he said again he would
18 run away from Ballikinrain and get caught. The big
19 threat there was stopping your home leave. They used
20 restraints there but it didn't happen very often. But
21 he does talk about there being physical assaults from
22 other boys and that being the real problem there.

23 At paragraph 238 he talks about the fact that once
24 when he had run away his parents had seen the marks he
25 had on him from assaults from the other boys and again

1 she phoned the social worker to complain. The social
2 worker said, this is paragraph 239:

3 'He's in a Ressie (residential home) and boys will
4 be boys, what do you expect?'

5 He says that it wasn't just him that was treated
6 like that. That these doings were a daily occurrence
7 and the staff never bothered. He also talks about staff
8 organising fights between the boys.

9 He says that before he left Ballikinrain he was on
10 the run again and decided he was not going back there,
11 and at paragraph 248 he says he tried to kill himself
12 because of it. He was found in a close by somebody who
13 stayed there and taken to hospital, had staples put in
14 and kept overnight, and was to see a child psychologist.

15 It was then decided that he was to go to Kerelaw
16 Secure Unit, and he talks about Kerelaw from
17 paragraph 253 and says he was sent to Kerelaw twice by
18 Children's Panels. The first time he was there for
19 about three months when he was 15, and he says he was
20 taken there from the Panel in handcuffs by the police.

21 At paragraph 257 he talks about some staff that he
22 remembers, and he names them.

23 At paragraph 261 he says, talking about the boys who
24 were there, he says:

25 'There may have been some in there for care and

1 protection but the majority were in there for committing
2 crimes like drugs, prostitution, bag snatching from old
3 women, and murder. Some of them had committed gruesome
4 crimes. The place was just a breeding ground for
5 criminality.'

6 He then goes on to talk about the fact that there
7 was -- the boys would fight with other boys in there and
8 there was intimidation.

9 At paragraph 264 he says:

10 'The most pain I had was not being in amongst these
11 people but being away from my family. See anything
12 after that, it couldn't harm you the way that it hurt
13 every second being away from your family. However, you
14 had to be prepared to go to extremes to defend yourself.

15 To be fair though, if there was anything happening
16 in Kerelaw staff were on it. They had to be because
17 some of these people were dangerous and they would put
18 them on the ground, restrain them and then put them in
19 their rooms for 45 minutes to calm them down. It didn't
20 always work though.'

21 At paragraph 269 he is talking about the daily
22 routine and going to classrooms, and he says that he
23 would spend so much time in one classroom then the
24 other, but there was a lot of people moving between
25 classes to sit with their pals or to get off with

1 a lassie. There would be ones sneaking off to have sex
2 in the toilets, 'It was mental'.

3 At paragraph 272 he said that you would be sent to
4 your room at about 8.30/9.00 at night and that was you
5 locked up until the morning. You had to chap on the
6 door window if you needed the toilet or out for
7 anything. But other than that you never got the door
8 unlocked until the next morning.

9 Moving forward in his statement he comments that
10 there wasn't much education.

11 At paragraph 277 he says:

12 'The PTI GVN got you to do stuff in the gym and
13 would kind of force or push you into doing it if you
14 didn't want to. You did get taught cooking at home
15 economics, but at the rest of the classes you never got
16 taught or learned anything, you just did what you
17 wanted.'

18 At paragraph 278 he comments in the last two
19 sentences:

20 'The only things I learned at Kerelaw was how to do
21 other criminal offences and more about drugs. I learned
22 to be less trusting of people and more uncaring.'

23 At paragraph 285 he says:

24 'The open unit was just a reddie school and there
25 were some bad things that happened there as well

1 involving a member of staff called George. I was never
2 in the closed unit and I only came across him once or
3 twice when the open unit came up to the secure unit to
4 play against us at football. I heard what was going on
5 though and saw the state of the weans. There was
6 chronic alcoholics at 12 years old in there because of
7 what was going on with him. Years later I ended up in
8 Saughton Prison and he was put in a cell a couple of
9 doors away from me.'

10 At paragraph 287 he says when he was there the
11 second time he had a heroin addiction and was
12 withdrawing, and he was never offered any help, despite
13 asking for it. He was asking for something to get him
14 off the heroin but they said he was too young and
15 because he was under 16 he couldn't be prescribed
16 anything.

17 At paragraph 293 he talks about his parents visiting
18 him, and he says:

19 'There was no visiting area or facilities and there
20 was no privacy, as you were sitting in the unit with
21 other pupils and the staff all around.'

22 He talks about restraints, from paragraph 296, and
23 says:

24 'I only ever got restrained once at Kerelaw. This
25 was because a boy called [and he names him] waited until

1 my back was turned and he punched me on the back of the
2 head. I turned round and cracked him and the staff
3 grabbed me. It was HWC from unit 2 but I don't know
4 who the other one was. They had my arms up my back with
5 my thumbs pulled back. It was another member of staff
6 called Tommy Bryce that stopped it from happening. He
7 took hold of me and asked if I was going to behave and
8 I said I would, he just held my wrists and he let me go.

9 I saw others getting restrained. There was a wee
10 guy called [and he names him] and you could hardly see
11 his face because it was all scabby from carpet burns
12 when they had done restraints on him. It was common
13 practice to push their faces into the floor and kneel on
14 the side of their heads. I saw restraints used every
15 couple of days but sometimes it would happen a few times
16 a day, it would depend on what was happening in the
17 units.

18 It wasn't just Kerelaw, it's every one of these
19 places it happened in and it doesn't matter what
20 children do they should not be putting you on the floor
21 like that. They did it the same way as they did it to
22 an adult in a jail. There used to be what we called
23 a "pile on", which was staff on top of staff. You were
24 face down, with one at your arms, another on your head,
25 and another with your legs crossed behind you and

1 pushing your heels into your backside, your body was
2 under heavy pressure. As an adult I was under them and
3 in that position for 40 minutes before I could move.
4 You shouldn't be getting that as a child.'

5 Then he says that the first time he was in Kerelaw
6 was all right. It was the second time when he was in
7 unit 3 that everything happened.

8 LADY SMITH: Just before we go to his second time, he was in
9 the secure unit the whole of his first stay there; is
10 that correct?

11 MS FORBES: I think so, my Lady, yes. Yes.

12 LADY SMITH: There must be, I am afraid, an error in
13 paragraph 285 in the second line, after the reference to
14 a member of staff called George, there's a sentence
15 beginning:

16 'I was never in the closed unit.'

17 It must be 'He'. That must be a reference to
18 Matt George, in other words 'I' should be 'He',
19 otherwise it doesn't make sense.

20 MS FORBES: Yes.

21 LADY SMITH: Right, so his second time at Kerelaw.

22 MS FORBES: Yes. 'Thomas' says that he was sentenced to
23 another three months at Kerelaw, the second time. He
24 talks about it being the usual procedure, this is at
25 paragraph 304, it was strip search, into the office and

1 then he was sent to unit 3.

2 He says from paragraph 307 that after he had been
3 back there for two days, a lassie called Elaine Graham
4 came in and said she was going to be his key worker and
5 that they would get a chat. He thinks she had
6 a different surname when he had been there the first
7 time but she must have got married and changed it by the
8 time he went back.

9 He describes at paragraph 307:

10 'She was about 27 or 28 years old. She dressed and
11 looked like a hippy and was a mad stoner. She always
12 wore tight fitting woman tops and loose, baggy,
13 camouflaged combat trainers.

14 'A couple of days after that Elaine came into the
15 unit and took me out for a fag and had a chat, I got
16 upset and she took me upstairs for a time out away from
17 the rest of them. We ended up having sex and then a few
18 days later we did sexual things in another area of the
19 unit.

20 She started trying to build a friendship over the
21 next few days. She said she was going to try and get
22 leave and we would go to the local town for something to
23 eat and make it like a date. I know now it was wrong
24 but back then it made me feel as if I was older, she had
25 picked me over the rest of them that were in there.

1 I was 15 but I felt 25.

2 About a week and a half after I had an argument with
3 Elaine as she was adamant that I wouldn't be going home
4 after three months and said I was likely to be there for
5 6 to 12 months, Elaine spoke to me about it and said
6 that I needed to calm down. I was still rattling and
7 withdrawing and they were telling me I couldn't get
8 prescribed anything because I was under 16.'

9 Then if we could go to paragraph 312:

10 'I kept telling Elaine that I was getting out after
11 three months and I was only there to deal with my
12 addiction. I called Elaine a smelly cow and that got me
13 sent to my room and locked up. She came up to the room
14 and I had kind of put it to her that I was going to say
15 what had happened with us if I didn't get to go on home
16 leave. I wasn't going to actually say it because
17 I thought I would get into trouble. To stop me saying
18 what had happened she said to me she would get me on
19 a holiday. There was only meant to be five people that
20 got picked for this and she said she would make sure
21 I got to go. She kept saying I shouldn't be getting it
22 but she was going out her way to get me it.'

23 Not long after that he says he was told that she
24 wouldn't be his key worker, that somebody else would be
25 his key worker, albeit Elaine would still be effectively

1 his key worker but this other person would be his
2 official key worker.

3 He says at paragraph 313:

4 'I decided I needed to get an escape plan as I felt
5 I was getting lied to by the social work saying I was
6 getting out after three months.'

7 He then talks about the fact that he was fast
8 tracked to go on a home visit so that he could then have
9 taken all the steps he needed to to be able to go on
10 this holiday, and he says that this was all done, he
11 thinks, so that he wouldn't say anything about what
12 Elaine had done to him.

13 He then tells us a little bit about the holiday to
14 Wanlockhead from paragraphs 317 to 322, and there was
15 an issue on that holiday. He stole vodka from the local
16 shop and one of the girls went off with a boy and was
17 caught in a derelict cottage and the holiday was cut
18 short and they went back to Kerelaw.

19 When he got back he was told that his home leave was
20 going to be stopped because of what happened. He then
21 was moved out of unit 3 and back to unit 1, and
22 paragraph 323 he says:

23 'It was as if Elaine panicked and tried to get rid
24 of me.'

25 He then talks about the abuse in more detail from

1 paragraph 325 and he says:

2 'You couldn't be your own age when you were in
3 Kerelaw. You had to be an older person, a hard person
4 and had to be everything other than what you actually
5 were. Throughout my time in care I don't think I was
6 ever allowed to be a child. The only time you were
7 a child was when you were getting told what to do.

8 Kerelaw was by far the worst out of all the places
9 I've been for the sexualised behaviour. The way staff
10 were and the way they spoke it was like a whore's den,
11 basically. They would touch the children, say innuendo
12 and joke.'

13 Then he talks more about the incidents with Elaine
14 from paragraph 327. He says:

15 'A couple of days after Elaine told me she was going
16 to be my key worker I was in the unit and I was rattling
17 and withdrawing from heroin. I was emotional and teary
18 and although it sounded bad all I wanted was my mum.
19 Elaine came in and said to go outside for a fag. You
20 were only meant to get six fags a day and I was getting
21 an extra one.

22 She asked me what I thought was going to happen and
23 what I wanted to happen. I said I was only going to be
24 there for three months and she started laughing saying
25 no I wasn't. I started arguing with her and she said

1 she wasn't being bad to me but said that nobody went in
2 there and got out within three months. She told me that
3 others had been told that and were there 18 months. She
4 said that she would try and get me into the town and get
5 me a burger.

6 I was greeting and she asked me if I wanted time out
7 and go up the stairs out the way of everybody so they
8 didn't see me upset. Time out was something you could
9 ask for and you would get usually 45 minutes away from
10 the others. I asked if I could phone and speak to my
11 mum. I couldn't get her, so she took me upstairs.
12 I asked her if I could see a doctor to help with my
13 withdrawals but never got one.

14 She went away and came back about 20 minutes later.
15 I was lying on the bed and she stood against the wall
16 near the door and asked how I was. I was all over the
17 place and needed the drugs my body was craving.
18 I wanted my mum and my body was all sore. I was lying
19 down on my side and she came over and sat down beside
20 me. She said she knew what it was like and knew what
21 a come down was like because she had smoked hash and had
22 taken eccies (ecstasy) at the weekends. I told her she
23 never knew and I wanted my mum. She took my hand and
24 was stroking it and was saying I was all right.'

25 She then asked him about a girl he was going with at

1 the time and what age she was. He then says:

2 'I told her she was a year older than me and she
3 asked me if we had ever had sex. I'm quite shy with
4 that kind of thing but she put me at ease. I didn't
5 want to say no and I didn't want to say aye, but when
6 she said she wouldn't tell anyone I said aye. She then
7 asked what I liked and asked had I been with a more
8 mature older woman, she asked if I liked a good chest or
9 good arse but I told her I had never thought about that
10 as I always went for looks. We touched knees, she put
11 my hand she had been holding on her breast and asked if
12 I liked it. She leaned forward and kissed me. I didn't
13 know what was going on. It led to us having sex over
14 the chest of drawers in the room.

15 She told me not to worry as she wouldn't tell anyone
16 and asked me if I enjoyed it. She asked if it was
17 really my first time with an older woman because I was
18 good. She said she would sort something better and more
19 special for when I was allowed out to the town for
20 a burger or something.

21 If I have sex now it was nothing like that. It was
22 sex but it wasn't sex and I'm not being derogatory in
23 any way, shape or form when I say this but there was no
24 feeling. I was only a wee boy and she was a woman. The
25 best way I can describe it without being rude is that it

1 was more messy than anything. She left, went
2 downstairs, came back and sent me downstairs again.
3 When she came back in after she just acted normal.
4 There was nothing and she wasn't being like a girlfriend
5 would be. It was just as if nothing had happened.

6 A couple of days after this I was in the area where
7 the PlayStation 1 was. This was an area just near where
8 you went out to the caged compound unit. There were
9 originally two single seats put together for the people
10 to play the PlayStation but there was also a two-seater
11 sofa in the room. She came in and was doing the
12 hoovering. She moved the two chairs and put the
13 two-seater sofa in front of the PlayStation. I think
14 she just did the hoovering so she could move the chairs.
15 The way everything was positioned other people wouldn't
16 be able to see us because of the shower room and toilet
17 as well as the lockers.

18 She asked me to sit down and play a racing game on
19 the PlayStation with her. She said she was cold, closed
20 the window, and put a blanket over the two of us. She
21 touched me and told me to touch her over her clothes.
22 She then took her combats off and then told me to touch
23 her and we were skin on skin.

24 I knew it was wrong for me to do these things with
25 folk my own age and I know this sounds mad but in the

1 room I didn't really get the feeling but in the unit it
2 was different. It wasn't normal for her being with
3 somebody my age.

4 This happened two times. She would open her zip and
5 get me to put my hand in and rub her privates, as well
6 as putting the tip of my middle finger just slightly
7 inside her and move my finger back and forth. She'd
8 sometimes put her hands down my trousers and would
9 touch, stroke, and squeeze my private thing between my
10 legs. I had a pair of tracksuit bottoms that had
11 buttons down the sides from the waist to the ankles.
12 She always told me to wear those ones with no shorts on
13 underneath so that it was easier for her to touch me.

14 We never ever went out to the bowling or for
15 a burger like she said we were going to. She was meant
16 to take me to get me clothes but at the very last minute
17 **IDE** stepped in and took me. I saw her in
18 front of the PlayStation with a blanket over her and [he
19 names another boy] who was from Stevenson and was
20 resident in the school.

21 After I left that unit I used to see at the computer
22 with a blanket over her and another pupil.'

23 And he names him.

24 He then goes on to talk about someone else from
25 paragraph 341 and says:

1 'There was also a wee fat old guy called FST who
2 could not speak without using innuendo. FST was his
3 nickname but us and the staff called him "FST",
4 even when families were there he would cut it back, but
5 he would still make inappropriate remarks.

6 FST was all right. He would never do bad to you,
7 would never hit you or hurt you and was never involved
8 in retraining you. He wasn't abusive to you but it was
9 just the way he talked that was wrong.

10 HWC was the staff from unit 2 and HUX was staff
11 from unit 3 and she was a pretty woman. She was always
12 dolled up and HWC and her were always out for fags. He
13 would always mimic having sex with her as they were
14 walking out for a fag. If you were walking behind them
15 he would shout "look lads", lift her dress up and slap
16 her arse in front of everybody. He would then say,
17 "Come on then, it's that time again, you are going to
18 exhaust me, HUX".

19 At that time because you were in that environment
20 and that's what happened at the time that was normal and
21 acceptable. But when I think back about what actually
22 went on I actually say "holy fuck" to myself.

23 One day HUX had a bike with her and in front of
24 us all FST said something about sniffing her saddle.
25 He said something like, "Better still, get in that

1 toilet, get them off and get them over here for a sniff,
2 but I can't promise you will get them back dry".

3 HUX was just as bad though and would say things
4 back to him. She would carry on with the boys saying
5 things like, "How big's your chopper? Well, come back
6 when it's grown". Everybody was laughing, but looking
7 back that was wrong. It was mental because half of
8 these people were married. The way they spoke to pupils
9 shouldn't have been the type of conversations they were
10 having.'

11 Then he comments that chatting to 13 years old about
12 that wasn't right as far as he was concerned, and it
13 wasn't just to the children, it was to other staff as
14 well.

15 He then goes on to talk about HWC a little bit more
16 and at paragraph 348 he says:

17 'He would always cut through our unit to go for
18 a fag or to see HUX or other members of staff. He
19 was always one of the first once there if something was
20 happening. He used to make sexually inappropriate
21 remarks to pupils and staff and was sexually active with
22 HUX. HUX used to tell us she had something going
23 on with him.

24 'I also saw HUX put her hand in [then he names
25 a boy] pocket and feel his private parts. She even

1 admitted that she had put her hand in his pocket to his
2 mum [I think that should say] when she checked his
3 pocket thinking he was carrying nail varnish that he
4 used to buzz in his pocket.'

5 He then goes on to talk about another member of
6 staff at paragraph 350:

7 'GUW [REDACTED], the art teacher, used to do stuff with
8 the lassies a lot. He had grey receding hair and was in
9 his 40s or 50s. He would say things like "nice baps"
10 and "they make your top look nice", "what are you having
11 for your meal? Not indulging on any raw sausages
12 today?''

13 He then talks about a girl and names her, this is at
14 paragraph 351. He says:

15 'I'm not sure what age she was but she was under 16.
16 He used to take her up to the education department to
17 his classroom and she was the only one that was allowed
18 in his cupboard. The two of them used to do stuff in
19 the cupboard. By that I mean touching. I can't say
20 exactly what he used to do, but you could tell what he
21 was trying to do, he would be standing right behind her
22 with his arms around her like an intimate couple would
23 do. If you moved forward or near them you got moaned
24 at.'

25 Then he says he saw him once with his hands down her

1 denim trousers, and then he gives us the scenario as to
2 what happened.

3 He then says they used to ask her what was going on
4 and she would nod to confirm things they asked her, and
5 she wouldn't say much but she did say that they were
6 going with each other and that when she left they were
7 going to be together.

8 He says at paragraph 355 about that individual:

9 'He also encouraged boys and lassies to do stuff in
10 the class. It's hard to explain what it was like in
11 there but all that sort of stuff, I can't use the word
12 encouraged, but the way things were done it was
13 acceptable if you fancied a girl and she fancied you,
14 you would just go under the table.

15 He would touch other lassies behinds as well. He
16 would draw cartoon characters of the lassies and make
17 them have big breasts and be wearing suspenders and high
18 heels.'

19 Then he says:

20 'Tommy Bryce was a staff member as well. He knew
21 what G UW was doing and threatened G UW that he was
22 going to get him for it. I assumed it was for what he
23 was doing to the lassies in the class.'

24 Then he goes on to say that Tommy was a pure
25 gentleman and would never harm anyone and was protective

1 of the children.

2 At paragraph 360 he talks about another teacher and
3 says:

4 'It was the same in HUV's class as well. He
5 was a baldy fat dude and was a computing and maths
6 teacher. He would let boys and lassies do things with
7 each other in the class.'

8 He then talks about a girl that was there and says
9 that she used to go with another guy from Drumchapel and
10 that he was in the class and that HUV would let
11 them openly have sex in the class:

12 'They'd be standing winching and then be on the
13 worktop and everything. He knew what they were doing.
14 He had a small room and people going past would be able
15 to look through the door window and see them up against
16 the wall.'

17 About HUV he says that he was never violent
18 and never hurt him, but at paragraph 362 he says:

19 'He would brush past you and rub himself against
20 you. That used to creep me out. He invaded your space
21 and it was horrible. You could feel his parts touching
22 your body but to be honest I don't know if he was
23 aroused or not. He would try and get the lassies to sit
24 on his knee.'

25 He then talks about another member of staff at

1 paragraph 363, he says:

2 'Wee [REDACTED] who was a staff member was brutal
3 to me at first. He would grab me and rub my head with
4 his knuckles but he didn't mean it in a nasty way.
5 I hated him but it turned out he was my pal's uncle.'

6 He says that after he found that out that [REDACTED] did
7 a 360-degree turn in relation to him and changed his
8 attitude.

9 He then talks about the fact that he never got any
10 preparation for outside life whilst he was at Kerelaw
11 and just over the three-month period and just before his
12 16th birthday he was back at his house and went to
13 a Children's Panel, and the Panel took the order off him
14 as they said he had done everything they'd asked of him.

15 He talks then about life after leaving Kerelaw and
16 says from paragraph 371 that he never had any further
17 involvement with his social worker. After leaving
18 Kerelaw they just washed their hands of him.

19 He had been taking drugs before he went into Kerelaw
20 and whilst he was on home leave from there, and when he
21 went back to his mum and dad's after Kerelaw he fell
22 back into that old lifestyle of drugs and getting into
23 trouble with the police.

24 He then talks about being 16 and being locked up for
25 a 110-day remand at Longriggend. He got bail after the

1 110 days and he doesn't say there was anything he would
2 consider as abuse whilst he was there.

3 He then says when he was 17 years old he was
4 sentenced to 11 years for two separate sentences and was
5 sent to Polmont Young Offenders and he doesn't feel that
6 any behaviour towards him there whilst he was under 18
7 was abusive.

8 In relation to life after care he says at paragraphs
9 376 and 377 that he got moved to other jails after he
10 was 18, and he spent most of his time as an adult in
11 prison. He was in and out of prison and had various
12 relationships, that he is married now and has a child
13 from a relationship with a previous partner.

14 In respect of impact, he says at paragraph 382 that
15 he was addicted to drugs since he was 11 years old. At
16 384 he says that his parents ended up having to lie
17 about his age to get him into a private detox in
18 Yorkshire called Detox Five, and they had to pay for it.
19 He says he was then on methadone for 13 years.

20 He talks at paragraph 397 about his education
21 suffering, being in these places and not getting the
22 right support. And he thinks he could have had a decent
23 job as he is clever enough, and that he now has a share
24 in a buying and selling company and he just wants his 86
25 year-old dad to see now that he's a success.

1 He does get flashbacks as to how he was abused in
2 care.

3 Then if I can go forward to 'Lessons to be learned',
4 at paragraph 420 he says that when he was 16 and the
5 Panel released him from Kerelaw the social worker asked
6 him if there was any lessons to be learned now that he
7 was leaving the system and he brought up the fact that
8 he was sent far away from his parents, and the social
9 worker said that the reasons they sent boys far away was
10 as a deterrent because of the distance, and he quotes
11 the social worker saying:

12 '... and to try and prevent wee bastards like you
13 from running away.'

14 He said that he told the social worker that wasn't
15 going to prevent anything as it made him more eager to
16 get home.

17 At paragraph 422 he says that he thinks staff that
18 work in institutions should be assessed all the time.

19 At 423 he says:

20 'There are some nice people who work in these
21 places, they are not all bad.'

22 Thereafter, my Lady, paragraph 434, he has made the
23 usual declaration, and 'Thomas' has signed it and it's
24 dated 23 February 2023.

25 LADY SMITH: Thank you very much.

1 I think we'll take a break now, Ms Forbes, for about
2 15 minutes or so.

3 MS FORBES: My Lady.

4 LADY SMITH: Then that leaves us with a couple more, two or
5 three more.

6 MS FORBES: I think there are maybe three more.

7 LADY SMITH: Three more to do. Very well.

8 Before I rise though, names, as ever we've been
9 using names for convenience in the course of these
10 read-ins, who are the names of people whose identities
11 are protected by my General Restriction Order.

12 The ones I have noted are KBE [REDACTED], a teacher
13 called KBK [REDACTED], a member of staff called KBL [REDACTED],
14 KBD [REDACTED], FSL [REDACTED], KBS [REDACTED], who is also
15 referred to as 'KBS [REDACTED]' and 'KBS [REDACTED]', FSR [REDACTED],
16 Elaine Graham, FST [REDACTED], HWC [REDACTED], HUX [REDACTED], GUW [REDACTED],
17 Tommy Bryce and HUV [REDACTED].

18 They are not to be identified outside this room.

19 Thank you.

20 (11.03 am)

21 (A short break)

22 (11.20 am)

23 LADY SMITH: Ms Forbes.

24 MS FORBES: My Lady, the next statement is from an applicant
25 who is anonymous and is known as 'Kieran'.

1 His statement reference is WIT-1-000000677.

2 LADY SMITH: Thank you.

3 'Kieran' (read)

4 MS FORBES: 'Kieran' was born in 1986 and spent his early
5 childhood in Glasgow with his parents, he was the
6 youngest of five children. 'Kieran' says he had a good,
7 happy childhood and was probably spoilt because he was
8 the baby of the family. He enjoyed his time at primary
9 school.

10 When he went to secondary school, about halfway
11 through his first year he fell in with a bad crowd. He
12 was smoking cannabis, started drinking alcohol, he was
13 stealing to fund this, got more and more involved with
14 the police, and they were taking him home and reporting
15 things to the Social Work Department.

16 He was then suspended from school on several
17 occasions and subsequently expelled. He was put into
18 day care centre in the Gorbals, beside the sheriff
19 court, he was still living at home at that time, he was
20 supposed to go there during the day but after a short
21 while he stopped going. His behaviour got worse and
22 after one or two months of that he ended up in front of
23 the Children's Panel in Glasgow, and it was decided that
24 the best place for him to go was a children's home.

25 He was then sent to a children's home, he was there

1 for a couple of days. He went to another home after
2 that and he was taken there because he'd run away from
3 the first place, and he thinks he would have been still
4 12 or 13 at that time.

5 He talks about that children's home from
6 paragraph 6, and it was in Glasgow, **Secondary Institutions - to be pub**

7 **Secondary Institutions - to be published later**

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15 He was told that there was a space available at
16 Kerelaw and that's where he was going. He was not told
17 how long he would be there and he was still 13 at that
18 time.

19 He talks about Kerelaw from paragraph 20 onwards.

20 He says at paragraph 30 he was in the Millerston
21 Unit and names Shona as being the manager, **KBS**
22 **SNR**, being his key worker and
23 other members of staff are outlined there.

24 He says when he first arrived at Kerelaw from
25 paragraph 32, he says that a member of staff **KBS**

1 welcomed him. He said 'He had a boxer's nose and was
2 very scary looking. He told me to go outside and play
3 with the others who were outside in the snow. I joined
4 in and was throwing snowballs and hit an older guy.
5 I found out later he was a member of staff called
6 FSB and he was my PE teacher. He chased after
7 me [I think that should say] and restrained me. I ended
8 up having to go to the hospital.'

9 'When I was taken back from the hospital it was
10 quite late at night and someone showed me around.
11 I can't remember what else happened that night or how
12 I was feeling.'

13 He then talks at paragraph 41 about trips and
14 holidays and says:

15 'Sometimes at the weekends we would get taken out
16 for the day or go somewhere on a day trip. One time we
17 went hiking somewhere. I don't know where it was, but
18 it must have been a Munro we climbed. Me and a few
19 other boys fell back from the main group including the
20 teachers and the guide so we could smoke cannabis. We
21 thought it would be good fun to get high on a mountain.
22 We were caught in a blizzard and got separated from the
23 main group. It was one of the most terrifying
24 experiences of my life, I thought we were going to die.
25 The guide came back and rescued us and put up a tent

1 where we took shelter until the blizzard passed. The
2 guy who organised these trips did a lot of hiking and
3 I always wanted to go with him. I think his name was
4 KBN . This was the only time I went with him.
5 The supervision wasn't great on this trip the fact that
6 this was allowed to happen.'

7 He talks about schooling at paragraph 43 and he
8 says:

9 'I didn't go to school immediately when I arrived at
10 Kerelaw. I think they let me settle in for about a week
11 and got to know the other boys before I went. The
12 school was in the middle of Kerelaw. There were maybe
13 five other boys in each class and the age range was
14 between 11 and 16. School was a joke. In English we
15 sat and watched The Simpsons. At techy we made wooden
16 boards to roll joints. At home economics we could make
17 cakes or things with cards. KBN taught
18 geography or history. Basically there was no attempt to
19 educate me. The only subject that I really enjoyed and
20 I was good at was art. I loved painting. The art
21 teacher was Matthew George and he helped me but he went
22 on to abuse me.'

23 He talks about bed-wetting at paragraph 49 and he
24 says:

25 'I wet my bed all the way through my time at

1 Kerelaw. For me, I realise now, it was obviously
2 a behaviour thing. I think I wet the bed before I went
3 into Kerelaw but I am not sure about that. I remember
4 trying to hide that I had wet the bed from the other
5 boys otherwise I would have been slagged.'

6 He then says at paragraph 53 that after he had been
7 at Kerelaw for about six months he was given home leave
8 and he says that he remembers some people coming in from
9 outside a couple of times, and he says, paragraph 54:

10 'I was told to stay in my room and keep out the way
11 because there was an inspection. They obviously didn't
12 want me to speak to them.'

13 In relation to discipline he says at paragraph 55:

14 'The only discipline I saw was in the school when my
15 face got dragged across the carpet by Matt George when
16 I was avoiding him. The only other thing they would do
17 if you misbehaved or didn't do what you were told at
18 school, they would cancel home leave so I didn't get to
19 go home and see my family.

20 They taught us discipline with aggression. If you
21 didn't do what they wanted you to do or if your
22 behaviour was becoming a bit hyper, or even if you were
23 too happy they would restrain you. The police were
24 often called to Kerelaw by the staff to deal with
25 situations.'

1 In relation to running away at paragraph 58 he says
2 that they took their trainers away from them at night to
3 stop them from running away, and he says he thinks he
4 managed to run away three times. He managed to get to
5 Glasgow, but was caught by the police.

6 From paragraph 60 onwards he talks about abuse at
7 Kerelaw and says, again this is about the incident with
8 the snowballs, at paragraph 60 he says:

9 'On my very first day, just after I arrived, I was
10 encouraged to go outside and play in the snow with the
11 other boys. I started throwing snowballs and I hit
12 FSB the PE teacher, he chased after me so
13 I ran into the unit but got trapped at a locked door
14 into the dining hall. He grabbed a hold of my legs and
15 started pulling at me. I was holding on to the door
16 handle so I was dangling in mid-air like Superman. The
17 next thing I felt was someone ramming their fingers into
18 my armpits to make me let go and a towel in my face.
19 I later found out that this was something they did so
20 you wouldn't smash your head off the tiles.

21 There were other members of staff there that joined
22 in to help but I am not sure who they were. They
23 performed a restraint on me and shoved my arms up my
24 back. The shock of being restrained, or the pain, was
25 so bad for me that I wet myself. When I was on the

1 ground and they were restraining me, FSB said in my
2 ear, and I will never forget what he said, "This is the
3 Kerelaw way" and that I would do what they told me to
4 do. FSB was very strong and easily
5 overpowered me. The police were called and I was taken
6 out in the snow in my bare feet and went to the police
7 station. All the others were laughing and some were
8 making comments as I was taken away because I was crying
9 and had wet myself.

10 I had to go from the police station to Crosshouse
11 Hospital, where they found that the ligaments in my arm
12 had been torn. I was told that they would heal and
13 I was taken back to Kerelaw. I remember I was terrified
14 and didn't want to go. When I got back the other boys
15 were laughing at me because I had wet myself. It turned
16 out that FSB was my PE teacher and he was
17 a bully. He became a big part of my life in Kerelaw.
18 I know that I was probably out of control a bit but
19 I didn't deserve what he did to me. He was a big strong
20 bloke.

21 Matt George was a sexual predator. He was my art
22 teacher and I loved painting. When I first met him he
23 was really nice to me and seemed to be a good guy.
24 I was really good at art and the unit even bought some
25 of my paintings. I thought Matt was interested in my

1 work but it turned out he was more interested in me. He
2 wanted to know what I did outside Kerelaw and what my
3 sexual preferences were. He wanted to know lots of
4 details about what I got up to at the weekends when
5 I went home. He would ask if I had sex at the weekend
6 and whether I had been with boys or girls. He did this
7 at first and looking back I can see this was him
8 grooming me.

9 One night I woke up and Matt George was sitting on
10 my bed in my room. He didn't even work in my unit so
11 I don't know why he was there. He just said everything
12 was okay and telling me to be quiet. Nothing happened
13 that night, there was no foul play, but I have no idea
14 why he was there. He might just have been there to
15 intimidate me, but he left me scarred by sneaking into
16 my room.

17 I was in Matt George's class about a year before
18 anything happened. He sat beside me in the classroom
19 and that was when he started to grope me under the table
20 between my legs. He always touched me over my clothing
21 and at the same time he often stuck his tongue out in
22 a suggestive manner. A few times he grabbed my hand and
23 put it on his groin area over his clothing. I would
24 have been 13 or 14 and I was confused, felt dirty, and
25 didn't know what to do. This really made me question my

1 sexuality. I wasn't sexually active at all by this time
2 and I didn't know if I was straight or gay. I had
3 a roller coaster of emotions.

4 I allowed him to do this to me over a long period
5 and I don't know if I let him because he was paying me
6 attention. He groped me at every opportunity he could.
7 It happened regularly for almost the rest of my time
8 there, probably about a year. He was always careful and
9 did it when the classroom was quiet and no one could see
10 what he was doing under the desk. I never saw him doing
11 to any of the other boys what he did to me.

12 Matt George had a house in Largs. I always wanted
13 to go and see his house because he told me he had a soda
14 making machine and I loved drinking ginger. Luckily
15 I didn't ever go to his house. He wanted to take me to
16 his house but it never happened. I was gutted at the
17 time because I wanted to see the soda maker.

18 I eventually realised what he was doing was wrong
19 and I didn't want it to continue. One time I left the
20 art class to get away from him and instead went into the
21 English class with the teacher [IWN]. When I was in
22 there Matt George, who obviously knew I was avoiding
23 him, came to the class and pulled [IWN] outside. They
24 came back in to the class and got all the other boys to
25 leave. I sat in the middle of the class and wrapped my

1 arms and legs around the table leg and told them
2 I wasn't going anywhere with Matt George because he was
3 a beast. They started poking me in the eyes with their
4 thumbs so I would let go of the table and eventually
5 I had to let go. They grabbed me in the groin area then
6 twisted my testicles when they were trying to put me
7 into a restraining position.

8 They then dragged me from one side of the classroom
9 with my face pushed down almost buried into the carpet,
10 with a knee on my back or on my head. I was screaming
11 with the pain. My sides were kicked and kneed at some
12 point. I thought I was going to die. It ended up my
13 face was red raw and scabbed. Matt George started it
14 but IWN helped him. This is the only time that
15 I remember this happening to me.

16 They dragged other boys across the carpet too. Me
17 and the other boys were sent out of the class so we
18 wouldn't see. Sometimes there were up to four teachers
19 doing it. One teacher would be standing at the
20 classroom door keeping us away so we couldn't see what
21 they were doing, but I could hear the screams and I knew
22 what was happening. When my face was scabbed they
23 didn't let me have home leave. They didn't want my
24 family to see the injuries to my face.

25 There was one time at Halloween, not long before

1 I left, when I was in one of the girls' units for
2 a party and I was dressed as a girl. When the food came
3 out for the buffet I grabbed a plate and rushed up to
4 the table. Matt George grabbed the plate from me and
5 told me that I would be at the end of the queue. I left
6 in a rage and went back down to my unit and smashed up
7 my bedroom. I threw a chest of drawers through a double
8 glazed window. I ran out and was chased by staff across
9 the field.

10 When I was running I was hit on the back by
11 a massive set of keys that the staff had thrown at me.
12 They did this often when you ran away from them. I fell
13 to the ground. One of them was definitely Matt George,
14 but I can't be sure who the others were. They pounced
15 on me and restrained me.

16 I was taken back to the unit and the police were
17 called and they took me to the police station. After
18 being there about six hours I begged the police not to
19 take me back, but they didn't listen and they took me
20 back to Kerelaw. When I was taken back it was the same
21 guys that had battered me that were there. They were
22 laughing at me.

23 You could be rewarded in Kerelaw if you battered
24 someone. Staff would sometimes give you a nod that one
25 of the boys was getting too big for his boots and needed

1 taking down a peg or two. They wouldn't say directly
2 but it was obvious that they wanted you to do it. They
3 played games with us to do things for them. If we beat
4 the boy up that they wanted us to we would be rewarded
5 with a Chinese meal outside or bought a pint of beer.
6 I can't remember who rewarded me like this.

7 **FSY** was an absolute bully and he set boys up
8 to fight with each other. He was horrible to some of
9 the boys. Some staff encouraged us to hate other boys
10 in there. I used to stick up for a lot of boys because
11 I felt sorry for them. They were defenceless and
12 I would step in and fight for them.

13 Some boys had a grievance with each other and it was
14 fair enough for them to sort out their differences if
15 they wanted to fight. Other boys were made to fight
16 just for the sake of it, even if the boys didn't want
17 to. **FSB** the PE teacher did this. He would
18 make boys wear boxing gloves and fight. I was one of
19 the bigger boys in there but I was frightened. You
20 never knew who you were going to be made to fight with
21 but you didn't have a choice. If at any time you showed
22 any sense of fear or weakness you would be mocked. This
23 wasn't just from the other boys, it was from the staff
24 too. I was never relaxed in there and always carried
25 a sharp pencil in my pocket just in case I needed it if

1 someone attacked me or I was bullied.

2 [REDACTED] encouraged me to hate a boy [he names
3 him] who was moved into the secure unit for bullying.
4 He told me so many bad things about him that I really
5 hated him. [REDACTED] made it clear that he wanted me to
6 batter him. Because of this, one day I saw him outside
7 in the grounds and I chased him. He ran into the secure
8 unit so I went in after him. I hit my hip off the
9 railing and fell over him. I started hitting him and
10 was dragged away by staff. I wasn't restrained and
11 [REDACTED] told me that I was a good boy and that
12 I had done well and would be rewarded for what I had
13 done.

14 There was a girl in the school who was disabled.
15 I can't remember her name. She had been running about
16 flashing her boobs and everyone was laughing at her.
17 The staff kept restraining her and put her into the
18 secure unit. I think this happened three times. She
19 was very badly treated and shouldn't have been in the
20 unit. She should have been in a special needs school.
21 I did a protest by standing on the school roof for
22 a whole day. The police were called. At some point
23 I was sitting on the edge of the roof and the police
24 grabbed my leg and pulled me off. I was taken to the
25 police station, where I think I was charged and returned

1 to Kerelaw.

2 Kerelaw was very regimented and disciplined. The
3 staff weren't as bad as the teachers. At school in the
4 classes if you didn't do what they told you to do or if
5 you were disrupting the class, the teachers would put
6 you to the floor and restrain you. It only happened to
7 me once. We were never given the belt at Kerelaw. Any
8 time I was restrained it was usually by Matt George.
9 Quite often they would put a towel over you before they
10 hit you. I think this was so you didn't bruise as much.
11 They would dig their fingers into your ribs under your
12 armpits to get you down, then they would twist your arms
13 up your back. Matt George did another thing where he
14 grabbed your fingers and bent them right back and when
15 he was doing this he would laugh.

16 I would have told the nurse at Kerelaw how I had got
17 the scabs on my face after my face was pulled along the
18 carpet. This was probably just part of her normal day
19 to get told something like that. I think she used to
20 just look at my arms and legs and ask me to look at
21 something which she held up. I assume this was a check
22 for concussion.'

23 He then says that he told his mum about the physical
24 violence at Kerelaw, but she just thought that he was at
25 it. He never told anyone at the time about Matt George

1 and what he did to him in the art classroom. He didn't
2 think anyone would believe him.

3 He talks about [REDACTED] being his key worker
4 and says that he sat with him or went for a walk with
5 him on a weekly basis, just he and him, and that he had
6 asked him how things were going but there was no way he
7 would have shared anything with [REDACTED], he didn't
8 trust anyone, and as far as he was concerned they all
9 worked together.

10 At paragraph 82 he says:

11 'What Matt George did to me was never discussed with
12 any of the other boys. It wasn't the sort of thing that
13 was talked about ... the only thing that came up in
14 general chat was boys telling each other to just keep
15 away from certain staff but they didn't say why.'

16 Paragraph 83 he says:

17 'All the staff at Kerelaw knew what was going on
18 with the violence. There is no doubt that a lot of the
19 staff turned a blind eye and ignored it because they
20 were frightened they would lose their jobs if they spoke
21 out. I regularly heard them saying they were well paid
22 and it was easy money for them.'

23 He then goes on to say that he would have been at
24 Kerelaw about two and a half years, and that after the
25 day involving Matt George and the teacher [IWN] dragging

1 him across the carpet he realised that he had to get out
2 of there, and he was told by his key worker,
3 [REDACTED], and **KBS**, who he has mentioned before,
4 that he had a choice. He could either go to prison or
5 they would put him in a house and he would be left to
6 get on with his life. He chose the house. He was 16 by
7 this time.

8 He then talks about life after being in care from
9 paragraph 86. He says that Kerelaw didn't get a house
10 for him when he left, he went to his mum's. After
11 a while he went to stay with a friend in his flat. When
12 he left Kerelaw he just wanted to better himself and get
13 on with his life and he got a job in a laundry house.
14 He did a construction foundation course and got
15 certificates and then he started work and after two
16 years became an apprentice with a big firm. He managed
17 to get a house through the social work where he lived
18 for two years, but then he dropped out of his
19 apprenticeship. He was involved in taking drugs and he
20 wasn't making it to college or work.

21 After leaving the apprenticeship his life was
22 a roller coaster, his behaviour was erratic, he was
23 drinking, taking drugs, and gambling. He got involved
24 in crime with a local gang and was breaking into places
25 and he ended up being sentenced to two and a half years

1 in prison. He only served one year and was released
2 three years ago at the time of this statement.

3 He said he had two children with his partner but
4 they have split up and she has the children and he has a
5 new partner, who has a child, and he has been with her
6 for six years and she stood by him.

7 In relation to impact he talks about that from
8 paragraph 92 onwards and says:

9 'When I was at Kerelaw I was regularly taking drugs.
10 I took cannabis, ecstasy or Valium, just whatever
11 I could get my hands on. I can't say it was to block
12 things out, it was just because that's what everyone
13 did.'

14 At paragraph 93 he says:

15 'I attempted suicide when I was at Kerelaw. Because
16 I had let the abuse go on so long I was really confused.
17 I loved doing art but hated what Matt George was doing
18 to me. On a couple of occasions I took overdoses of
19 tablets to end it. I did it when I had run away and was
20 in the local area. [REDACTED]

21 [REDACTED].'

22 He thinks he must have ended up in hospitals but he
23 doesn't remember.

24 He then goes on to say he thinks he suffered mental
25 health issues when he was at Kerelaw but it was never

1 identified, and over the years since he has tried to end
2 his life a few times taking overdoses of tablets but he
3 has failed on each occasion. Looking back it was
4 probably just cries for help.

5 He said he was robbed of an education in Kerelaw,
6 but it was partly his own fault because he didn't behave
7 and didn't go to school.

8 At paragraph 98 he says:

9 'If ever I fall asleep and I am lying in the
10 position that I was in when my face was dragged across
11 the floor by Matt George I sometimes wake up in a panic
12 and check to feel if my face is stinging or if it is
13 scabbed. That incident still haunts me to this day.

14 Looking back at what Matt George did to me and what
15 he made me do to him under the table completely disgusts
16 me. I still draw in my spare time and I don't want my
17 memories of what he did to me in the art class to spoil
18 this.'

19 He then talks at paragraph 102 about getting
20 cognitive behaviour therapy because of panic attacks and
21 he has been to many groups because of his drugs,
22 alcohol, and gambling addictions. He is now in his
23 third year of therapy from Anchor, organised through
24 Future Pathways, which he says has given him the tools
25 and life skills which were hidden away and he wasn't

1 aware of, and he can't thank Future Pathways enough for
2 what they have done for him.

3 In relations to lessons to be learned, he says at
4 paragraph 107:

5 'Matt George was an adult with power in charge of
6 young vulnerable children and he was allowed to abuse
7 his position. He should have been helping children not
8 helping himself. He should be back behind bars.

9 There should be more independent inspections done at
10 places like Kerelaw. People like Matt George shouldn't
11 be allowed to stay in power and abuse this power.'

12 At paragraph 109 he says:

13 'It has been difficult for me to speak to the
14 Scottish Child Abuse Inquiry but I had to do it to help
15 other children in care and other people wanting to go
16 into the care profession.'

17 At paragraph 110 he then says in the last sentence:

18 'It is only now that I feel I have the courage to
19 talk about what happened to me with Matt George.

20 What Matt George did to me was just touchy feely and
21 I was lucky that I escaped a lot worse. Having read
22 about him a few years ago I know that he did a lot worse
23 things to other boys. Although it still had an impact
24 on my life, I do consider myself to be lucky.'

25 He has made the usual declaration and then 'Kieran'

1 has signed it and it is dated 27 April 2021.

2 LADY SMITH: Thank you very much.

3 MS FORBES: My Lady, the next statement is from an applicant
4 who is anonymous and is known as 'Rory'.

5 The reference for his statement is WIT-1-000001271.

6 'Rory' (read)

7 MS FORBES: 'Rory' was born in 1987 and was raised in
8 Glasgow with his parents. He had two older siblings and
9 two step brothers. He was going to primary school and
10 at that time there was no issues. He was aware, though,
11 that his parents were both drinkers and for a lot of the
12 time he was able to do what he wanted, but he was still
13 washed and looked after and there was always food.

14 When he was about 10 or 11 he started getting into
15 trouble for minor things. The social work got involved.
16 His mum and dad then split up around that time. He
17 stayed with his mum. He then went to high school and
18 there was little help for the family during that time
19 and the social workers just said that if his behaviour
20 didn't improve he would end up being placed in a home.

21 At that time he then was appearing at Children's
22 Panels fairly regularly.

23 He was then taken to foster care, and he talks about
24 that at paragraphs 7 and 8. He was about 11 or 12 when
25 they decided that he would be placed into foster care,

1 but he was only there for about 20 minutes because he
2 asked if he could go outside to play and as soon as he
3 was outside he ran off. He was staying rough or with
4 people he knew, and then a few days later was found by
5 the police and he was allowed to go back home.

6 By the time he was 12 years old then and in
7 secondary school he was supposed to go to a day centre.
8 He talks about that from paragraph 9, and he says it was
9 not long before he stopped going -- sorry, he was
10 supposed to be going to secondary school, but it wasn't
11 long before he stopped going and the social work
12 arranged for him to go to one of these day centres by
13 taxi each day. He was going there for a few months in
14 total but not long after he started doing that they were
15 at a set of traffic lights and he decided to run off
16 from the taxi, and running away from there became
17 a habit.

18 The social work decided that that wasn't working and
19 they decided to try a different placement, and he was
20 sent to St John's Approved School in Glasgow.

21 He talks about that from paragraph 11. He says he
22 was there for around six months. He says that whilst
23 there they taught practical things, which he liked
24 better than putting pen to paper. He says he was there
25 as a day pupil, and it was not long though before he was

1 staying away, and he was threatened with being put into
2 a residential home if he didn't behave. He thought it
3 was just threats.

4 He was also issued with an ASBO around that time for
5 his worsening behaviour, and then one day when he was
6 about 13 the social work came to his house and he was
7 told to take his stuff and he was taken away.

8 He was then taken to Kerelaw. He talks about that
9 from paragraph 14. He wasn't told where he was going,
10 and he was trying to work out as he was driving there
11 where they were heading. He wasn't told how long he
12 would be in Kerelaw for, but he ended up being moved
13 from the residential and into the secure unit and was
14 there until he was 16.

15 He says first of all he was in Millerston, and at
16 paragraph 26 he talks about the fact that when he was in
17 the residential unit he had a girlfriend who was also in
18 the home, and to see each other they had to sign
19 a contract, and that was to ensure that while they could
20 see each other they would not break any rules, and he
21 says at paragraph 26:

22 'We could spend time in either her unit or she was
23 allowed to spend time in my unit. We were not allowed
24 in our individual rooms. We spent most of the time in
25 the living rooms. Whenever we finished seeing each

1 other I was stripped searched and made to part my bum
2 cheeks, by John Muldoon, staff member, to ensure I was
3 not bringing in drugs. Not sure where he thought I was
4 getting drugs as I had been locked up in the home and
5 had not had any visits.'

6 In paragraph 28 he says that one of the times he was
7 away from the unit, he says:

8 '... I was hit by someone with a padlock and chain
9 and was quite badly injured. I made my way back to the
10 home, but the staff did not help with any treatment. At
11 no time when I was in the home did I see a doctor or
12 dentist. One of the times I got restrained that bad
13 I am sure my hand was broken. The only treatment I got
14 was I was handed an ice pack. There was no trip to the
15 hospital.'

16 He then talks about the fact that at the beginning
17 he didn't have many family visits as he was constantly
18 running away, but near the end of his time at Kerelaw he
19 had built up enough trust that he was granted overnight
20 stays at his mum's and sometimes for the weekend.

21 He says that the first time he ran away was after
22 a few days of being at Kerelaw and when he did run away
23 some of the staff might try and chase him and others
24 would just stand and wave for you to come back.

25 At paragraph 36 he says:

1 'When I was brought back to Kerelaw I was stripped
2 naked and made to have a cold shower. Initially I was
3 not allowed the towel, as whoever the staff member was,
4 they had it beside them and they made me go to them to
5 get the towel. It wasn't every time that I ran away
6 that I was stripped naked. One of the times I was
7 caught I was with another resident [he names him] and he
8 might have seen what happened. It was all the staff
9 that would do this.'

10 He then talks about abuse at Kerelaw from
11 paragraph 38 and he says:

12 'At night it was quite often that the staff would be
13 upset with me, and I would end up with them bending my
14 arms up my back and my wrists being twisted. It would
15 be different members of the night staff and sometimes if
16 the day staff were covering then they would do the same.

17 In the day there were times and for some reason **EUL**
18 the staff member was upset with me. He would take it
19 out on me, and he would restrain me and then batter me.

20 **IDE**, my key worker, would put me in a headlock,
21 squeeze your neck, rub his knuckles into my head or bend
22 my wrists into a lock. He was doing this because he
23 thought it was fun.

24 One of the times I had ran away I had been jumping
25 on bales of hay. I got back about 1.00 in the morning

1 and I was asking for something to eat. The staff
2 refused and I was then pushed to the floor and dragged
3 along the floor, giving me carpet burns on my knees.
4 I would be forced through some doors, up the stairs, and
5 again stripped naked and put into the cold showers.'

6 At paragraph 42 he says:

7 'There was a teacher, Matt George, who taught art.
8 When we were in his class there were times he would
9 stand right behind me and be rubbing himself against my
10 back. When he was rubbing himself against my back there
11 were others in the class. They might have seen it
12 happening to me and I certainly saw it happening to some
13 others. No one ever spoke out about it.

14 Matt George would also hold some of the kids back at
15 the end of the lesson, but I am not sure what happened
16 to them. There was a time when some pens went missing
17 from the class and he was blaming me. He made me stay
18 behind and I was told to strip my clothes off. When
19 I was naked he also made me spread my bum cheeks. When
20 this happened there was no one else in the classroom.'

21 At paragraph 45 he says:

22 'I don't know why he picked on certain people,
23 perhaps it was because the people he did pick on were
24 vulnerable. One of those people that it was happening
25 to was a girl [and he names her] and she was definitely

1 someone I thought was extremely vulnerable. I am not
2 sure if she was searched the same as me.'

3 He then talks about the fact that he has seen him
4 whilst he has been in prison and it brought back lots of
5 the memories of what he did to him in Kerelaw.

6 At paragraph 47 he says:

7 'IDE [REDACTED] was involved [this is in relation to the
8 abuse] and he and other members of staff were fully
9 aware of what was happening. They just sat in their
10 office smoking cigarettes and ignoring what was
11 happening. I thought this was just normal.'

12 Because he was running away constantly, it was
13 decided he would be transferred into the secure unit,
14 and he was about 14 or 15 at that time.

15 When he went to the secure unit he found that the
16 regime there was much more strict and it was all
17 different staff who worked in that unit.

18 Paragraph 55 he says that he did sit some exams
19 whilst there, but he didn't know he had passed them and
20 it was not until he was in Polmont later that one of the
21 female staff there spoke to him about them. And she
22 told him that she was surprised that someone with his
23 results was still in the prison system. He says:

24 'I told her I did not know what she was talking
25 about. She showed me that I had passed my higher

1 English and higher maths.'

2 At paragraph 57 he says:

3 'There were many kids in the secure unit that were
4 not coping with their life there. When they were
5 feeling really down, they would be feeling suicidal.
6 I am not sure what, if any, help they received.'

7 In relation to discipline at paragraph 62 he says
8 that he remembers one night he was upset with the staff,
9 and he put his mattress on the floor and lay down and
10 started kicking at the door. This was about midnight
11 and the staff came in and he was placed in the quiet
12 room for about two hours, and when he calmed down he was
13 put back into his room.

14 At paragraph 63 he says:

15 'Sometimes when I had run away and brought back,
16 I was stripped naked and placed into what was known as
17 the punishment cell. Others who were placed in the
18 punishment cell might have been placed in jackets like
19 a karate suit. This was not a straitjacket but a paper
20 suit to stop you being able to use it to hang yourself.
21 There was nothing in the room except for a camera.

22 There was a member of staff, **INM** who was issuing
23 our cigarette allocation, on some days when he was doing
24 this, and before he would give you a cigarette, he would
25 make you swirl some Tabasco sauce around your mouth for

1 a minute. When you did that, he would hand over the
2 cigarette.'

3 He says he was 16 when his time came to an end at
4 Kerelaw Secure Unit and he was no longer under any
5 social work care. He went to stay with his mum and had
6 no support from the Social Work Department. He was only
7 out for a little while before he was back in custody for
8 getting into more trouble and he was sent to Polmont.

9 From when he was 16 to 21 he was in custody perhaps
10 six separate times. The longest time being out would be
11 only three months, and that part of his statement where
12 he talks about Polmont was read in on 13 December 2023,
13 Day 398.

14 He does talk about abuse in Polmont and the staff
15 being brutal, that the conditions in Polmont were the
16 worst he stayed in. He talks about the Digger being
17 a punishment cell. He talks about being assaulted by
18 staff.

19 Thereafter, he talks about life after being in care
20 from paragraph 85, and says that since he was placed in
21 care at the age of 13, he thinks he has only spent about
22 two years in total outside of the care or the prison
23 system.

24 LADY SMITH: He must be in his mid-30s at the time his
25 statement was signed. It was signed in 2023, yes.

1 MS FORBES: He talks about being attacked in prison and had
2 hot water and sugar poured over him. He's lost his mum,
3 his sister, his niece and his grandfather within a short
4 period of each other, which had a massive impact on his
5 mental health. One of the periods he was out of jail he
6 also found his father dead in his bathroom.

7 He has had relationships while he has been out and
8 has two daughters. At the time of this statement he was
9 due to be released, and he said he was trying to get
10 help for somewhere to stay and benefits, and he planned
11 to get himself straight and to renew his relationship
12 with his youngest daughter.

13 In relation to impact he says, from paragraph 89
14 onwards, that the abuse he suffered in different homes
15 had a huge impact on his life. He was diagnosed by
16 a psychologist with PTSD, depression, and anxiety
17 issues.

18 He says at paragraph 91:

19 'I always felt that when I was out of the prison and
20 care system that time on the outside slowed down. Ten
21 months outside felt like a lifetime and yet ten months
22 in the jail passed quickly.'

23 Then he has made the usual declaration and he has
24 signed that and it's dated 20 June 2023.

25 My Lady, there is one last statement.

1 LADY SMITH: Thank you.

2 MS FORBES: This is from an individual who is anonymous and
3 is known as 'Elena'.

4 LADY SMITH: Thank you.

5 'Elena' (read)

6 MS FORBES: The reference for this witness statement is
7 WIT-1-000001399.

8 'Elena' was born in 1932, and she grew up in
9 Glasgow. She gives us some information about her
10 background from paragraph 2 onwards and she says that
11 she went to train as a nurse first of all and spent
12 three years training in a secure psychiatric hospital.

13 Later she went to work in Kerelaw, but before that
14 she tried to get nursing work in a hospital in Irvine
15 but she couldn't get the particular hours that she
16 needed.

17 She then talks about taking up employment at Kerelaw
18 from paragraph 3, and she says that she took up
19 employment there in 1973 or 1974. Her designation at
20 that time was a housemother, and she studied at
21 Langside College to obtain a Certificate in Social
22 Services, which she finished in 1979.

23 LADY SMITH: She went to Kerelaw to start working when she
24 was in her early 40s --

25 MS FORBES: Yes.

1 LADY SMITH: -- and I think she spent, then, about 20 years
2 working at Kerelaw; is that right?

3 MS FORBES: I think she retired from there, yes.

4 LADY SMITH: At the age of 62 or thereabouts.

5 MS FORBES: After she completed the Certificate in Social
6 Services she became a senior care worker in Kerelaw and
7 oversaw the units that she worked in, and towards the
8 end of her time there she worked in the secure unit.
9 She thinks she was there for about two or three years
10 and she officially retired in 1992.

11 When she first started working in Kerelaw, 'Elena'
12 says that it was initially just boys. However, in the
13 late 1980s they decided to bring girls in.

14 She comments at paragraph 4:

15 'After the girls arrived, we not only had boys who
16 were emotionally disturbed but girls as well. Girls are
17 the last people who should be taken into care unless you
18 have to do so. They were at risk for a whole host of
19 reasons. To mix boys and girls together meant that the
20 boys thought they'd won a watch.'

21 LADY SMITH: Something that's interesting that she says
22 about girls being introduced to Kerelaw, it's the way
23 she puts it in paragraph 4, Strathclyde in their
24 infinite wisdom said it wasn't natural for boys to be on
25 their own and so they decided to bring girls in.

1 So the thinking was what might help with the boys,
2 not girls need to move into a mixed unit.

3 MS FORBES: Yes.

4 LADY SMITH: The rest, as they say, is history.

5 Carry on, Ms Forbes.

6 MS FORBES: My Lady.

7 She comments that the secure unit wasn't open when
8 she first started at Kerelaw and it didn't open for some
9 years, but she can't remember exactly when that was.

10 She then talks about staffing structure and
11 recruitment from paragraph 7 and says that she was
12 interviewed by the headmaster for the job and someone
13 from Strathclyde Regional Council, and she was barely
14 back in her house when the phone went and she was
15 offered the job.

16 Eventually, she was also involved in recruitment at
17 Kerelaw and she comments:

18 'When people came to be recruited the men would
19 refer themselves to the male members.'

20 This is at paragraph 8, she says:

21 'When I was involved in interviewing candidates
22 I hoped that they would stay at Kerelaw long term. The
23 kids needed continuity and to form a respectful
24 relationship with staff. Many workers didn't stay long
25 term because they suffered from burnout or they were

1 promoted and moved on. The kids would then be left
2 without somebody they had been able to talk to.'

3 She comments then at paragraph 9 that she can't see
4 any change was made to recruitment after girls arrived
5 at Kerelaw. She thinks they just relied upon the
6 original staff, and some of the people they were
7 interviewing were women and when they came down to the
8 school they didn't want the job. It wasn't what they
9 thought it was going to be.

10 She talks about MTT being SNR
11 when she went to Kerelaw and that he was revered by the
12 boys.

13 She comments at paragraph 10:

14 'I think it was because of the macho culture at the
15 time. He was quite a small slight man but his presence
16 alone was commanding. He was very strict but very fair.
17 The staff enjoyed him as well. I always thought that he
18 gave me a lot of good advice.'

19 She tells us a little bit about the staff and at
20 paragraph 15 she says:

21 'The night watchmen would be on duty at night time.
22 There was one for each unit and he [referring to a male]
23 would be the only member of staff on duty at night.'

24 She thinks that they brought in one female night
25 staff member when girls started at Kerelaw, but she's

1 not sure.

2 LADY SMITH: That fits directly with other evidence we've
3 heard.

4 MS FORBES: She talks then about the night watchmen at
5 paragraph 16 and them coming on shift. She says that
6 things should have been recorded in a unit logbook, but
7 she says:

8 '... in my experience the night watchmen never read
9 the logbook. They had their role, which they thought
10 was sacrosanct. They had no training or experience
11 whatsoever. My memory is that a couple of them were
12 very good. Another couple were not so good in my
13 opinion. I would hear about the night watchmen from the
14 kids, so I knew who was liked and disliked.'

15 At paragraph 17 she says:

16 'One of the best night watchmen was [REDACTED]
17 [REDACTED], his first name was KGN, he worked in my unit,
18 Fleming.'

19 At paragraph 18 she states:

20 'We did have volunteers at Kerelaw, they seemed to
21 come from Geilsland. They were vetted by the headmaster
22 or senior staff.

23 She goes on then to talk about training from
24 paragraph 19 and says that she didn't get any specific
25 training when she started, and indeed she talks about

1 a time when a boy she was taking to court taught her
2 court procedure and told her to call the Sheriff
3 'My Lord' and that's how she learned the language at
4 court.

5 At paragraph 21 she says that she was sent on the
6 Certificate of Social Services course at
7 Langside College in 1976, which was a three-year
8 part-time course in Children and Adolescence. She
9 comments that it was a good course, however, the people
10 training them hadn't worked at the coalface.

11 She said that it was practical and it was where she
12 learned what she would call handling skills, but there
13 was nothing on the course that she could recall about
14 child abuse or child protection. But not everyone at
15 Kerelaw went through that training.

16 At paragraph 23 she says that when she did that
17 college course she went out on placements. She went to
18 Quarriers and she also went to Geilsland and she went
19 there for a couple of day visits for training.

20 She then talks at paragraph 25 about LEF [REDACTED]
21 organising for them to go down to look at a secure unit
22 in Durham, and to look at their methods, and she says:

23 'I'm not being biased, but I thought that we were
24 better. There was more organisation at Kerelaw. For
25 example, we had the assembly at 5.00 pm every night.

1 I just formed an impression that the children in Durham
2 sat about a lot and a lot of time was wasted.'

3 She talks about students then coming to Kerelaw on
4 placements, and then at paragraph 28 she says:

5 'When I think of some of the violence that's been
6 reported at Kerelaw, staff just followed on thinking
7 that was the norm. In some respects, those staff might
8 have been doing a great job but when it came to
9 emergencies and flashpoints, they did what they had seen
10 others do. Unless they had some time of training and
11 mentoring, they were bringing their own attitudes and
12 values to a situation. Some of the kids would respond
13 to that because it was the norm for them at home.'

14 She talks then about there not being any policies
15 and guidelines written down. She mainly learned on the
16 job and there was no guidance given to staff on things
17 like restraint. That's paragraph 29.

18 At paragraph 31 she says:

19 '... my job description contained three lines [this
20 is initially]. My role was to create a homely
21 atmosphere where boys could relax outwith the classroom
22 setting. I was supposed to encourage them in their
23 personal hygiene and their appearance. I also had to
24 escort them to doctor, dentist, and hospital
25 appointments, if required.'

1 She then comments:

2 'As time went on, these duties extended to attending
3 Children's Panel and courts where reports were prepared
4 by the housemaster or senior staff.'

5 She was expected to liaise with field social workers
6 and families, but she comments that social workers were
7 seldom seen or available.

8 She eventually became a senior care worker and was
9 in charge of the unit and she talks about how they did
10 14-hours days, this is at paragraph 33, and one day on
11 and one day off. And that she would arrive at Kerelaw
12 for 8.00 am and would be there until 10.00 pm and that
13 was too long. And that sometimes you would stay on
14 after that, if there had been an incident.

15 She says:

16 'Sometimes there were flare ups and it was usually
17 when the kids were planning to batter another child. As
18 far as I was concerned, we were there to protect the
19 kids and protect the staff as well. The children
20 weren't 10 or 11 year olds, they were big 13-, 14-, 15-,
21 16-year old boys.'

22 That's at paragraph 33.

23 She says at paragraph 36 that when she became
24 a senior she was overseeing all the unit and the staff
25 as well and between 5.00 and 10.00 part of that duty was

1 to visit other units and by the time she left Kerelaw
2 she was working in the secure unit.

3 She comments at paragraph 37 that her case load was
4 loaded and she was wearing lots of different hats.

5 At paragraph 39 she says that by the time the girls
6 came in she was in middle management and she was
7 overseeing four units and writing reports.

8 Without realising it she had been withdrawn from the
9 care side of her work and was the only woman in middle
10 management.

11 She talks then about the children, young people at
12 Kerelaw, from paragraph 41, and says:

13 'The biggest punishment you could give children was
14 taking them away from everything that was familiar to
15 them, although some kids didn't want to take their home
16 leave when they were given it.'

17 Later in that paragraph she says:

18 'Some parents didn't want their children at home.
19 They were always on the phone saying that they didn't
20 want them. Other boys didn't want to go home. You
21 could tell by their body language at the weekly meetings
22 when you read out who was going home on leave.'

23 At paragraph 42 she says:

24 'Nowadays we hear about children with Attention
25 Deficit Hyperactivity Disorder, ADHD, and autism.

1 I think that many of the kids at Kerelaw had those
2 conditions.'

3 Then going forward in her statement she talks about
4 bed-wetting at paragraph 47 and says:

5 'Some boys did wet the bed. The main thing with
6 bed-wetting was to keep it private from the other boys
7 because they would use it as an oral weapon.'

8 In relation to pocket money, paragraph 52, she says:

9 'The kids got pocket money every week. There was no
10 way it would be stopped unless behaviour was very bad.
11 That decision was taken by the headmaster.'

12 Later in the paragraph she says:

13 'Those who bullied would take the money from other
14 kids but not on the school premises. They did that
15 either in the minivan or when they had arrived at their
16 destination. It was almost an impossible task. Now and
17 again I would ask the strongest boy to make sure the
18 money didn't get thieved in the minivan.'

19 She then talks about teaching staff at paragraph 55
20 and says:

21 'The teaching staff who were doing
22 an extracurricular activity were also at the assembly.
23 There was one teacher on duty in the evening for each
24 house unit, so four teachers. They were expected to
25 come with some kind of activity to offer to the kids.

1 They kids would then decide what they wanted to do.

2 Most of the activities were sport.'

3 And later says that:

4 'The activities were often quite manly things,
5 although sometimes I'd take the kids out. I often
6 thought it was the best thing to get them out of the
7 school. We would take them in two small groups to
8 things like ice skating.'

9 She comments in the next paragraph that when they
10 took the kids out ice skating they would fight with the
11 local children.

12 At paragraph 57 she says:

13 'Some staff took children to their homes outside
14 Kerelaw. I think that Strathclyde knew about this
15 practice. It was an unwritten law. I never took
16 children home.'

17 Later on she said:

18 'I would not take children home. I would say to
19 people that if I were them, I would not take children
20 home.'

21 At paragraph 59 she talks about a trip to
22 Lendalfoot, which was six miles outside of Girvan, where
23 they took 10 or 12 boys in the minivan. They picked
24 kids that they didn't think would be any bother. They
25 also went to Islay with another teacher and the kids

1 loved it.

2 At paragraph 61 she says:

3 'Matt George took the kids on a trip to France, but
4 I wasn't involved in that. I did help them to prepare
5 for it. I don't think Matt was without his problems but
6 he managed it. There would have been other staff with
7 him. He wanted to take the kids round the museums but
8 the kids were not for that. The kids did learn a lot
9 from him. He was a very good art teacher.'

10 She talks about the fact that regardless of people's
11 judgment now, there was a structure to Kerelaw, and this
12 is at paragraph 62. She talks about the daily routine
13 and how there would be frequent breaks and says that the
14 kids needed frequent breaks, they had never sat in
15 school for any length of time, they were constant
16 truants.

17 At paragraph 63 she said some of the kids couldn't
18 read or write.

19 In relation to inspections, further on in her
20 statement, 'Elena' says at paragraph 69 she can't
21 remember any inspections taking place at Kerelaw. But
22 that people from the Council would sometimes attend and
23 walk around, but their visits were no more than a brief
24 inspection and they more or less got prior notice if
25 that was going to happen.

1 At paragraph 72 she comments:

2 'Most kids were working towards going home, but they
3 were going home to the same situations.'

4 Then at paragraph 76 she talks about discipline and
5 punishment. She says she wasn't given any overview of
6 discipline when she first started at Kerelaw. It was
7 explained that privileges were taken away as punishment.
8 Privileges were cigarettes and home leave. Home leave
9 was sacrosanct but so were cigarettes. Many kids
10 depended on them.

11 She says at paragraph 76:

12 'We didn't have problems with serious drugs back
13 then, but we did have a form of that. Children would
14 bring glue sniffing and prescription drugs with them.'

15 She says she soon learned that boys weren't bringing
16 bottles of water back to the unit but bottles of vodka.

17 At paragraph 77 she says that the punishments
18 initially were decided by Davie Denholm or
19 MTT and she said she started to take things
20 from how they dealt with discipline. The biggest
21 punishment was to take the drink off the kid if they
22 came back with it. When she first started the belt was
23 used for discipline and these children were 13 and 14 by
24 this time and they'd come up through the ranks. They
25 had been belted at school and belted at home.

1 She comments that there was no way the member of
2 staff could use the belt, only the headmaster used the
3 belt but she never saw that happen. But there was no
4 clear directions or policies for anything like that.

5 At paragraph 80 she says:

6 'We also had the time of the cell at Kerelaw.
7 I can't remember the kids being removed from the house
8 unit to the cell.'

9 Later in that paragraph she says:

10 'I would ask where someone was and they would tell
11 me that he was in the cell. It might have happened if
12 there was some kind of flashpoint, such as one boy
13 attacking another boy or trying to run out of the
14 class.'

15 She goes on:

16 'As far as I knew, children were not kept in the
17 cell for a long time. I knew that it was a bare room
18 about two or three doors down from the headmaster's
19 office. I think it had a concrete bed in it. I can't
20 remember if there were toilet facilities in it, like
21 a cell would have in a prison. What I can say is that
22 as far as I know, children were not in there for a long
23 time. I had nothing to do with the decision to put
24 a child in the cell. The responsibility for sending
25 a child to the cell was the SNR [REDACTED].'

1 At paragraph 82 she says she never asked for a child
2 to be placed in the cell and she was not sure how long
3 boys were in the cell for on average, but it might have
4 been about 12 hours. Sometimes she would be asked to
5 bring clean clothes and underwear to the child in the
6 cell. They might have urinated either out of nerves or
7 deliberately.

8 In relation to restraint, from paragraph 84, 'Elena'
9 says that she was never given any training on
10 restraining children:

11 'Nobody was the whole duration of my time at
12 Kerelaw. If it happened at all, I wasn't there.'

13 Later in the paragraph she says:

14 'I witnessed restraints being carried out by other
15 members of staff.'

16 Later on still:

17 'I did have to take part in restraints, but they
18 tended to be done by the men at Kerelaw. I can only
19 remember seeing about two or three restraints when I was
20 there because these serious situations were, in my
21 memory, few and far between. They may also have
22 happened when I wasn't on duty.'

23 In relation to records 'Elena' talks about that from
24 paragraph 85 and says that she used to write a logbook,
25 which was a shift diary, and every unit had one and

1 staff were supposed to write up what had happened on
2 their shift but she doesn't remember any other members
3 of staff writing in the logbook, and some of the male
4 staff wrote nothing up.

5 There was also social work records for the children
6 there and she would update those files as well as the
7 unit diary. But she wasn't given any guidance from
8 senior staff at Kerelaw about keeping notes and records.

9 She then talks about leaving Kerelaw, from
10 paragraph 89. She left in 1992, and she talks about
11 an incident that occurred where she wasn't told about
12 what had gone on with a girl earlier before she came on
13 to shift. And as a result of that, she suffered
14 an assault by the girl, and says at paragraph 90:

15 'I was on the floor and there was a torrent of
16 blows. By this time I was in my 60s. I was unable to
17 defend myself. There was an emergency button and
18 I managed to summon help. One of the other members of
19 staff came and took the girl away.'

20 She says that she didn't blame the girl and if she
21 had known what had happened earlier in the day she would
22 have perhaps dealt with her differently and perhaps the
23 incident wouldn't have happened.

24 At paragraph 92 she says it was the first time in
25 18 years she had been assaulted, she had black eyes and

1 her husband felt that that was enough and he wanted her
2 to get out of Kerelaw and she tendered her resignation
3 the next morning, aged 62.

4 After that assault she wasn't asked to write
5 a report about what happened and she doesn't know if any
6 investigation was carried out.

7 She goes on to say at paragraph 95 that the
8 information about the girl hadn't been conveyed to her
9 and wasn't recorded and it was information that should
10 have been written up.

11 Then she would have realised that the girl would
12 have been upset and she might have dealt with things
13 differently.

14 In relation to concerns about Kerelaw, at
15 paragraph 97 she says whilst she was at Kerelaw she
16 didn't have any concerns about the way it was being run.

17 She says:

18 'I think there was a macho attitude at Kerelaw.
19 I've thought about it long and hard. There were many
20 kids who were unhappy in class. They would come back to
21 the unit and tell me that a teacher had just "cuffed"
22 them.'

23 In relation to reporting concerns at paragraph 99
24 she says:

25 'If I did have serious concerns about a member of

1 staff's behaviour there was no clear pathway for
2 reporting those concerns.'

3 At paragraph 100 she says:

4 'The kids didn't have a key worker or someone
5 specific they could report concerns to. There just were
6 not enough staff there. If a child was being bullied or
7 having problems with a member of staff, I think it just
8 depended who was on duty whether they spoke to someone.'

9 At paragraph 101 she said:

10 'There was a culture that kids did not want to be
11 known as a grass.'

12 In relation to investigations into abuse at Kerelaw
13 she talks about an incident about a complaint relating
14 to a night watchman. This is from paragraph 102.

15 At paragraph 103 she says:

16 'I think the boy said that the night watchman had
17 hit him.'

18 Later in the paragraph she said:

19 'He said he didn't have any marks on him. That was
20 the first thing I checked because I was supposed to
21 record that.'

22 Then later on she said:

23 'I told him that I'd have to take it to the
24 headmaster. He was extremely agitated [this is in
25 relation to the boy] and he didn't want me to do that.'

1 Paragraph 104 she said:

2 'I took what I knew to a senior and was given the
3 usual mantra of "leave it with me".'

4 Then she goes on to say that after the boy went home
5 he must have told his family, and she says the family
6 reported it and senior staff brought somebody down from
7 Strathclyde and I was interviewed about what the boy had
8 said. I gave a statement, but I don't know whether
9 there was any follow up.

10 Then at paragraph 105 she says that the boy might
11 not have been at Kerelaw much longer. The night
12 watchman still worked at Kerelaw by the time she left
13 and that was the only investigation into abuse she was
14 involved in.

15 In relation to abuse at Kerelaw at paragraph 106,
16 she says:

17 'Nobody spoke about abuse at Kerelaw.'

18 Paragraph 107 she says:

19 'I think it was awful that only one night watchman
20 was on duty in each unit, not only for the boys' safety
21 but now that we've brought child abuse into the open.'

22 She goes on in that paragraph to say:

23 'I can remember boys saying things like "Ah-ha, he's
24 queer", or something like that. But that's it.'

25 At paragraph 109 she says:

1 'I am now aware that Matt George and John Muldoon
2 have been convicted of the abuse of multiple children.
3 I think that abuse took place and went undetected at the
4 time because abuse can be physical or sexual. The
5 perpetrators will make sure that they do not have
6 an audience. That's my take on it. Another thing I've
7 often asked myself is why I missed it? Kids would come
8 and tell me things. You always had kids who were known
9 as informers in your group. They were usually a bit
10 younger, they would share their anxieties and things.
11 I had my ear to the ground, I never heard about any
12 abuse, but then again I was mainly with the boys. As
13 far as I'm aware it was mainly girls who complained
14 about Matt George.'

15 In relation to convicted abusers, she talks about
16 Matt George from paragraph 110 and she describes him as
17 being an art teacher who was very controlling but
18 thought that he kept a very good class.

19 At paragraph 111 she says sometimes boys would come
20 back to the unit and say that they'd been 'cuffed' by
21 a teacher:

22 'I would try and help the child to settle down.
23 I would then go up to the classroom with them. They
24 would tell me that after they'd been in Matt George's
25 class. When I went up to Matt George's classroom after

1 a boy had come flying down to the unit, I would ask him
2 what had happened. Matt would give me his version of
3 it. I would make a judgment there. If I wasn't happy,
4 I told the boy that I was going to discuss it with the
5 headmaster. The boy would usually say, "No, no, don't".
6 When I look back on it I wasn't exactly ignorant, but
7 I had to temper it with the staff member taking it out
8 on the kid when I wasn't there.'

9 She comments:

10 'I never heard Matt George speaking to a child in
11 an inappropriate manner.'

12 Paragraph 112 she says that she was at Kerelaw for
13 18 years and she never once brought a child home with
14 her, but she knows that Matt George did that and she was
15 aware it was common practice for members of staff to
16 take children to their homes, and as far as she was
17 concerned Strathclyde knew about that as well. There
18 was an unwritten law about staff taking children home.

19 She then talks about being provided with the
20 statement Frank McCourt gave the Inquiry, and at
21 paragraph 142 he stated that Matt George would take
22 children to his house, where they would watch TV and he
23 stated that Matt George would disappear with other
24 children while he was in the living room. This is at
25 paragraph 113. She says:

1 'I don't dispute what has been said about this by
2 Frank McCourt. Years before that, I think I possibly
3 said to Matt George that he should not be taking the
4 kids home with him. The fact he faces allegations of
5 abuse is exactly what I meant about when I said that.'

6 She then talks about John Muldoon at paragraph 114
7 and she says he was a housemaster but he wasn't a senior
8 housemaster and he worked in Wilson and Fleming Units.

9 She says he was a controller like Matt George.

10 Then at paragraph 116 she says when [REDACTED] was
11 SNR [REDACTED] she became aware of an incident involving
12 John Muldoon, she says:

13 'I don't know whether I was off or away at the
14 college but I wasn't at Kerelaw at the time. I think
15 John Muldoon had dragged a boy out and ripped a piece of
16 his clothing. The boy ran away. John Muldoon was
17 summoned to see [REDACTED]. That was a bit of gossip
18 and hearsay. It could have been that another teacher
19 told me that he got a warning.

20 In the units, I used to tell male staff not to take
21 girls upstairs on their own. John Muldoon would say
22 that he had two lassies of his own and that there was
23 nothing wrong with it.'

24 If I then go on, in relation to specific allegations
25 that were made against her to the Inquiry, she is

1 talking about a statement from an applicant who is
2 anonymous and known as 'James', paragraph 123, and she
3 says, in relation to 'James', she understands that he
4 was at Kerelaw from around 1981 to 1983, that the name
5 means something to her but she just can't put a face to
6 it.

7 Then paragraph 78 of his statement is read out,
8 where he states -- this is at paragraph 124 of her
9 statement:

10 'There was a couple of other staff who would batter
11 me, but I can't remember them all. They didn't do it
12 constantly and it would be if you were out of line a wee
13 bit. I don't think there was anything wrong with a wee
14 clip over the ear if you go over the score, but I don't
15 think I ever went over the score. I remember wee
16 Mrs KAM was one of them that hit me, she was
17 a senior member of staff. Matt George, Mrs KAM and
18 other staff would hit me in front of other staff. Only
19 once did Matt George give me a doing in front of another
20 member of staff, although I don't remember who that was.
21 They would slap me in front of the other boys but
22 I would never get a doing in front of them.'

23 She comments:

24 'There was no way that I did that. I definitely
25 deny that I ever hit a child.'

1 She then comments at paragraph 125:

2 'I never saw a member of staff hitting a child.'

3 Paragraph 126 she says:

4 'I know that I would never have hit a boy.'

5 Then paragraph 80 of 'James's' statement is put to
6 her at paragraph 127:

7 'If you had a falling out with another boy they
8 would make a boxing match out of it but it wouldn't be
9 organised for another week or two weeks so you had that
10 wait and build up to deal with.'

11 I think that has already been read into the
12 evidence, my Lady, and I don't think that actually names
13 this individual.

14 LADY SMITH: No, it's a general description of what he was
15 exposed to.

16 MS FORBES: Yes.

17 In relation to that she says:

18 'Initially what I remember is that if boys were
19 bullied in Kerelaw, MTT would take them over
20 to the gym. He would tell the boy to put a pair of
21 boxing gloves on and see how smart they were then. He
22 organised boxing matches because that was the macho
23 thing for the staff and the boys.'

24 LADY SMITH: It's not the first time in the statement she
25 describes the culture as a being a macho culture, is it?

1 MS FORBES: At paragraph 129, my Lady, she comments about
2 'James' speaking about boys being forced to box, and she
3 says:

4 'I am aware of that happening on one occasion.
5 I think I asked the housemaster I was working with what
6 it was all about. I can't remember which housemaster it
7 was. He said that it was all over and done with. Boys
8 had been given boxing gloves and told to go and box at
9 lunchtime. It was an accepted thing that they were then
10 equal. One wasn't bullying the other as far as I know.
11 I don't know who arranged it. Those were things that
12 were not made known to me. Those boxing matches weren't
13 a common thing, as far as I was aware. They could have
14 happened on my day off, but they couldn't have happened
15 very often because I was aware of these things. Kids
16 talked to me so I think I would have known.'

17 At paragraph 130 of her statement paragraph 81 of
18 'James's' statement is put to her, and it's talking
19 about where he talks about the cell next to the
20 headmaster's office being this bare cell and that he'd
21 be naked, strip-searched and left with an itchy blanket
22 and also be belted by SNR [REDACTED], sometimes all over
23 the body. She comments at the paragraph about that
24 saying:

25 'I knew that there was a cell but I was definitely

1 not aware of children being kept there overnight and
2 naked. As far as I knew, children were not kept in
3 there for a long time. I knew that it was a bare room
4 about two or three doors down from the headmaster's
5 office. I think it had a concrete bed in it. I wasn't
6 aware of children being kept there for long periods of
7 time.

8 LADY SMITH: The indications then are that she was not
9 herself involved in placing children in the cell, but
10 she had some awareness of what it was like.

11 MS FORBES: Yes.

12 Then Francis McCourt's statement is put to her and
13 she talks about that at paragraph 131. She says that
14 she can't put a face to him, and this is where he states
15 at paragraph 126 of his statement that when he returned
16 from the hospital, and then he names her:

17 '... "Who was a senior care worker, asked me what
18 had been going on. I told her that FSR had
19 punched me a couple of times and I had been trying to
20 get away and [he names her again] she said something
21 like, 'Just forget about it, it's all right'. I didn't
22 report it after that, and nothing further was done'... "

23 In relation to that part of his statement she says:

24 'I honestly cannot remember that. I do remember
25 FSR, but I didn't witness him chasing or

1 assaulting any children. I must have been off duty when
2 Frank McCourt was injured. I must have had a good
3 rapport with him for him to have told me what had
4 happened. I see from his statement that he was a serial
5 absconder and offender, but I can't remember him.'

6 Then at paragraph 132 she says she can't remember
7 the incident happening, she disputes she would have
8 handled the situation in that way, that she would ask
9 the child if they were making a complaint and if they
10 said that they were, she would ask what had happened in
11 his own words.

12 She goes on at paragraph 132 to say:

13 'I can't say for definite what happened with
14 Frank McCourt because I can't remember the incident, but
15 often boys would say "I'm not a grass", they would then
16 withdraw their statement. Regardless of that, I would
17 have reported the incident to a senior and recorded it.'

18 At paragraph 133 she comments that Francis has
19 spoken about members of staff kneeling on boys' bodies
20 and this is in relation to paragraph 118 of his
21 statement where he says he saw other residents being
22 assaulted and restrained on multiple occasions by staff
23 members. They used to steam in heavy-handed and it was
24 as if they were fighting and anything went if the staff
25 member got the upper hand.

1 She says:

2 'I never saw that happening. If staff had gone in
3 like that there would have been nothing left of the boy.
4 You wouldn't have let an adult lean on a boy's frame.
5 There were big lads, but it would have cracked the
6 child's ribs. It wasn't one to one, there were two or
7 three staff members involved when a boy was being
8 restrained. To be fair to Francis McCourt, that's how
9 he reads it, but I think anybody with any medical
10 knowledge would know that two or three men leaning on a
11 teenager would cause injury.'

12 At paragraph 134 she says that she doesn't remember
13 restraints being carried out in her earlier years at
14 Kerelaw, she says there was a more cohesive system of
15 discipline in the house units and restraints didn't
16 happen very much, and that her system was to try and
17 calm kids down.

18 She saw boys being restrained but she never saw any
19 staff kneeling on a boy's chest.

20 At paragraph 136 she talks about Francis McCourt's
21 statement at paragraphs 148 and 149, about him having
22 a shaved head on one side and then being injured by
23 a member of staff using an implement, resulting in
24 a bump, and she says:

25 'When I read that, I was amazed. If a child had

1 a lump on the head, other staff would have seen that.
2 There would have been repercussions. Families would
3 have been brought in. Some would have made political
4 capital out of it, and rightly so.'

5 At paragraph 137 she says:

6 'I neither remember a boy with shaved hair or a bump
7 on the head. If I had seen a boy with an injury like
8 that, I would have made sure he got medical attention.'

9 At paragraph 138 she's referring to paragraph 158 of
10 Francis McCourt's statement, where he says that he heard
11 of another child having his wrist broken during
12 a restraint by a member of staff. She says:

13 'I don't remember any child having a wrist broken
14 during a restraint. I think I would have heard about it
15 if a child had broken his wrist, but I don't recall any
16 such incident.'

17 She says:

18 'I always had my ear to the ground.'

19 In relation to helping the Inquiry, she talks about
20 that from paragraph 139 and says that Kerelaw has been
21 portrayed as absolute doom and gloom, but a lot of good
22 work was done there as well, but she doesn't want to
23 talk about it with rose-tinted spectacles. She comments
24 at the end of that paragraph:

25 'There has to be much more fieldwork done with the

1 family'.

2 At paragraph 140 she says:

3 'Good communication between all agencies is very
4 important.'

5 At paragraph 143 she says:

6 'Most of all, whenever possible, give staff
7 training.'

8 She says later in that paragraph:

9 'I'm quite sure that without training, big mistakes
10 are made. Good reporting skills and a daily log is of
11 immense value to both clients and carers.'

12 Then she has made the usual declaration and she has
13 signed that and it's dated 11 March 2024.

14 LADY SMITH: Thank you very much.

15 MS FORBES: My Lady, that concludes the read-ins.

16 LADY SMITH: Thank you.

17 MS FORBES: I think now we are going to hear a closing
18 statement from Mr Pugh.

19 LADY SMITH: Just to confirm, you are content that I go
20 straight on, Mr Peoples, to inviting Mr Pugh to address
21 me. Is that right?

22 MR PEOPLES: Yes, my Lady, and I think as usual in these
23 matters it's not really appropriate for me to say
24 anything at this stage.

25 I would just ask Mr Pugh to give whatever he intends

1 to say orally this morning. He has produced a written
2 submission, and I think your Ladyship has the reference.
3 I might give it for the transcript, if you will just
4 bear with me.

5 LADY SMITH: Maybe we should, if you have a reference, thank
6 you.

7 MR PEOPLES: It's GLA-000003347.

8 LADY SMITH: Thank you very much.

9 MR PEOPLES: I think other than that, I'll just pass over to
10 Mr Pugh.

11 LADY SMITH: Just noting that this is the end of a chapter,
12 but it's far from being the end of the case study.

13 MR PEOPLES: Indeed, and there may be further evidence about
14 Kerelaw and Larchgrove in due course. We do sometimes
15 come across that as time goes on.

16 LADY SMITH: Well, indeed.

17 MR PEOPLES: I should say, I think we've probably achieved,
18 by my headcount, about 20 oral witnesses to date for
19 this chapter and I think 48 read-ins. So we have,
20 I think, achieved a fair progress in terms of evidence
21 about these two establishments. Albeit there could be
22 more.

23 LADY SMITH: Thank you very much for that.

24 MR PEOPLES: Thank you.

25 LADY SMITH: I'd now like, if I may, to turn to you,

1 Mr Pugh, to address me on behalf of Glasgow City
2 Council.

3 Of course, at the outset let me say I do recognise
4 that Glasgow City Council were left holding the ball, if
5 I can put it that way, because quite a bit of the
6 evidence that has been led covers a period that Glasgow
7 City Council were not the local authority with
8 responsibility for Kerelaw. So you don't need to remind
9 me about that.

10 However, they were from mid-1990s the responsible
11 authority and, of course, they were left holding the
12 records as well, which are so important, and have given
13 us a lot of information.

14 Over to you, Mr Pugh.

15 Closing submissions by Mr Pugh

16 MR PUGH: Yes, thank you, my Lady.

17 That's not an unfamiliar problem to the Council in
18 this Inquiry. It happened in the foster care study as
19 well, so that's well understood my Lady.

20 As your Ladyship will have seen, we've produced
21 a written response running to around 14 pages. It's not
22 my intention by any stretch to read that out. Your
23 Ladyship has that, and will undoubtedly consider its
24 terms.

25 I think what I would propose to do in a relatively

1 short oral address is just to highlight some of the
2 points that arise within the response.

3 I do want to start by taking time to read paragraphs
4 3 and 4, which are both the acknowledgment and the
5 repetition of an apology I made at the outset of this.

6 This chapter, of course, comes against the
7 background of previous investigations into both
8 Larchgrove and Kerelaw, but that there have been these
9 previous investigations has not made the chapter any
10 less difficult to listen to. The evidence relating to
11 the running of both establishments is almost
12 unrecognisable in a modern social care context. Whilst
13 the council has undoubtedly learned lessons and changed
14 its practices significantly since, in particular, the
15 Frizzell report in 2009, it recognises the benefit and
16 learning which has come from revisiting the issues
17 raised within this chapter. The council has learned
18 lessons and will continue to do so.

19 Importantly, my Lady, paragraph 4, Glasgow City
20 Council accepts that children and young people suffered
21 abuse whilst in both Larchgrove and Kerelaw. It accepts
22 that that abuse occurred due to deficits in systems
23 which, in some respects, allowed it to become almost
24 normalised.

25 At the opening of this case study, the Council

1 offered an unreserved apology to the children and young
2 people abused in residential care within its
3 establishments. It wishes to reiterate that apology
4 now.

5 To the children and young people who were abused in
6 both Larchgrove and Kerelaw, the Council is deeply
7 sorry.

8 My Lady, from there I've set out some of the
9 Council's involvement in the chapter. I don't intend to
10 read that out, save to note, that in addition to both
11 the legal team's attendance here, that has been
12 evidence, of course, heard from Susanne Millar and the
13 Principal Officer, Linda Carmichael from the Health and
14 Social Care Partnership, has been watching a lot of the
15 evidence on Webex, when she has been able to do so.

16 For the avoidance of any doubt, my Lady, at
17 paragraph 7, I've repeated the promise I've made to this
18 Inquiry before, that the Council will continue to
19 provide whatever assistance is within its power to do
20 so.

21 LADY SMITH: Thank you for that.

22 MR PUGH: I've set out at paragraphs 8 and 9 the approach to
23 the applicant evidence. The Council hasn't, of course,
24 and this is consistent with the approach in the previous
25 case study, hasn't sought to challenge the evidence of

1 applicants regarding their experience.

2 I note there that there have been some direct
3 denials that this Inquiry has its own evidence of,
4 that's a matter for this Inquiry. I don't make anything
5 of that, my Lady.

6 Paragraph 9, overall, however, given the convictions
7 that have been secured and the investigations that have
8 already been undertaken, the Council proceeds on the
9 basis that abuse perpetrated upon children in its care
10 included serious sexual and physical abuse, emotional
11 abuse and neglect. The evidence has covered the period
12 from the 1960s through to the 2000s. The Inquiry heard
13 details of the appalling sexual and physical abuse
14 perpetrated by George and Muldoon, for which they are
15 serving lengthy prison terms.

16 I would add in there, my Lady, that it also heard
17 evidence of the further two convictions of Thomas Howe
18 and Jim Boyd in the summary that was read out.

19 LADY SMITH: Yes, I did wonder whether you meant to
20 acknowledge those as well, Mr Pugh.

21 Let me just say this, and I'm sure the Council do
22 accept it, of all the evidence I have heard in this case
23 study thus far, that's since September, the nature and
24 extent of abuse at Kerelaw, particularly as revealed by
25 the convictions of Matt George and John Muldoon, is

1 extraordinary. One is almost lost for language.

2 I don't like to use words like 'wealth', because that
3 sounds like something good. But the enormity of it is
4 just desperately awful. Is that not right?

5 MR PUGH: That must be right.

6 My Lady, in relation to Matt George in particular
7 I think we heard that there will be 26 years of
8 a sentence in total to date, and that must be among the
9 highest criminal sanctions imposed for any abuse of this
10 nature. The Council doesn't shy away from that
11 description, my Lady.

12 LADY SMITH: Indeed.

13 Of course, I have heard allegations that are in
14 addition to those which have already been explored at
15 trial.

16 MR PUGH: I quite see that, my Lady.

17 LADY SMITH: Yes, thank you.

18 MR PUGH: That, I suppose, is the purpose of the
19 acknowledgment that the Council goes on to make after
20 the convictions, because it also acknowledges that this
21 Inquiry has heard about applications about other
22 instances of sexual abuse and describing severe and
23 insidious physical and emotional abuse, either at the
24 hands of staff members or other residents, and this has
25 been a real feature for me of this case study, other

1 residents from which they should have been protected.

2 The Inquiry also heard about the lack of both
3 nurture and proper, indeed at times any, educational
4 provision.

5 I make the point there, my Lady, that the Inquiry
6 has, of course, evidence of both good and positive
7 experiences, including within Kerelaw. I make that
8 point -- and I said this at the time of 'Foster Care' --
9 I make that point not to say that there have been good
10 experiences, but your Ladyship will remember that
11 Eddie Frizzell in particular when he gave evidence that
12 for those members of staff that were trying to do their
13 best, being tarred with the same brush can be difficult.
14 So I feel it's important to make that acknowledgment.

15 But in the submissions we go on to deal with what
16 this Inquiry is interested in, which is the abuse, and
17 in particular any systemic issues that allowed that
18 abuse to occur. So that's the focus of what I say going
19 beyond that.

20 What I've then done, or what we've then done,
21 my Lady, is to try to identify and group together some
22 of the key themes, and that's really just in recognition
23 of this being, in a sense, an interim response on the
24 part of the Council. Those have been the themes that
25 have jumped out to us in listening to the evidence.

1 But, of course, that will be a matter which remains
2 under review and we will develop in advance of any final
3 submissions.

4 The first of those themes that we've identified is
5 the particular question of restraint, which was,
6 I think -- this is paragraph 11, my Lady -- certainly
7 a very significant element of the evidence relating to
8 Kerelaw.

9 Perhaps less of a picture at Larchgrove, in the
10 sense that I mean it in the submission as I've said
11 there:

12 "restraint" in the present context ... means the
13 physical act of forcibly subduing a child.'

14 But as we've heard it considered a range of conduct,
15 from what might be considered necessary restraint to,
16 frankly, a smokescreen for planned assault or
17 retribution.

18 It also took in questions, of course, of whether
19 restraint was undertaken far too soon and without proper
20 attempts to try to deescalate in the situation.

21 We've highlighted there some of the evidence. The
22 Inquiry, of course, will have its own view of the
23 evidence that's been led. We've highlighted some of the
24 witness evidence that jumped out at us as being relevant
25 in the question of restraint.

1 LADY SMITH: Yes.

2 MR PUGH: The point I make at paragraph 14, my Lady, and
3 this is a real particular issue in relation to restraint
4 that perhaps doesn't arise elsewhere, is that when this
5 Inquiry is going through this chapter and this case
6 study in particular, it will need to consider the place
7 that restraint still has as a valid, indeed necessary,
8 tool, within the context of the looking after of
9 children. But, of course, that's a world away from
10 what's been described as having happened at Kerelaw.

11 I make that point at paragraph 14.

12 LADY SMITH: I can see that, Mr Pugh. It's not difficult to
13 accept that we will always have to keep thinking about
14 how a child -- and these are children, they may not have
15 sounded like children when you have a strong teenager
16 that you're dealing with, but how one can help these
17 children to be safe and help these children not to harm
18 anybody else in circumstances where they have lost
19 control.

20 Before that you have to think of ways of minimising
21 the circumstances in which they lose control, but I can
22 see one has to go ahead always allowing for the
23 possibility that that will happen and train and think
24 and constantly rethink and readdress in the light of
25 experience how best it can be done so as to minimise the

1 risk of it being an abusive practice that's happening.

2 MR PUGH: Indeed, and your Ladyship will recall the evidence
3 from Ms Millar about the current promoting positive
4 behaviour policy and the desire to have governance
5 structures within this country as being part of the
6 reason for moving to that procedure, away from TCI,
7 which has been developed elsewhere.

8 So plainly that must be correct, my Lady, and
9 plainly that's a matter that the authorities, such as
10 the Council, will constantly have to make sure they are
11 constantly developing their practices in line with the
12 best learning.

13 We move on from there to deal with the second main
14 issue, which is training and policies. I won't say much
15 about the training and policies at Larchgrove, save to
16 acknowledge that there is very little evidence of
17 anything particularly constructive there.

18 At paragraph 17 we've noted that in Kerelaw the
19 evidence appears to be that training and qualification
20 developed over the time in question, and I suspect
21 that's not an unfamiliar pattern that your Ladyship will
22 be seeing. I say that because it's a pattern that we
23 dealt with also in the Foster Care case study.

24 LADY SMITH: Yes. Yes.

25 MR PUGH: We've set out some of the details of the training

1 that there has been some evidence about over the course
2 of this chapter.

3 LADY SMITH: Just for the record, of course, I began to see
4 it being addressed in the Quarriers, Aberlour, and
5 Barnardo's case study as well.

6 Langside was a feature, certainly in relation to
7 some Quarriers staff, for example.

8 MR PUGH: Yes. Well, that's noted, my Lady. It's likely to
9 come up, I suspect, in other places in this case study
10 as well.

11 LADY SMITH: Yes.

12 MR PUGH: One point that I just wanted to deal with directly
13 from paragraph 17 is this question of on-the-job
14 training that was a very significant aspect, I think, of
15 the evidence relating to the earlier parts of people
16 being employed at Kerelaw.

17 And just to note the observation towards the end of
18 paragraph 17 about Jim Hunter commenting that the
19 problem with the practice of on-the-job training or
20 shadowing was that members of staff could sometimes pick
21 up more bad habits than good habits. That seems to me
22 to be an insightful comment, and particularly when you
23 put it together with Eddie Frizzell's comments about the
24 culture that had developed, or was allowed to develop,
25 at Kerelaw. And that seems to me to be an insightful

1 way of understanding the problems with that type of
2 training rather than the proper policies, procedures and
3 training to reinforce those that are now necessary.

4 That, I think, leads into the only part of
5 paragraph 18 that I wanted to draw your Ladyship's
6 attention to, which was a similar observation in
7 relation to policies. We've set some of those out.
8 But, plainly, having these policies is only one part of
9 the question, because staff have to know about them, and
10 there was clear evidence from a number of the staff
11 members that gave evidence that they didn't know about
12 these policies.

13 Now, that's not an unfamiliar issue for those of us
14 dealing with litigation in this type of area. But what
15 did strike me was that, just towards the end of
16 paragraph 18, 'Peter's' position was that policies
17 became more available to staff as the training improved
18 because the training was reflective of the policies.
19 Again, I suspect that's a pattern that your Ladyship has
20 seen on more than one occasion.

21 But at paragraph 19, we note that from the
22 perspective of the current management of the Council,
23 having both training and policies in place are
24 an important aspect of safeguarding children. They are
25 a means by which the ethos of the organisation is made

1 known to its staff and a necessary part of any proper
2 system of protection, a point to which I return below.

3 Not only is it necessary for them to be in place,
4 but it's also necessary to make sure the staff are aware
5 of the policies and that they are properly reinforced in
6 practice. Staff working in residential childcare are
7 now a registered workforce with the SSSC, and in Glasgow
8 this qualification and induction training are required
9 before residential staff are able to work directly with
10 young people.

11 But it seems clear, we've noted there, that based on
12 the Frizzell report and the evidence in this chapter,
13 that particularly in the case of Kerelaw there was
14 a real institutional reluctance to develop practice
15 surrounding childcare. Lack of a child-centred and
16 nurturing approach led to the development of poor
17 attitudes towards the children and a failure to take
18 account of their needs. Whilst the training and
19 policies introduced through the 1990s reflect developing
20 attitudes, they do not appear to have influenced
21 practice.

22 And that's really an acknowledgment, as I say, that
23 having these things in place is not sufficient: they
24 have to be carried through into practice.

25 Going on to deal with complaint handling, again

1 a matter that this Inquiry has considered on many
2 occasions, I'm quite sure -- particularly from the
3 Council's perspective -- in Foster Care, detailed some
4 of the lack of any process in Larchgrove, and then dealt
5 at paragraph 21 with the, I think, putting it
6 charitably, patchy compliance with complaints reporting.

7 LADY SMITH: Yes. And, of course, Mr Pugh, before you move
8 on to that, as you rightly pick up at the end of
9 paragraph 20, it's one thing to have a process. The
10 best process in the world will be of no use at all if
11 you don't establish and maintain a culture where people
12 feel able to complain. And I say people in the round,
13 whether you are talking about members of staff or
14 children. But particularly when it comes to children,
15 looking at it through their eyes and working out how
16 they will feel comfortable raising, let's call it
17 a worry, not just a complaint; telling somebody if
18 they're frightened, and that they know that it's okay to
19 do that, and talking about something that's happened
20 that's upset them, which of course then may enable the
21 existence of an abusive practice or an abuser to be
22 uncovered.

23 MR PUGH: Well, indeed, and in that regard it's possibly,
24 almost certainly not enough simply to have even
25 a reactive process. One has to go looking and providing

1 opportunities for children to give those sorts of
2 accounts. And that, I suspect, again, is something that
3 your Ladyship has over the course of this whole Inquiry
4 seen massive developments between even the 1990s and now
5 as to the attitudes in relation to listening to
6 children.

7 LADY SMITH: And don't get me wrong, I'm not naive, I'm not
8 suggesting: and it will all be wonderful and you'll
9 never get a single child or member of staff making
10 a mischievous complaint or an ill-founded complaint.
11 But, frankly, I think the conclusion may have to be
12 drawn that's the price you pay for enabling those who
13 are genuinely worried, have genuinely been hurt, and
14 genuinely need the help of a complaint being
15 investigated. And you just live with the ones that are
16 an irritation or a nuisance or shouldn't ever have been
17 made.

18 MR PUGH: The alternative is only to discourage complaints
19 in order to avoid vexatious ones, and that can't be the
20 right answer.

21 LADY SMITH: Exactly. Exactly.

22 MR PUGH: At the bottom of paragraph 21 again, just an
23 aspect of Jim Hunter's evidence that came across to us
24 is that he acknowledged the process for staff complaints
25 was somewhat frustrated by the culture at Kerelaw,

1 insofar as staff members were often known to each other
2 and resided within the same local communities. If
3 a staff member wanted to raise an issue, the culture
4 amongst staff members might make them think twice about
5 doing so. And that takes us, I think, back to some of
6 the problems identified in the Frizzell report.

7 And we've set out at paragraph 23 there, the
8 Council's position that the proper response to
9 complaints -- and this is the point your Ladyship raised
10 a moment ago -- as with other aspects, it's a vital part
11 of the package of measures necessary to protect
12 children. As the Inquiry knows all too well, during the
13 time under investigation childcare developed regarding
14 the need to listen to children. From the perspective of
15 the current management of the Council any failure to
16 follow up on complaints is unjustifiable.

17 Indeed, going further, the Council considers that it
18 is necessary to give children positive opportunities to
19 tell carers about any issue that may have arisen and
20 about any concerns that they have. There are a number
21 of safeguards now in place within the Council, including
22 access to independent advocacy and children's rights,
23 Promise participation workers and independent review
24 officers with responsibility for working with children
25 on the review of their care plans.

1 They moved on from there to deal with education, and
2 I don't intend to read too much of that out. My Lady,
3 it's really only the observation at the back end of
4 paragraph 25 that there was a sense in Larchgrove from
5 Mr Haddow that this was really just about occupying the
6 children. Whatever was provided was about occupying not
7 educating.

8 LADY SMITH: Yes.

9 MR PUGH: And your Ladyship may feel that even when we get
10 into Kerelaw, which was set up to be a school, that the
11 evidence shows that there was little change in that
12 attitude.

13 Certainly the evidence that we've highlighted at 26
14 would indicate that even where in name there was
15 educational provision, that it wasn't truly being
16 offered.

17 LADY SMITH: And whilst one might say a failure to provide
18 the education to which the children actually were
19 statutorily entitled is not of itself abuse, that's fair
20 enough, but it does tell you quite a lot about what the
21 attitude to the children was and the attitude to how
22 important, or not, they were to the society in which
23 they were growing up.

24 MR PUGH: Well, your Ladyship repeatedly heard evidence to
25 'place of last resort', or whatever, and that must

1 reflect in a similar way.

2 LADY SMITH: Yes.

3 MR PUGH: We've dealt at 28 through to 32 with this
4 particular issue of 'horseplay', which is a real feature
5 of the evidence at Kerelaw.

6 LADY SMITH: Yes.

7 MR PUGH: And from a risk perspective must be very high in
8 your Ladyship's mind as to the potential problems with
9 it.

10 LADY SMITH: It's similar to passing over the use of
11 language that's unpleasant to children, that's
12 emotionally upsetting, as being mere banter. It's not.

13 MR PUGH: No.

14 LADY SMITH: And horseplay, as you rightly say, is high
15 risk.

16 MR PUGH: Well, indeed, and in the context of where
17 I started being, restraint and the need to deescalate
18 these behaviours, it seems horseplay has almost the
19 exact opposite effect in many respects.

20 LADY SMITH: Yes.

21 MR PUGH: And the particular problem we've identified at
22 paragraph 31 was, I thought, well articulated by 'Joe',
23 that some of the children thought at the time that this
24 was good fun, but plainly looking back it can't have
25 been. And it was recognised at the time that it

1 couldn't have been a bit of fun. So that's undoubtedly
2 a theme that the Inquiry will want to keep under review.

3 We've then set out some reflections. My Lady,
4 I'm conscious it's just before 1.00. I do intend just
5 to read out the last few paragraphs, but it should only
6 take five minutes or so, if your Ladyship is ...

7 LADY SMITH: No, please do. This is important, Mr Pugh.

8 MR PUGH: So in terms of the reflections, perhaps the most
9 definite reflection that the Council takes away from
10 this chapter is that to protect children in any care
11 setting, a suite of measures is needed and that was of
12 course Ms Millar's clear position in her evidence.

13 There is no silver bullet. It must be borne in mind
14 that some of the children who require residential care
15 will have experienced trauma and may then exhibit
16 challenging behaviours, requiring specialist management.
17 The measures needed include: leadership that instills
18 values onto the organisation; recruitment of staff that
19 are both formally qualified and who subscribe to those
20 values; induction and ongoing training of staff;
21 supervision and performance management to ensure that
22 work is being done as it should be; the development of
23 a safe, nurturing, trauma informed living environment,
24 with active engage; and listening to children and young
25 people, with clear, transparent complaints processes.

1 It's only really with all of those things in place
2 that one can hope to prevent the sort of problems that
3 arose.

4 Ms Millar's evidence was of a completely different
5 environment in residential childcare now than at the
6 time Kerelaw was closed. The Council no longer runs
7 secure accommodation, nor does it run residential
8 schools. Children are now cared for in children's
9 houses, and those houses, of which there are 19, are
10 located within the city boundary. We heard, I think,
11 even just today in the read-ins about some of the
12 difficulties created with the geographical proximity of
13 Kerelaw. Those houses have been rebuilt and modernised
14 since 2006, each looking indistinguishable from
15 surrounding houses. Each children's house has between
16 six and eight children living in it, with placements
17 matching the needs of the child rather than capacity,
18 and with the cohort of children in the home being
19 considered at the time placements are made.

20 Paragraph 35, staff members working within Glasgow's
21 children's houses are all SSSC registered and thus
22 qualified prior to being recruited. When recruiting,
23 the Council is looking for people who want more than
24 just a job. Prior to starting work, new staff are given
25 induction training, and then senior practitioners and

1 managers require additional qualifications, as might
2 those who work with children with disabilities.

3 Residential staff are expected (and paid) to attend
4 supervision sessions and meetings involving all staff
5 within a house, including those that work on the night
6 shift. And that was, of course, a feature of the
7 evidence we heard in relation to essentially the
8 isolation of the night shift at Kerelaw.

9 There are sufficient residential workers employed by
10 the Council's Social Work Department, including in
11 peripatetic roles, that capacity is never at
12 100 per cent and reliance does not need to be placed on
13 sessional workers.

14 Then Susanne Millar's evidence was that residential
15 childcare has moved beyond providing basic care. The
16 Council's ethos is that its children's homes should feel
17 like family homes, where each child's welfare and
18 development should be ensured. One disruptive factor to
19 development that the Council has sought proactively to
20 reduce is placement breakdown. Breakdown can have the
21 effect of reinforcing previous childhood trauma. The
22 Council has procedures in place that not only review the
23 circumstances of a breakdown after it occurs, but which
24 seek to identify a risk of placement breakdown before it
25 occurs. By this measure, the Council has almost halved

1 the number of children requiring three or more
2 placements.

3 We've noted in the following paragraph that the
4 Inquiry has actually heard in the last three weeks from
5 previous residents who continue and have continued to
6 work in childcare and I've identified them.

7 LADY SMITH: Yes.

8 MR PUGH: And the common theme of their evidence was, we
9 submit, that the picture in Glasgow's children's houses
10 is now very different from that pertaining to Kerelaw
11 during their time.

12 That's not to say -- and I think this is really
13 important to acknowledge, my Lady -- that the evidence
14 was without caveats. But 'Sky' explaining the change,
15 which from her perspective was very shortly after
16 leaving Kerelaw, described a huge difference, including
17 now that residents in units have so many experiences.
18 And 'Joe' described things as '100 per cent better. It
19 is all nurture based'.

20 But I have acknowledged the perspective of 'Oliver'
21 that there has been a recent rise in violent episodes in
22 the children's homes. That's something I've already
23 discussed with the Council, and they are taking steps to
24 investigate that question. Clearly that's something
25 we'll come back to the Inquiry about in due course.

1 LADY SMITH: Thank you.

2 MR PUGH: A further reflection that the Council takes away
3 from this chapter of evidence is the particular role of
4 whistleblowers, and this is a point one of your
5 Ladyship's questions has already adverted to. Discuss
6 the importance of dealing properly with complaints and
7 the needs for bodies such as the Council to be proactive
8 in the way it provides opportunities for complaints to
9 be made.

10 Exactly the same principle applies to those employed
11 in the care sector, who have concerns about the way
12 children are cared for. The ethos now is to actively
13 encourage young people to have access to as many
14 external adults as possible so that their opportunity to
15 promote and protect their individual rights are enhanced
16 and maximised. And we've noted that, for the avoidance
17 of doubt, the Council considers that any person who
18 comes forward with any complaint is doing the right
19 thing. That was a matter that was raised during the
20 evidence. But what is doing the right thing? And the
21 Council is, similar to the last matter, my Lady,
22 considering whether there's anything further it can
23 produce regarding whistleblowing, and that's a matter
24 that we'll keep under review with your Ladyship's
25 counsel team.

1 LADY SMITH: Thank you very much. We'll welcome that,
2 Mr Pugh.

3 MR PUGH: Unless there's anything else, my Lady, those are
4 the responses at this stage.

5 LADY SMITH: No. Let me just take this opportunity to thank
6 the Council and all their people who have been involved
7 in engaging with the Inquiry, and you and your junior,
8 Ms Trainer, for the dedication that has been given to
9 the part that the Council need to play in this
10 particular case study. The seriousness with which the
11 issues are taken is not lost on me, and I'm very
12 grateful for their cooperation.

13 Before I rise, names again, FSB [REDACTED],
14 KBN [REDACTED], a teacher called IWN [REDACTED], FSY [REDACTED],
15 [REDACTED], IDE [REDACTED], MTT [REDACTED], Mrs KAM [REDACTED] and
16 FSR [REDACTED] are people whose names have been used this
17 morning but again have their identities being protected
18 by my General Restriction Order, and they're not to be
19 identified outside this room.

20 And I will now rise until -- can somebody give me
21 a date for Crossreach, we move to in two or three weeks'
22 time, I think? End of April.

23 MS FORBES: My Lady, it's 23 April.

24 LADY SMITH: That certainly rings bells with me. It will be
25 confirmed on the website, but there won't be any

1 hearings again until then.

2 Thank you.

3 (1.09 pm)

4 (The Inquiry adjourned until Tuesday, 23 April 2024)

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