

Friday, 10 May 2024

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(10.00 am)

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

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Chapter 5 of Phase 8 of our case study hearings, and

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this is a chapter, people will remember, in which we

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looked into some of the provision by CrossReach; that's

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the provision in relation to children in need of

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residential accommodation and young offenders, and the

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residential accommodation particularly involving some

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secure care and accommodation for children in need of

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care and protection, some of the children, of course,

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being young offenders.

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Now, we have come to the stage of closing

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submissions. Mr MacAulay, I will invite you to

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introduce what we are doing today.

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MR MACAULAY: Yes, my Lady, that is the position. This is

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the last day of this particular chapter and I understand

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my learned friend, Mr Brodie, is ready to make a final

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submission.

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LADY SMITH: Thank you very much. Mr Brodie, whenever you

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are ready.

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Closing submissions by Mr Brodie

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MR BRODIE: Thank you, my Lady.

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Before I begin on behalf of CrossReach, may I say

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Viv Dickenson, Chief Executive Officer of CrossReach,

1 from whom we heard, obviously, on the last day of
2 evidence, regrets that she is not here today. She has
3 a funeral that she felt that she had to attend. She
4 means no disrespect to the Inquiry and no disrespect to
5 those who have given evidence. She has read the
6 submissions that I am about to give and has approved
7 what I am about to say.

8 LADY SMITH: Thank you. I am sorry to hear about that and
9 I am sure she would have been here if that had been
10 possible, but I understand why she can't. Thank you,
11 Mr Brodie.

12 MR BRODIE: I would add, however, that Claire Hay, who is
13 one of the senior management team, is in attendance.

14 LADY SMITH: Yes.

15 MR BRODIE: My Lady, the Church of Scotland and CrossReach,
16 through which the Church operates the provision of
17 social care services, are grateful to the Inquiry for
18 this opportunity to reflect on the evidence heard from
19 former residents and staff in respect of Ballikinrain,
20 Geilsland, and Langlands Park.

21 As the Inquiry has heard, the Church of Scotland has
22 been involved in the provision of residential care for
23 children since 1868. When the state established the
24 system of Approved Schools and then List D schools,
25 under the Social Work (Scotland) Act 1968, the Church

1 was asked to provide and operate residential
2 accommodation, schooling, and training for children who
3 had had contact with the criminal justice system or in
4 other ways were in need of care and protection.

5 LADY SMITH: That, of course, particularly reflects the
6 structure of the '68 Act provisions, children going
7 through the hearings, the children's hearings, who could
8 be children that had not been offending, but needed some
9 form of intervention taking them away from home, but
10 also children who, before 1968, might simply have ended
11 up in the court having a court sentence imposed on them.

12 MR BRODIE: Yes, my Lady. That point will be relevant to
13 some observations I have to make about the system as
14 a whole and the extent to which it was or was not fit
15 for purpose. Because one had this mix of children who
16 were in the schools for very different reasons and with
17 very different needs.

18 LADY SMITH: Yes, thank you.

19 MR BRODIE: Langlands Park for Girls was opened in 1962 and
20 closed in 1986. Geilsland was opened for boys in 1964
21 and closed in 2015. Ballikinrain for boys was opened in
22 1968 and closed in 2021. These establishments were
23 jointly funded by Local Authorities and the Scottish
24 Education Department until 1986. Thereafter, funding
25 became the responsibility of the relevant Local

1 Authority.

2 To those who are former residents and have given
3 evidence to the Inquiry in person or through their
4 statements, it may be of interest to know that
5 Viv Dickenson, Chief Executive Officer of CrossReach,
6 together with Claire Hay, one of the senior management
7 team, have been in attendance on each day of the
8 evidence in order to learn of your experience of those
9 homes. They thank you for your evidence. They have
10 listened with care. They were moved by what they heard
11 and accept that your experience fell far short of the
12 care and protection you deserved. It makes clear that
13 you and others have suffered physical, emotional and, in
14 some instances, sexual abuse.

15 Viv, CrossReach, and the Church wish to renew the
16 heartfelt apology made at the opening of this phase of
17 the Inquiry. That apology is made to all who suffered
18 abuse when in their care and, on this occasion, is made
19 specifically to the pupils of Ballikinrain, Geilsland,
20 and Langlands Park, who experienced harm, however it was
21 caused.

22 The Church recognises that words of apology may have
23 limited worth. What steps have been taken to listen,
24 learn and help?

25 As part of the collective responsibility to

1 survivors of abuse when in care, the Church has made
2 financial contribution to and is a member of Scotland's
3 redress scheme. The Inquiry will know, but, to anyone
4 listening who does not, this was established by
5 Parliament to provide some help and support to survivors
6 of abuse suffered in care. It has the power to offer
7 a redress payment, to offer an apology and to provide
8 emotional support. CrossReach can assist survivors of
9 abuse in any of its residential services to make contact
10 with Redress Scotland should they wish.

11 LADY SMITH: An important point to note there, Mr Brodie, if
12 I may interject, is Redress Scotland are an entirely
13 separate organisation from this Inquiry. I know there
14 has been, and still is, some confusion about that. That
15 is explained on our website; it is explained on theirs.
16 There is no link between us in the form of collaborative
17 working or suchlike and, indeed, no formal or legal
18 link. If you want to apply for redress, you have to go
19 to Redress Scotland, that can't be facilitated by us, or
20 through us, because of us each having different jobs to
21 do, if I can put it that way.

22 It is not that we are trying to be difficult in not
23 also doing redress work. I just can't under my terms of
24 reference.

25 MR BRODIE: Absolutely. And that is why I would underline

1 that for anyone who wishes to make contact with Redress
2 Scotland, CrossReach can provide assistance in how to go
3 about that. But, and exactly as my Lady has said,
4 details of how to go about it are also available on the
5 website for CrossReach.

6 LADY SMITH: Yes.

7 MR BRODIE: Sorry, for Redress Scotland.

8 LADY SMITH: Redress, yes.

9 MR BRODIE: CrossReach also encourages anyone who has
10 suffered abuse in Langlands, Ballikinrain or Geilsland
11 and who wish to discuss their time in these schools to
12 do so. Guidelines have been put in place by CrossReach
13 to assist survivors making contact. Disclosures are
14 treated in strict confidence and with sensitivity.
15 Survivors are invited to speak with trained personnel
16 and tell of their experience.

17 To anyone thinking of making contact, know that you
18 will be listened to with care and that you will be
19 believed. We realise that everyone is seeking something
20 different and, therefore, we respond with
21 an individualised approach. This may be through
22 an offer of counselling, through identifying relevant
23 external support or in making people aware of the
24 redress scheme. We also remain open to discussing with
25 individuals other forms of redress.

1 My Lady, one of the benefits of Viv Dickenson having
2 been here is that on the day 'Mo' gave evidence she,
3 Viv, and 'Mo' were able to talk with each other, at the
4 end of 'Mo's' evidence. And my Lady will remember in
5 'Mo's' evidence the occasion of her playing the violin
6 in the town hall, and of that being reported on in the
7 local newspaper. To date CrossReach have not been able
8 to find any records relating to 'Mo', but they continue
9 to look for that. And one of the things that Viv is
10 going to ask of 'Mo' -- because a meeting has been set
11 up after the General Assembly coming up, so end of May
12 into June -- a meeting has been set up and one thing Viv
13 is going to attempt to do, with 'Mo's' permission, is to
14 see if that newspaper article might be located.

15 LADY SMITH: That would be wonderful, thank you.

16 MR BRODIE: CrossReach supports an active Facebook group for
17 former residents of Ballikinrain, although the school is
18 of course now closed. This provides a mechanism for
19 former pupils to exchange memories, good and bad, and to
20 share experiences. The group is carefully moderated and
21 is supported by a group of senior managers within our
22 care and education service. We recognise that this kind
23 of support needs to be developed for other accommodation
24 services that have been provided and our work towards
25 that continues.

1 LADY SMITH: Thank you.

2 MR BRODIE: We are aware that former residents of
3 Ballikinrain are currently organising a reunion day and
4 this will be supported by CrossReach.

5 There are times when people who have been in our
6 care in the past and who find themselves in difficulty
7 contact CrossReach. The response provided to them is
8 individualised to the person's needs at that time; they
9 may be looking for practical or emotional support and
10 this can be provided by the most appropriate staff
11 members. One example is that of one former resident who
12 phones every few months and will speak with
13 an identified employee. A relationship of trust and of
14 support has been built through this example of help,
15 tailored to the particular wishes and needs of the
16 individual.

17 Applicants have spoken of the importance of their
18 records and of gaining an understanding of their past.
19 Recognising that importance, CrossReach appointed
20 an archivist in 2017, who has been cataloguing the
21 records held. This is to make them accessible for those
22 who may wish to view records relating to their care. In
23 this way, CrossReach has responded to 56 requests for
24 access in the course of the last 12 months.

25 Sadly, not all requests can be met, as some records

1 are no longer available. Copies of the records, where
2 still held, will always be provided. CrossReach can
3 help people to complete the appropriate data access
4 requests. Provision exists to view and touch the
5 originals, where, for example, there is original artwork
6 or there are original letters, these can be returned and
7 copies will be kept by CrossReach.

8 Applicants ask as to what lessons have been learned
9 and how will children be protected in the future. The
10 safety and protection of all in its care is of paramount
11 importance to CrossReach. We have an extensive training
12 programme and a number of policies and procedures in
13 place already designed to help us ensure that those
14 accessing our support feel safe. The work of the
15 Inquiry and the evidence of the past two weeks will help
16 us to learn lessons and to improve practice for the
17 future. Some of the ways in which CrossReach aims to
18 protect those in its care include the following: the
19 adult and child protection policies are updated annually
20 by a specialist safeguarding team; staff are trained in
21 best safeguarding practice in general and specifically
22 on CrossReach's adult and child protection policies, and
23 emphasis is placed on actively identifying any potential
24 safeguarding issue and the need to report such
25 immediately; staff are supervised with a focus on

1 identifying any issues in approach to care that need to
2 be discussed or remedied; external points of contact are
3 provided, so that if a member of staff feels they cannot
4 raise an issue with their own line of management, they
5 have access to someone independent.

6 We are also much more aware of the effects of trauma
7 on the emotional wellbeing of those we seek to support.
8 CrossReach is working towards being a trauma informed
9 organisation. The first step is to ensure that all
10 staff have undertaken introductory training on
11 trauma-informed practice. Many front line specialists
12 have undertaken trauma specialist training and this will
13 be further rolled out in the next year. In addition,
14 CrossReach works with Who Cares? Who Cares? is
15 an organisation that advocates for young people and
16 which can provide independent points of contact should
17 any of our young people wish to discuss any concerns
18 they may have.

19 If I may now, my Lady, turn to some reflections.

20 The evidence of applicants heard over the last two
21 weeks has prompted further reflection on the part of
22 CrossReach. As noted, Viv Dickenson and/or Claire Hay
23 have been present throughout. Those reflections go in
24 tandem with deeper reading and investigation into the
25 documents produced and disclosed to the Inquiry,

1 together with further conversations and investigation,
2 as spoken of by Viv Dickenson.

3 Certain themes emerged that seem to inform
4 an understanding of how Langlands Park, Geilsland and
5 Ballikinrain were run, problems arose, and abuse
6 occurred. CrossReach offers a summary here of those
7 reflections. It does not do so in order to undermine
8 what witnesses have said, nor to excuse what has been
9 described, rather it offers those reflections as
10 an aspect of its thinking and in order to understand how
11 those schools were run and abuse occurred.

12 Of List D and residential schools in general, it
13 seems clear with hindsight that the system of List D and
14 residential schools was not fit for purpose and often
15 traumatised those it was designed to support. Whilst
16 the state was the instigator of the system, we
17 acknowledge that we played a part in the abuse and in
18 the failings that occurred. Each of these schools was
19 expected to house children admitted for care and
20 protection or under a court order, all of whom had
21 complex needs.

22 'Cathy', who was in Langlands, asked the pertinent
23 question: 'why put someone in a place like that, just
24 for not going to school?'

25 As we heard from applicants and staff, children

1 might be admitted because of parental neglect, family
2 breakdown, truanting, petty crime, serious offending,
3 including sexual offending. Some efforts were made to
4 divide the younger and older children, but, in general,
5 it seems that children of all needs, backgrounds and
6 ages would mix. The accounts of both applicants and
7 staff describe how this posed difficulties for
8 discipline and contributed to bullying. Even if staff
9 had been given training in underlying care needs, this
10 variety of needs would pose a challenge. The number of
11 children in each establishment added to those
12 difficulties, as the individual support needed was just
13 not possible.

14 It is of note that since Langlands, Geilsland and
15 Ballikinrain were closed and CrossReach has moved to
16 using smaller houses for residential purposes, the young
17 people are much more settled and report feeling safe,
18 happy, and that they feel their voice is heard. There
19 are now fewer episodes of children causing damage and of
20 violence. CrossReach have found it much easier to
21 prevent bullying in these much more homely settings,
22 although securing an adequate number of suitably
23 qualified staff can still be difficult.

24 LADY SMITH: That cannot be overstated. It is a constant
25 challenge in all areas of provision for children in

1 care. As I have already commented, it ranges from
2 boarding schools to foster care, foster care is a
3 particular difficulty where people are caring for
4 children in their own homes and the foster allowances
5 are not a lot of money and they are doing a very
6 difficult job, in many circumstances. Then attracting
7 staff to effectively run a 24/7 system, where even
8 a three shift system I can see may at times be tight;
9 you have to allow for staff leave; staff illness; times
10 to train staff, not just be there caring for the
11 children. It is an enormous challenge and all the time
12 you have to find the right people.

13 MR BRODIE: Yes, yes. And as Viv said at the time of
14 evidence, agency staff sometimes have to be relied upon.
15 That does not mean to say that those agency staff are
16 perhaps not suitably qualified, but they are brought in
17 on an ad-hoc basis --

18 LADY SMITH: Yes.

19 MR BRODIE: -- and do not have the same knowledge of the
20 establishment and do not have the same knowledge of the
21 children.

22 LADY SMITH: No, and these are children who in many cases
23 are naturally suspicious of adults they don't know.

24 MR BRODIE: Yes.

25 LADY SMITH: Yes. Thank you. A point that has to be made.

1 I am glad you have, thank you, Mr Brodie.

2 MR BRODIE: Perhaps underpinning all this is a question
3 posed by Deirdre MacDonald to her father and of her time
4 and placement at Langlands: 'what is the purpose of
5 a place like Langlands?'

6 Peer on peer bullying was a continual problem.
7 Sadly, that has affected many of the institutions about
8 which the Inquiry has been hearing. There are regular
9 references to bullying and punishment books for each of
10 the schools. Inspection reports talk about
11 anti-bullying policies being introduced, but staff-pupil
12 ratios, particularly at night, made this difficult to
13 suppress. The Scottish Office circulars talk about the
14 need for extra staff, although it was the Scottish
15 Education Department that provided the budget to pay for
16 staff.

17 It seems from the applicants' evidence that staff
18 often left the boys to resolve disputes between
19 themselves and would only intervene if things got out of
20 control. One method of staff intervention and of the
21 boys being left to sort it out for themselves was to
22 arrange boxing matches in some establishments.
23 Well-intentioned intervention -- not I am suggesting
24 that the boxing matches were -- but separately,
25 well-intentioned intervention did not always work and

1 contributed at times to a culture of fear. As mentioned
2 further below, 'Mandy' suffered being described as
3 a grass when ^{MSH} had intervened on her behalf.

4 LADY SMITH: Mm-hm. This business of fights and boxing
5 matches did not strike me from the evidence as
6 indicating these were occasions of proper instruction
7 and training of boys in the sport of boxing was going
8 on, but rather dealing with a problem between boys and
9 deciding 'We will get them', as you put it, 'To sort it
10 out between themselves tonight. They can thump each
11 other somehow and see if that helps'.

12 MR BRODIE: There was absolutely no evidence of it being
13 structured in the form of properly coached and refereed
14 boxing matches, by the rules of boxing, absolutely
15 nothing to that regard.

16 LADY SMITH: No.

17 MR BRODIE: At best it might have been similar to a military
18 setting in the Second World War, where ranks were left
19 to sort it out for themselves one Friday or Saturday
20 evening. I do not mean that in a flippant fashion or
21 way, but it may be indicative that a lot of staff at
22 that time did have such military backgrounds and just
23 applied that approach to the care of children. Perhaps
24 true across the sector.

25 LADY SMITH: Yes.

1 MR BRODIE: 'William', a former staff member at Geilsland,
2 spoke convincingly of his desire and that of colleagues,
3 that the boys should have the best experience and the
4 best level of care possible. Acknowledgement of the
5 harm suffered by residents at the hands of some staff,
6 some bad apples, as they were referred to by ^{GRV} in his
7 evidence about his time at Ballikinrain, should not
8 devalue the commitment and caring service in the
9 demanding and stressful environment given by many staff;
10 not all, but by many.

11 In relation to Langlands, for example, ^{HW} said:

12 'It was great there.'

13 And:

14 'There was nothing cruel there. It was a place that
15 tried to help you.'

16 'William' talked about still getting letters from
17 former residents at Geilsland, telling him that he had
18 changed their lives.

19 It will be for my Lady, where there are perhaps
20 differences of evidence on particular subjects, for my
21 Lady to consider and make such findings as are most
22 appropriate.

23 LADY SMITH: Mr Brodie, as you probably know, it has been
24 a feature of the evidence I have heard from the
25 beginning in this Inquiry that there are people who, as

1 children, had nothing but positive experiences in the
2 institution or system, if it was foster care, that they
3 were in, and that is all they wanted to tell us about in
4 evidence.

5 There are others who, very fairly, have said
6 X per cent of the time it was great or 'My last
7 two years were nothing but good, but there was a lot of
8 bad stuff as well'. Neither actually contradicts the
9 other. It is the nature of -- I was going to use the
10 word the 'beast', but that's not appropriate. It was
11 the nature of these environments that that would happen.

12 MR BRODIE: But it also illustrates -- and my Lady used the
13 word in the course of evidence -- unpredictability, and
14 in some ways that almost made things worse.

15 LADY SMITH: Yes. And it can make it worse for a child who
16 is suffering to know that some people seem okay, 'How
17 can I --' how do they ever speak up and complain? But
18 it is another reason why not to complain, because other
19 people seem to think 'This is all right' and they seem
20 fine.

21 MR BRODIE: Yes. Remaining reflections, and turning from
22 List D and residential schools in general, educational
23 standards and expectations.

24 Many of the applicants spoke of a lack of education
25 within the schools. Varying views as to the level of

1 education provided are to be found in inspection
2 reports, but it seems clear that the level of education
3 was poor at best.

4 LADY SMITH: Yes.

5 MR BRODIE: The lifetime impact of having received little or
6 no education has been powerfully described. 'Ross' is
7 but one example, and Viv Dickenson spoke of the stigma
8 and shame adults report when they are not able to read
9 or write.

10 A number of factors would have contributed to this
11 failing, some relate to the List D and residential
12 school system in general. The evidence indicates that
13 the level of aspiration for education was low on the
14 part of the system. Related to that, it seems budget
15 provision and staffing levels were low. Many children
16 arrived unable to read or write. Their experiences in
17 life had turned them away from education or left them
18 with no interest in learning. Handover records from
19 schools or social work were absent or poor. There was
20 little or no understanding of learning difficulties or
21 behavioural problems. Staff lacked training in such
22 issues.

23 LADY SMITH: What struck me as a powerful factor -- and it
24 was illustrated in the Ballikinrain video -- was that
25 the schools were receiving children who in many cases

1 were way behind in their education. They may not be
2 literate, although they are 10/11/12 years old. They
3 not only didn't know beforehand that was what they were
4 going to be getting in terms of children, but they
5 didn't have the training, the special skills you need to
6 take a child at that age and get them up to the stage
7 they should be at, at the same time they were having to
8 try to teach children who were in a better place
9 educationally. It's a disaster.

10 MR BRODIE: Impossible.

11 LADY SMITH: I hesitate to say, but it must have felt like
12 a disaster.

13 We saw the child in the video who was getting
14 one-to-one attention from a teacher, but he couldn't
15 cope, because it was all too much, all too difficult, so
16 he had to run away and just cry on his bed that he
17 couldn't do it. You can well understand that.

18 I wondered whether the teacher, left downstairs,
19 likewise had her head in her hands, wondering what more
20 she could do.

21 MR BRODIE: I conjecture that she probably did feel that
22 way, because without specialist training in remedial
23 skills, someone who was a sound enough teacher for
24 children who were literate would feel the frustration,
25 'I am doing my best and yet this child will not

1 cooperate', and the good intentions may have been turned
2 into a frustration that then actually ended up in
3 a completely unhelpful position.

4 LADY SMITH: Yes. If one looks at the system as a whole,
5 from where the child first ends up in the children's
6 hearing for running away from school too often, right
7 through to them being in the approved school, I don't
8 think the children's hearings systems were being
9 provided with any educational assessment of where the
10 child was at in their learning at that stage. They
11 probably couldn't have got it, because the child wasn't
12 going to school, so the school couldn't provide them
13 with anything. Did they have a specialist system for
14 getting every child educationally assessed before the
15 decision was made in the hearing about them? I don't
16 think so. Well, I am pretty sure they didn't.
17 I certainly don't remember it, and I am old enough to
18 remember the relatively early days of the operation of
19 the children's hearings system.

20 Some of the witnesses have said: how was it a good
21 idea to then send the child to the approved school on
22 the assumption that a magic wand would be waved and it
23 wouldn't be difficult for them just to make up what
24 hadn't been done with them for years in terms of
25 educational provision and development? It is crazy. It

1 was never going to work, was it?

2 MR BRODIE: My Lady is making reference to the absence of
3 records. Viv Dickenson has spoken of her understanding
4 that one of the problems was that there would be few, if
5 any, records from schools coming up with the child.
6 That could also apply in respect of social work
7 records --

8 LADY SMITH: Yes.

9 MR BRODIE: -- Viv said. So my Lady is developing that same
10 point that Viv had made reference to in evidence; you
11 start with no information about the child, no
12 information about the child's needs. Properly qualified
13 teachers were provided at the school, but it would seem
14 budgets meant not very many of them and there is no
15 reference to any of them having specialist remedial
16 skills.

17 LADY SMITH: No.

18 MR BRODIE: All dependent, of course, on budgetary provision
19 from central government or the local authority.

20 LADY SMITH: Indeed.

21 MR BRODIE: Teachers of academic subjects were, however,
22 supplied, I've said that. They would have held a degree
23 level of education, they would have been registered with
24 the General Teaching Council.

25 The evidence of staff indicates that efforts were

1 made to provide some level of education, but that these
2 efforts were often met with disinterest or resistance on
3 the part of the children, unsurprisingly, given
4 backgrounds.

5 It seems instruction in trades was somewhat more
6 successful, with some, such as 'Mandy', speaking
7 positively of teaching in practical skills. That said,
8 the accounts are mixed. 'Thomas' said that he was left
9 to sit about during woodwork, others described practical
10 classes as a form of child labour, some spoke of some
11 fulfilment in practising a trade.

12 Still under reflections, I turn to abuse by staff.

13 There are some appalling instances of abuse by
14 staff. As the Inquiry has heard, Gregor Dougall was
15 convicted in September 2023 of four charges of assault,
16 including one of indecent assault on various occasions,
17 whilst at Ballikinrain over the period 1985 to 2001. It
18 is a matter of deep regret that his behaviour was not
19 identified and stopped.

20 As Viv Dickenson recounted, CrossReach had no
21 knowledge of any offending until contacted by the press
22 in respect of a story concerning his time at
23 St Ninian's. The then chief executive officer
24 immediately redeployed Greg Dougal from a child care
25 role at Ballikinrain to an administrative role at head

1 office in Edinburgh.

2 Brutal acts by [MSH] at Langlands were powerfully
3 described by 'Mo' and by Deirdre MacDonald. 'Mo' spoke
4 of being thrown down the stairs while pregnant and on
5 other occasions having a table tennis table brought down
6 on her head.

7 Deirdre MacDonald spoke of the beating administered
8 by [MSH] to two girls who had simply run away. The
9 violence may have been directly experienced by those two
10 girls, but also had a long lasting and traumatic effect
11 on those, such as Deirdre McDonald, who were close to
12 it. The vicarious effect to those that witnessed
13 violence within the homes is a recurring theme in
14 witness evidence.

15 'Katie', described multiple occasions of being
16 physically assaulted and racially abused by [MSH].
17 Evidence concerning [MSH] provides an illustration of the
18 complexities running through the evidence as a whole.

19 'Mandy' said that she liked him. She said she had
20 received a few 'bawlings' from him, but liked him
21 because he was firm but fair. He never used the belt.
22 He had gone ballistic at a girl that bullied her,
23 although his intervention meant that 'Mandy' was seen as
24 a grass. She spoke of him helping her find laser
25 treatment for a birthmark.

1 It is difficult to understand such contrasts in one
2 person. It may illustrate the need, as your Ladyship
3 observed, of recruiting people with the right instincts,
4 then providing proper training and, finally, ensuring
5 a proper culture and supervision.

6 LADY SMITH: Yes, you rightly make reference, Mr Brodie, to
7 the need to recognise there are children who are not the
8 recipients of abuse themselves, but they witness other
9 children being abused.

10 There are two aspects to the risk that arises there.
11 One is the risk that they are simply distressed and
12 upset at seeing another child abused. But also,
13 secondly, that instills in them or reinforces
14 a pre-existing fear that that's what could happen to
15 them. I have heard children -- not just in this case
16 study, but in others -- talk about living with this
17 sense of all pervading fear, because although they
18 didn't get abused themselves, they knew that was what
19 happened in this environment in which they were trapped.

20 MR BRODIE: Now, my Lady, the Inquiry will be seeing,
21 hearing, of the effect of vicarious trauma again and
22 again. It is to be observed that that is a theme that
23 is emerging in High Court trials and it is to be
24 observed that with an increasing amount of litigation
25 related to historical child abuse in the civil side of

1 the Court of Session, that same theme, vicarious trauma,
2 is emerging.

3 LADY SMITH: It may be overdue, but I am glad to hear that
4 both the High Court and the Court of Session are
5 catching up.

6 MR BRODIE: More generally, applicants have spoken of being
7 hit, struck, or punched as a form of discipline. This
8 seems to be attributed to a small number of particular
9 staff members.

10 Staff from whom evidence has been heard have said
11 that they did not use such forms of discipline, nor did
12 they see such. It will be a matter for the Inquiry to
13 decide on such differences as may appear in the
14 evidence.

15 However, restraints were regularly used. The way in
16 which they were used and the force with which they were
17 used varied, and it is also clear that there was overuse
18 of the belt at Geilsland.

19 Geilsland was the only setting in which a policy of
20 corporal punishment was applied. There has been
21 significant evidence, provided both by former residents
22 and through inspection reports, that this was overused,
23 even in relation to other List D schools of the time.
24 Perhaps better to say: even in comparison to other
25 List D schools at the time.

1 This speaks to a failure of control at Geilsland,
2 despite significant steps being taken by the Church to
3 address this at the time.

4 What factors may have contributed to such evidence
5 of physical abuse and/or overuse of physical punishment?

6 The culture set by leadership. ^{HDX} [REDACTED] was ^{SNR} [REDACTED]
7 at Geilsland from 1965 until 1982. This period was
8 discussed in some detail by counsel for the Inquiry, my
9 learned friend Mr MacAulay, and Viv Dickenson when
10 giving evidence.

11 It is clear that he enforced a brutal regime of
12 physical punishment. Applicants have described serious
13 physical abuse and instances of sexual abuse.

14 'Jacob' described ^{HDX} [REDACTED] using the belt on a child's
15 bare bottom until it was blistered and bleeding. He
16 described ^{HDX} [REDACTED] forcing boys to take cold showers and
17 watching them in the shower. 'Scott' described being
18 made to run round a table naked. John described being
19 belted until he could not sit for days. 'Ross' spoke of
20 being hit by a piece of wood.

21 Two things emerge from the discussion concerning ^{HDX} [REDACTED]
22 during Viv Dickenson's evidence.

23 Firstly, from 1965 onwards there had been occasions
24 of the Church and of the Scottish Education Department,
25 together with social work departments, identifying that

1 [HDX] was using unauthorised punishments. The term in the
2 report is 'irregular punishments'. These included
3 striking and hitting boys, overuse of the belt and the
4 use of handcuffs. Attempts were made to reprimand him
5 and serious consideration was given to dismissing him.
6 At one point, the Church of Scotland managers had got to
7 the point of enforcing resignation, however those
8 attempts were frustrated by, amongst other things, union
9 involvement and some voices of support, including
10 support from many of the boys in the school.

11 The second thing to emerge is [HDX]'s belief that firm
12 physical discipline was required to maintain order. It
13 seems that he may have had a somewhat charismatic effect
14 on some, persuading them that removal of physical
15 discipline would leave Geilsland without an essential
16 management tool. Others may have been persuaded by
17 promises that he would reform.

18 CrossReach have seen inspection reports from 1976 in
19 which opinions are split as to the methods used by [HDX].
20 It may be that some evidence of efficacy in his methods
21 blinded people to the fact that such methods were wrong.

22 Reference has already been made to [MSH]. He was
23 [SNR] and then [SNR] at Langlands.
24 This is another example of how abusive behaviour by
25 management is liable to filter down to staff and to mean

1 that other improper use of discipline is permitted. It
2 leaves staff without proper guidance.

3 Of staff training and qualifications, it is clear
4 that residents presented a wide variety of complex
5 needs. Viv Dickenson noted, by way of example,
6 an inspection report for Langlands in 1964, after there
7 had been a disturbance at the school. It was said that
8 the disturbance was not the fault of the school staff,
9 who did all they could to restore order, but was
10 a direct result of the traumatic backgrounds from which
11 the children came and of a failure to address that with
12 the appropriate psychological support. It was noted by
13 the educational department that staff had no relevant
14 training, nor did they have the time to address these
15 emotional troubles.

16 'Jim's' evidence is an example. He said that he had
17 no experience of working with children when he started,
18 no qualifications and no education. He said he received
19 no training and had to learn discipline and control from
20 watching others.

21 Viv Dickenson noted that as late as 1989 a paper by
22 Abrahams and Fleming reported on the lack of training
23 for child care workers. It is also noted that this area
24 of work was given a low status in comparison to other
25 sectors of care. During the period the schools were in

1 operation, the lack of staff training was an issue. The
2 lack of training would affect how to look after the
3 children, how to affect discipline and how staff were
4 able to deal with the challenge of an often violent
5 environment and the trauma they witnessed.

6 It does seem that some training was provided and
7 that it did develop. Viv Dickenson made reference in
8 evidence to policies and protocols that were in place,
9 to on-site briefings occurring, and to the use of films
10 and discussion groups. Some of this may simply have
11 arisen in the course of the working week, as opposed to
12 being designated training events, so there may have been
13 an element of training, but that it could pass unnoticed
14 as such.

15 The Inquiry has heard quite a lot of evidence
16 relating to the presence of and misuse of cigarettes,
17 alcohol, solvents and drugs. It is clear that
18 cigarettes were widely permitted and smoking allowed
19 within the schools. The associated harms of such are
20 now better understood than at the time. We have some
21 evidence to suggest that parental consent was sought
22 before a child could smoke, but recognise that this
23 would not have been consistently applied. One reference
24 was made to it being better that this was allowed as it
25 prevented secret smoking and a consequent fire risk.

1 CrossReach's investigations indicate that the policy
2 was that staff should not fund the purchase of
3 cigarettes, although there has been evidence from
4 applicants that staff did so, otherwise there was no
5 real restriction on their purchase.

6 A large number of children would go home at the
7 weekend. This allowed an ease of access to alcohol,
8 solvents and drugs. It seems residents would bring
9 these back on to the premises. There has been evidence
10 of visitors, including family members, bringing illicit
11 substances into the schools. The size and nature of the
12 grounds aided in their concealment. Some residents have
13 said that members of staff sometimes facilitated illicit
14 substances being brought in. Staff dispute this.

15 In discussion with some former members of staff, the
16 point has been made to Viv Dickenson that staff had no
17 incentive to allow, let alone provide, the use of
18 illicit substances. It tended to make residents less
19 predictable and more volatile. Monday mornings were
20 described as chaotic, as a result of children coming
21 back from weekend leave and still under the influence.
22 Nonetheless, it cannot be guaranteed that no members of
23 staff allowed access to prohibited substances.

24 Conclusions. Reflecting on the evidence of the last
25 two weeks is a process that will continue for

1 CrossReach. It was a deeply moving experience to listen
2 to witnesses and Viv Dickenson, Chief Executive Officer
3 of CrossReach, was grateful for an opportunity to speak
4 with one of the witnesses directly and to offer the
5 opportunity to speak further and I spoke of 'Mo' at the
6 beginning.

7 During Viv's evidence she made reference to the
8 aspects of the written answers which CrossReach wishes
9 to expand. That will be done. It is accepted that the
10 most recent evidence demonstrates more by way of
11 systemic failures in the way in which schools were run
12 than had been appreciated.

13 The Inquiry has bought an understanding to
14 CrossReach and the Church of the abuse that occurred and
15 the long term effects that has had on the lives of those
16 affected. Reference will be made at the
17 General Assembly within the report of the Social
18 Responsibility --

19 LADY SMITH: Thank you.

20 MR BRODIE: -- Committee to the work of the Inquiry and to
21 this present phase of the Inquiry.

22 LADY SMITH: Can you remind me, Mr Brodie, how soon after
23 the presentation of such a report to the assembly is it
24 publicly available?

25 MR BRODIE: I will just get a precise answer from

1 Ms MacLeod, the solicitor to the Church.

2 LADY SMITH: Yes.

3 MR BRODIE: The reports to the General Assembly of each of
4 the committees are now available online.

5 LADY SMITH: Already?

6 MR BRODIE: Yes.

7 LADY SMITH: So they are ready before the Assembly?

8 MR BRODIE: Yes, they are.

9 LADY SMITH: So we can find them online, can we?

10 MR BRODIE: Yes.

11 LADY SMITH: Maybe you could send us a link. That would be
12 helpful.

13 MR BRODIE: I can send a link. What I do have to make clear
14 is that it is a shortish reference to the work of the
15 Inquiry and to this phase. It is not as if it is
16 a detailed consideration of the issues, but there is
17 a short reference within the written report that goes to
18 the Assembly and that link can be sent. The format is
19 each committee produces a summary of the work that it
20 has been doing in the course of the year and reports on
21 such recommendations as it is bringing to the Assembly.
22 That is the report that comes from an individual
23 committee to the General Assembly. Individual items
24 will be put to the Assembly for their approval or
25 otherwise. Within the Social Work Committee's report

1 there is a reference to the appearance in this section
2 at the Child Abuse Inquiry.

3 LADY SMITH: I appreciate it wouldn't be anything lengthy
4 that's in the report, but I think we should have a note
5 of that anyway and perhaps of the date on which it is
6 going to be discussed at the Assembly.

7 MR BRODIE: I think the date on which the report is
8 delivered to the Assembly is Tuesday, the 21st, if
9 I have my calendar right. The other thing that will be
10 made available to the Inquiry is the report of the
11 Committee's convenor.

12 LADY SMITH: Thank you.

13 MR BRODIE: That is not available until it is delivered.

14 LADY SMITH: I can understand that, yes.

15 MR BRODIE: Yes, until it is delivered.

16 The Inquiry has brought an understanding to
17 CrossReach and the Church of the abuse that occurred and
18 the long term effects that has had on the lives of those
19 affected. We realise that the lessons we have learned
20 have come at an emotional cost to those who have given
21 evidence at the Inquiry, both in person and through the
22 provision of statements which have been read-in to the
23 evidence. We thank those who have come forward and
24 undertake to provide whatever further assistance we can.

25 We look forward to the next part of Phase 8 and the

1 subsequent reports of the Inquiry.

2 Thank you, my Lady.

3 LADY SMITH: Mr Brodie, thank you very much for that very
4 helpful closing submission, covering essentially those
5 three areas of where CrossReach are now in terms of
6 their recognition of the needs of those abused in the
7 past and what they are trying to do to help with
8 support. Secondly, regarding what they have done so far
9 and will be doing regarding improvements in their
10 safeguarding policies and practices.

11 I note the appropriate reflections to which you have
12 referred today -- thank you for that -- and the
13 reassurance that CrossReach have learned, but will keep
14 learning. That's good to hear.

15 So I have nothing else to trouble you with at the
16 moment and I will revert to Mr MacAulay.

17 MR MACAULAY: That, my Lady, concludes the oral part of this
18 particular chapter.

19 LADY SMITH: Yes.

20 MR MACAULAY: The next chapter is due to start on 28 May,
21 Tuesday, 28 May, and that has a focus on Dr Guthrie's
22 Boys and Dr Guthrie's Girls, and Loaningdale.

23 LADY SMITH: Yes.

24 MR MACAULAY: Mr Sheldon KC and Ms Forbes will be managing
25 that chapter.

1 LADY SMITH: And we are expecting that to run for a couple
2 of weeks?

3 MR MACAULAY: About ten days.

4 LADY SMITH: About ten days. As usual, witness lists will
5 go on the website at the end of the previous week for
6 each of those weeks.

7 MR MACAULAY: Correct.

8 LADY SMITH: So people can keep in touch with that if they
9 are interested in following Dr Guthrie's, and indeed
10 anything else we need to tell you about, the plans for
11 those hearings will be there. Thank you all very much.
12 I will now rise and, as I say, we won't sit again until
13 the last Tuesday in May.

14 (10.50 am)

15 (The Inquiry adjourned until 10 am on Tuesday 28 May, 2024)

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3	Closing submissions by Mr Brodie1
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