

# Independent Jersey Care Inquiry

Day 66

April 15, 2015

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1 Wednesday, 15 April 2015

2 (9.30 am)

3 THE CHAIR: Good morning, Mr Sadd.

4 MR SADD: Morning, Madam Chair.

5 THE CHAIR: Are we ready to proceed?

6 MR SADD: We are.

7 Witness 7 (sworn)

8 Questions from COUNSEL TO THE INQUIRY

9 MR SADD: Mr K, where we left off yesterday was looking at  
10 your statement. We are at page 9 of the statement,  
11 paragraph 50 is where I'm going to start this morning's  
12 questions from {WS000544/9}. That's on screen in front  
13 of you and the same process as yesterday, you are still  
14 under oath and again if there are things that occur to  
15 you that aren't in your statement, please share those  
16 with the Inquiry and equally if there are things that  
17 you have forgotten, this is not a trial, you are not  
18 being cross-examined, so have no concerns about that.

19 Paragraph 50 you say:

20 "At Christmas, the Children's Officer, who was the  
21 Head of Children's Services in Jersey, would come to see  
22 the children. I do not recall these visits in any  
23 detail."

24 Yesterday afternoon, Mr K, we touched on the  
25 relationship between Children's Officers visiting

1 Haut de la Garenne and those working at  
2 Haut de la Garenne and if we take specifically your  
3 period of employment there, from 1979, I just want you  
4 to think of the relationship between the Children's  
5 Officers, on the one hand, and members of permanent  
6 staff at Haut de la Garenne. I think you said yesterday  
7 that from your perspective it was a cordial  
8 relationship, is that right?

9 A. Yes.

10 Q. Do you have any sense, looking back now, Mr K, as to  
11 whether or not the staff at Haut de la Garenne were  
12 generally respected by Children's Services? Was there  
13 anything in your time there that gave you cause for  
14 concern about how Haut de la Garenne and people working  
15 there were viewed by Children's Services?

16 A. No, there wasn't. You must remember I was a very junior  
17 member of staff there and at that time no, as I say,  
18 I had a cordial relationship with any Child Care Officer  
19 who came to see a child. I was not involved with any  
20 managerial side, where I would think if there was any  
21 antagonism that would probably have been shown there.

22 Q. The Inquiry knows full well that you were at  
23 a particular level when being employed at  
24 Haut de la Garenne, that you weren't involved in  
25 management, but nonetheless you were there on a daily

1 basis, no doubt allocated children who had been  
2 specialised to you, is that right?

3 A. Yes.

4 Q. Does it follow that those children being specialised to  
5 you, as you described them yesterday, were children who  
6 you would accompany to meetings with Children's  
7 Officers?

8 A. Yes. Sorry, often children weren't involved in their  
9 reviews at that time.

10 Q. Thank you, Mr K. So does it then follow that those who  
11 were involved in the reviews were on the one hand the  
12 allocated Children's Officer and, on the other hand, the  
13 person who was specialised to the child?

14 A. Yes, and I would think that a senior member of staff  
15 from Haut de la Garenne would have been there as well.

16 Q. And again, Mr K, rather like yesterday rather than you  
17 "would think" we are interested in your account of what  
18 actually did happen and what you can remember.

19 A. I cannot recall there being formal reviews. I remember  
20 Child Care Officers coming into the unit and speaking  
21 with the child and speaking with myself regarding the  
22 child. I cannot remember the formal reviews. I believe  
23 there were some when there were pertinent decisions to  
24 make, but I'm doing a "believe" again, I cannot say for  
25 certain.

1 Q. Just going back over an answer you gave a moment ago,  
2 did the situation ever arise where it was only you and  
3 the Children's Officer speaking about a child to whom  
4 you had been specialised?

5 A. Yes, I -- yes, yes.

6 Q. And was it on that basis, as you understood it, that the  
7 Children's Officer would form a conclusion about the  
8 child's welfare?

9 A. Yes, I would think it would help him. He would also --  
10 help him or her, but it would also mean that they would  
11 go and see the family and perhaps discuss with the  
12 school teacher as well, I don't know.

13 Q. And in the whole process, Mr K, that you took part in  
14 and were witness to, what role did the child have in  
15 that process?

16 A. The child would have had a limited role depending on  
17 their age. If a child was 13/14 obviously their views  
18 would have been asked for. I mean if they were at  
19 primary school their views probably wouldn't have been  
20 asked for. As you are aware, that is no longer the  
21 case.

22 Q. You say "obviously" the 13, 14, 15-year old's views  
23 would have been asked for or sought; to your direct  
24 experience did that take place?

25 A. Yes. If for instance it was a decision about when

1 a child should go home, etc, the child would be asked  
2 when they would like to go home.

3 Q. Were you ever present at a meeting with a designated  
4 Children's Officer allocated to a child to whom you had  
5 been specialised where that child made a complaint about  
6 his or her residence at Haut de la Garenne?

7 A. Not that I can recall.

8 Q. Can we go please to paragraph 52 of your statement, it  
9 is on that same page, where here you talk about:

10 "The comings and goings from Haut de la Garenne were  
11 not monitored or recorded in any structured way that  
12 I was aware of ..."

13 Again I am concerned with your time there in  
14 employment from 1979. We have discussed this  
15 previously. You say that people could come through the  
16 front door and that there was a reception area. Was the  
17 front door open during the day?

18 A. Yes.

19 Q. And was there someone who manned reception?

20 A. No. The office was by the front door and it was often  
21 the case there was somebody in there, but not all the  
22 time, as they also went about their other duties.

23 Q. You say:

24 "However, everyone knew who was about and would have  
25 challenged anyone who they did not know." {WS000544/9}

1           Is that in fact a realistic recollection, Mr K,  
2           given the size of Haut de la Garenne?

3           A. Yes. It was a very close community. We all knew each  
4           other.

5           Q. No, I understand that, Mr K, and you said that in  
6           evidence yesterday. The issue that I'm addressing now  
7           is how was it possible at any given moment that those  
8           working in the building would know whether or not  
9           someone had come into the building?

10          A. It is true that somebody could have entered the building  
11          without anybody knowing, but as soon as they were in any  
12          communal area they would have been challenged if they  
13          had been seen. We were walking around -- there were  
14          always at least four staff on with domestics, if not  
15          eight staff on without domestics, so there was always --  
16          and senior staff and a seamstress and a laundress and  
17          a chef. It was a very busy building. People wouldn't  
18          have been able to go very far without being seen.

19          Q. And you go on:

20                 "However, everyone knew who was about and would have  
21                 challenged anyone who they did not know."

22                 In the way you just described.

23          A. Yes.

24          Q. Did it ever occur to you in the time that you were there  
25          that you had to challenge someone?

1 A. No.

2 Q. How do you know then that people would have been  
3 challenged when they came into the building?

4 A. Because it would have been common sense and everyone  
5 would have done that. We were very protective of the  
6 children. We wouldn't let anyone just wander around  
7 the home. It would be like you not challenging somebody  
8 in your own house.

9 Q. Do you remember being approached by a member of staff  
10 who had told you "Gosh, this morning somebody came into  
11 the building, no idea who they were, and I told them to  
12 leave"?

13 A. I recall at night a night nurse had encountered someone  
14 who had broken into the building, but I can't remember  
15 how many times that occurred, but on occasion it did  
16 occur.

17 Q. Thank you. Paragraph 53 please {WS000544/10}:

18 "Partners of the staff also came to  
19 Haut de la Garenne, but they usually went straight up to  
20 the staff flats."

21 Mr K, the Inquiry has heard evidence relating to  
22 alleged sexual abuse committed by partners of members of  
23 staff at Haut de la Garenne. Would partners have been  
24 permitted/allowed, was it in any way prohibited that  
25 they should mix with children in the home?

1 A. I don't think -- when I was working there most certainly  
2 I never saw a partner of a member of staff in the units,  
3 except for maybe at Christmas.

4 Q. Can the Inquiry conclude from that that from your  
5 experience it wasn't something that was encouraged?

6 A. It wasn't anything that was encouraged.

7 Q. Paragraph 54 please, Mr K {WS000544/10}. We looked  
8 yesterday at a rule book that had been introduced by  
9 a previous senior member of staff prior to your being  
10 employed at Haut de la Garenne and we looked at a page  
11 that dealt with the vetting of individuals and you say,  
12 five lines down in that paragraph, that:

13 "However, if any visitors who attended at  
14 Haut de la Garenne wanted to take the children out on  
15 a trip, I imagine that the matter would have been  
16 brought to the attention of the Superintendent."

17 Notwithstanding the junior level at which you tell  
18 us that you were employed at Haut de la Garenne, do you  
19 know this for a fact?

20 A. I do not know for a fact, but I believe it to be true.

21 Q. And the converse, Mr K: what of children wandering out  
22 of the home to nearby houses and farms? Was there  
23 a means of keeping track of children's movements?

24 A. Not more than a child would say that they're going out  
25 for a walk or whatever and if they were old enough and

1 responsible enough, they would go out for a walk.

2 Q. And in doing so would they require supervision?

3 A. Not all the time. You have to allow children some  
4 individual space, etc, if they are 14/15 years old,  
5 wander down the pier to spend their pocket money or  
6 whatever --

7 Q. And then -- sorry, forgive me, you were finishing that?

8 A. Play football.

9 Q. Did circumstances ever occur, Mr K, when supervision was  
10 thought necessary?

11 A. If -- only for the younger children as a rule. If older  
12 children wanted to go out but we didn't feel they could  
13 be trusted out, they wouldn't be allowed out.

14 Q. You go on to say at paragraph 54:

15 "The Superintendent would have been the best person  
16 to be notified, and he would probably then have  
17 considered that person's motivation for taking the  
18 children away and most probably would have approached  
19 a Parish Constable to make further inquiries if he had  
20 any concerns."

21 Then you say this:

22 "Certainly by the 1980s this was the case."

23 That suggests that this is something that you know  
24 from direct knowledge?

25 A. Yes, I think --

1 Q. And is that -- sorry, I'm going to have to interrupt  
2 you. Before you give your follow up answer to that, is  
3 that something that you knew whilst you were employed at  
4 Haut de la Garenne?

5 A. I believe it to be true. I could not guarantee it, but  
6 I believe it to be true.

7 Q. Can we go on then please to look at corporal punishment.  
8 Again we discussed this at length yesterday and I think  
9 your evidence yesterday was, in response to my question  
10 how did you learn what was and wasn't permitted, I think  
11 it is fair to say that you weren't conscious of there  
12 being any written rules, is that right?

13 A. That's right.

14 Q. And that you learned by the example of others?

15 A. Yes.

16 Q. Could we have up on screen please {WD005421}. You go on  
17 to say in your statement, while that's being recovered,  
18 paragraph 58, you were shown a series -- if we could go  
19 to the next page please {WD005421/2}. You were shown  
20 a series of memos which recorded the caning of children  
21 on different occasions over different periods of time.  
22 At the time that you were shown these memos were you  
23 conscious or was it explained to you that these were  
24 samples of memos that we have recovered?

25 A. Yes.

1 Q. You knew that they were samples?

2 A. You told me, I believe, that they were samples.

3 Q. So you say at paragraph 58:

4 "It would appear that caning occurred once every  
5 five months." {WS000544/11}

6 That's on your calculation of looking at the memos  
7 that we showed you. Were you aware generally in your  
8 time as an employee at Haut de la Garenne that caning  
9 was a method of discipline at the home?

10 A. Yes. Can I say I think the calculation of five months  
11 was made by yourself and I have agreed it.

12 Q. I hasten to add, Mr K, that I wasn't there at the  
13 interview.

14 A. Sorry.

15 Q. What did you understand to be the threshold for a child  
16 being caned?

17 A. I never sent anyone to be caned. I believe it was  
18 whether there were serious misdemeanors.

19 Q. What did you understand, as a member of staff at  
20 Haut de la Garenne, amounted to a serious misdemeanor?

21 A. I would have thought that it would probably be excessive  
22 drinking, running away consistently, stealing from  
23 staff, bullying, fire raising, maybe smoking.

24 Q. You will forgive me I hope, Mr K, if I ask you that  
25 question again because the answer that you gave was

1 "I would have thought", but from your direct experience  
2 of being an employee what were the circumstances that  
3 you understood from your colleagues justified sending  
4 a child to be caned?

5 A. I only remember one instance of a caning taking place  
6 and I have -- I can't even recall what that child had  
7 done. I witnessed that caning. I have no recollection  
8 of any other canings.

9 Q. Would you agree with me that as a means of discipline  
10 within Haut de la Garenne when you were there, caning  
11 was not an exceptional form of punishment?

12 A. I cannot agree with that, as I worked there for three  
13 years and I can only recall one instance of caning and  
14 that's the only instance of caning I can recall in all  
15 my time at Haut de la Garenne, which was over six years.

16 Q. And is that because it was something that you were  
17 directly involved in?

18 A. The one caning I witnessed, yes.

19 Q. Can we look then at some of these memos. We can see  
20 21 April 1981 {WD005421/2}. This is a memo sent by  
21 Mr Thomson, who you have spoken of yesterday, to the  
22 Children's Officer, but in particular it is for the  
23 attention of, we anticipate, the allocated  
24 Child Care Officer of this particular child and we have  
25 Mr Thomson writing:

1           "With regret [X] was caned two strokes on Thursday  
2 evening ... for persistent misconduct during the Easter  
3 holiday period."

4           Can we go to the next page please {WD005421/3}. We  
5 have 17 July 1978, Thomson to Skinner, attention of  
6 Davenport and Dunsford, so more than one child here:

7           "Caned three strokes each on night of Wednesday,  
8 12 July 1978, for persistent misconduct in their bedroom  
9 after 'lights out' and following repeated warnings.  
10 Silence thereafter."

11           Can we go to the next one please {WD005421/4},  
12 12 December 1978:

13           "Caned three strokes for being caught smoking after  
14 'lights out' on Monday, 11 December 1978."

15           Pausing there, Mr K, was it part of your duties when  
16 you were at Haut de la Garenne to patrol -- that may be  
17 an overstated word, but to go to rooms and dormitories  
18 to see that children quietened down?

19       A. Yes. I was at the time in Claymore.

20       Q. Were there members of staff who you worked with who were  
21 more willing to send children to see Mr Thomson for them  
22 to be punished in the event that they misbehaved?

23       A. I don't think so. As I say, I don't recall any of these  
24 instances and I know nothing about them. I don't --  
25 I have nothing to say on it.

1 Q. As you said yesterday, there were no written rules that  
2 you were aware of about the use of corporal punishment.  
3 What parameters, if any, were you aware of that staff  
4 should work to in relation to whether or not a child  
5 should be sent for caning?

6 A. I wasn't aware of any. I was -- in that time, in 1978,  
7 I was a [REDACTED].

8 Q. And in 1979 you became a full-time employee?

9 A. Yes.

10 Q. I think your answer is the same, that you weren't aware  
11 of any at that point?

12 A. I think I answered that: as soon as I became an employee  
13 corporal punishment was no longer a viable punishment,  
14 as far as I can recall.

15 Q. We know that can't be right, Mr K, because if we go back  
16 to --

17 A. That's my recollection.

18 Q. That's your recollection, all right, thank you.

19 A. And my manner.

20 Q. If we go please to paragraph 59 {WS000544/11} and if we  
21 could have WD5422 on screen please. This is again  
22 a document I think we looked at together yesterday,  
23 Mr K, second page please {WD005422/2} this is dated  
24 10 October 1979, so very soon after you had been taken  
25 on as a member of staff at the home and we looked

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1           there -- for my own part I can't remember whether or not  
2           we did so, but it is going to be useful to look at it  
3           again I hope. We can see there the rules for corporal  
4           punishment of boys. If we look at "Other sanctions" --  
5           and it is a comment that you yourself make in  
6           paragraph 59, the last sentence there -- we can see that  
7           under "Other sanctions", the second paragraph,  
8           Mr Thomson writes:

9                    "As Superintendent, I have always taken a pragmatic  
10                   line on the question of punishing children between the  
11                   ages of 5 and 11 years by smacking on the bottom or the  
12                   hand. Previous Superintendents, notably Mr Tilbrook,  
13                   completely banned staff from smacking children of this  
14                   age group with the result that children would mock staff  
15                   in this respect. The guidelines are what a good and  
16                   sensible parent might do in similar circumstances.  
17                   Smacking on the face and head is expressly forbidden."

18                   Underlined.

19                   One point I just want to go over with you again and  
20                   forgive me if we did look at it yesterday, but in  
21                   relation there to a previous Superintendent's dictat  
22                   that children under 11 should not be smacked and the  
23                   consequence of that as far as Mr Thomson was concerned  
24                   was that children would mock staff in this respect; is  
25                   that a view -- which of those two views would you have

1 followed in 1979, being taken on as a children's  
2 residential Child Care Officer at Haut de la Garenne?

3 A. I would have viewed myself as locum parentis and  
4 therefore smacking with the flat of the hand on the  
5 bottom or the back of the legs was perfectly acceptable.

6 Q. So you would have taken issue with Mr Tilbrook's view?

7 A. I don't think at a young age I would have taken issue,  
8 I would have followed the role model set, but I actually  
9 would have followed -- I would have preferred  
10 Mr Thomson's view.

11 Q. You say that you would act as any reasonable parent  
12 would. Would you accept that having written guidance on  
13 what is and is not permissible in a children's home is  
14 necessary in setting boundaries and limits and allowing  
15 both staff and children protection?

16 A. I would accept that's true.

17 Q. Would you have accepted that it was a necessary feature  
18 of a children's home in 1979 that all staff were aware  
19 of what those boundaries were?

20 A. I believe all staff were aware of what the boundaries  
21 were.

22 Q. And how do you know that?

23 A. Because I followed role models and I followed several  
24 people, as I said earlier, and they all had similar  
25 attitudes towards punishment, etc.

1 Q. And what was their attitude towards punishment? For  
2 instance let's take Morag Jordan, who was one of your  
3 role models that you gave in evidence yesterday. What  
4 was her attitude to punishment?

5 A. She was a little stricter than other members of staff,  
6 but she followed -- when I was working with her she  
7 followed the boundaries that were set: fining people,  
8 grounding people, etc, but she was a strict member of  
9 staff, but others were more lenient and you found your  
10 own way there.

11 Q. What does a little stricter mean in the context of  
12 Haut de la Garenne?

13 A. She would punish more regularly, not necessarily  
14 physically, but grounding or fining, etc.

15 Q. And not necessarily physically.

16 A. Yes.

17 Q. On occasion therefore, Mr K, did she punish children  
18 physically?

19 A. Not that I saw because, as I said, when I was working  
20 with her there was no physical chastisement. I never  
21 saw her smack a child.

22 Q. Thank you, Mr K. We go please to paragraph 62  
23 {WS000544/12} where you say:

24 "The most common forms of punishment at  
25 Haut de la Garenne were grounding the children or fining

1 pocket money. Having said that, I often found that  
2 grounding was not really a deterrent ..."

3 Then you say this:

4 " ... as the children would end up being under your  
5 feet and you would unground them anyway."

6 We looked together yesterday, Mr K, at a view taken  
7 by Mr Pilling from Kent Social Services that rules at  
8 Haut de la Garenne were there mostly for the benefit of  
9 staff. Why would it matter to staff that children ended  
10 up being under their feet if this was a children's home?

11 A. Actually what happened is that children were grounded  
12 and if a child was grounded they were constantly with  
13 you and therefore you saw -- you sort of became -- you  
14 could actually end up with grounding a child for longer  
15 because they were actually under your feet and  
16 eventually you said "Well, this is silly, this is a long  
17 enough punishment, they need to go out."

18 Q. But was it a long enough punishment because it was  
19 irksome for the member of staff, or was it a long enough  
20 punishment because you thought actually "You've done  
21 your bit now, child A or child B, and you no longer need  
22 to be --"

23 A. You've done your bit. I think I have expressed my  
24 feelings that we always looked to the welfare of the  
25 child rather than ourselves.

1 Q. Would you accept from me that the use of the phrase that  
2 you used there when you came to sign your statement  
3 could be characterised in an unflattering way as far as  
4 you are concerned?

5 A. Yes, it could be.

6 Q. Do you think that when you came to make this statement  
7 in this paragraph this was yet a further reflection of  
8 the pressures on staff at the home?

9 A. There were certainly pressures on staff in the home and  
10 if you had an adolescent who had been grounded -- it  
11 usually was an adolescent who had been grounded -- and  
12 you were trying to care for other younger children, you  
13 might like them to go away and play somewhere else some  
14 time, so you could spend time with the younger children.

15 Q. You referred earlier in your statement and we looked at  
16 it yesterday, paragraph 30 {WS000544/6}, to you never  
17 seeing or hearing anything that you did not like, or had  
18 concerns about. Did you ever witness a member of staff  
19 losing their temper with a child?

20 A. No.

21 Q. How easy would it have been for a child living at  
22 Haut de la Garenne to complain about the way they had  
23 been treated by a member of staff?

24 A. As we know from experience, it is awfully difficult for  
25 children to make complaints about members of staff, but

1           they did see their Child Care Officers themselves, they  
2           did know -- the Superintendent endeavoured to make --  
3           always had an open door policy, but as we are well aware  
4           from our experience it is extremely difficult for  
5           children to make complaints about members of staff when  
6           the members of staff are caring for them.

7           Q. But if they are caring in an environment that is loving  
8           and nurturing as described by Mr Pilling in his report  
9           in 1980, that difficulty for the child should be  
10          extinguished. Why do you think in 1979, as an employee  
11          of Haut de la Garenne, it would have been difficult for  
12          a child to approach a member of staff?

13          A. It is obvious. It is very difficult for children who  
14          live in their own homes who have been abused by their  
15          father or their mother to report the fact to their --  
16          the other member of the family. They don't do it  
17          unfortunately. So it is exactly the same within  
18          a children's home, in fact it is probably worse in  
19          a children's home.

20          Q. If you had seen a child being hit by a member of staff  
21          that went beyond the slap that you describe -- and  
22          indeed I think that you yourself used on occasion, is  
23          that right?

24          A. Yes.

25          Q. Let's say that that member of staff was shaking a child

1           violently, or hitting on the head, what response would  
2           you have given to what you witnessed?

3           A.   I would report it.

4           Q.   Who would you have reported it to?

5           A.   To a senior member of staff.

6           Q.   Mr K, did you ever pick up a sense of solidarity amongst  
7           staff that if one colleague went too far, or lost it, to  
8           use a colloquialism, that the others would cover for that  
9           member of staff?

10          A.   I -- personally I would not have been in that situation  
11          because I would have reported it.  I cannot tell what  
12          other members of staff would have done.

13          Q.   Might I ask you that question again please.  Did you  
14          ever pick up a sense of solidarity amongst staff that  
15          they would, as it were, stick together in the event that  
16          one had gone too far?

17          A.   I don't think that members of staff would have done  
18          that, no.

19          Q.   Could we go please to {WD002620}.  What we are about to  
20          see on screen, Mr K, is the decision in the trial of  
21          Morag and Tony Jordan and the judgment that was given by  
22          the Court in relation to these two employees at  
23          Haut de la Garenne.  Morag Jordan's name we have already  
24          discussed, you have already mentioned her as a role  
25          model.  Tony Jordan, was he --

1           A. Can I just stop you there, you keep on saying -- there  
2           are other people I mentioned as role models as well and  
3           I would like you to mention those when you mention  
4           Morag Jordan. I think you are being disparaging of my  
5           evidence.

6           THE CHAIR: Mr K, rest assured we have a note of the other  
7           role models you mentioned yesterday.

8           MR SADD: Can we go to the first page there and the details  
9           of the offence. This is under "Details of offence", I'm  
10          just going to read this out:

11                 "The offences arise from Mrs Jordan's behaviour  
12          towards four children who were in her care at  
13          Haut de la Garenne. Aged in her mid-20s and 30s at the  
14          time of the offending, Mrs Jordan assaulted young girls  
15          and boys who were resident at the home. She would  
16          regularly strike three of the children, all girls, about  
17          the head or face with her hand ... additionally on one  
18          occasion she rubbed one of the girl's faces in urine  
19          soaked sheets after the girl had wet the bed ... this  
20          girl was aged between 14 and 15 years. On another  
21          single occasion she punched another girl in the back  
22          with her fist ... this girl was aged between 9 and  
23          11 years. In addition Mrs Jordan assaulted a young boy  
24          who was not part of her group. When Mrs Jordan  
25          discovered him in her group where he was not supposed to

1           be she took off her wooden shoe and threw it at him,  
2           striking him on the head ... he was aged between 9 and  
3           12.

4           "During the course of her duties to care for these  
5           vulnerable children, Mrs Jordan routinely picked on and  
6           bullied the three girls. She was a cold woman who  
7           resorted to her hands frequently and unnecessarily.  
8           There were strong suggestions from the evidence at trial  
9           that she particularly picked on one of the girls who  
10          spent the majority of her childhood at  
11          Haut de la Garenne under the care of Mrs Jordan."

12          If we go to the next page please {WD002620/2},  
13          "Sentence and observations of court", do you have that?  
14          It is two-thirds of the way down the page:

15          "The Court remarked that the behaviour of the  
16          Jordans was of the utmost seriousness as it was violence  
17          against children. They viewed Mrs Jordan as cold,  
18          uncaring and spiteful, and of Mr Jordan [who we will  
19          come on to]; a bully."

20          Can we go to the next page {WD002620/3}. We then  
21          look at Mr Jordan's offences and before I do that, Mr K,  
22          it is right that to date you have only mentioned  
23          Morag Jordan and it is also right, as you reminded me,  
24          that she was one of several individuals whose names you  
25          provided the Inquiry yesterday who you saw as role

1 models in the care of children. Did you know Mr Jordan?

2 A. Only slightly. I never worked with him.

3 Q. You never worked with him.

4 The description here provided by the Court is as  
5 follows:

6 "Mr Jordan carried out a series of assaults on two  
7 young boys who were in his care whilst he was employed  
8 at Haut de la Garenne."

9 So your employment at Haut de la Garenne crossed at  
10 the same time as Mr Jordan's, is that right?

11 A. Yes.

12 Q. "Aged in his late 20s and early 30s at the time of the  
13 offending, Mr Jordan regularly struck these two boys on  
14 the elbow with either a knife or metal spoon when they  
15 were at the dinner table ... it was said in evidence at  
16 trial that this was his 'signature move'.

17 "On an occasion he struck one of the boys over the  
18 head with a shoe because he was angry with him for  
19 failing to clean his shoes to Mr Jordan's  
20 satisfaction ... he was aged between 10 and 12 years.  
21 Additionally, on a previous occasion where the same boy  
22 refused to eat his lunch, Mr Jordan struck the boy  
23 across the face with his hand, knocking him off his  
24 chair and to the floor ... it left a blood blister under  
25 the boy's eye. He was aged between 8 and 10 years.

1                   "Mr Jordan regularly hit the other boy across the  
2                   face when he was aged between 10 and 13 years. In  
3                   evidence the victim said that Mr Jordan would do this  
4                   for a variety of reasons, including leaving the table  
5                   without asking, not finishing your food or for being  
6                   cheeky.

7                   "It is clear that the actions of Mr and Mrs Jordan  
8                   [so the Court concluded] point to a pattern of repeated  
9                   acts of casual violence against these children."

10                  My question to you, Mr K, having listened patiently  
11                  as I read these out, is again -- several questions in  
12                  fact. I think it is your evidence that you were not  
13                  present on any of these occasions?

14                  A. That's right.

15                  Q. Did you get to learn of any of these episodes whilst you  
16                  were at Haut de la Garenne?

17                  A. No.

18                  Q. Did any child confide in you that they had been treated  
19                  in this way?

20                  A. No.

21                  Q. Would either of these two members of staff fall into  
22                  your categorisation that you gave the Inquiry yesterday  
23                  as "odd bods"?

24                  A. Tony, I didn't really get on with him, but I didn't see  
25                  very much of him. Tony and Morag had their own flat

---

1 away from the staff flat where I lived and I only knew  
2 Morag -- I was on duty with Morag I would think probably  
3 eight hours a week. I used to work really sort of  
4 opposite shifts to her.

5 Q. And you say in conclusion of your statement, when we get  
6 to there, paragraph 168:

7 "I never saw or heard anything untoward taking  
8 place." {WS000544/35}

9 Is that still your position to the Inquiry?

10 A. Absolutely.

11 Q. Do the actions of the Jordans fit with your description  
12 of a normal home?

13 A. These actions here which we now know about, of course  
14 not.

15 Q. Do you think, Mr K, that staff at Haut de la Garenne  
16 were sufficiently monitored, or were they simply allowed  
17 to get on with how they thought best?

18 A. I believe that they were quite well monitored.  
19 Obviously not enough, as we now know, but then it is  
20 a large building. I would have thought in Mrs Jordan's  
21 case the instances, for instance, of pushing a child's  
22 face into the bed, etc, there were two members of staff  
23 on duty, one of them would have been downstairs waking  
24 the boys up and the other member of staff, in this case  
25 Mrs Jordan, would have been upstairs waking the girls up

1           when those instances occurred, so there was even  
2           a flight of stairs, and several doors, in-between one  
3           member of staff and another member of staff.

4       Q.   At the time that you knew Mrs Jordan was she  
5           a relatively senior member of staff?

6       A.   She was one -- she was leader of the groups and I think  
7           there were two leaders in each group.

8       Q.   So who would have carried out the monitoring of  
9           Mrs Jordan's activities?

10      A.   Senior members of staff.

11      Q.   And by senior members of staff do you mean the  
12           Superintendent and Deputy Superintendent?

13      A.   Yes, and [REDACTED].

14      Q.   On what occasion did you see that that monitoring was  
15           being formally carried out?

16      A.   I didn't.

17      Q.   Are you conscious or are you aware at any stage of any  
18           monitoring being carried out and recorded?

19      A.   No. I don't know quite what you mean by monitoring, but  
20           I would have -- I don't think there was any formal  
21           supervision and at the times the senior staff were, as  
22           I said, walking around the building.

23      Q.   Could we move on please to looking at the detention  
24           rooms, that's as set out in your statement at  
25           paragraph 65 {WS000544/12} and again, Mr K, we looked at

1           this together yesterday afternoon. We have already gone  
2           to a document that set out the use of the detention  
3           rooms under a particular senior member of staff. At the  
4           time that you were there before you took on full-time  
5           employment were you aware that the detention rooms were  
6           used for children on remand?

7           A. Yes.

8           Q. Did you have any contact with those children placed in  
9           the detention cells who were there having been sent by  
10          the Court on remand?

11          A. I can't remember having any contact with children in the  
12          detention rooms as a [REDACTED] and I can't remember  
13          actually -- maybe once -- escorting a senior member of  
14          staff when I was actually working there. It was a very  
15          rare occurrence.

16          Q. Indeed you gave evidence yesterday, Mr K, of how you  
17          were involved on the one occasion of having to take  
18          I think it was a teenage boy into the detention cells  
19          and how he had to be carried, I think was your  
20          description, into the cells.

21          A. Yes, I recall that.

22          Q. At paragraph 66 you describe the detention cells and you  
23          say this:

24                    "One of the rooms overlooked the carpark and  
25          I recall that the other room was the preferred one to

1 use, so that those inside could not pull faces out of  
2 the window and try to distract the other children  
3 outside."

4 How did you come to know that that was the preferred  
5 room to use?

6 A. Because it was used more often and it was pretty obvious  
7 that there were complaints from members of staff about  
8 children who were in the detention room facing the  
9 carpark, making faces at them, signs at them, etc.

10 Q. Do you think there would not also have been an issue of  
11 not shaming the child by putting them in a room where  
12 they could be seen by everyone else looking in?

13 A. That might well have been a reason as well. I wasn't  
14 responsible for locking anyone up so I cannot really  
15 comment on it.

16 Q. I understand that, Mr K, but you were involved in the  
17 care of children at Haut de la Garenne. Do you think  
18 that would have been a relevant consideration?

19 A. Personally if I was in charge of that I might have made  
20 that decision.

21 Q. Thank you. Were you aware of what children wore in  
22 detention, given that they could be seen from the  
23 carpark? What's your memory of what children were  
24 allowed and not allowed to wear when they were in  
25 detention?

1 A. I believe they were usually dressed in their pyjamas.

2 Q. We have heard evidence to the Inquiry of children being  
3 placed there in their underwear. Did this happen?

4 A. Not to my recollection.

5 Q. I touched a moment ago on children being placed at  
6 Haut de la Garenne who were on remand and it is  
7 something again that we looked at, albeit briefly  
8 yesterday, as to whether or not children on remand at  
9 Haut de la Garenne had an effect on the child population  
10 there generally and evidence before the Inquiry, in  
11 1972/1973, if I remember rightly, there are minutes in  
12 the Education Committee that set out concerns from the  
13 Superintendent then at Haut de la Garenne about children  
14 having a disruptive effect, children who were on remand.  
15 Was that something that you were conscious of when you  
16 were there?

17 A. I think everybody was conscious that children on remand  
18 disrupted -- or any child coming in for that matter  
19 disrupted other residents, that is why the States of  
20 Jersey built Les Chenes.

21 Q. We then go over the page please, looking at paragraph 67  
22 which continues over the page {WS000544/13}. You give  
23 a specific account of a child being placed in the  
24 detention room and you say this:

25 "Despite her behaviour, [Mr Thomson] took pity on

1 her and let her out of the detention room because he was  
2 a kind man. Of course as soon as he let her out she ran  
3 off outside and made her way over the fields. I vividly  
4 remember Jim chasing after her as best he could with his  
5 walking stick. This is typical of life at  
6 Haut de la Garenne."

7 You say and then conclude:

8 "People were being kind to children and the children  
9 did sometimes abuse that."

10 Could I explore that with you a moment please, Mr K.  
11 On one view, on one reading of that, children abusing  
12 goodwill, could I be forgiven for concluding that in  
13 those circumstances that child is to be criticised, or  
14 is to be characterised as a bad child?

15 A. I wouldn't like to call her a bad child. It's just  
16 typical of how children behaved sometimes. People try  
17 and do children favours and sometimes they don't always  
18 respond appropriately or as you would wish them to. It  
19 was just an example of a member of staff trying to be  
20 kind to a child and not receiving the reward, if you  
21 want, for that kindness.

22 Q. And again it is something that we touched on yesterday  
23 and I wondered whether you could -- if we revisit this  
24 issue, as we will come on to anyway, do you think  
25 training would have helped here to help you and other

1 staff understand how to address children who were out of  
2 control?

3 A. I think yes because we have since then trained people in  
4 that manner.

5 Q. Thank you, Mr K.

6 Paragraph 69, you talk there about staff ratios and  
7 there being not enough staff to supervise a child in  
8 detention, or at least that's how I understand your  
9 evidence. Is that a fair summary of it?

10 A. I'm saying that we didn't supervise children in  
11 detention, I'm saying it was the Superintendent's  
12 responsibility to do that.

13 Q. But from your direct experience of the use of detention,  
14 did it happen that a child could be in detention and  
15 left unsupervised or not visited for several hours at  
16 a time?

17 A. I have -- I do not know. I do not believe so. The  
18 child had a buzzer so they would have buzzed and  
19 a member of staff -- as soon as that buzzer went off --  
20 I think it sounded in Aviemore, if I remember correctly,  
21 and the member of staff would then contact the senior  
22 member of staff who would go and visit the child.

23 Q. Thank you, Mr K. I would like now to turn to what  
24 appears to be two contrasting views of the use of  
25 detention, but coming from the same source, that is

1 Mr Thomson. If we could have on screen please  
2 {WD005426} and this is a memo from Mr Thomson dated  
3 1980, so a year into your employment at  
4 Haut de la Garenne and it is a memo on the use of the  
5 detention room and it is draft guidelines, we can see,  
6 sent to Mr Smith, then the Children's Officer. And if  
7 we go to the next page please {WD005426/76}. We can see  
8 there at the top of the page:

9 "1. Haut de la Garenne has now been de-designated  
10 as a 'remand centre'."

11 "2. 'Detention' rooms will henceforth be used  
12 almost exclusively to enforce INTERNAL discipline, apart  
13 from when there are overnight admissions of unknown and  
14 problematic characters and always with the consent of  
15 the senior member of staff on duty.

16 "3. It is therefore necessary to define the areas  
17 of 'internal' discipline where the use of 'detention'  
18 rooms can be justified.

19 "4. 'Detention' is automatic for drunk and  
20 disorderly behaviour for several reasons:-

21 "Observation, removal from normal dormitory  
22 situation, control and safety.

23 "5. Extremely abusive and/or disruptive behaviour  
24 in the normal 'group' situation which is unacceptable to  
25 staff and to the other children in the group.

---

1           "6. Behaviour which poses problems of safety either  
2           to staff or other children ..."

3           Then finally:

4           "8. In other circumstances at the discretion of the  
5           senior member of staff on duty."

6           Paragraph 8 there, Mr K, and it may be something you  
7           feel you have already answered but if there is anything  
8           you want to add: in the time that you were at  
9           Haut de la Garenne were there other circumstances that  
10          you were aware of for which a child was placed in  
11          detention?

12          A. Not that I'm aware of.

13          Q. So we can see there the phrase that Mr Thomson has used,  
14          that they should be used for "internal discipline". I'm  
15          now going to take you please, if I may, to a document  
16          that unfortunately is not up -- or we haven't been able  
17          to upload it, but I have provided you with a hard copy  
18          and I have to the Interested Parties, albeit one of the  
19          Interested Parties I haven't given it to and I don't  
20          know if there is a representative from that Interested  
21          Party here today. I can see there isn't one and so it  
22          is frustrating, I'm sorry.

23          This is a double-sided document and if we turn over  
24          the page we can see that it is from Mr Thomson.

25          Frustratingly it isn't dated, but it looks at the rules

1           for the use of secure rooms. In the time that you were  
2           there, we can see from the memo that's up on screen that  
3           the use of the word "secure" was seen as a direct  
4           alternative to the use of the word "detention". What  
5           was the familiar word that you used, or that was used in  
6           the time that you were at Haut de la Garenne?

7           A. I used "detention rooms".

8           Q. You used "detention rooms".

9                     The document that is a hard copy -- and if you bear  
10           with me for a moment, Mr K, I haven't checked with  
11           the Panel to see that they have the document.

12          THE CHAIR: We have it, Mr Sadd.

13          MR SADD: This sets out more extensively the rules that are  
14           to be followed when somebody is being put in detention,  
15           but what I want to ask you about, if I may, is over the  
16           page and paragraph 13, "Secure accommodation is not  
17           [underlined] to be used to reinforce school discipline."

18                     Then this:

19                     "In general the use of secure accommodation is to be  
20           seen as not so much punitive but as an opportunity to  
21           isolate, settle and rebuild bridges with a possibly  
22           hostile and unhappy young person. Its use should be  
23           sparing and brief in duration."

24                     From the evidence that you have given the Inquiry,  
25           Mr K, my understanding is that paragraph 14 is your

1 recollection of the use of the detention rooms, is that  
2 right?

3 A. I believe that that would be what was hoped for, yes.  
4 It is to try -- detention rooms were used very seldomly  
5 that I can recall and it was -- most of the time I can  
6 recall detention rooms being used was when children were  
7 absconding on a frequent basis and when they came back  
8 it was a punishment to go into the detention rooms, but  
9 hopefully it was -- I believe that during that time  
10 senior staff would have been communicating with the  
11 child, trying to understand why they were absconding and  
12 trying to rebuild those bridges.

13 Q. Thank you, Mr K. We come on then to page 14  
14 {WS000544/14}, disciplining of the female residents,  
15 where you exhibit to your statement a memorandum dated  
16 1 April 1977. This is document reference {WD005398/2},  
17 1 April 1977. I'm very conscious, Mr K, of course, that  
18 at the time that this memo was generated your capacity  
19 at Haut de la Garenne was different to that in 1979.  
20 You were there in a different capacity, as you explained  
21 yesterday. We can see there that Mr Thomson is  
22 addressing a particularly difficult issue, as he saw it,  
23 which is stronger sanctions for girls. We looked  
24 yesterday at what we described, perhaps not necessarily  
25 happily, in the phrase, but difficult female

1 adolescents, is that right? We were looking at that  
2 yesterday.

3 A. Yes.

4 Q. This is an issue that he is addressing here and you were  
5 asked to comment on the phrasing of this memo from what  
6 you knew of Mr Thomson and we can see two suggestions  
7 that he puts forward to Mr Smith: caning on the hands  
8 and then 2:

9 "Detention coupled with a restricted diet - plain,  
10 adequate, not particularly appetising (ie gruel, cabbage  
11 soup, bread and dripping!!)."

12 Do you really think Mr Thomson was being serious  
13 there in what he put in brackets?

14 A. Can I have what I put in my statement?

15 Q. Yes, you can. You said this -- sorry, you didn't have  
16 that on screen, forgive me, paragraph 73 {WS000544/14}:

17 "In this memorandum to Charles Smith he proposes  
18 a way forward and considers 'detention coupled with  
19 a restricted diet' ..."

20 At paragraph 75:

21 " ... I cannot ever remember Jim Thomson enforcing  
22 the restricted diet plan as suggested in this  
23 memorandum."

24 You then say:

25 "Jim must have been having a bad day when he wrote

1           that memorandum."

2                     Just one or two issues I want to take up with you.

3           Do you think that -- although you can't read the mind of  
4           Mr Thomson, but knowing what you knew of him, do you  
5           think this was written in the seriousness with which you  
6           take it?

7           A.   In the seriousness with which you take it?

8           Q.   Yes.

9           A.   I don't I think -- the double exclamation mark probably  
10          says it all.

11          Q.   Which means what?

12          A.   It means that he was just saying "What can I do about  
13          these children? I'm so frustrated."

14          Q.   Thank you. I just wanted to be sure -- I wanted you to  
15          have the opportunity to correct or revisit your views on  
16          this. But you do say this:

17                     "Jim must have been having a bad day when he wrote  
18                     that memorandum."

19                     We heard yesterday about Mr Thomson drinking, but  
20                     you made the point that he drank when he was off duty,  
21                     was how you remember it. The reference there to a "bad  
22                     day", would Mr Thomson have bad days frequently?

23          A.   When I say "bad day" there, let's pull us back to the  
24          time he was being kind to a child and then the child  
25          abused that trust; that is what I mean by a bad day.

1 Q. Might I ask you that question again, Mr K: did  
2 Mr Thomson have bad days on a frequent basis?

3 A. No, not that I'm aware of.

4 Q. Can we then go to the next page please and look at  
5 "Staff parties" and at paragraph 80 {WS000544/15} you  
6 have set out what would happen with staff parties. You  
7 say at paragraph 79:

8 "The staff were always kind to the children, in fact  
9 the staff sometimes went out of their way to be kind."

10 Then you say this at paragraph 80:

11 "I know that it is contrary to what is supposed to  
12 happen, but I think that all of the staff there had  
13 children who were more special to them than others."

14 Aware as you were then and as you are now that staff  
15 would have favourites, I think is what you are saying  
16 there because it is contrary to what should happen, what  
17 steps were taken by staff to militate against having  
18 favourites?

19 A. We were acting as parents, and I think you have missed  
20 out the second sentence where I said:

21 "We did not treat them any differently or single  
22 them out in any way, but I think we all definitely had  
23 a soft spot for certain children."

24 And I think that is the nature of life.

25 Q. Does it also follow from that, Mr K, that there were

1 children who would fall on the other side of that, who  
2 staff didn't get on with, who staff found irksome, who  
3 staff would find easy to wind up or to tease? Was that  
4 something you ever came across?

5 A. Not -- no, I didn't. I would say that would be the  
6 same, that you were acting as a professional. If you  
7 did not particularly get on with a particular child  
8 I would say the following sentence:

9 "We did not treat them any differently or single  
10 them out in any way ..."

11 But I think we all certainly had children who we  
12 didn't particularly like. That would be a natural  
13 occurrence as a teacher, as anybody.

14 Q. The Inquiry has heard evidence in phase 1a of  
15 a particular child, whose name of course I can't give,  
16 who appears to have been the repeated butt of staff  
17 jokes and what appears to be bullying, including on one  
18 occasion his being put into a latrine that had been dug  
19 in the ground at a campsite by members of staff and on  
20 another occasion being dragged into a tent by members of  
21 staff to be washed because he refused to be washed and  
22 that witnesses to those events saw the staff apparently  
23 in jovial moods about this. Is this something you ever  
24 witnessed, the treatment of children who weren't liked  
25 by staff?

1 A. No, absolutely not.

2 Q. May we go on to training and if we could have up on  
3 screen please {WD005400}. This is an extract from  
4 a memo that followed the Lambert and Wilkinson Report  
5 and it reflects a Working Party that was set up to  
6 discuss the Lambert and Wilkinson Report, extracts from  
7 which, Mr K, you and I discussed yesterday afternoon and  
8 you quote extensively in your statement at paragraph 81  
9 {WS000544/15} from this report. It is the penultimate  
10 paragraph on that page {WD005400/2} that you quote from:

11 "It was noted that staff at Haut de la Garenne are  
12 keen to participate in any form of training programme  
13 that might be established. It was felt that particular  
14 attention should in fact be paid to providing ongoing  
15 in-service training for all our residential staff,  
16 particularly those expected to deal with difficult or  
17 disturbed children and adolescents. It was noted that  
18 the majority of our residential staff have received no  
19 formal training in residential social work with the  
20 older child yet were expected to cope with a wide range  
21 of difficult and disturbed children in the older age  
22 group."

23 We looked yesterday, Mr K, and you commented about  
24 the NNEB qualification where the conclusion here in this  
25 memo is that it was of no practical help to the staff in

1           having to help with the more difficult older child:

2           " ... staff at Haut de la Garenne would welcome  
3           training in these areas and felt that they would  
4           probably prefer to attend a training course organised  
5           locally."

6           Your memory, your experience of your time at  
7           Haut de la Garenne, and as you have repeatedly and  
8           helpfully told the Inquiry, is you never received any  
9           training, and this in fact confirms that position.

10          A. Yes.

11          Q. One issue that I may have misunderstood in your evidence  
12           yesterday and I wondered if -- I want to give you the  
13           opportunity to clarify it. Would you accept from me  
14           that the NNEB qualification that you remember being  
15           possessed by some members of staff was, it might be  
16           said, not suitable for a significant proportion of the  
17           population at the home?

18          A. I think that you are right. It does not train people to  
19           care for difficult adolescents. However, those people  
20           who were trained NNEB did have an interest and a caring  
21           attitude. I know, for instance, that police officers  
22           don't get trained on how to deal with difficult  
23           adolescents at that time, but they still dealt with them  
24           and worked with them. You are picking on a profession.

25          Q. Do you think it was enough in running a children's home

1 with the responsibility that that carried, that you  
2 could manage a range of children, as we discussed  
3 yesterday, simply on the basis that one had an interest  
4 in children?

5 A. I don't think it would necessarily be adequate now, but  
6 at the time I think I would have to refer to what was  
7 happening in the UK and I believe that was probably the  
8 case in the UK as well. We've all changed our attitudes  
9 towards child care over the years.

10 Q. Paragraph 84 please, Mr K {WS000544/16}. You say:

11 "This lack of training was not just a problem in  
12 Jersey [as you just mentioned now]. It was true of  
13 anywhere. If you looked at a large Victorian building  
14 such as Haut de la Garenne in the UK during the same  
15 period, the position would not, in my view, have been  
16 any different."

17 What other institution in 1981 in the UK was similar  
18 in size to Haut de la Garenne?

19 A. Actually I did speak to someone yesterday who actually  
20 did come to Jersey and worked in large institutions  
21 until -- in England until 1988, Kingswood School I think  
22 was one of them.

23 Q. And to your knowledge was that an assessment centre?

24 A. I don't know what it was.

25 Q. Do you see what you say at paragraph 84 as an

1 explanation or as a justification?

2 A. Sorry?

3 Q. The impression, or one impression that one can take from  
4 paragraph 84 is that lack of training was endemic, both  
5 in Jersey on a much smaller scale, but also in the UK  
6 because there were still large institutions housing  
7 children in care. Are you putting forward there an  
8 explanation for why homes were run in that way, or are  
9 you seeking to justify the way in which it was run?

10 A. I'm not justifying anything. I think the fact was that  
11 people weren't trained as they are today.

12 Q. Paragraph 86 please, Mr K {WS000544/17}, an echo of what  
13 you have said in evidence to the Inquiry both this  
14 morning and yesterday afternoon:

15 "As staff, we learned to deal and cope with  
16 difficult situations."

17 Reading a few lines on:

18 "We had to carry on and could only do our best. If  
19 no one came into any harm, then I considered that  
20 a success. Of course, we always strived to do better,  
21 but we could only do what we could do under the  
22 circumstances."

23 On one view, Mr K, and you are entitled to take  
24 issue with this view that I'm about to put forward to  
25 you, your account suggests that as long as the problems

1           were contained, that was enough, that was a successful  
2           way of running Haut de la Garenne. We have heard what  
3           Mr Pilling thought of the use of the rules. Looking  
4           back, Mr K, do you think containment -- and I don't mean  
5           by placing in isolation, but by having the rules -- was  
6           sufficient to engender trust in a vulnerable child?

7           A. When I wrote this paragraph I was thinking about  
8           difficult situations, for instance when a child was  
9           acting out so badly that they were in danger of hurting  
10          themselves or hurting others, and therefore if we  
11          actually succeeded in no one being hurt, that was  
12          a success. Of course you always wanted to go beyond  
13          that and try and help the child with whatever  
14          difficulty, or whatever caused that upset.

15          Q. I'm going to summarise where we've got to in your  
16          evidence and then it may be, Madam Chair, that you would  
17          want to take a break. This summary won't take so long  
18          and --

19          THE CHAIR: Yes, by all means, Mr Sadd, and then we will  
20          take our first break.

21          MR SADD: I just want your observations please, Mr K, on  
22          whether the following is a fair summary of the evidence  
23          you have given to date to the Inquiry please. I think  
24          we have established that there was constant pressure on  
25          staff, do you agree with that?

1 A. Yes.

2 Q. I think we have established that staff at  
3 Haut de la Garenne, in the period that you were  
4 associated with it, were inadequately trained?

5 A. I don't know if I like the word "inadequate". I would  
6 say they were not trained.

7 Q. I think we have also established that there was no  
8 proper supervision of staff, do you agree with that?

9 A. I disagree with that: in terms of what was normal  
10 supervision at the time, it was the norm.

11 Q. That the mixed intake of children simply didn't work?

12 A. I think the mixed intake was a problem for everyone.

13 Q. That Haut de la Garenne, even as late as 1981, was never  
14 a children's home, it was an institution?

15 A. I think the nature of the building meant it was an  
16 institution, like many others I believe in the UK at the  
17 time.

18 Q. That there was poor support from Children's Services for  
19 staff at Haut de la Garenne and I base that on the fact  
20 that there was no training?

21 A. I couldn't comment on that. I was a junior member of  
22 staff and I always felt supported by the  
23 Child Care Officer, that was my level. Regarding the  
24 training, it appeared there wasn't any training.

25 Q. Just to explore very quickly the answer you have given

1           there, which I'm hearing for the first time because  
2           I haven't explored it with you, that you always felt  
3           supported by Child Care Officers, is that right?

4       A.   Yes, I said I had contact with Child Care Officers and  
5           I always felt -- I think we used the word "cordial".

6       Q.   I have nearly finished with my list, but there was  
7           little or no provision given the challenges posed by  
8           more disturbed -- I use that word with qualification --  
9           teenage children, do you agree with that?

10      A.   I would like you to repeat that.

11      Q.   There was no adequate provision for the challenges posed  
12           by the more difficult teenage children that we have seen  
13           in memos?

14      A.   I think we were aware that there weren't, therefore  
15           that's why Les Chenes was built.

16      Q.   And that you accept that in the time that you were at  
17           Haut de la Garenne, children were abused?

18      A.   Most certainly. That's been proved in the courts.

19      MR SADD: Madam Chair, I wonder whether you think that is  
20           an appropriate moment to break. We are moving on to  
21           a different issue.

22      THE CHAIR: Because we are about to move on, as I understand  
23           it, to a different area of the witness' statement, so we  
24           will take a 15-minute break.

25           Again, Mr K, you will be provided with refreshments.



1 false, is that a role that you envisage the police  
2 should have when investigating alleged crimes?

3 A. I believe that -- yes, if the police believe that  
4 a false accusation has been made against anyone, they  
5 have as much responsibility to prove that person's  
6 innocence as prove that person's guilt.

7 Q. And just picking up from that, Mr K, again so that  
8 the Panel has a clear understanding of your approach to  
9 what the police were doing in 2008, do you think that  
10 that is a role that the courts have rather than the  
11 police?

12 A. I think that -- well, the police have a responsibility  
13 to put all the evidence together, whether to prove  
14 somebody is guilty, or to prove that an offence didn't  
15 occur. They have to give all the evidence. Of course  
16 it is up to the courts to decide the matter of guilt, or  
17 innocence.

18 Q. Thank you, Mr K.

19 I am going to take you through the allegations for  
20 you to comment in relation to each. All of the  
21 allegations have been made in statements that have been  
22 placed in evidence before the Inquiry and just so that  
23 you are clear, Mr K, you are not on trial in this  
24 Inquiry and I am not here to cross-examine you. This is  
25 your opportunity to respond to what has been said in

1 evidence, or presented in evidence to the Inquiry in the  
2 last few months.

3 If we look at paragraph 101 {WS000544/20} and what  
4 I'm going to do with each of these is I am going to  
5 summarise, as I understand it, the allegation that's  
6 been made and is set out in each of the paragraphs and  
7 then ask you if there is anything you want to add or to  
8 comment, all right? Paragraph 101, this is  
9 an allegation that you were seen by a child at  
10 Haut de la Garenne to push another child in the chest,  
11 the child fell over, that child was frogmarched and  
12 suspended from a hook in a cupboard and you say this  
13 never happened. Is there anything else you would want  
14 to add in relation to this?

15 A. No, it is totally untrue.

16 Q. Paragraph 102 {WS000544/20}, this is an allegation that  
17 you smacked this child across the back, the bottom and  
18 legs and that you had the permission of his mother to do  
19 so. What do you say in relation to this allegation?

20 A. This is the allegation -- his mother asked that I do  
21 this to him, I believe. The mother has been interviewed  
22 by the police and she vehemently denies that this ever  
23 occurred. Have I got the right allegation there?

24 Q. You have. Forgive me, Mr K, you have. We will come on  
25 to your evidence relating to the Attorney General's

1 decision to publish the reasons why you were not going  
2 to be prosecuted, but looking at it briefly now, if we  
3 could have up on screen please {WD005402} and if we can  
4 go to page 3 {WD005402/3}. If we look at the third  
5 paragraph on that page and the last sentence there:

6 "In another case, the complainant's mother, who was  
7 allegedly present at the time and gave her permission  
8 for the assaults, says they never took place."

9 That's your understanding of why that wasn't  
10 pursued.

11 A. It wasn't pursued, it never happened.

12 Q. You talk in paragraph 102 {WS000544/20} of your  
13 relationship with this particular child whilst the child  
14 was at Haut de la Garenne and there were circumstances  
15 specific to this child that you say made him a target  
16 for being bullied, something that we haven't touched on  
17 in any great detail in relation to the evidence you have  
18 given to date, Mr K. Was bullying rife at  
19 Haut de la Garenne?

20 A. I knew this boy in the main part through my --  
21 through -- not at Haut de la Garenne.

22 Q. Might I ask you the question again then: was bullying  
23 rife at Haut de la Garenne?

24 A. I am aware that bullying took place, but I do not  
25 think -- I do not know if it was rife or not because of

1 the nature of the bullying.

2 Q. Forgive me, Mr K. You were employed at  
3 Haut de la Garenne as a residential child care worker in  
4 an institution for children and is it your evidence to  
5 the Inquiry that you had no idea whether or not bullying  
6 was rife at Haut de la Garenne?

7 A. I was aware of one instance of bullying and that was  
8 addressed by myself.

9 Q. Paragraph 103 please. This is an allegation made by one  
10 resident at Haut de la Garenne that you had a sexual  
11 relationship with another resident at the home. What do  
12 you say in relation to this allegation? It goes over  
13 the page from 20 to 21 and at the top of the page there  
14 you set out your account {WS000544/21}. Is there  
15 anything else you would like to add to that?

16 A. I vehemently deny that I had a sexual relationship with  
17 this girl. I have actually informed a colleague who  
18 worked very very closely with this girl and she -- this  
19 poor character had been very seriously abused by her  
20 parents and a colleague of mine worked very closely with  
21 this girl and this girl told her absolutely everything  
22 that had occurred to her and this colleague of mine --  
23 I told her about the allegation and she said "I don't  
24 believe that for a moment", she said, "This girl would  
25 have told me if anything else untoward had been

1 occurring to her."

2 Q. Paragraph 104 please, Mr K. This resident says that  
3 they were punched, slapped and whacked by you. What do  
4 you say in relation to this allegation?

5 A. Untrue. I believe he is -- I believe some of these  
6 allegations are made for compensation reasons.

7 Q. We will come back to that. It is a view that you  
8 express further on. You also say this in relation to  
9 this allegation, "I understand that he is now in  
10 prison". Why did you add that? What relevance is that  
11 to the allegation?

12 A. I think it is important for the Inquiry to know the  
13 nature of some of the people that -- the characters of  
14 some of these people who are making these false  
15 allegations. I see you have redacted why he is in  
16 prison, I think that may be pertinent.

17 Q. From your understanding of children who are taken into  
18 care, is it a sad but recognised fact that some of those  
19 children go on to have difficult lives which include  
20 unhappily, on occasion, spending time in prison? Is  
21 that something that you are aware of?

22 A. Of course I'm aware of it. That does not mean that  
23 people have to make false allegations against people.

24 Q. But does it also follow from that that it doesn't mean  
25 that those in prison are necessarily making false

1           allegations?

2           A.   Maybe they're not.

3           Q.   Thank you.

4           A.   In this instance, he is.

5           Q.   Paragraph 105 please {WS000544/21}. This resident says  
6           that he was indecently assaulted by you as well as  
7           threatened. Do you want to have any comment or make any  
8           comment in relation to this allegation?

9           A.   I don't even remember the individual. It didn't happen.

10          Q.   Paragraph 106 to 108, this resident says that he was  
11          burnt or branded and sexually assaulted by you  
12          {WS000544/21}. The documentation that the Inquiry has  
13          been taken to in the course of the evidence in previous  
14          months shows that this resident was not there at the  
15          same time as you, or strictly, on one view of the  
16          documents, maybe overlapping by three to four days and  
17          you set out the reasons why the allegations should not  
18          be believed, apart from that issue.

19                I just want to take up with you please, if I may,  
20          something you say at paragraph 108 {WS000544/22} and  
21          this is in relation to the burns:

22                "[This witness] also alleged that I had burnt him  
23          20 times or more with a cigarette and branded him. This  
24          allegation was disproved as he had been examined by  
25          a doctor who had been unable to find any marks or

1 branding on his body."

2 I just want to explore with you the issue of it  
3 being "disproved", you use that expression again. Can  
4 we have up on screen please {WD003510}. What we're  
5 going to look at, Mr K, is a medical report  
6 dated June 2014 which was commissioned for the  
7 Redress Scheme and which this witness exhibited to their  
8 evidence and it is evidence that has been before  
9 the Inquiry, and it is a medical report prepared by  
10 a Jason Payne-James. If we could go to page 2 please  
11 {WD003510/2}. We can see the credentials there of the  
12 doctor. If we go to page 3 please {WD003510/3} and we  
13 see that he is a registered medical practitioner, he is  
14 a specialist in forensic and legal medicine and he says  
15 this at paragraph 4:

16 "For more than 20 years I have assessed several  
17 hundred assailants and/or victims (adult and child) in  
18 varying cases of assault or injury each year including  
19 sexual offence examination, torture and asylum  
20 cases ..."

21 He goes on to say at paragraph 5 "I am editor of the  
22 Journal of Forensic and Legal Medicine" and he goes on  
23 to set out the extent of his experience.

24 Could we go please to page 15 {WD003510/15} and  
25 a large block of black there, but paragraph 200:

1           "On examination of his back there were numerous pale  
2           mature scars generally less than ... in size down to  
3           about [so much] in size. They extended across [an area  
4           of the back], they were in no fixed pattern and of no  
5           particular shape. They represent areas of skin that  
6           have sustained damage of an extent enough to result in  
7           residual scars. Causes could include cigarette burns,  
8           insect bites, chickenpox (although other lesions were  
9           not noted elsewhere) ..."

10           I think that's said in relation to the chickenpox:  
11           " ... and infected acne (he was not aware that he  
12           had acne)."

13           If we go to page 23 {WD003510/23} and we look at the  
14           top there, Mr K, paragraph 258:

15           "The small pale scars to the back are consistent  
16           with cigarette burns but there are many other possible  
17           causes (although none I could elicit from the history)."

18           Then on the same page, 268, the expert witness is  
19           addressing questions that he was posed in his  
20           instructions in relation to this witness and he repeats  
21           those instructions at 268:

22           "If I am of the opinion there are any  
23           inconsistencies between what [48] tells me at the  
24           interview and the documentation provided to me, which  
25           I consider relevant, set them out ..."

1 He says this:

2 "I find the marks and scars on [witness 48] at the  
3 least consistent with his account ..."

4 You say that the allegation of burning has been  
5 disproved, to use that phrase. In the light of this  
6 evidence, which I know until you came to the Inquiry  
7 yesterday you had not seen, do you want to comment any  
8 further? Is it again your view that it is the role of  
9 the police to disprove or prove an allegation?

10 A. I'm going to comment on this. I note the words "at  
11 least consistent", right, but I think that we should  
12 bring the Attorney General's statement please.

13 Q. Yes. If you bear with me a moment, I will just get the  
14 reference for that. It is {WD005402} please. On to  
15 page 3 {WD005402/3}, the main paragraph there, Mr K.  
16 What is it you would like the Inquiry's attention  
17 brought to?

18 A. It is somewhere here.

19 Q. If you need more time, please ...

20 A. Oh, yes, it is -- actually instead of 20 cigarette burns  
21 he says I burnt him 300 to 400 times and branded him:

22 "... which required a skin graft, but there is no  
23 physical sign of any injury nor do the records show that  
24 [whoever he was] was at Haut de la Garenne at the ...  
25 time."

1           So I wrote my statement with this knowledge from the  
2           Attorney General who had received that information from  
3           the police who I'm sure, as no expense was spared during  
4           the investigation, had an expert examine this person and  
5           reach that conclusion.

6           This would have been typical of any inquiry when you  
7           would have professional dispute about injuries.

8       Q. My only issue with you, Mr K, in relation to this part  
9       of the evidence is again your choice of the word  
10       "disproved", but you have given your response and your  
11       account.

12           Paragraph 109 please -- of course if there is  
13           anything you want to add please do so as we go through  
14           these allegations. Paragraph 109 {WS000544/22}. This  
15           resident says that you touched them inappropriately in  
16           a corridor in the home. Is there anything that you want  
17           to say?

18       A. Totally untrue.

19       Q. Totally untrue?

20       A. Yes.

21       Q. Paragraph 110, this allegation relates to an alleged  
22       assault at another home, a child saying that they were  
23       slapped across the face. What do you say in relation to  
24       this allegation?

25       A. I think the police proved that I wasn't at the home at

1           the time. It is a false allegation.

2           Q. A false allegation.

3           A. Another.

4           Q. Then between 111 and 114 there are other allegations set  
5           out there of physical violence, one resident saying that  
6           he was hit by you for using a staff toilet, one that you  
7           punched him on a camping trip. What do you say in  
8           response to those allegations?

9           A. They are totally untrue. It is a great shame that  
10          people have come forward and in fact it upsets me that  
11          people have made false allegations for compensation and  
12          it has -- greatly upsets me that people who have been  
13          abused are -- their evidence is nearly queried by these  
14          false allegations. It is a great shame.

15          Q. You say that the allegations, at paragraph 115  
16          {WS000544/23}, are made to get compensation. Do you  
17          think this is in relation to all the allegations we have  
18          been through?

19          A. All the allegations against me, I would have thought the  
20          vast majority were to get compensation. Others could  
21          have been misinterpreted as what they actually believe.  
22          Children have -- you must remember this is 40 years ago  
23          and people may have mistaken identities, mistaken  
24          identity, etc, but a vast majority of these allegations  
25          were to get compensation.

1 Q. And which --

2 A. Its a sad reflection.

3 Q. Forgive me for interrupting you, you say a sad  
4 reflection.

5 A. Yes.

6 Q. Which of those allegations therefore do you say will  
7 have been made on the basis of a mistaken memory?

8 A. The only one I can actually think of on that one is the  
9 La Preference incident.

10 Q. If we leave that to one side, the evidence that you put  
11 before the Inquiry today is that of all those  
12 allegations we have set out and you have looked at in  
13 your statement, they all relate to people seeking  
14 compensation?

15 A. I do not know that. What I'm saying is that they are  
16 false allegations and my presumption is that it is for  
17 compensation.

18 Q. What do you say in relation to those who made the  
19 allegations that never made any attempt to claim  
20 compensation through the Redress Scheme?

21 A. I don't know. I know nothing about the Redress Scheme.  
22 It is a secret society as far as I'm concerned. I don't  
23 know if any of them made redress or none of them did.

24 Q. Of those who made allegations, Mr K, five did not make  
25 applications to the Redress Scheme.

1       A. That doesn't surprise me because they were false  
2       allegations in the first place.

3       Q. At the time that the police were collating the evidence  
4       in 2008 the Redress Scheme had yet to be born and indeed  
5       wasn't even in embryonic stage. Again I invite you to  
6       give your response to that fact.

7       A. I think we will find a statement I made about a former  
8       child contacting me to say that -- I've got this in  
9       my -- I don't know what page it is on, I don't know if  
10      I can use his name?

11      Q. It is at 119, is that it? At the bottom.

12      A. Yes, "a former child":

13                "I remember that [a former child] called me to say  
14      the police had been in touch with him to ask whether he  
15      had ever been abused by me. Of course he told them that  
16      he never had. He then called me later on the same day  
17      to say that he had been approached by a compensation  
18      lawyer who asked if he would want to pursue  
19      a compensation claim. I think this was disgusting and  
20      demonstrates that the compensation lawyers were in  
21      league with the police." {WS000544/23}

22      Q. Can you remember what date this is meant to have taken  
23      place?

24      A. I believe it was after my -- after June 2008. That's  
25      all I can say about that.

1 Q. You say in paragraph 115 please, Mr K, if we go back  
2 there {WS000544/23}:

3 "It is absolutely devastating to be the victim of  
4 untrue allegations. I was always around and involved  
5 with care homes so I was an easy person to try and pin  
6 something on."

7 Is it fair to say, Mr K, that your description of  
8 being around and involved applies equally to all other  
9 people working in similar situations, but not accused of  
10 abuse?

11 A. I am --

12 Q. What is the point you would like the Inquiry --

13 A. I am involved, I have been there for many many years  
14 more than most people.

15 Q. Again to be clear in relation to the use of your phrase  
16 "not proven", at paragraph 116 {WS000544/23} you talk  
17 about the New Zealand scheme. Just so you are clear  
18 about the basis on which the Attorney General arrived at  
19 the decision that he did, can we go back please to  
20 {WD005402} please and page 4 {WD005402/4}. It is at the  
21 very top there that relates to you, Mr K:

22 "The papers have been carefully evaluated by those  
23 lawyers, by a senior lawyer in the Law Officers'  
24 Department and by the Attorney General personally. None  
25 of the lawyers who have looked at this matter considers

1           that the evidential test is passed."

2           You may not have an understanding of that, Mr K,  
3           there is no reason why you should, but would you accept  
4           from me that that is different from these allegations  
5           having been disproved?

6       A. Can we go to the previous page please?

7       Q. Yes, page 3 please {WD005402/3}.

8       A. I bring you to the third paragraph, middle of, just  
9           underneath the number 7:

10            "In those circumstances it was inevitable that it be  
11           concluded this complaint was incapable of belief."

12           And I believe:

13            "In another case, the complainant's mother, who was  
14           allegedly present at the time and gave her permission  
15           for the assaults, says they never took place."

16       Q. Paragraph 116 again please, you talk there about the  
17           New Zealand scheme {WS000544/23}. What is the basis for  
18           your conclusion that you set out there in that paragraph  
19           that the New Zealand scheme led to a much truer picture?

20       A. I believe that without financial compensation and  
21           a financial gain there would be a truer picture of the  
22           abuse that has been alleged. Can I say that I am not  
23           totally au fait with the New Zealand scheme, but I have  
24           been told this.

25       Q. So should the Panel treat with some circumspection the

1 conclusion that you arrive at the end of paragraph 116  
2 that the:

3 " ... people who had been abused were offered all  
4 the counselling help they required but no financial  
5 compensation ..."

6 Then you say this:

7 " ... this led to a much truer picture of the abuse  
8 children suffered there."

9 On what do you base that conclusion?

10 A. I would conclude that on my 40 years of experience in  
11 child protection.

12 Q. But is it something that is based from any knowledge you  
13 have of the New Zealand scheme?

14 A. No factual -- it is what I have been told.

15 Q. Thank you. You say at paragraph 118 of your statement  
16 {WS000544/23}:

17 "The Attorney General commented in his open letter  
18 that so many people had been willing to come to my  
19 defence and to stand up for me to say that I am a good  
20 person."

21 Can we go back again please to the  
22 Attorney General's letter, {WD005402} and can we go to  
23 page 3 {WD005402/3}, and, as of course I recognise,  
24 Mr K, these are very serious allegations made against  
25 you and you are setting out why you say these

1           allegations are wrong and in support of that you take us  
2           to a paragraph in the Attorney General's letter and you  
3           say that "people stand up for me to say that I am a good  
4           person". What the Attorney General in fact says at the  
5           bottom of page 3 is:

6                     "Furthermore, the police investigation shows  
7           relevant defence material including the fact that  
8           a significant number of witnesses speak well of  
9           [witness 7] describing his popularity with the children  
10          and his good qualities in dealing with the children  
11          generally."

12                    Then it goes on to say:

13                    "He received consistently good reports from those  
14          responsible for monitoring and evaluating his  
15          performance."

16                    I think it is right to say that as far as your time  
17          at Haut de la Garenne is concerned, there were no such  
18          reports, there were no such monitoring, is that right?

19          A. No.

20          Q. Sorry, is that answer "no, you are not right", or "no,  
21          there weren't"?

22          A. I believe that -- there wasn't any formal reports.  
23          However, I have to be very careful here because it is  
24          impossible to answer without disclosing certain things  
25          which I don't want to disclose.

---

1 Q. I understand that, Mr K. So if you can limit your  
2 answer to my question, which I'm going to ask you again:  
3 was your performance at Haut de la Garenne, in the time  
4 that you were employed there, formally evaluated and  
5 recorded?

6 A. No. However, it would have been verbally.

7 Q. And how do you know that?

8 A. I can't answer that question again because it will be  
9 revealing, but I did move on to other employment where  
10 I would have been recommended from my record at  
11 Haut de la Garenne.

12 Q. Allegations in 2004, if we can move on to those please,  
13 Mr K, page 24 of your statement, paragraph 120  
14 {WS000544/24}, and this is in relation to subsequent  
15 employment. The allegation here is a complaint by  
16 a young female resident that in effect she was  
17 manhandled by you. As you set it out there, this was  
18 witnessed by a member of staff who supported the  
19 resident's account. I just want to ask you do you  
20 remember the police being involved in this incident?

21 A. Yes, I was investigated for this incident and it was  
22 found that there was insufficient evidence to take it  
23 further so therefore although the member of staff  
24 I believe did support the girl, her credibility was  
25 somewhat questionable. That's my belief.

1 Q. Your belief is that the credibility of the member of  
2 staff was called into question?

3 A. Well, if the police had a witness statement from a child  
4 and a witness statement from a member of staff that  
5 I had abused a child then I think a prosecution would  
6 have taken place, but obviously the police, or the  
7 Attorney General, as the (inaudible), had good reason  
8 for not taking that forward and I can only think that it  
9 was the credibility of the child and the member of  
10 staff. I don't know for any other reason.

11 Q. So aside from the decision -- just to follow that up, if  
12 I may, Mr K. Aside from the decision for the police not  
13 to prosecute, do you know if your employers at the time  
14 followed this up internally?

15 A. Well, once the police had made a decision not to  
16 prosecute and they didn't find -- I don't know what the  
17 police told my employer. They told me that there was no  
18 evidence at all to prosecute me. That's enough for me.

19 Q. Might I ask you that question again, Mr K. Did your  
20 employers at the time follow up this incident by any  
21 internal inquiry?

22 A. I was told by my employer that no prosecution was going  
23 to take place.

24 Q. So the answer to my question as to whether or not there  
25 was an internal inquiry by your employers at the time is

1 no, is that right?

2 A. Absolutely no. The police had made an inquiry and had  
3 come to a decision.

4 Q. If we look at paragraph 124, "Awareness of the risk of  
5 allegations" {WS000544/24}, you say here that you think  
6 that one reason for allegations being made against you  
7 is that children could not remember other male members  
8 of staff. This is over the page {WS000544/25}. Just to  
9 be clear, Mr K, you are not saying there that there were  
10 no other male members of staff at Haut de la Garenne --

11 A. No.

12 Q. -- at the time you worked there?

13 A. No.

14 Q. At paragraph 126 you -- and indeed you described this to  
15 us yesterday -- were certainly conscious of the risk of  
16 children making false allegations before the allegations  
17 came to light and that there was a need to try to  
18 protect yourself. Could you help the Inquiry with this  
19 please, Mr K: was the concept of false allegation  
20 already prevalent in the late 1970s?

21 A. No.

22 Q. Could we go then back to paragraph 87, which is to be  
23 found at page 17 {WS000544/17}, where you deal with your  
24 arrest. There, Mr K, you set out at length the  
25 circumstances of your arrest and the decision taken by

1 the Attorney General not to go ahead with any  
2 prosecution. Is it fair to say, Mr K, that you are very  
3 bitter and critical of the approach adopted by the  
4 police at the time?

5 A. Absolutely.

6 Q. And in relation to what you set out there in  
7 paragraphs 87 to 99 -- if you need time to re-read it  
8 then please say so, but are you familiar with those  
9 paragraphs?

10 A. 87 to 89?

11 Q. To 99.

12 A. 99? I will have to flick through please.

13 THE CHAIR: Mr K, take your time. You don't have to flick  
14 through. Just take your time to remind yourself of what  
15 you say in those paragraphs.

16 MR SADD: Every time you want the page turned, just let me  
17 know.

18 (Pause)

19 A. Yes. What do you want to say about them again?

20 Q. Well, there are several things but it is -- and maybe  
21 the best way of approaching my questions to you in  
22 relation to this part of your statement is having asked  
23 my questions if there is anything you want to add  
24 following those questions, then please do so of course.  
25 My questions to you are as follows. At paragraph 92

1           {WS000544/18} you refer to what the police found in your  
2           possession. Do you accept without more, that is without  
3           any other detail available to the police, that this note  
4           required investigation?

5        A. They knew me well, right, they knew what we did. This  
6        isn't police who have suddenly come across a character,  
7        they had been investigating me for months. They should  
8        have known what my role was, they should have known --  
9        they have been investigating me for months and they find  
10       a note like that. They should know that I was  
11       conducting certain investigations which would be typical  
12       of having a note like that. It is -- they are so  
13       thorough in some ways and so lacking in knowledge in  
14       others.

15       Q. Might I ask you that question again, Mr K. Do you  
16       accept that on finding this note it required further  
17       investigation on the part of the police?

18       A. I think they had to probably ask me about it, but they  
19       should have known.

20       Q. Paragraph 93 please {WS000544/18}. You say this:

21                "I believe that the reason that the English  
22        detective was present was due to Lenny Harper's view  
23        that Jersey people were not to be trusted and that there  
24        was a conspiracy at large."

25                Why is it that you believe, Mr K, English detectives

1           were only present because of Lenny Harper's views?

2           A. That was the general understanding amongst the public  
3           and the people I associated with.

4           Q. I would like to ask you now, Mr K, to step back,  
5           difficult as I know that that must be for you to do so  
6           in the light of what we have just been through, but  
7           I would like you to consider the following hypothetical  
8           situation please. Assume that the allegations we have  
9           looked at were made not against you, but had in fact  
10          been made against someone else, another residential care  
11          worker, that they related to accounts of arbitrary  
12          physical assaults in a children's home, that they  
13          related to alleged sexual assaults, that they spanned  
14          several years and related to different residents,  
15          similar in fact to the situation that you faced; in  
16          those circumstances, Mr K, would you have expected the  
17          police to have investigated the allegations?

18          A. Of course.

19          Q. To have followed up the allegations with the care  
20          worker?

21          A. Of course.

22          Q. And indeed to have taken the very action that the police  
23          took here?

24          A. Absolutely not.

25          Q. Absolutely not?

1       A. Absolutely not, right? Let me explain. I have been  
2       involved in child protection for -- well, since the  
3       1980s. When a child makes an allegation the police then  
4       go away and gain as much information as possible  
5       regarding corroboration, timing, background on the  
6       alleged perpetrator, everything they possibly can before  
7       they go and arrest that person because they know, and  
8       from bitter experience we know that if people -- if we  
9       have all that information we have an opportunity during  
10      the interview to find that person -- find evidence  
11      against that person. If you don't do that and you go in  
12      gung-ho, ie as the police appear to have done here, then  
13      it is highly unlikely that you are going to gain  
14      a prosecution. That is from years of experience.

15      Q. Perhaps I can anticipate the answer then to my next  
16      question: do you accept that the police would have had  
17      a duty to investigate in the light of the hypothetical  
18      situation that I set out to you?

19      A. Of course they have a duty to investigate, that is  
20      absolutely correct, but not raid people's houses at 6.30  
21      in the morning.

22      Q. Paragraph 99 {WS000544/20}, if we may deal with this  
23      briefly, do you in fact know William Bailhache?

24      A. Yes, I do in the sense that I know who he is and I've  
25      said we're on nodding acquaintance. I said we're

1 members of the same [REDACTED], but I've never  
2 [REDACTED] with him.

3 Q. Can we go then to your account of your suspension in  
4 your subsequent employment.

5 A. Can I just make sure -- I don't quite understand. Is my  
6 whole statement made public -- redacted statement made  
7 public?

8 Q. Yes. Subject to any redactions that are further  
9 included, like the one we just had to make.

10 A. Absolutely, I understand.

11 Q. All right?

12 A. Yes. I apologise for my --

13 Q. That's all right. I should have told you about that.

14 Let's look please at your suspension in relation to  
15 your subsequent employment. At paragraphs 127 to 141  
16 {WS000554/25}, which I'm not going to take you to in any  
17 great detail, you set out the history of your suspension  
18 in 2008 and during 2009 by your employers. The two  
19 questions I would like to ask you: given the nature of  
20 the allegations can you understand why your employers  
21 then, without going into too much detail if you can,  
22 Mr K, took the action that they did?

23 A. I don't think they knew the details of the allegations  
24 before they suspended me.

25 Q. At paragraph 139 to 140 {WS000554/28} you refer to help

1           that you could have received from individuals who I have  
2           characterised as being in positions of influence and who  
3           chose not to do so. From one perspective of someone  
4           listening to the evidence in this Inquiry, couldn't that  
5           sort of help have been seen as an abuse of influence, of  
6           getting favour from those in influence in ways that  
7           others in your situation could not take advantage of?

8           A. I don't think if anybody had intervened on my behalf,  
9           innocently and properly, that would have been seen so.

10          Q. Such approaches, therefore, you don't consider to be  
11          untoward?

12          A. I was asking Senator Le Marquand in this instance for  
13          him to take -- I was asking for his help. He was the  
14          President I think -- sorry, Minister for Defence at the  
15          time -- not Defence, of Home Affairs I think it is  
16          called, and I was asking for his help as he was, if you  
17          want, politically in charge of what was occurring and,  
18          as I have said, he didn't. The other person, I don't  
19          know why her name has been redacted, but anyway, could  
20          have intervened and chose not to.

21          Q. Can we turn then to complaints against the police --  
22          this is paragraph 142 {WS000544/29}. At 142 to 145 you  
23          set out the history of your formal complaint to the  
24          police of how you received compensation, and  
25          paragraph 145 and 147 we do need to redact reference

1           there to the compensation that you received, but at 145  
2           {WS000544/30} you exhibit a letter from Barrie Taylor  
3           dated January 2010 and I wondered if we could have that  
4           up on screen please. This is {WD005415}. If we could  
5           go please to page 6 of that letter {WD005415/6}. This  
6           is Mr Taylor's response to a series of --

7           A. I'm on page 5, sorry.

8           Q. Yes, I'm just setting out what it is the Panel is  
9           looking at. This is an extract from a letter in  
10          response to a series of complaints that you make in  
11          relation to the police's handling of your arrest and  
12          investigation; is that a fair summary?

13          A. Yes.

14          Q. Thank you. At the bottom of page 5, against the  
15          number 5, he sets out your complaint.

16                 "It is my belief that the manner of my arrest was  
17                 unnecessary and disproportionate ... causing my family  
18                 and friends distress that was unwarranted considering  
19                 the evidence at that time available to the police. It  
20                 is my belief that a more thorough investigation into the  
21                 allegations and an objective review of the evidence at  
22                 this time would have resulted in more proportionate  
23                 action being taken. There is evidence of more  
24                 proportionate action being taken against other persons  
25                 who have had allegations made against them. This has

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1           resulted in less dramatic (suspension) action being  
2           taken by their employers."

3           Mr Taylor responds as follows:

4           "Four allegations of common assault and four of  
5           indecent assaults were made against you by six  
6           individuals. Of those, one assault had been previously  
7           investigated internally and rejected. An allegation of  
8           indecent assault by another individual details dates  
9           when you were not at Haut de la Garenne and is  
10          uncorroborated. A further allegation of indecent  
11          assault by another individual was at a period before you  
12          worked at Haut de la Garenne. The remainder of the  
13          allegations did warrant investigation and there was  
14          sufficient evidence available to substantiate that your  
15          arrest was lawful. The timing of your arrest and  
16          duration of your detention, however, is debatable and  
17          appears to have been a tactical decision taken by  
18          Mr Harper."

19          I am just going to pause there and I just want your  
20          view in response to Mr Taylor's assertion at the top  
21          there that the allegations did warrant investigation and  
22          there was sufficient evidence available to substantiate  
23          that your arrest was lawful. Do you take issue with  
24          that?

25          A. No, I don't take issue with it. What I do take issue

1 with is Harper's -- what did he call it? -- tactical  
2 decision of raiding a house at 6.30 in the morning.

3 Q. Could we go please then to page 7 of this document --

4 A. Can I say, there is something I want to add, that if  
5 they had asked me to go down the police station I would  
6 have gone down the police station quite willingly.

7 I didn't have to be arrested. It was absolute nonsense.

8 Q. Is there anything else you would like to add before  
9 I move on?

10 A. No. Well, I can actually say I had been asked down in  
11 2004 to be interviewed and walked down there quite  
12 happily by myself. There was no need -- it was all just  
13 drama.

14 Q. Are you happy for me to move on?

15 A. Yes, sorry.

16 Q. That's all right, there is no need to apologise. Page 7  
17 {WD005415/8}, in response to complaint 7 you say this:

18 "I believe that decisions made during the course of  
19 the investigation were in fact based on prejudice  
20 against me."

21 The response there, the specific paragraph that  
22 I want to take your attention to please in responding is  
23 the fourth paragraph which begins "The allegations made"  
24 I'm just going to read that out.

25 "The allegations made, however, did require a full

1           and proper investigation and it was entirely appropriate  
2           that you were interviewed about them and given  
3           an opportunity to provide a response. There was also  
4           sufficient evidence to justify an arrest, however the  
5           question of proportionality remains open."

6           Do you take issue with this assessment, Mr K?

7           A. No, I think that's probably right. Can I say that  
8           subsequently I have asked for any statements that  
9           Mr Taylor gained while investigating my complaint and  
10          I have been informed that there weren't any. How can  
11          a police investigate a complaint without taking  
12          statements from the officers concerned?

13          Q. That's in relation specifically to the handling of your  
14          arrest?

15          A. He is asking -- he is replying to me and how is he  
16          replying to me when he hasn't investigated properly?  
17          I don't understand.

18          Q. Paragraph 147 please of your statement, if we go back to  
19          that {WS000544/30}, and you say:

20                 "I believe my complaint to the police was mainly  
21                 rejected due to Lenny Harper's retirement."

22          Do you have that, five lines down?

23          A. Yes.

24          Q. "The police have blamed all the wrongdoing on him and  
25          whilst this is no doubt mostly true, the other members

1 of the police force who acted under his authority have  
2 a responsibility to obey the law and act in the Island's  
3 best interests."

4 Mr K, just so the Panel is clear, do you say this in  
5 relation to their investigation of the allegations  
6 against you, or in relation to the investigations as to  
7 abuse in the Island?

8 A. Into everything, yes.

9 Q. So do you qualify the decision to carry out the  
10 investigation as to whether or not it was in the best  
11 interests of the Island?

12 A. No, by that I meant that in relation to me there was no  
13 doubt that at times the media interest was heightened by  
14 officers, particularly Harper, and that was not in the  
15 best interests of the Island. The best interests of the  
16 Island are served by a thorough investigation, but not  
17 of this nature. I mean I believe that I say I met with  
18 Mick Gradwell, the officer who took over from Harper,  
19 and he stated that the investigation could have been  
20 carried out by two sergeants and two police officers, he  
21 said there was no need for this dramatic response which  
22 led to the debacle of the Haut de la Garenne  
23 investigation.

24 Q. Might I ask you this then, Mr K, in the light of your  
25 answer: do you consider Operation Rectangle and by

1 extension this Inquiry unnecessary and not in the  
2 Island's interests?

3 A. Operation Rectangle could have been conducted by two  
4 police sergeants and two police officers, or so I'm told  
5 by the senior officer who took over from Lenny Harper.  
6 As regards this Inquiry, I don't think this Inquiry  
7 probably would have occurred if it had been conducted in  
8 a reasonable manner. However, I am very happy, and as  
9 you know volunteered to come to this Inquiry to ensure  
10 that justice was seen to be done.

11 Q. Might I ask you the question again please, Mr K, and it  
12 may be because I haven't understood your answer, but  
13 just so that I'm clear, do you consider  
14 Operation Rectangle and this Inquiry not to be in  
15 the Island's best interests?

16 A. Two police officers, two police sergeants and two  
17 policemen could have been called Operation Rectangle.  
18 Therefore that would have been justified. I believe  
19 that this Inquiry is in the best -- now in the best  
20 interests of the Island.

21 Q. You deal at the bottom of page 30 -- unfortunately it is  
22 just the heading there, "Impact of the investigation".  
23 We go over the page on to 149 please {WS000544/31}, you  
24 set out the difficulties, between 149 and 156, that you  
25 have faced and the harassment that you have experienced

1 and you refer to the Chapman report looking into the  
2 harassment of state employees. At paragraph 155 you  
3 quote from the report.

4 Do you think that the report fulfilled its purpose?

5 A. I think the report informed the employer of their lack  
6 of management of the situation, but as I believe I say  
7 in the next paragraph, I don't think they have learned  
8 from it in any way. Can I go to 32 please? Yes, 156  
9 {WS000544/32} I say I don't think they have learned from  
10 it.

11 Q. We then come on to Operation Rectangle. We have touched  
12 on it a moment ago in your evidence and you say at 157  
13 {WS000544/32} that you think the operation was "totally  
14 corrupt and that the investigation into  
15 Haut de la Garenne was a complete farce", but you do go  
16 on to say at 166 {WS000544/34} that it has "not been  
17 a total waste".

18 The figures that we have been provided with that say  
19 that 1,776 statements were collated by the police and  
20 there were 533 reported offences raised with them. Do  
21 you think in the light of that a full investigation was  
22 required?

23 A. As I have stated earlier, Mick Gradwell, who in fact was  
24 a very experienced officer, unlike Mr Harper, said this  
25 investigation could have been carried on by two police

1 sergeants and two policemen.

2 Q. Mr K, do you accept that the broad span of allegations  
3 and number of people coming forward, the accounts that  
4 have emerged not simply about Haut de la Garenne, but  
5 about other homes, justifies the focus that has been  
6 brought to bear on children in care in the Island?

7 A. I think it is always welcome for someone in my position  
8 to focus on the welfare of children on the Island and if  
9 this Inquiry succeeds in bringing better facilities for  
10 children then I will be very grateful.

11 Q. May I take that as a yes?

12 A. Yes.

13 Q. Is there anything you want to add to me in relation to  
14 the questions I have asked you and what we have been  
15 through before the Panel, who I imagine may have  
16 questions for you, ask you questions? Is there anything  
17 you would like to add?

18 A. Can I just go back to 149 please and see what it says  
19 {WS000544/31}. Yes, I just want to make sure the Panel  
20 is aware of how demoralised I am by my treatment from my  
21 employer as well as the police. It has been  
22 a disgraceful period of my involvement for over  
23 40 years, can I say, I have been loyal and I feel  
24 totally abandoned by them which is very upsetting.

25 Q. Mr K, thank you for your patience with me. You will now

1 be asked, I imagine, some questions.

2 THE CHAIR: Thank you, Mr Sadd. Yes, Mr K, there will be  
3 some questions from the Panel as I think you anticipate,  
4 but it may be an appropriate moment now to take another  
5 break. Again if you wait there, if needed you will be  
6 provided with refreshments and we will return at quarter  
7 past 12.

8 (11.58 am)

9 (A short break)

10 (12.18 pm)

11 THE CHAIR: Mr Sadd, before the questions from the Panel are  
12 there any further matters that you wish to ask Mr K  
13 about before we begin our questions?

14 MR SADD: Madam Chair, yes please. I hope it is two  
15 questions that I need to take up with you, Mr K, if  
16 I may.

17 We need to have on screen please the penultimate  
18 page of your statement please, paragraph 166, page 34  
19 {WS000544/34}. It is a comment that you made prior to  
20 the break we have just taken where you say this, 166:

21 "However, there is still no doubt that two sergeants  
22 and a couple of detectives could have completed that  
23 investigation without wasting such vast amounts of  
24 public funds."

25 What's the basis upon which you determine what the

1 size of the investigation should have been, two  
2 sergeants and a couple of detectives?

3 A. I based it on an interview I had with Mick Gradwell who  
4 was the officer who took on from Lenny Harper.  
5 Mick Gradwell actually led the Morecambe Bay oyster  
6 deaths and was vastly experienced in this type of  
7 operation, unlike Mr Harper. So therefore I give his  
8 evidence, if you want, much more credence than I would  
9 otherwise.

10 Q. Just to be clear, Mr K, is that your report of what he  
11 said to you? Was that the phrase that he used, or is  
12 that your interpretation of what he said to you?

13 A. He said that this investigation could have been -- he  
14 said to me and my wife in an interview that two  
15 sergeants and two police officers could have conducted  
16 the investigation. That's what he said. And he said  
17 those were the resources that should have been given to  
18 him in the UK.

19 Q. We have looked at the scale of the investigation by  
20 reference to, for instance, the number of alleged  
21 offences, over 500, and the number of statements that  
22 were taken, over 1,500, and on one view the scale of the  
23 allegations suggest that this was a major child abuse  
24 inquiry. Do you call that into doubt, Mr K?

25 A. I can only say that I am only repeating what a senior

1 police officer told me.

2 Q. Forgive me, that wasn't my question to you. Do you call  
3 into doubt that this was a major investigation into  
4 child abuse?

5 A. I believe that there was a need for an investigation.  
6 I do not believe that it necessarily needed to be  
7 conducted in the way it was, ie the Haut de la Garenne  
8 dig, etc, etc.

9 Q. Paragraph 160 please {WS000544/33}. Reference is made  
10 there to "sort out the skeletons that still linger" in  
11 police headquarters. What are those skeletons?

12 A. I believe that nothing -- the police -- for instance,  
13 let's be honest, there were files held on politicians at  
14 one time by the police force, which have now I believe  
15 been destroyed.

16 They have never apologised to me for their actions  
17 and I think I'm due an apology. The fact that it is  
18 more or less certain that Harper was contacting  
19 Sky Television and informing the media of what was  
20 occurring. It is interesting to note that when my  
21 offices were raided the press were on hand; why or how?  
22 In fact that's very relevant today considering the  
23 Guernsey police investigation into how the information  
24 regarding the raid on a doctor in Alderney that is  
25 taking place at the present time.



1 interested in looking back at what it was that motivated  
2 you to spend so much time working with young people.

3 Where did that interest come from? What did you feel  
4 you were doing this for?

5 A. It was [REDACTED] work. It would be similar to somebody  
6 taking up working with the [REDACTED] or working with  
7 [REDACTED] or whatever. My family have always done  
8 [REDACTED] work, my mother was very heavily involved in  
9 [REDACTED] working and this actual [REDACTED] actually  
10 suited me perfectly. Working shift work, as at times  
11 I was, I could choose when I do it. If you commit  
12 yourself to a [REDACTED] or something like that, you  
13 can't do that sort of [REDACTED] work because sometimes  
14 you are on shift, while this I could pick and choose  
15 according to my shift. And of course I enjoyed my time  
16 at Haut de la Garenne and therefore I [REDACTED] to go  
17 there.

18 PROFESSOR CAMERON: As someone in your mid-teens you seemed  
19 to be spending a lot of time doing this [REDACTED]. Was  
20 that commonplace, do you think, or were you doing more  
21 than most of your peers would have been doing?

22 A. I would think I was probably doing more than my peers.

23 PROFESSOR CAMERON: And what in particular was it that you  
24 felt you were getting out of that on a personal basis?

25 A. I was enjoying helping children, if you want, but

1 obviously there was some social life involved with that  
2 as well, so -- I mean I had nothing else to do with my  
3 time doing some shift work, so why -- you must remember  
4 when you are shift working you can be quite isolated as  
5 regarding friends and things like that, on a Wednesday  
6 afternoon most of your contemporaries are working so why  
7 not go and do something useful.

8 PROFESSOR CAMERON: Then making the transition from being  
9 a [REDACTED] in the social care field to seeking  
10 employment, what was the motivation for that?

11 A. I decided that I wanted to work with children. In some  
12 way I was disappointed with the [REDACTED] and I decided  
13 I wanted to work with children, as other people decide  
14 to go nursing and other people decide to go in the Army.  
15 I decided I wanted to work with children. In fact  
16 I took quite a big hit salary-wise to do so.

17 PROFESSOR CAMERON: That was something I was going to ask  
18 you about because it is clear from the documents that we  
19 have seen that there was quite a substantial difference  
20 in remuneration, that was a feature of social care. Was  
21 that an issue for you?

22 A. It wasn't really because I was living at home at the  
23 time and actually I then moved into Haut de la Garenne  
24 and it was a subsidised way of living so actually it  
25 wasn't -- I wasn't motivated by money at all at that

1 time, maybe I have been later in my career.

2 PROFESSOR CAMERON: What sort of accommodation did you move  
3 into at Haut de la Garenne?

4 A. There was a seven-bedroomed staff flat so every member  
5 of staff had their own bedroom, communal kitchen,  
6 communal lounge, communal bathroom.

7 PROFESSOR CAMERON: Did you pay for that accommodation?

8 A. I believe that it was subsidised -- yes, it was taken  
9 out of your wage. It was a subsidised package, and you  
10 got all your food from the kitchens.

11 PROFESSOR CAMERON: So when you moved into this employment  
12 because you had found the [REDACTED] satisfying, did you  
13 enter into it with an expectation that you would have  
14 access to training and access to career development?

15 A. No, I didn't really at that time. It soon became  
16 pertinent to me though very quickly that if I was going  
17 to progress I would need to be trained.

18 PROFESSOR CAMERON: Did you ask for training?

19 A. Yes -- well, yes and no. What I did is I applied for  
20 posts to gain that training.

21 PROFESSOR CAMERON: Right. The continuation of that, a bit  
22 of development for me is to ask you more about how the  
23 communications worked within Haut de la Garenne. Were  
24 there staff meetings?

25 A. I believe there were staff meetings once a month

1 I think. I remember definitely attending staff  
2 meetings.

3 PROFESSOR CAMERON: And what sort of matters were discussed  
4 at those staff meetings?

5 A. Holidays, camping. I was put in charge of buying all  
6 the camping equipment for a holiday to France for  
7 instance. Who was going to go where on the camping  
8 holidays, etc. Discipline matters, petrol matters,  
9 running the van and things like that.

10 PROFESSOR CAMERON: Was any part of the meeting a discussion  
11 about the young people?

12 A. Not particularly on any individual I think, but it would  
13 have been about young people "Can we please" -- I don't  
14 know, "Can you make sure they are all ready for the  
15 school run at 8.30 because people have been late  
16 recently", or something along those lines, I would have  
17 thought.

18 PROFESSOR CAMERON: Was it a requirement that staff attended  
19 the meeting?

20 A. I do not know. I can't remember that. I would have  
21 attended I would have thought most of them, because  
22 I was resident. I don't know if people from outside, if  
23 they came in especially. I think they might have  
24 actually because they weren't very frequent, they were  
25 once a month, so I think it would generally have been an

1           expectation.

2           PROFESSOR CAMERON: Were they meetings that were convened by  
3           the Superintendent?

4           A. Yes.

5           PROFESSOR CAMERON: Was there any other exchange of  
6           information on a day-to-day basis at the handover of  
7           shifts or anything else about what was going on in  
8           the home?

9           A. Yes. You always had a diary sort of thing which said  
10          "So and so has a doctor's appointment, or a dentist's  
11          appointment" or whatever and you would always meet your  
12          member of staff you were taking over from and they would  
13          say "So and so is sick upstairs" or "He has forgotten  
14          his lunch", or whatever it was.

15          PROFESSOR CAMERON: Was that an informal arrangement or was  
16          there a formal expectation that you would have  
17          a hand-over between shifts?

18          A. I don't think we ever had a formal hand-over, no. It  
19          was an expectation as to what you would do normally.

20          PROFESSOR CAMERON: So how would information about concerns  
21          about young people be drawn to the attention of members  
22          of staff? We know, for instance, that there was -- it  
23          has been referred to in your evidence earlier on. There  
24          were concerns about Michael Aubin for instance. How  
25          would that have been communicated among staff?

1       A. The Superintendent would have come and seen the member  
2       of staff and that would have been passed on from staff  
3       to staff.

4       PROFESSOR CAMERON: So that would have been on a kind of  
5       individual basis rather than something that would have  
6       been discussed in a meeting?

7       A. Yes. That would have been -- regarding Michael Aubin  
8       I think -- I don't think -- that would certainly not  
9       have been a meeting because he had been accused of  
10      abusing certain characters within the home and that  
11      would not have wanted to be public knowledge of who  
12      those characters were. There was an element of  
13      confidentiality in there as well.

14      PROFESSOR CAMERON: What was the element of confidentiality  
15      within the staff group who were working together to care  
16      for young people?

17      A. If a -- for instance with young girls, right, I would  
18      not know if they were having their period or whether  
19      they were on the pill or anything like that. As a male  
20      I would not know that because that's none of my  
21      business. The females would have dealt with that. Does  
22      that --

23      PROFESSOR CAMERON: If it was a concern about a young person  
24      who was posing a risk to others, or indeed posing a risk  
25      to themselves, surely that would be something --

1 A. That would be something that would be shared.

2 PROFESSOR CAMERON: How was that shared?

3 A. Informally, as you say, from staff to staff.

4 PROFESSOR CAMERON: So there was only informal communication  
5 mechanisms?

6 A. That I can recall, yes.

7 PROFESSOR CAMERON: If you had a concern about a young  
8 person how would you ensure that that was shared?

9 A. I would have told the Superintendent and I would have  
10 told the person I was working with and we would have  
11 passed that on during the passover period.

12 PROFESSOR CAMERON: Within the unit that you worked within  
13 were there team meetings?

14 A. Yes. We did have meetings at times, yes.

15 PROFESSOR CAMERON: And were they convened by the unit  
16 leader?

17 A. Yes.

18 PROFESSOR CAMERON: And what sort of things would they  
19 discuss?

20 A. Rotas, timings, food, clothing and deciding who should  
21 special a child and not special a child, maybe changing  
22 over specials and things like that.

23 PROFESSOR CAMERON: So would it be fair to say that most of  
24 the discussions that took place were about in effect the  
25 administration rather than about the care needs of

1 children?

2 A. Well, yes and no. Yes, there was a lot about  
3 administration, but regarding the specials that was  
4 about the care needs of the child.

5 PROFESSOR CAMERON: If I can move on to the final area  
6 I want to ask you about. You have described that you  
7 personally would smack children and that was practised.  
8 First of all where did you gain your understanding that  
9 that was permissible?

10 A. As I was said before, by the role models I said and  
11 I would see a member of staff tap a child or whatever  
12 and then I would have followed suit.

13 PROFESSOR CAMERON: We have seen in evidence earlier on  
14 various documents written by Mr Thomson and others about  
15 these incidents. Were these documents that as a member  
16 of staff you had access to?

17 A. I can't recall seeing them. Whether I did or not --  
18 I mean it is 40 years ago, sorry, I can't remember.

19 PROFESSOR CAMERON: I realise it is 40 years ago. I'm  
20 asking you to think back and were documents of that type  
21 about how matters were to be dealt with within the home  
22 shared with staff? Were they on a notice board  
23 somewhere?

24 A. They weren't on a notice board that I can recall and  
25 I cannot recall seeing them. Sorry, it is 40 years ago.

1 I cannot recall seeing them, but I followed -- remember  
2 I was a [REDACTED] and I wouldn't have been offered  
3 those documents in the first instance, as a [REDACTED],  
4 I don't think, and therefore I was following the role  
5 models I had, and let's be very clear, as a [REDACTED]  
6 Morag Jordan wasn't one of those, and then when I became  
7 a member of staff it was probably presumed that  
8 I already knew about these things because I had been  
9 there for three years.

10 PROFESSOR CAMERON: I take it by implication then you are  
11 saying that when you became a member of staff there was  
12 nothing that in more modern terms we would understand to  
13 be induction?

14 A. No. Because they would have thought I had already had  
15 my induction by my three years [REDACTED].

16 PROFESSOR CAMERON: Were you ever aware of any other new  
17 members of staff being given any kind of induction?

18 A. No. Sorry, besides always being on duty with  
19 an experienced member of staff in the first instance.  
20 They wouldn't have just left a member of staff with  
21 20 children without having somebody there.

22 PROFESSOR CAMERON: Yes, but there was, by the sounds of  
23 what you are saying, no routine followed?

24 A. No, no.

25 PROFESSOR CAMERON: If you smacked a child in the way that

1           you have described and in the way that you have  
2           described you believed to be legitimate, would you have  
3           recorded that?

4           A. No.

5           PROFESSOR CAMERON: So there was no punishment book,  
6           discipline book that all instances of that kind would  
7           have been recorded?

8           A. No. They were taps.

9           PROFESSOR CAMERON: It is difficult to define what a tap is.

10          A. Well ...

11          PROFESSOR CAMERON: Is it not?

12          A. I cannot show you. It was mostly, if ever, on toddlers  
13          and they were taps, you know, they weren't anything  
14          horrendous.

15          PROFESSOR CAMERON: You also said that -- of course you  
16          didn't do it -- children would be sent to be caned.

17          A. Sorry?

18          PROFESSOR CAMERON: You said in your evidence that staff  
19          would send a child to be caned.

20          A. Sorry, I never witnessed that, I said. I have only ever  
21          witnessed one instance of caning which I explained.

22          PROFESSOR CAMERON: Yes, I understand that, but I think  
23          there was a reference to other staff perhaps.

24          A. Well, obviously they did because we have seen the  
25          documents that Jim produced saying that he had caned

1           this person, so obviously the children would have been  
2           sent by a member of staff, or had been reported on by  
3           a member of staff and Jim had decided to cane them.

4           PROFESSOR CAMERON: Right, so it was not that the member of  
5           staff was saying "I'm sending you to be caned", but "I'm  
6           sending you to the Superintendent".

7           A. I would have probably thought both in some ways, but it  
8           was the Superintendent -- as Jim makes very clear, the  
9           Superintendent is responsible for whether he caned  
10          anybody or not. I don't think, knowing Jim, he would  
11          have accepted anybody's "I want you to cane that  
12          person". Jim would have made his own mind up, thank you  
13          very much.

14          PROFESSOR CAMERON: And your understanding would have been  
15          that those matters would have been recorded somewhere?

16          A. I believe there was a punishment book regarding caning  
17          and you can see that Jim wrote to all the Child Care  
18          Officers when he caned someone, so it must have been  
19          regarded as something he would do.

20          PROFESSOR CAMERON: Thank you. I've got no other questions.

21          THE CHAIR: Thank you, Professor Cameron. Ms Leslie.

22          MS LESLIE: Thank you. Thank you, Mr K. I want to touch on  
23          something that you helped us with earlier in your  
24          evidence, which was around the circumstances in which  
25          children came into care at Haut de la Garenne.

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1           Would it be fair to summarise your evidence as  
2           children came into care because of either a crisis in  
3           their circumstances, or because of some need that they  
4           had?

5           A. Yes. I think you are right that it was either a crisis  
6           in their parenting, or a need they had because they were  
7           maybe problem children.

8           MS LESLIE: In your time both as -- well, sort of as someone  
9           on placement, as a [REDACTED] and then as a member of  
10          staff, how were the needs of the children communicated  
11          to you, the things that had brought them into care and  
12          obviously needed some kind of response or intervention?

13          A. As a [REDACTED] I would not have been given that  
14          information. I gained some of it through general  
15          chatter and general concern, but as a [REDACTED]  
16          I wasn't -- as a member of staff, if a child was  
17          received into care, you would be told by the  
18          Child Care Officer, or the Superintendent, whoever,  
19          that -- most children, if I remember correctly -- I am  
20          correct -- children were admitted through the office so  
21          they had to -- a Child Care Officer had to come up with  
22          the child and speak to the Superintendent about why this  
23          child was coming into care, etc, etc. Then more than  
24          likely I would -- or some member of staff -- the  
25          Superintendent would decide which unit or group they

1           should go into and then a member of staff was brought up  
2           to the office to be introduced to the child and be told  
3           by the Child Care Officer why the child is coming into  
4           care, etc, etc, and then we would go back and tell the  
5           other members of staff, etc.

6           MS LESLIE: So at that point you would know why the child  
7           had come in.

8           A. Yes.

9           MS LESLIE: What about the next stage, which is how do we go  
10          about working with this child to resolve the difficulty  
11          and secure, you know, a satisfactory outcome for them,  
12          whether it is moving some place else, returning home or  
13          whatever?

14          A. That was the Child Care Officer's responsibility in many  
15          ways. As a residential Child Care Officer you were  
16          caring for the child on their personal day-to-day basis,  
17          but it was the Child Care Officer's responsibility to do  
18          the work with the family or whatever to try and  
19          discharge the child if possible back to their family, or  
20          their responsibility to say "No actually I think this  
21          child should be fostered long-term, or go to a Family  
22          Group Home", etc. Although, sorry, as a residential  
23          officer you might be asked an opinion at a review or  
24          whatever.

25          MS LESLIE: Were you ever asked to undertake a piece of work

1           with a child towards achieving a particular end for that  
2           child?

3           A.   At that time that wasn't done.  That's later in life  
4           when we used to do family -- life story work and things  
5           like that.  That came in I think probably in the late  
6           1990s, 2000, rather than in the 1980s.

7           MS LESLIE:  So would it be fair to say that at that stage  
8           your focus was on the day-to-day care of the child, that  
9           there was no sense of being part of a plan for the  
10          child, or working towards a particular outcome?

11          A.   Absolutely, yes, that's right.

12          MS LESLIE:  Thank you.  Some of the evidence we have heard,  
13          Mr K, around the older children at Haut de la Garenne,  
14          the teenagers particularly, suggests that there was  
15          a sort of sexually charged atmosphere at times; you had  
16          these children going through puberty, sort of hormones  
17          coursing round and you had males and females together.  
18          Was this something you were ever aware of?

19          A.   Absolutely not when I was working there.  I wasn't aware  
20          of it at all.  In fact I think -- I don't think boys and  
21          girls were encouraged to go -- most certainly weren't  
22          encouraged to go out with each other and have  
23          boyfriend/girlfriend status, but I have read since in  
24          the transcripts that this occurred and it is rather  
25          upsetting actually.

1 MS LESLIE: Were there any precautions taken during your  
2 time there to keep the sexes separate for certain  
3 activities, or to discourage these kinds of  
4 relationships?

5 A. Well, the bedrooms were on different floors in often  
6 cases. We were aware that -- there was never -- there  
7 were separate toilets, separate showers, you know, so  
8 everything was done -- I believe the -- it is a bit like  
9 your 14-year old daughter going down and out for a walk  
10 in the park and meeting her 14-year old boy, you don't  
11 know that's happening and we didn't know it was  
12 happening either.

13 MS LESLIE: Were you ever aware of any complaints being made  
14 by any of the girls at that time about the attentions of  
15 some of the boys in the establishment?

16 A. No, I wasn't.

17 MS LESLIE: When you first went there you were a 17-year old  
18 young man. As you said, you had a life outside, you had  
19 a car and presumably you would have attracted the  
20 attention of some of the teenage girls there. Was that  
21 ever an issue for you, the attention of the older girls  
22 in the establishment?

23 A. No, it wasn't. I was very comfortable in not having any  
24 of that sort of attraction.

25 MS LESLIE: Thank you. The final area I want to ask you

1           about is something you mentioned in your statement. If  
2           we can go to paragraph 77 of your statement  
3           {WS000544/15}, which is the section about staff parties  
4           that you refer to. Can I ask you were you ever present  
5           at a party given by staff in Haut de la Garenne?

6           A. I believe I was present at one. It was in the large  
7           dining area and the children were -- it would have been  
8           at Christmas and the children were moved into different  
9           dormitories to separate them from the noise, etc, and --  
10          but I don't recall very much of it, I was very young at  
11          the time. I think it was probably my first time there  
12          and I don't think there was ever another party there.  
13          Well, I know I wasn't invited to another party, besides  
14          in the private accommodation.

15          MS LESLIE: So you are making a distinction there between  
16          something that happened in the wider premises and  
17          something which happened in the staff accommodation.

18          A. Yes.

19          MS LESLIE: What about in staff accommodation, were you ever  
20          present at parties there?

21          A. Absolutely, yes. You had seven young people in a flat,  
22          yes there were sometimes parties. Not huge parties, but  
23          parties, yes, birthday parties, New Year's Eve.

24          MS LESLIE: Were people who were not members of staff ever  
25          present at those parties?

1       A. Absolutely, yes. Boyfriends, girlfriends, other people  
2       who we knew.

3       MS LESLIE: And were children ever present at any of those  
4       parties?

5       A. Never, never. Children -- the rule was, for my  
6       particular flat, which was the seven-bedroom flat, was  
7       that children never came through that door. I had  
8       a young girl who I used to pay to do my ironing -- she  
9       was grateful for the extra pocket money and I was  
10      grateful for my ironing -- and she would knock on the  
11      door and I would get my ironing from her, she never went  
12      through that door. I had never seen a child in that  
13      flat. There were strict rules about that.

14      MS LESLIE: Looking back on it now, what would be your  
15      thoughts on the appropriateness of staff parties in an  
16      establishment that is essentially the home of the  
17      children who are living there?

18      A. It was also essentially the home of the staff who were  
19      living there, many of whom who were not resident in the  
20      Island -- non-residents to the Island and I -- we  
21      wouldn't do it now obviously, but at that time I think  
22      it was quite accepted. It was a different world then,  
23      can I say. I can remember -- no, I can't say that,  
24      sorry. I can remember similar things occurring in my  
25      other employment.

1 MS LESLIE: What is it now that leads you to say it wouldn't  
2 happen now, or it wouldn't be appropriate now?

3 A. Because for a start you wouldn't allow any alcohol on  
4 the premises. There is no alcohol allowed on any of the  
5 Children's Services premises and things like that now,  
6 where it was -- in a large institution which was other  
7 people's homes it was allowed, but now there's nobody  
8 who lives on-site so alcohol isn't allowed on any  
9 premises, full stop really, and it is not anybody's  
10 home. The staff go in, work and come out again. This  
11 was the staff's home, you must remember that.

12 MS LESLIE: On these occasions when there were parties were  
13 there members of staff who were on duty and did they  
14 attend the party, or did they --

15 A. They wouldn't have attended the party if they had been  
16 on duty. They would have come after they had finished  
17 their duty. They wouldn't have come when they were on  
18 duty, no, absolutely not.

19 MS LESLIE: Thank you.

20 THE CHAIR: Thank you, Ms Leslie. Mr Sadd, are there any  
21 questions from you arising from the Panel's questions?  
22 One question, right.

23 Further questions from COUNSEL TO THE INQUIRY.

24 MR SADD: Mr K, in response to a question posed to you by  
25 Professor Cameron, you said this -- I'm paraphrasing,

1           perhaps not very felicitously -- you said Morag Jordan  
2           not a role model when you were there in a different  
3           capacity from your work capacity. We know from the  
4           dates of when Morag Jordan worked at Haut de la Garenne  
5           that she was there from 1971, if I remember rightly, to  
6           the early 1980s and you were present in  
7           Haut de la Garenne in your other capacity in the late  
8           1970s. Just so that the Panel can understand, what's  
9           the distinction you draw between Morag Jordan being  
10          a role model at one particular time of your time at  
11          Haut de la Garenne and not at another time? Could you  
12          explain that?

13        A. Absolutely. I was a [REDACTED] in Claymore, the  
14        children's unit, that's where I did all my work with ...  
15        Morag worked in Baintree which was the other side of the  
16        house. I never saw her particularly for any length of  
17        time -- maybe at the swimming pool, but besides that  
18        I would not have seen her caring for the child because  
19        I never went into Baintree, I only went to Claymore. So  
20        it was only when I was employed that I was employed in  
21        Baintree that I saw Morag. As I say, I worked with her  
22        very infrequently as we basically worked opposite  
23        shifts.

24        MR SADD: I understand. Thank you very much. Thank you,  
25        Madam Chair.

1 THE CHAIR: Thank you. Mr K, that completes your evidence.

2 Is there anything further that you would like to add?

3 A. I would just like to ask Mr Sadd, if I may: you were  
4 saying earlier that there were five people who have made  
5 false allegations against me who did not apply to the  
6 Redress Scheme, am I correct in that?

7 MR SADD: Yes.

8 A. Does that include the three who are deceased?

9 MR SADD: Yes, it does.

10 A. So there are indeed two. Thank you.

11 I just want to emphasise that I have made complaints  
12 to the police and to my employer about the way I have  
13 been treated and I would like to emphasise that both of  
14 these have been dealt with internally and absolutely in  
15 my opinion unsatisfactorily and I would like that to be  
16 recorded.

17 MR SADD: Mr K, I am mistaken. I'm looking back at my notes  
18 here and of those five people in fact it is only one who  
19 has died. Forgive me, I got that wrong.

20 THE CHAIR: Thank you, Mr Sadd, for that correction.

21 A. Sorry, there is only one that's died?

22 THE CHAIR: Yes.

23 Now, Mr K, can I thank you for attending yesterday  
24 and today. That completes your evidence to this Inquiry  
25 and we would like to thank you for the contribution you



1           perceived failure of Social Services to prevent the  
2           abuse that she suffered, the justice system in Jersey  
3           and the perceived failings of the States of Jersey  
4           Police.

5           In her statement she outlines the violent and  
6           abusive home life that she suffered, stating that her  
7           mother regularly shouted at her and hit her for the  
8           slightest thing.

9           She goes on to describe how she and her [REDACTED]  
10          were sexually abused by her father and how her father  
11          was prosecuted for this at the time, but only spent two  
12          weeks in prison.

13          She describes sexual abuse by her father over  
14          a number of years and how she was repeatedly raped for  
15          a period of around three months. She exhibits the  
16          statements that she provided to the States of Jersey  
17          Police at {WD005188} and there is no need to turn to  
18          that.

19          Members of the Panel, 64 describes her father's  
20          arrest in [REDACTED] and alleges that she was bribed by  
21          an ex-member the Honorary Police so that she wouldn't  
22          testify against him. She states that her father was  
23          tried in [REDACTED] in relation to sexual abuse of her  
24          and another. She states that her father was found  
25          guilty of some of these offences but not in respect of

1           those relating to herself.

2           In terms of the Social Services she recalls being  
3           visited by a Mrs Margaret Thornton who she describes as  
4           her family's Children's Officer. She states that she  
5           doesn't recall any contact with Mrs Thornton even after  
6           her father's first conviction.

7           She is critical of the child care system in Jersey,  
8           Members of the Panel, as you will see from the  
9           statement, and states that the main reason for this is  
10          that her father continued to abuse her even after he was  
11          released from prison. She asks rhetorically why  
12          a convicted paedophile was allowed to return to the  
13          family home.

14          Members of the Panel, that concludes the evidence to  
15          be presented and of course you will read the statement  
16          and exhibits at a later stage.

17          THE CHAIR: Mr Livingston, as I indicated yesterday, and  
18          I make clear throughout these hearings, the Panel will  
19          read and consider all statements to which we are  
20          referred. Thank you.

21          MR LIVINGSTON: I am grateful. That is the end of the  
22          public evidence for today, Madam Chair. There will be  
23          a very short private session after lunch which we could  
24          do at 2 o'clock if that suits.

25          THE CHAIR: And the team will need time to change



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15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

Witness 7 (sworn) .....1

    Questions from COUNSEL TO THE INQUIRY .....1

    Questions from THE PANEL .....86

    Further questions from COUNSEL TO THE .....105  
    INQUIRY.

Witness 64 (evidence read into the .....107  
    record)

|   |   |   |   |   |   |  |
|---|---|---|---|---|---|--|
| <p><b>A</b></p> <p><b>abandoned (1)</b> 82:24<br/> <b>able (2)</b> 6:18 34:16<br/> <b>absconding (2)</b> 36:7<br/> 36:11<br/> <b>absolute (1)</b> 77:7<br/> <b>absolutely (19)</b> 26:10<br/> 41:1 52:21 62:3<br/> 68:2 69:5 71:24,25<br/> 72:1,20 73:10 86:9<br/> 100:11,19 102:21<br/> 103:1 104:18<br/> 105:13 106:14<br/> <b>abuse (13)</b> 7:22 31:9<br/> 62:10 63:22 64:7<br/> 74:5 79:7 84:23<br/> 85:4 108:2,13,23<br/> 109:10<br/> <b>abused (9)</b> 20:14<br/> 38:25 47:17 52:19<br/> 59:13 61:15 64:3<br/> 67:5 108:10<br/> <b>abusing (2)</b> 31:11<br/> 92:10<br/> <b>abusive (2)</b> 33:23<br/> 108:6<br/> <b>accept (10)</b> 16:12,16<br/> 19:1 42:13 47:16<br/> 63:3 70:2,16 72:16<br/> 82:2<br/> <b>acceptable (1)</b> 16:5<br/> <b>accepted (3)</b> 16:17<br/> 97:11 103:22<br/> <b>access (3)</b> 89:14,14<br/> 94:16<br/> <b>accommodation (7)</b><br/> 35:16,19 89:2,7<br/> 102:14,17,19<br/> <b>accompany (1)</b> 3:6<br/> <b>account (8)</b> 3:17<br/> 30:23 44:25 52:14<br/> 57:3 58:11 66:19<br/> 73:3<br/> <b>accounts (2)</b> 71:11<br/> 82:3<br/> <b>accusation (1)</b> 49:4<br/> <b>accused (2)</b> 62:9 92:9<br/> <b>achieving (1)</b> 100:1<br/> <b>acne (2)</b> 56:11,12<br/> <b>acquaintance (1)</b><br/> 72:25<br/> <b>act (2)</b> 16:11 79:2<br/> <b>acted (1)</b> 79:1<br/> <b>acting (3)</b> 39:19 40:6<br/> 45:9<br/> <b>action (5)</b> 71:22 73:22<br/> 75:23,24 76:1<br/> <b>actions (4)</b> 25:7 26:11<br/> 26:13 85:16<br/> <b>activities (2)</b> 27:9<br/> 101:3<br/> <b>acts (1)</b> 25:9<br/> <b>actual (1)</b> 87:9<br/> <b>add (13)</b> 11:12 34:8<br/> 50:7,14 52:15<br/> 53:10 58:13 69:23<br/> 77:4,8 82:13,17<br/> 106:2<br/> <b>addition (1)</b> 22:23<br/> <b>additionally (2)</b> 22:17<br/> 24:21<br/> <b>address (1)</b> 32:1<br/> <b>addressed (1)</b> 52:8<br/> <b>addressing (4)</b> 6:6<br/> 36:22 37:4 56:19<br/> <b>adequate (3)</b> 37:10<br/> 43:5 47:11<br/> <b>adjourned (1)</b> 110:10</p> | <p><b>administration (2)</b><br/> 93:25 94:3<br/> <b>admissions (1)</b> 33:13<br/> <b>admitted (1)</b> 98:20<br/> <b>adolescent (2)</b> 19:10<br/> 19:11<br/> <b>adolescents (4)</b> 37:1<br/> 41:17 42:19,23<br/> <b>adopted (1)</b> 69:3<br/> <b>adult (1)</b> 55:17<br/> <b>advantage (1)</b> 74:7<br/> <b>Affairs (1)</b> 74:15<br/> <b>afternoon (7)</b> 1:24<br/> 28:1 41:7 44:14<br/> 88:6 107:16,17<br/> <b>age (4)</b> 4:17 15:14<br/> 16:7 41:21<br/> <b>aged (8)</b> 22:13,20,22<br/> 23:2 24:12,20,25<br/> 25:2<br/> <b>ages (1)</b> 15:11<br/> <b>ago (7)</b> 4:1 30:5 59:22<br/> 81:12 94:18,19,25<br/> <b>agree (5)</b> 12:9,12<br/> 45:25 46:8 47:9<br/> <b>agreed (1)</b> 11:11<br/> <b>ahead (1)</b> 69:1<br/> <b>albeit (2)</b> 30:7 34:18<br/> <b>alcohol (3)</b> 104:3,4,8<br/> <b>Alderney (1)</b> 85:24<br/> <b>allegation (25)</b> 50:5,9<br/> 50:16,19,20,23<br/> 52:9,12,23 53:4,9<br/> 53:11 54:8,24 57:4<br/> 57:9 58:21,24 59:1<br/> 59:2 66:15 68:19<br/> 72:3 76:7,10<br/> <b>allegations (51)</b> 48:8<br/> 48:11,16,18 49:19<br/> 49:21 53:6,15,23<br/> 54:1,17 58:14 59:4<br/> 59:8,11,14,15,17<br/> 59:19,24 60:6,12<br/> 60:16,19,24 61:2<br/> 62:4 63:4 64:24<br/> 65:1 66:12 68:5,6<br/> 68:16,16 71:8,17<br/> 71:19 73:20,23<br/> 75:21,25 76:4,13<br/> 76:21 77:23,25<br/> 79:5 82:2 84:23<br/> 106:5<br/> <b>alleged (8)</b> 7:22 49:2<br/> 54:22 58:21 63:22<br/> 71:13 72:6 84:20<br/> <b>allegedly (2)</b> 51:7<br/> 63:14<br/> <b>alleges (1)</b> 108:20<br/> <b>allocated (4)</b> 3:1,12<br/> 5:4 12:23<br/> <b>allow (4)</b> 9:3 104:3<br/> 107:10 110:1<br/> <b>allowed (8)</b> 9:13<br/> 26:16 29:24,24<br/> 104:4,7,8 109:12<br/> <b>allowing (1)</b> 16:14<br/> <b>alternative (1)</b> 35:4<br/> <b>amounted (1)</b> 11:20<br/> <b>amounts (1)</b> 83:23<br/> <b>and/or (2)</b> 33:23<br/> 55:17<br/> <b>angry (1)</b> 24:18<br/> <b>answer (13)</b> 4:1 10:2<br/> 11:25 14:10 46:25<br/> 65:20,24 66:2,8<br/> 67:24 72:15 79:25<br/> 80:12<br/> <b>answered (2)</b> 14:12<br/> 34:7</p> | <p><b>antagonism (1)</b> 2:21<br/> <b>anticipate (3)</b> 12:23<br/> 72:15 83:3<br/> <b>anybody (4)</b> 6:11<br/> 40:13 74:8 97:10<br/> <b>anybody's (2)</b> 97:11<br/> 104:9<br/> <b>anyway (3)</b> 18:5 31:24<br/> 74:19<br/> <b>apart (2)</b> 33:12 54:18<br/> <b>apologise (3)</b> 73:12<br/> 77:16 86:13<br/> <b>apologised (2)</b> 85:16<br/> 86:8<br/> <b>apology (1)</b> 85:17<br/> <b>apparently (1)</b> 40:22<br/> <b>appear (2)</b> 11:4 72:12<br/> <b>appeared (1)</b> 46:24<br/> <b>appears (4)</b> 32:24<br/> 40:16,17 76:17<br/> <b>appetising (1)</b> 37:10<br/> <b>applications (1)</b> 60:25<br/> <b>applied (1)</b> 89:19<br/> <b>applies (1)</b> 62:8<br/> <b>apply (1)</b> 106:5<br/> <b>appointment (2)</b><br/> 91:10,11<br/> <b>approach (3)</b> 20:12<br/> 49:8 69:3<br/> <b>approached (3)</b> 7:9<br/> 9:18 61:17<br/> <b>approaches (1)</b> 74:10<br/> <b>approaching (1)</b> 69:21<br/> <b>appropriate (4)</b> 47:20<br/> 78:1 83:4 104:2<br/> <b>appropriately (1)</b><br/> 31:18<br/> <b>appropriateness (1)</b><br/> 103:15<br/> <b>April (5)</b> 1:1 12:20<br/> 36:16,17 110:10<br/> <b>arbitrary (1)</b> 71:11<br/> <b>area (7)</b> 5:16 6:12<br/> 47:23 56:3 94:5<br/> 101:25 102:7<br/> <b>areas (3)</b> 33:16 42:3<br/> 56:5<br/> <b>arising (1)</b> 104:21<br/> <b>Army (1)</b> 88:14<br/> <b>arrangement (1)</b><br/> 91:15<br/> <b>arrest (11)</b> 68:24,25<br/> 72:7 75:11,16<br/> 76:15,15,23 78:4<br/> 78:14 108:20<br/> <b>arrested (2)</b> 77:7<br/> 86:10<br/> <b>arrive (1)</b> 64:1<br/> <b>arrived (1)</b> 62:18<br/> <b>aside (2)</b> 67:11,12<br/> <b>asked (15)</b> 4:18,20,23<br/> 5:1 37:5 50:20<br/> 61:18 69:22 77:5<br/> 77:10 78:8 82:14<br/> 83:1 99:23,25<br/> <b>asking (6)</b> 25:5 74:12<br/> 74:13,16 78:15<br/> 94:20<br/> <b>asks (1)</b> 109:11<br/> <b>assailants (1)</b> 55:17<br/> <b>assault (6)</b> 55:18<br/> 58:22 76:4,6,8,11<br/> <b>assaulted (4)</b> 22:14,23<br/> 54:6,11<br/> <b>assaults (6)</b> 24:6 51:8<br/> 63:15 71:12,13<br/> 76:5<br/> <b>assertion (1)</b> 76:20<br/> <b>assessed (1)</b> 55:16</p> | <p><b>assessment (2)</b> 43:23<br/> 78:6<br/> <b>associated (2)</b> 46:4<br/> 71:3<br/> <b>Assume (1)</b> 71:8<br/> <b>assured (1)</b> 22:6<br/> <b>asylum (1)</b> 55:19<br/> <b>atmosphere (1)</b><br/> 100:15<br/> <b>attempt (1)</b> 60:19<br/> <b>attend (2)</b> 42:4<br/> 104:14<br/> <b>attended (4)</b> 8:13<br/> 90:18,21 104:15<br/> <b>attending (2)</b> 90:1<br/> 106:23<br/> <b>attention (9)</b> 8:16<br/> 12:23 13:5 41:14<br/> 57:16 77:22 91:21<br/> 101:20,21<br/> <b>attentions (1)</b> 101:14<br/> <b>attitude (3)</b> 17:1,4<br/> 42:21<br/> <b>attitudes (2)</b> 16:25<br/> 43:8<br/> <b>Attorney (11)</b> 50:25<br/> 57:12 58:2 62:18<br/> 62:24 64:17,22<br/> 65:2,4 67:7 69:1<br/> <b>attracted (1)</b> 101:19<br/> <b>attraction (1)</b> 101:24<br/> <b>au (1)</b> 63:23<br/> <b>Aubin (2)</b> 91:24 92:7<br/> <b>authority (1)</b> 79:1<br/> <b>automatic (1)</b> 33:19<br/> <b>available (4)</b> 70:3<br/> 75:19 76:14,22<br/> <b>Aviemore (1)</b> 32:20<br/> <b>aware (29)</b> 4:20 5:12<br/> 11:7 14:2,3,6,10<br/> 16:18,20 20:3<br/> 27:17 28:5 29:21<br/> 34:10,12 39:3,14<br/> 47:14 51:24 52:7<br/> 53:21,22 56:11<br/> 82:20 95:16 100:18<br/> 100:19 101:6,13<br/> <b>Awareness (1)</b> 68:4<br/> <b>awfully (1)</b> 19:24</p> | <p><b>B</b></p> <p><b>B (1)</b> 18:21<br/> <b>back (30)</b> 2:10 4:1<br/> 14:15 16:5 22:21<br/> 36:7 38:23 45:4<br/> 50:17 53:7 56:1,4<br/> 56:15 62:1,19<br/> 64:21 68:22 71:4<br/> 78:18 82:18 86:7<br/> 86:23 87:1 94:20<br/> 99:4,19 103:14<br/> 106:17 107:4,6<br/> <b>background (1)</b> 72:5<br/> <b>bad (9)</b> 31:14,15<br/> 37:25 38:17,21,22<br/> 38:23,25 39:2<br/> <b>badly (1)</b> 45:9<br/> <b>Bailhache (1)</b> 72:23<br/> <b>Baintree (3)</b> 105:15,19<br/> 105:21<br/> <b>banned (1)</b> 15:13<br/> <b>Barrie (1)</b> 75:2<br/> <b>base (2)</b> 46:19 64:9<br/> <b>based (3)</b> 64:12 77:19<br/> 84:3<br/> <b>basically (2)</b> 86:7<br/> 105:22<br/> <b>basis (13)</b> 3:1 4:6 36:7<br/> 39:2 43:3 60:7<br/> 62:18 63:17 83:25<br/> 87:24 91:6 92:5<br/> 99:16<br/> <b>bathroom (1)</b> 89:6<br/> <b>Bay (1)</b> 84:5<br/> <b>bear (3)</b> 35:9 57:13<br/> 82:6<br/> <b>bed (2)</b> 22:19 26:22<br/> <b>bedroom (2)</b> 13:8<br/> 89:5<br/> <b>bedrooms (1)</b> 101:5<br/> <b>beg (1)</b> 86:7<br/> <b>beginning (1)</b> 86:24<br/> <b>begins (1)</b> 77:23<br/> <b>behalf (1)</b> 74:8<br/> <b>behaved (1)</b> 31:16<br/> <b>behaviour (6)</b> 22:11<br/> 23:15 30:25 33:20<br/> 33:23 34:1<br/> <b>belief (5)</b> 63:11 66:25<br/> 67:1 75:16,20<br/> <b>believe (44)</b> 3:22,24<br/> 8:20 10:5,6 11:2,17<br/> 16:20 26:18 30:1<br/> 32:17 36:3,9 43:7<br/> 46:16 48:21 49:3,3<br/> 50:21 52:24 53:5,5<br/> 59:21 61:24 63:12<br/> 63:20 65:22 66:24<br/> 70:21,25 77:18<br/> 78:20 79:17 80:18<br/> 81:6 85:5,6,12,14<br/> 89:8,25 97:16<br/> 101:8 102:6<br/> <b>believed (2)</b> 54:18<br/> 96:2<br/> <b>benefit (1)</b> 18:8<br/> <b>best (12)</b> 9:15 26:17<br/> 31:4 44:18 69:21<br/> 79:3,10,15,15<br/> 80:15,19,19<br/> <b>better (2)</b> 44:20 82:9<br/> <b>beyond (2)</b> 20:21<br/> 45:12<br/> <b>big (1)</b> 88:16<br/> <b>birthday (1)</b> 102:23<br/> <b>bit (4)</b> 18:21,23 89:21<br/> 101:8<br/> <b>bites (1)</b> 56:8<br/> <b>bitter (2)</b> 69:3 72:8<br/> <b>black (1)</b> 55:25<br/> <b>blamed (1)</b> 78:24<br/> <b>blister (1)</b> 24:24<br/> <b>block (1)</b> 55:25<br/> <b>blood (1)</b> 24:24<br/> <b>board (2)</b> 94:22,24<br/> <b>bods (1)</b> 25:23<br/> <b>body (1)</b> 55:1<br/> <b>book (4)</b> 8:8 96:5,6<br/> 97:16<br/> <b>born (2)</b> 61:4 107:25<br/> <b>bottom (8)</b> 15:11 16:5<br/> 48:12 50:17 61:11<br/> 65:5 75:14 80:21<br/> <b>boundaries (4)</b> 16:14<br/> 16:19,20 17:7<br/> <b>boy (7)</b> 22:23 24:21<br/> 24:22 25:1 28:18<br/> 51:20 101:10<br/> <b>boy's (1)</b> 24:25<br/> <b>boyfriend/girlfriend...</b><br/> 100:23<br/> <b>Boyfriends (1)</b> 103:1<br/> <b>boys (8)</b> 15:4 22:15<br/> 24:7,13,17 26:24<br/> 100:20 101:15<br/> <b>brackets (1)</b> 37:13<br/> <b>branded (3)</b> 54:11,23</p> | <p>57:21<br/> <b>branding (1)</b> 55:1<br/> <b>bread (1)</b> 37:11<br/> <b>break (10)</b> 45:17,20<br/> 47:20,24 48:3 83:5<br/> 83:9,20 107:13<br/> 110:6<br/> <b>brided (1)</b> 108:20<br/> <b>bridges (2)</b> 35:21<br/> 36:12<br/> <b>brief (1)</b> 35:23<br/> <b>briefly (4)</b> 30:7 51:2<br/> 72:23 107:24<br/> <b>bring (2)</b> 57:12 63:8<br/> <b>bringing (1)</b> 82:9<br/> <b>broad (1)</b> 82:2<br/> <b>broken (1)</b> 7:14<br/> <b>brought (5)</b> 8:16<br/> 57:17 82:6 98:11<br/> 99:1<br/> <b>building (11)</b> 6:8,9,10<br/> 6:17 7:3,11,14<br/> 26:20 27:22 43:13<br/> 46:15<br/> <b>built (2)</b> 30:20 47:15<br/> <b>bullied (2)</b> 23:6 51:16<br/> <b>bully (1)</b> 23:19<br/> <b>bullying (8)</b> 11:23<br/> 40:17 51:18,22,24<br/> 52:1,5,7<br/> <b>burning (1)</b> 57:4<br/> <b>burns (4)</b> 54:21 56:7<br/> 56:16 57:20<br/> <b>burnt (3)</b> 54:11,22<br/> 57:21<br/> <b>business (1)</b> 92:21<br/> <b>busy (1)</b> 6:17<br/> <b>butt (1)</b> 40:16<br/> <b>buying (1)</b> 90:5<br/> <b>buzzed (1)</b> 32:18<br/> <b>buzzer (2)</b> 32:18,19</p> | <p>12:24 16:2 19:12<br/> 20:1 22:12 23:4,11<br/> 24:1,7 29:17 42:19<br/> 43:9 44:7 46:23<br/> 47:3,4 52:3 53:18<br/> 62:5 71:10,19 82:6<br/> 88:9,20 92:15<br/> 93:25 94:4 97:17<br/> 97:25 98:2,11,17<br/> 98:18,21,23 99:3,4<br/> 99:14,15,17 100:8<br/> 109:7<br/> <b>career (2)</b> 89:1,14<br/> <b>careful (1)</b> 65:23<br/> <b>carefully (1)</b> 62:22<br/> <b>caring (5)</b> 20:6,7 42:20<br/> 99:16 105:18<br/> <b>carpark (3)</b> 28:24 29:9<br/> 29:23<br/> <b>carried (8)</b> 24:6 27:8<br/> 27:15,18 28:19<br/> 43:1 79:20 81:25<br/> <b>carry (2)</b> 44:18 79:9<br/> <b>case (8)</b> 4:21 5:21<br/> 9:22 26:21,24 43:8<br/> 51:6 63:13<br/> <b>cases (4)</b> 48:18 55:18<br/> 55:20 101:6<br/> <b>casual (1)</b> 25:9<br/> <b>categorisation (1)</b><br/> 25:22<br/> <b>caught (1)</b> 13:13<br/> <b>cause (1)</b> 2:13<br/> <b>caused (1)</b> 45:14<br/> <b>causes (2)</b> 56:7,17<br/> <b>causing (1)</b> 75:17<br/> <b>cells (4)</b> 28:9,18,20,22<br/> <b>centre (1)</b> 43:23<br/> <b>centre' (1)</b> 33:10<br/> <b>certain (7)</b> 3:25 39:23<br/> 65:24 70:11 85:18<br/> 92:10 101:2<br/> <b>certainly (8)</b> 8:1 9:22<br/> 19:9 40:11 47:18<br/> 68:15 92:8 100:21<br/> <b>chair (31)</b> 1:3,4,5 22:6<br/> 24:24 35:12 45:16<br/> 45:19 47:19,22<br/> 48:5 69:13 83:2,11<br/> 83:14 86:15,18<br/> 97:21 104:20<br/> 105:25 106:1,20,22<br/> 107:16,17,18<br/> 109:17,22,25 110:3<br/> 110:4<br/> <b>challenge (1)</b> 6:25<br/> <b>challenged (4)</b> 5:25<br/> 6:12,21 7:3<br/> <b>challenges (2)</b> 47:7,11<br/> <b>challenging (1)</b> 7:7<br/> <b>change (1)</b> 109:25<br/> <b>changed (1)</b> 43:8<br/> <b>changing (1)</b> 93:21<br/> <b>Chapman (1)</b> 81:1<br/> <b>character (2)</b> 52:19<br/> 70:6<br/> <b>characterised (3)</b> 19:3<br/> 31:14 74:2<br/> <b>characters (4)</b> 33:14<br/> 53:13 92:10,12<br/> <b>charge (3)</b> 29:19<br/> 74:17 90:5<br/> <b>charged (2)</b> 100:15<br/> 107:2<br/> <b>Charles (1)</b> 37:17<br/> <b>chasing (1)</b> 31:4<br/> <b>chastisement (1)</b><br/> 17:20<br/> <b>chatter (1)</b> 98:15</p> |
| <p><b>C</b></p> <p><b>cabbage (1)</b> 37:10<br/> <b>calculation (2)</b> 11:6,10<br/> <b>call (4)</b> 31:15 77:1<br/> 84:24 85:2<br/> <b>called (5)</b> 61:13,16<br/> 67:2 74:16 80:17<br/> <b>Cameron (46)</b> 86:20<br/> 86:23 87:18,23<br/> 88:8,17 89:2,7,11<br/> 89:18,21 90:3,10<br/> 90:18 91:2,5,15,20<br/> 92:4,14,23 93:2,4,7<br/> 93:12,15,18,23<br/> 94:5,13,19 95:10<br/> 95:16,22,25 96:5,9<br/> 96:11,15,18,22<br/> 97:4,14,20,21<br/> 104:25<br/> <b>camping (4)</b> 59:7 90:5<br/> 90:6,7<br/> <b>campsite (1)</b> 40:19<br/> <b>cane (2)</b> 97:3,11<br/> <b>caned (12)</b> 11:16,17<br/> 12:4 13:1,7,13<br/> 96:16,19,25 97:5,9<br/> 97:18<br/> <b>caning (13)</b> 10:20 11:4<br/> 11:8 12:5,7,10,13<br/> 12:14,18 14:5 37:7<br/> 96:21 97:16<br/> <b>canings (1)</b> 12:8<br/> <b>capacity (5)</b> 36:18,20<br/> 105:3,3,7<br/> <b>car (1)</b> 101:19<br/> <b>care (44)</b> 2:18 3:20</p>  |   |   |   |   |   |  |

|                         |                        |                        |                         |                        |                        |                         |
|-------------------------|------------------------|------------------------|-------------------------|------------------------|------------------------|-------------------------|
| checked (1) 35:10       | chose (2) 74:3,20      | complain (1) 19:22     | continues (1) 30:22     | day-to-day (3) 91:6    | Despite (1) 30:25      | disprove (1) 57:9       |
| cheeky (1) 25:6         | Christmas (3) 1:20 8:3 | complainant's (2)      | contrary (2) 39:11,16   | 99:16 100:8            | destroyed (1) 85:15    | disproved (5) 54:24     |
| chef (1) 6:17           | 102:8                  | 51:6 63:13             | contrasting (1) 32:24   | days (3) 38:22 39:2    | detail (5) 1:23 51:17  | 55:3 57:5 58:10         |
| Chenes (2) 30:20        | cigarette (4) 54:23    | complaint (9) 5:5      | contribution (1)        | 54:16                  | 70:3 73:17,21          | 63:5                    |
| 47:15                   | 56:7,16 57:20          | 63:11 66:15 74:23      | 106:25                  | de (84) 2:1,2,6,11,14  | details (4) 22:8,9     | dispute (1) 58:7        |
| chest (1) 50:10         | circumspection (1)     | 75:15 77:17 78:9       | control (2) 32:2 33:22  | 2:24 3:15 5:6,10       | 73:23 76:8             | disrupted (2) 30:18,19  |
| chickenpox (2) 56:8     | 63:25                  | 78:11,20               | convened (2) 91:2       | 6:2 7:19,23 8:10,14    | detective (1) 70:22    | disruptive (2) 30:14    |
| 56:10                   | circumstances (13)     | complaints (7) 19:25   | 93:15                   | 8:18 10:4 11:8,20      | detectives (3) 70:25   | 33:23                   |
| child (116) 2:18,19     | 9:9 12:2 15:16         | 20:5 29:7 74:21        | converse (1) 8:21       | 12:10,15 13:16         | 83:22 84:2             | distinction (2) 102:15  |
| 3:13,20,21,22 4:3       | 31:13 34:4,9 44:22     | 75:10 101:13           | convicted (1) 109:12    | 16:2 17:12,25 18:8     | detention (30) 27:23   | 105:9                   |
| 4:14,16,17 5:1,1,4      | 51:14 63:10 68:25      | 106:11                 | conviction (1) 109:6    | 19:22 20:11 21:23      | 28:2,5,9,12,18,22      | distract (1) 29:2       |
| 5:5 8:24 11:15 12:4     | 71:16 97:24 98:3       | complete (1) 81:15     | copy (2) 41:20 44:15    | 22:13 23:11 24:8,9     | 29:8,22,25 30:24       | distress (1) 75:18      |
| 12:6,24,24 13:6         | claim (2) 60:19 61:19  | completed (1) 83:22    | cope (2) 34:17 35:9     | 25:16 26:15 29:17      | 31:1 32:8,11,13,14     | disturbed (3) 41:17,21  |
| 14:4 16:2 17:21         | clarify (1) 42:13      | completely (1) 15:13   | cordial (3) 2:7,18 47:5 | 30:6,9,13 31:6 33:4    | 32:25 33:5 34:11       | 47:8                    |
| 18:12,14,21,21,25       | Claymore (3) 13:19     | completes (2) 106:1    | corpal (4) 10:7 14:2    | 33:9 34:9 35:6         | 35:4,7,8,14 36:1,4     | doctor (3) 54:25 55:12  |
| 19:19,21 20:1,9,12      | 105:13,19              | 106:24                 | 14:13 15:3              | 36:19 41:11 42:2,7     | 36:6,8 37:9,18         | 85:24                   |
| 20:20,25 25:18          | clean (1) 24:19        | computer (1) 86:1      | correct (4) 38:15       | 43:14,18 45:2 46:3     | 76:16                  | doctor's (1) 91:10      |
| 29:11 30:9,18,23        | clear (15) 25:7 48:14  | concept (1) 68:19      | 72:20 98:20 106:6       | 46:13,19 47:17         | detention' (3) 33:11   | document (8) 14:22      |
| 31:13,14,15,20          | 48:25 49:8,23          | concern (4) 2:14       | correction (1) 106:20   | 50:10 51:14,19,21      | 33:17,19               | 28:2 34:15,23 35:9      |
| 32:7,14,18,22           | 62:15,17 68:9 79:4     | 92:23 93:7 98:15       | correctly (2) 32:20     | 51:23 52:3,6,10        | determine (1) 83:25    | 35:11 36:16 77:3        |
| 34:10 36:11 38:24       | 80:13 84:10 88:18      | concerned (7) 5:13     | 98:19                   | 57:24 65:17 66:3       | deterrent (1) 18:2     | documentation (2)       |
| 38:24 40:7,15           | 95:5 97:8 109:18       | 15:23 19:4 60:22       | corridor (1) 58:16      | 66:11 68:10 76:9       | devastating (1) 62:3   | 54:12 56:24             |
| 41:20 42:1 43:9         | cleared (2) 107:4,10   | 65:17 78:12 107:6      | corroborating (1)       | 76:12 79:22 81:15      | development (2)        | documents (7) 54:16     |
| 45:6,8,13 46:23         | close (1) 6:3          | concerns (6) 1:18 9:20 | 48:17                   | 82:4 85:7 86:25        | 89:14,22               | 88:18 94:14,15,20       |
| 47:3,4 50:9,10,11       | closely (2) 52:18,20   | 19:18 30:12 91:20      | corroboration (1) 72:5  | 87:16 88:23 89:3       | diary (1) 91:9         | 95:3 96:25              |
| 50:11,17 51:13,13       | clothing (1) 93:20     | 91:24                  | corrupt (1) 81:14       | 89:23 97:25 100:13     | dictat (1) 15:21       | doing (9) 3:24 9:2      |
| 51:15 52:3 55:17        | cold (2) 23:6,17       | conclude (3) 8:4 31:7  | COUNSEL (4) 1:8         | 102:5 105:4,7,11       | died (2) 106:19,21     | 49:9 87:4,19,20,21      |
| 58:22 61:8,12,13        | collated (1) 81:19     | 64:10                  | 104:23 111:4,6          | de-designated (1)      | diet (2) 37:9,22       | 87:22 88:3              |
| 64:11 67:3,5,9 72:2     | collating (1) 61:3     | concluded (2) 25:8     | counselling (1) 64:4    | 33:9                   | diet' (1) 37:19        | domestics (2) 6:14,15   |
| 72:3 84:23 85:4         | colleague (4) 21:7     | 63:11                  | couple (4) 83:22 84:2   | deal (7) 41:16 42:22   | difference (1) 88:19   | door (7) 5:16,17,20     |
| 93:21,21 94:4,11        | 52:17,20,22            | concludes (1) 109:14   | 86:15,17                | 44:15 48:8 68:23       | different (13) 10:21   | 20:3 103:7,11,12        |
| 95:25 96:19 97:17       | colleagues (1) 12:3    | concluding (1) 31:12   | coupled (2) 37:9,18     | 72:22 80:21            | 10:21 36:19,20         | doors (1) 27:2          |
| 98:16,18,21,22,23       | colloquialism (1) 21:8 | conclusion (7) 4:7     | course (23) 23:4        | dealing (1) 65:10      | 43:16 47:21,23         | dormitories (2) 13:17   |
| 99:2,3,6,10,14,15       | come (24) 1:21 5:15    | 26:5 41:24 58:5        | 26:13 31:2 36:17        | dealt (6) 8:11 42:23   | 63:4 71:14 101:5       | 102:9                   |
| 99:16,17,19,21          | 6:9 23:19 29:4         | 63:18 64:1,9           | 40:15 42:4 44:20        | 86:18 92:21 94:21      | 102:8 103:22 105:2     | domitory (1) 33:21      |
| 100:1,2,8,10            | 31:24 36:13 43:20      | 84:15 85:7             | 45:12 49:15 53:22       | 106:14                 | 40:9                   | double (1) 38:9         |
| 103:12 105:18           | 48:9 50:24 53:7        | conducting (1) 70:11   | 54:13 58:12 61:15       | deaths (1) 84:6        | difficult (17) 19:24   | double-sided (1)        |
| 109:7                   | 59:10 64:18 68:3       | confide (1) 25:18      | 64:23 69:24 71:18       | debacle (1) 79:22      | 20:4,11,13 36:22       | 34:23                   |
| child's (2) 4:8 26:21   | 70:6 80:9 81:11        | confidentiality (2)    | 71:21 72:19 77:18       | debatable (1) 76:16    | 36:25 41:16,21         | doubt (6) 3:1 78:25     |
| childhood (1) 23:10     | 87:3 92:1 98:21        | 92:13,14               | 86:19 87:15 96:15       | deceased (1) 106:8     | 42:1,19,22 44:16       | 79:13 83:21 84:24       |
| children (114) 1:22     | 99:7 104:10,16,17      | confirms (1) 42:9      | 109:15                  | December (2) 13:12     | 45:8 47:12 53:19       | 85:3                    |
| 3:1,4,5,8 7:6,25        | comfortable (1)        | 10:23 27:17 30:15      | coursing (1) 100:17     | 13:14                  | 45:8 47:12 53:19       | downstairs (1) 26:23    |
| 8:14,21 9:3,11,12       | 101:23                 | 30:17 36:17 68:15      | court (6) 21:22 23:13   | decide (4) 49:16       | 71:5 96:9              | draft (1) 33:5          |
| 9:18 10:20 13:18        | coming (8) 3:20 30:18  | 30:17 36:17 68:15      | 23:15 24:4 25:8         | 88:13,14 98:25         | difficulties (1) 80:24 | dragged (1) 40:20       |
| 13:21 15:10,13,14       | 32:25 82:3 98:23       | consent (1) 33:14      | 28:10                   | decided (4) 88:11,12   | difficulty (3) 20:9    | drama (1) 77:13         |
| 15:22,24 16:15          | 99:3 107:4,6           | consequence (1)        | courts (3) 47:18 49:10  | 88:15 97:3             | 45:14 99:10            | dramatic (2) 76:1       |
| 17:17,25 18:4,9,11      | comings (1) 5:10       | 15:23                  | 49:16                   | deciding (1) 93:20     | dig (1) 85:8           | 79:21                   |
| 19:12,14,25 20:5        | comment (12) 15:5      | consider (6) 56:25     | cover (1) 21:8          | decision (13) 4:25     | dining (1) 102:7       | drank (1) 38:20         |
| 20:13 22:12,16          | 29:15 37:5 46:21       | 71:7 74:10 79:25       | credence (1) 84:8       | 21:20 29:20 51:1       | dinner (1) 24:15       | draw (1) 105:9          |
| 23:5,17 24:1 25:9       | 49:20 50:8 54:7,8      | 80:13 109:19           | credentials (1) 55:11   | 62:19 67:11,12,15      | direct (5) 4:23 9:24   | drawn (1) 91:21         |
| 28:6,8,11 29:2,8,17     | 57:7,10 83:19          | 86:13                  | credibility (3) 66:24   | 68:3,25 76:17 77:2     | 12:1 32:13 35:3        | dressed (1) 30:1        |
| 29:21,23 30:2,5,8       | 86:13                  | consideration (1)      | 67:1,9                  | 79:9                   | directly (1) 12:17     | drinking (2) 11:22      |
| 30:13,14,17 31:8,8      | commented (2) 41:23    | 29:18                  | crimes (1) 49:2         | decisions (2) 3:23     | disagree (1) 46:9      | 38:19                   |
| 31:11,16,17 32:1        | 64:17                  | considered (2) 9:17    | crisis (2) 98:2,5       | 77:18                  | disappointed (1)       | dripping (1) 37:11      |
| 32:10 33:25 34:2        | commissioned (1)       | 44:19                  | critical (2) 69:3 109:7 | defence (4) 64:19      | 88:12                  | drunk (1) 33:19         |
| 36:6 38:13 39:8,13      | 55:6                   | considering (2) 75:18  | criticised (1) 31:13    | 65:7 74:14,15          | discharge (1) 99:19    | due (3) 70:22 78:21     |
| 39:23 40:1,11,24        | commit (1) 87:11       | 85:22                  | cross-examine (1)       | define (2) 33:16 96:9  | discipline (8) 11:9    | 85:17                   |
| 41:17,21 43:2,4         | committed (1) 7:22     | considers (2) 37:18    | 49:24                   | definitely (2) 39:22   | 12:9 33:12,17          | dug (1) 40:18           |
| 44:7 46:11 47:9,12      | Committee (1) 30:12    | 62:25                  | cross-examined (1)      | 90:1                   | 34:14 35:17 90:8       | Dunsford (1) 13:6       |
| 47:17 48:22 52:4        | common (3) 7:4 17:24   | consistent (3) 56:15   | 1:18                    | demonstrates (1)       | 96:6                   | duration (2) 35:23      |
| 53:17,19 59:22          | 76:4                   | 57:3,11                | crossed (1) 24:9        | 61:20                  | disciplining (1) 36:14 | 76:16                   |
| 64:8 65:9,10 68:7       | commonplace (1)        | consistently (2) 11:22 | cupboard (1) 50:12      | demoralised (1) 82:20  | disclose (1) 65:25     | duties (3) 5:22 13:15   |
| 68:16 82:6,8,10         | 87:20                  | 65:13                  |                         | denies (1) 50:22       | disclosing (1) 65:24   | 23:4                    |
| 87:25 88:11,13,15       | communal (4) 6:12      | conspiracy (1) 70:24   | <b>D</b>                | dentist's (1) 91:10    | discourage (1) 101:3   | duty (12) 26:2,23       |
| 94:1,7 95:21 96:16      | 89:5,6,6               | Constable (1) 9:19     | daily (1) 2:25          | deny (1) 52:16         | discovered (1) 22:25   | 33:15 34:5 38:20        |
| 97:1,25 98:2,7,10       | communicated (2)       | constant (1) 45:24     | damage (1) 56:6         | Department (1) 62:24   | discretion (1) 34:4    | 72:17,19 95:18          |
| 98:19,20 100:13,16      | 91:25 98:10            | constantly (1) 18:12   | danger (1) 45:9         | depending (1) 4:16     | discuss (3) 4:11 41:6  | 104:13,16,17,18         |
| 102:7,8 103:3,5,7       | communicating (1)      | contact (5) 28:8,11    | date (4) 23:22 45:23    | Deputy (1) 27:12       | 93:19                  |                         |
| 103:17                  | 36:10                  | 32:21 47:4 109:5       | 51:18 61:22             | describe (3) 20:21     | discussed (7) 5:14     | <b>E</b>                |
| children's (28) 1:20,21 | communication (1)      | contacting (2) 61:8    | dated (6) 14:23 33:2    | 28:22 108:9            | 10:8 21:24 41:7        | earlier (7) 16:24 19:15 |
| 1:25 2:4,12,15 3:6      | 93:4                   | 85:18                  | 34:25 36:15 55:6        | described (8) 3:5 6:22 | 43:2 90:3 92:6         | 81:23 91:23 94:13       |
| 3:12 4:3,7 5:4 8:23     | communications (1)     | contained (1) 45:1     | 75:3                    | 20:8 36:24 68:14       | discussion (1) 90:10   | 97:23 106:4             |
| 12:22 16:1,13,18        | 89:23                  | containment (1) 45:4   | dates (2) 76:8 105:4    | 94:6 96:1,2            | discussions (1) 93:24  | early (2) 24:12 105:6   |
| 18:10 20:18,19          | community (1) 6:3      | contemporaries (1)     | daughter (1) 101:9      | describes (3) 108:13   | disgraceful (1) 82:22  | Easter (1) 13:2         |
| 33:6 42:25 46:14        | compensation (15)      | 88:6                   | Davenport (1) 13:6      | 108:19 109:3           | disgusting (1) 61:19   | easy (3) 19:21 40:3     |
| 46:18 48:24 71:12       | 53:6 59:11,16,20       | context (1) 17:11      | day (7) 5:17 37:25      | describing (1) 65:9    | disorderly (1) 33:20   | 62:5                    |
| 104:5 105:14 109:4      | 59:25 60:14,17,20      | continuation (1)       | 38:17,22,23,25          | description (4) 24:4   | disparaging (1) 22:4   | eat (1) 24:22           |
| choice (1) 58:9         | 61:17,19,20 63:20      | 89:21                  | 61:16                   | 26:11 28:20 62:7       | disproportionate (1)   | echo (1) 44:12          |
| choose (2) 87:11,14     | 64:5 74:24 75:1        | continued (1) 109:10   |                         | designated (1) 5:3     | 75:17                  |                         |

**editor (1)** 55:21  
**Education (1)** 30:12  
**effect (4)** 30:9,14  
 66:16 93:24  
**eight (2)** 6:15 26:3  
**either (6)** 24:14 25:21  
 34:1 98:2,5 101:12  
**elbow (1)** 24:14  
**element (2)** 92:12,14  
**elicit (1)** 56:17  
**embark (1)** 48:10  
**embryonic (1)** 61:5  
**emerged (1)** 82:4  
**emphasise (2)** 106:11  
 106:13  
**employed (9)** 2:23  
 8:10,18 10:3 24:7  
 52:2 66:4 105:20  
 105:20  
**employee (5)** 11:8  
 12:2 14:8,12 20:10  
**employees (2)** 21:22  
 81:2  
**employer (5)** 67:17,22  
 81:5 82:21 106:12  
**employers (6)** 67:13  
 67:20,25 73:18,20  
 76:2  
**employment (12)** 2:3  
 5:14 24:9 28:5 33:3  
 66:9,15 73:4,15  
 88:10 89:11 103:25  
**encountered (1)** 7:13  
**encouraged (4)** 8:5,6  
 100:21,22  
**endeavoured (1)** 20:2  
**ended (1)** 18:9  
**endemic (1)** 44:4  
**enforce (1)** 33:12  
**enforcing (1)** 37:21  
**engender (1)** 45:6  
**England (1)** 43:21  
**English (2)** 70:21,25  
**enjoyed (1)** 87:15  
**enjoying (1)** 87:25  
**ensure (2)** 80:9 93:8  
**enter (1)** 89:13  
**entered (1)** 6:10  
**entirely (1)** 78:1  
**entitled (1)** 44:23  
**environment (1)** 20:7  
**envisage (1)** 49:1  
**episodes (1)** 25:15  
**equally (2)** 1:16 62:8  
**equipment (1)** 90:6  
**escorting (1)** 28:13  
**especially (1)** 90:23  
**essentially (2)** 103:16  
 103:18  
**established (4)** 41:13  
 45:24 46:2,7  
**establishment (3)**  
 101:15,22 103:16  
**evaluated (2)** 62:22  
 66:4  
**evaluating (1)** 65:14  
**Eve (1)** 102:23  
**evening (1)** 13:2  
**event (2)** 13:22 21:15  
**events (1)** 40:22  
**eventually (1)** 18:16  
**everybody (2)** 30:17  
 110:2  
**evidence (65)** 6:6 7:21  
 10:9 17:3 22:5 23:8  
 24:15 25:3,12  
 28:16 30:2,10 32:9  
 35:24 40:14 42:11  
 44:13 45:16,22

48:17 49:13,15,22  
 50:1,1,25 51:17  
 52:4 54:13 55:8,8  
 57:6 58:9 59:13  
 60:10 61:3 66:22  
 67:18 72:10 74:4  
 75:19,21,23 76:14  
 76:22 78:4 81:12  
 84:8 86:24 91:23  
 94:13 96:18 97:24  
 98:1 100:12 106:1  
 106:24 107:5,15,19  
 107:20,25 109:14  
 109:22 111:7  
**evidential (1)** 63:1  
**ex-member (1)**  
 108:21  
**exactly (1)** 20:17  
**examination (2)** 55:19  
 56:1  
**examine (1)** 58:4  
**examined (1)** 54:24  
**example (2)** 10:14  
 31:19  
**exceptional (1)** 12:11  
**excessive (1)** 11:21  
**exchange (1)** 91:5  
**exclamation (1)** 38:9  
**exclusively (1)** 33:12  
**exhibit (2)** 36:15 75:2  
**exhibited (1)** 55:7  
**exhibits (2)** 108:15  
 109:16  
**expectation (4)** 89:13  
 91:1,16,19  
**expected (3)** 41:16,20  
 71:16  
**expense (1)** 58:3  
**experience (11)** 4:24  
 8:5 12:1 19:24 20:4  
 32:13 42:6 55:23  
 64:10 72:8,14  
**experienced (4)** 80:25  
 81:24 84:6 95:19  
**expert (2)** 56:18 58:4  
**explain (2)** 72:1  
 105:12  
**explained (3)** 10:23  
 36:20 96:21  
**explanation (2)** 44:1,8  
**explore (5)** 31:10  
 46:25 48:11,19  
 55:2  
**explored (1)** 47:2  
**express (1)** 53:8  
**expressed (1)** 18:23  
**expression (1)** 55:3  
**expressly (1)** 15:17  
**extended (1)** 56:3  
**extension (1)** 80:1  
**extensively (2)** 35:13  
 41:8  
**extent (2)** 55:23 56:6  
**extinguished (1)**  
 20:10  
**extra (1)** 103:9  
**extract (2)** 41:3 75:9  
**extracts (1)** 41:6  
**extremely (2)** 20:4  
 33:23  
**eye (1)** 24:25

**F**

**face (6)** 15:17 22:17  
 24:23 25:2 26:22  
 58:23  
**faced (2)** 71:15 80:25  
**faces (3)** 22:18 29:1,9

**facilities (1)** 82:9  
**facing (1)** 29:8  
**fact (26)** 6:1 8:19,20  
 20:15,18 25:12  
 39:8 41:14 42:9  
 44:10 46:19 53:18  
 59:10 61:6 65:4,7  
 71:9,15 72:23  
 77:19 81:23 85:17  
 85:22 88:15 100:20  
 106:18  
**factual (1)** 64:14  
**failing (1)** 24:19  
**failings (1)** 108:3  
**failure (1)** 108:1  
**fair (9)** 10:11 32:9  
 45:22 62:7 69:2  
 75:12 93:23 98:1  
 100:7  
**fait (1)** 63:23  
**fall (3)** 25:21 40:1  
 86:11  
**false (16)** 48:18,20  
 49:1,4 53:14,23,25  
 59:1,2,11,14 60:16  
 61:1 68:16,19  
 106:5  
**familiar (2)** 35:5 69:8  
**family (9)** 4:11 20:16  
 75:17 87:7 99:18  
 99:19,21 100:4  
 109:13  
**family's (1)** 109:4  
**far (8)** 6:18 14:14  
 15:23 19:3 21:7,16  
 60:22 65:16  
**farce (1)** 81:15  
**farms (1)** 8:22  
**father (7)** 20:15  
 108:10,10,13,22,24  
 109:10  
**father's (2)** 108:19  
 109:6  
**favour (1)** 74:6  
**favourites (2)** 39:15  
 39:18  
**favours (1)** 31:17  
**feature (2)** 16:17  
 88:20  
**feel (4)** 9:12 34:7  
 82:23 87:3  
**feelings (1)** 18:24  
**feet (3)** 18:5,10,15  
**feliculously (1)** 105:1  
**fell (1)** 50:11  
**felt (6)** 41:13 42:3  
 46:22 47:2,5 87:24  
**female (3)** 36:14,25  
 66:16  
**females (2)** 92:21  
 100:17  
**field (1)** 88:9  
**fields (1)** 31:3  
**figures (1)** 81:18  
**files (1)** 85:13  
**final (2)** 94:5 101:25  
**finally (1)** 34:3  
**financial (3)** 63:20,21  
 64:4  
**find (8)** 40:3 54:25  
 57:2 61:7 67:16  
 70:9 72:10,10  
**finding (1)** 70:16  
**fining (3)** 17:7,14,25  
**finished (2)** 47:6  
 104:16  
**finishing (2)** 9:7 25:5  
**fire (1)** 11:23  
**first (11)** 22:8 45:20

47:1 61:2 86:20  
 94:8 95:3,19  
 101:17 102:11  
 109:6  
**flist (1)** 22:22  
**fit (1)** 26:11  
**five (9)** 8:12 11:5,10  
 48:12 60:24 78:22  
 106:4,18 107:10  
**fixed (1)** 56:4  
**flat (8)** 16:4 25:25  
 26:1 89:4 102:21  
 103:6,6,13  
**flats (1)** 7:20  
**flick (2)** 69:12,13  
**flight (1)** 27:2  
**floor (1)** 24:24  
**floors (1)** 101:5  
**focus (3)** 82:5,8 100:8  
**follow (7)** 3:4,10 10:2  
 39:25 53:24 67:11  
 67:20  
**followed (14)** 16:1,8,9  
 16:23,23 17:6,7  
 35:14 41:4 67:14  
 71:19 94:12 95:1  
 95:23  
**following (7)** 13:9  
 40:8 45:22 69:24  
 71:7 95:4 107:18  
**follows (3)** 24:5 69:25  
 76:3  
**food (3)** 25:5 89:10  
 93:20  
**football (1)** 9:8  
**forbidden (1)** 15:17  
**force (2)** 79:1 85:14  
**forensic (2)** 55:14,22  
**forgive (9)** 9:7 11:24  
 15:20 37:16 50:24  
 52:2 60:3 85:2  
 106:19  
**forgiven (1)** 31:12  
**forgotten (2)** 1:17  
 91:13  
**form (3)** 4:7 12:11  
 41:12  
**formal (8)** 3:19,22  
 27:20 41:19 65:22  
 74:23 91:16,18  
**formally (2)** 27:15  
 66:4  
**former (3)** 61:7,12,13  
**forms (1)** 17:24  
**forward (7)** 37:7,18  
 44:7,24 59:10 67:8  
 82:3  
**fostered (1)** 99:21  
**founded (9)** 17:9 18:1  
 40:2 66:22 68:23  
 70:1 89:12 107:22  
 108:24  
**four (5)** 6:14 22:12  
 54:16 76:4,4  
**fourth (1)** 77:23  
**France (1)** 90:6  
**frequent (3)** 36:7 39:2  
 90:24  
**frequently (2)** 23:7  
 38:22  
**friends (2)** 75:18 88:5  
**frogmarched (1)**  
 50:11  
**front (4)** 1:12 5:16,17  
 5:20  
**frustrated (1)** 38:13  
**frustrating (1)** 34:22  
**Frustratingly (1)** 34:25  
**fulfilled (1)** 81:4

**full (4)** 2:22 77:25  
 81:21 104:9  
**full-time (2)** 14:8 28:4  
**funds (1)** 83:24  
**further (13)** 9:19 19:7  
 53:8 57:8 66:23  
 70:16 73:8 76:10  
 83:12 104:23 106:2  
 107:5 111:6  
**Furthermore (1)** 65:6

**G**

**gain (5)** 63:21 72:4,13  
 89:20 94:8  
**gained (2)** 78:9 98:14  
**Garenne (84)** 2:1,2,6  
 2:11,14,24 3:15 5:6  
 5:10 6:2 7:19,23  
 8:10,14,18 10:4  
 11:8,20 12:10,15  
 13:16 16:2 17:12  
 17:25 18:8 19:22  
 20:11 21:23 22:13  
 23:11 24:8,9 25:16  
 26:15 29:17 30:6,9  
 30:13 31:6 33:4,9  
 34:9 35:6 36:19  
 41:11 42:2,7 43:14  
 43:18 45:2 46:3,13  
 46:19 47:17 50:10  
 51:14,19,21,23  
 52:3,6,10 57:24  
 65:17 66:3,11  
 68:10 76:9,12  
 79:22 81:15 82:4  
 85:7 86:25 87:16  
 88:23 89:3,23  
 97:25 100:13 102:5  
 105:4,7,11  
**general (11)** 35:19  
 58:2 62:18,24  
 64:17 65:4 67:7  
 69:1 71:2 98:14,15  
**General's (4)** 50:25  
 57:12 64:22 65:2  
**generally (6)** 2:12  
 11:7 30:10 56:2  
 65:11 90:25  
**generated (1)** 36:18  
**getting (2)** 74:6 87:24  
**girl (11)** 22:19,20,21  
 22:22 52:17,18,21  
 52:21,24 66:24  
 103:8  
**girl's (1)** 22:18  
**girlfriends (1)** 103:1  
**girls (11)** 22:14,16  
 23:6,9 26:25 36:23  
 92:17 100:21  
 101:14,20,21  
**give (8)** 10:2 30:22  
 40:15 42:12 49:15  
 61:6 84:7 86:19  
**given (18)** 6:2,7 21:2  
 21:21 29:22 34:19  
 35:24 45:23 46:25  
 47:7 51:18 58:10  
 73:19 78:2 84:17  
 95:17 98:13 102:5  
**go (73)** 4:11 5:1,2,8  
 6:18,19 9:1,12,14  
 10:7,16,18 13:4,11  
 13:17 14:15,20  
 15:19 17:22 18:17  
 19:13 21:19 22:8  
 23:12,20 30:21  
 32:22 33:7 36:8  
 39:4 41:2 45:12

48:24 51:4 53:19  
 55:10,12,24 56:13  
 58:13 62:1,19 63:6  
 64:21,22 68:22  
 69:1 72:4,7,11 73:3  
 75:5 77:3,5 78:18  
 80:23 81:8,15  
 82:18 86:23 87:16  
 88:7,14,14 90:7  
 99:1,4,9,21 100:21  
 100:22 102:2  
 104:10  
**goes (5)** 52:12 55:21  
 55:22 65:12 108:9  
**going (30)** 1:11 4:1  
 8:24 10:1 15:2  
 22:10 34:15 45:15  
 48:13,14 49:19  
 50:4,4 51:1 55:5  
 57:10 66:2 67:22  
 72:13 73:16,21  
 76:19 77:24 86:20  
 88:17 89:16 90:7  
 91:7 100:16 101:9  
**goings (1)** 5:10  
**good (9)** 1:3 15:15  
 64:19 65:3,10,13  
 67:7 107:16,17  
**goodwill (1)** 31:12  
**Gosh (1)** 7:10  
**Gradwell (5)** 79:18  
 81:23 84:3,5 86:10  
**graft (1)** 57:22  
**grateful (4)** 82:10  
 103:9,10 109:21  
**great (4)** 51:17 59:9  
 59:14 73:17  
**greatly (1)** 59:12  
**ground (1)** 40:19  
**grounded (4)** 18:11  
 18:12 19:10,11  
**grounding (5)** 17:8,14  
 17:25 18:2,14  
**group (9)** 15:14 22:24  
 22:25 27:7 33:25  
 41:22 92:15 98:25  
 99:22  
**group's (1)** 33:24  
**groups (1)** 27:6  
**gruel (1)** 37:10  
**guarantee (1)** 10:5  
**Guernsey (1)** 85:23  
**guidance (1)** 16:12  
**guidelines (2)** 15:15  
 33:5  
**guilt (2)** 49:6,16  
**guilty (2)** 49:14  
 108:25  
**gung-ho (1)** 72:12

**H**

**hand (8)** 2:5 3:11,12  
 15:12 16:4 22:17  
 24:23 85:21  
**hand-over (2)** 91:17  
 91:18  
**handling (2)** 75:11  
 78:13  
**handover (1)** 91:6  
**hands (2)** 23:7 37:7  
**happen (8)** 3:18 30:3  
 32:14 39:6,12,16  
 54:9 104:2  
**happened (5)** 18:11  
 50:13 51:11 102:16  
 102:17  
**happening (3)** 43:7  
 101:11,12

**happily (2)** 36:25  
 77:12  
**happy (2)** 77:14 80:8  
**harassment (3)** 80:25  
 81:2 86:3  
**hard (2)** 34:17 35:9  
**harm (1)** 44:19  
**Harper (9)** 76:18  
 79:14,18 80:5  
 81:24 84:4,7 85:18  
 86:11  
**Harper's (4)** 70:22  
 71:1 77:1 78:21  
**hasten (1)** 11:12  
**Haut (84)** 2:1,2,6,11  
 2:14,24 3:15 5:6,10  
 6:2 7:19,23 8:10,14  
 8:18 10:4 11:8,20  
 12:10,15 13:16  
 16:2 17:12,25 18:8  
 19:22 20:11 21:23  
 22:13 23:11 24:8,9  
 25:16 26:15 29:17  
 30:6,9,13 31:6 33:4  
 33:9 34:9 35:6  
 36:19 41:11 42:2,7  
 43:14,18 45:2 46:3  
 46:13,19 47:17  
 50:10 51:14,19,21  
 51:23 52:3,6,10  
 57:24 65:17 66:3  
 66:11 68:10 76:9  
 76:12 79:22 81:15  
 82:4 85:7 86:25  
 87:16 88:23 89:3  
 89:23 97:25 100:13  
 102:5 105:4,7,11  
**head (6)** 1:21 15:17  
 21:1 22:17 23:2  
 24:18  
**heading (1)** 80:22  
**headquarters (1)**  
 85:11  
**heard (7)** 7:21 26:7  
 30:2 38:19 40:14  
 45:2 100:12  
**hearing (2)** 19:17 47:1  
**hearings (1)** 109:18  
**heavily (1)** 87:8  
**heightened (1)** 79:13  
**held (1)** 85:13  
**help (12)** 4:9,10 31:25  
 41:25 42:1 45:13  
 64:4 68:18 73:25  
 74:5,13,16  
**helped (2)** 31:25  
 97:23  
**helpfully (1)** 42:8  
**helping (1)** 87:25  
**henceforth (1)** 33:11  
**highly (1)** 72:13  
**highly (3)** 56:17  
 73:17 74:23  
**hit (5)** 20:20 25:1 59:6  
 88:16 108:7  
**hitting (1)** 21:1  
**holiday (2)** 13:3 90:6  
**holidays (2)** 90:5,8  
**home (38)** 5:1,2 7:7  
 7:25 8:22 11:9  
 14:25 16:13,18  
 18:10 19:8,9 20:18  
 20:19 22:15 26:12  
 42:17,25 46:14  
 48:24 52:11 58:16  
 58:22 59:7 71:12  
 74:15 88:22 91:8  
 92:10 94:21 99:12  
 99:22 103:16,18

104:10,11 108:6  
109:13  
**homes (5)** 20:14 44:8  
62:5 82:5 104:7  
**honest (1)** 85:13  
**Honorary (1)** 108:21  
**hook (1)** 50:12  
**hope (4)** 11:24 15:3  
83:14 107:9  
**hoped (1)** 36:3  
**hopefully (1)** 36:9  
**hormones (1)** 100:16  
**horrendous (1)** 96:14  
**hostile (1)** 35:22  
**hours (2)** 26:3 32:15  
**house (3)** 7:8 77:2  
105:16  
**houses (2)** 8:22 72:20  
**housing (1)** 44:6  
**huge (1)** 102:22  
**hundred (1)** 55:17  
**hurt (1)** 45:11  
**hurting (2)** 45:9,10  
**hypothetical (2)** 71:7  
72:17

**I**

**idea (2)** 7:11 52:5  
**identities (1)** 59:23  
**identity (1)** 59:24  
**imagine (3)** 8:15  
82:15 83:1  
**Impact (1)** 80:22  
**implication (1)** 95:10  
**important (1)** 53:12  
**impossible (1)** 65:24  
**impression (2)** 44:3,3  
**in-between (1)** 27:2  
**in-service (1)** 41:15  
**inadequate (1)** 46:5  
**inadequately (1)** 46:4  
**inappropriately (1)**  
58:15  
**inaudible (1)** 67:7  
**incapable (1)** 63:11  
**incident (4)** 60:9  
66:20,21 67:20  
**incidents (1)** 94:15  
**include (3)** 53:19 56:7  
106:8  
**included (1)** 73:9  
**including (4)** 25:4  
40:17 55:18 65:7  
**inconsistencies (1)**  
56:23  
**indecent (3)** 76:5,8,10  
**indecently (1)** 54:6  
**INDEX (1)** 111:2  
**indicated (2)** 86:15  
109:17  
**individual (6)** 9:4 54:9  
76:8,11 90:12 92:5  
**individuals (4)** 8:11  
23:24 74:1 76:6  
**induction (3)** 95:13,15  
95:17  
**inevitable (1)** 63:10  
**infected (1)** 56:11  
**influence (3)** 74:2,5,6  
**informal (2)** 91:15  
93:4  
**Informally (1)** 93:3  
**information (8)** 58:2  
72:4,9 85:23 91:6  
91:20 98:14 107:6  
**informed (3)** 52:17  
78:10 81:5  
**informing (1)** 85:19

**infrequently (1)**  
105:22  
**injuries (1)** 58:7  
**injury (2)** 55:18 57:23  
**innocence (2)** 49:6,17  
**innocently (1)** 74:9  
**inquiries (1)** 9:19  
**inquiry (46)** 1:8,16  
2:22 7:21 8:4 23:25  
25:22 26:9 30:2,10  
35:24 40:14 42:8  
44:13 45:23 49:22  
49:24 50:1 52:5  
53:12 54:12 55:9  
57:6 58:6 60:11  
62:12 67:21,25  
68:2,18 74:4 80:1,6  
80:6,9,14,19 82:9  
84:24 104:23  
106:24 107:20,22  
110:10 111:4,6  
**Inquiry's (1)** 57:16  
**insect (1)** 56:8  
**inside (1)** 29:1  
**instance (20)** 4:25  
12:5,13,14 17:2  
26:21 42:21 45:8  
52:7 54:4 74:12  
84:20 85:12 90:7  
91:22,24 92:17  
95:3,19 96:21  
**instances (4)** 13:24  
26:21 27:1 96:6  
**instification (5)** 43:17  
46:14,16 52:4  
104:6  
**institutions (2)** 43:20  
44:6  
**instructions (2)** 56:20  
56:21  
**insufficient (1)** 66:22  
**intake (2)** 46:11,12  
**interest (4)** 42:20 43:3  
79:13 87:3  
**interested (5)** 3:17  
34:18,19,20 87:1  
**interesting (1)** 85:20  
**interests (7)** 79:3,11  
79:15,15 80:2,15  
80:20  
**internal (4)** 33:12  
34:14 67:21,25  
**internal' (1)** 33:17  
**internally (3)** 67:14  
76:7 106:14  
**interpretation (1)**  
84:12  
**interrupt (1)** 10:1  
**interrupting (1)** 60:3  
**intervened (2)** 74:8  
74:20  
**intervention (1)** 98:12  
**interview (5)** 11:13  
56:24 72:10 84:3  
84:14  
**interviewed (3)** 50:21  
77:11 78:2  
**introduced (2)** 8:8  
99:2  
**investigate (3)** 72:17  
72:19 78:11  
**investigated (4)** 66:21  
71:17 76:7 78:16  
**investigating (4)** 49:2  
70:7,9 78:9  
**investigation (27)**  
58:4 65:6 70:4,17  
75:12,20 76:13,21  
77:19 78:1 79:5,10

79:16,19,23 80:22  
81:14,21,25 83:23  
84:1,13,16,19 85:3  
85:5,23  
**investigations (2)**  
70:11 79:6  
**invite (1)** 61:5  
**invited (1)** 102:13  
**involved (14)** 2:19,24  
3:8,11 12:17 28:17  
29:16 62:4,8,13  
66:20 72:2 87:8  
88:1  
**involvement (1)** 82:22  
**irksome (2)** 18:19  
40:2  
**ironing (3)** 103:8,10  
103:11  
**Island (9)** 79:7,11,15  
79:16 80:20 82:6,8  
103:20,20  
**Island's (3)** 79:2 80:2  
80:15  
**isolate (1)** 35:21  
**isolated (1)** 88:4  
**isolation (1)** 45:5  
**issue (20)** 6:6 16:6,7  
29:10 31:24 36:22  
37:4 42:11 44:24  
47:21 48:11 54:18  
55:2 58:8 76:23,25  
76:25 78:6 88:21  
101:21  
**issues (1)** 38:2

**J**

**January (1)** 75:3  
**Jason (1)** 55:10  
**Jersey (11)** 1:21 30:20  
43:12,20 44:5  
70:23 107:25 108:2  
108:3,16 109:7  
**Jim (10)** 31:4 37:21,25  
38:17 96:25 97:3,8  
97:10,12,17  
**jokes (1)** 40:17  
**Jordan (25)** 17:2  
21:21,25 22:4,14  
22:23,24 23:5,11  
23:17,18,23 24:1,6  
24:13,22 25:1,3,7  
26:25 27:4 95:6  
105:1,4,9  
**Jordan's (7)** 21:23  
22:11 23:21 24:10  
24:19 26:20 27:9  
**Jordans (2)** 23:16  
26:11  
**Journal (1)** 55:22  
**jovial (1)** 40:23  
**judgment (1)** 21:21  
**July (2)** 13:5,8  
**June (2)** 55:6 61:24  
**junior (3)** 2:16 8:17  
46:21  
**justice (2)** 80:10 108:2  
**justification (1)** 44:1  
**justified (3)** 12:3  
33:18 80:18  
**justifies (1)** 82:5  
**justify (2)** 44:9 78:4  
**justifying (1)** 44:10

**K**

**K (100)** 1:9,24 2:10  
3:10,16 4:13 6:1,5  
7:21 8:7,21 9:9  
11:12,24 13:15

14:15,23 17:17,22  
18:6 21:6,20 22:6  
23:21 25:10 26:15  
27:25 28:16 29:16  
31:10 32:5,23 34:6  
35:10,25 36:13,17  
39:1,25 41:7,23  
43:10 44:12,23  
45:4,21 47:25 48:6  
48:19 49:7,18,23  
50:24 51:18 52:2  
53:2 55:5 56:14  
57:15 58:8 60:24  
62:1,7,21 63:2  
64:24 66:1,13  
67:12,19 68:9,19  
68:24 69:2,13  
70:15,25 71:4,16  
73:22 78:6 79:4,24  
80:11 82:2,25 83:2  
83:12,15 84:10,24  
86:14,15,23 97:22  
100:13 104:24  
106:1,17,23  
**keen (1)** 41:12  
**keep (2)** 22:1 101:2  
**keeping (1)** 8:23  
**Kent (1)** 18:7  
**kept (2)** 86:1,6  
**kind (10)** 31:2,8,20  
38:24 39:8,9 92:4  
95:17 96:6 98:12  
**kindness (1)** 31:21  
**kinds (1)** 101:3  
**Kingswood (1)** 43:21  
**kitchen (1)** 89:5  
**kitchens (1)** 89:10  
**knew (15)** 5:24 6:3,20  
10:3 11:1 26:1 27:4  
37:6 38:4 51:20  
70:5,5 73:23 95:8  
103:2  
**knife (1)** 24:14  
**knock (1)** 103:10  
**knocking (1)** 24:23  
**know (60)** 4:12 5:25  
6:8,21 7:2 8:19,20  
9:23 13:24 14:15  
16:22 19:24 20:2  
24:1 26:13,19  
27:19 29:4 32:17  
34:20 39:11 42:21  
43:24 46:5 51:25  
53:12 57:6 60:15  
60:21,21,23 61:9,9  
66:7 67:10,13,16  
69:17 70:10 71:5  
72:7,8,23,24 74:19  
80:9 90:14,20,22  
91:22 92:18,20  
96:13 99:6,11  
101:7,11,11 102:13  
105:3  
**knowing (3)** 6:11 38:4  
97:10  
**knowledge (6)** 9:24  
43:23 58:1 64:12  
70:13 92:11  
**known (3)** 70:8,8,19  
**knows (1)** 2:22

**L**

**la (85)** 2:1,2,6,11,14  
2:24 3:15 5:6,10  
6:2 7:19,23 8:10,14  
8:18 10:4 11:8,20  
12:10,15 13:16  
16:2 17:12,25 18:8

19:22 20:11 21:23  
22:13 23:11 24:8,9  
25:16 26:15 29:17  
30:6,9,13 31:6 33:4  
33:9 34:9 35:6  
36:19 41:11 42:2,7  
43:14,18 45:2 46:3  
46:13,19 47:17  
50:10 51:14,19,21  
51:23 52:3,6,10  
57:24 60:9 65:17  
66:3,11 68:10 76:9  
76:12 79:22 81:15  
82:4 85:7 86:25  
87:16 88:23 89:3  
89:23 97:25 100:13  
102:5 105:4,7,11  
**lack (3)** 43:11 44:4  
81:5  
**lacking (1)** 70:13  
**Lambert (2)** 41:4,6  
**large (8)** 26:20 43:13  
43:20 44:6 55:25  
70:24 102:6 104:6  
**late (6)** 24:12 46:13  
68:20 90:15 100:5  
105:7  
**latrine (1)** 40:18  
**laudress (1)** 6:16  
**law (2)** 62:23 79:2  
**lawful (2)** 76:15,23  
**lawyer (2)** 61:18  
62:23  
**lawyers (3)** 61:20  
62:23,25  
**Le (1)** 74:12  
**leader (2)** 27:6 93:16  
**leaders (1)** 27:7  
**leads (1)** 104:1  
**league (1)** 61:21  
**learn (2)** 10:10 25:15  
**learned (4)** 10:14  
44:15 81:7,9  
**leave (3)** 7:12 60:10  
107:11  
**leaving (1)** 25:4  
**led (4)** 63:19 64:7  
79:22 84:5  
**left (4)** 1:9 24:24  
32:15 95:20  
**legal (2)** 55:14,22  
**legitimate (1)** 96:2  
**legs (2)** 16:5 50:18  
**length (3)** 10:8 68:24  
105:16  
**lenient (1)** 17:9  
**Lenny (5)** 70:22 71:1  
78:21 80:5 84:4  
**Les (2)** 30:20 47:15  
**lesions (1)** 56:8  
**Leslie (21)** 97:21,22  
98:8 99:6,9,25  
100:7,12 101:1,13  
101:17,25 102:15  
102:19,24 103:3,14  
104:1,12,19,20  
**let's (7)** 17:2 20:25  
38:23 73:14 85:13  
86:11 95:5  
**letter (6)** 64:17,22  
65:2 75:2,5,9  
**level (3)** 2:23 8:17  
46:23  
**life (7)** 31:5 39:24  
88:1 100:3,4  
101:18 108:6  
**light (6)** 57:5 68:17  
71:6 72:17 79:24  
81:21

**lights (2)** 13:9,14  
**liked (1)** 40:24  
**limit (1)** 66:1  
**limited (1)** 4:16  
**limits (1)** 16:14  
**line (1)** 15:10  
**lines (5)** 8:12 44:17  
48:12 78:22 90:16  
**linger (1)** 85:10  
**list (1)** 47:6  
**listened (1)** 25:10  
**listening (1)** 74:4  
**little (3)** 17:5,11 47:7  
**live (2)** 20:14 107:5  
**lived (1)** 26:1  
**lives (2)** 53:19 104:8  
**living (5)** 19:21 88:22  
88:24 103:17,19  
**Livingston (5)** 107:16  
107:17 109:17,21  
110:3  
**locally (1)** 42:5  
**locking (1)** 29:14  
**locum (1)** 16:3  
**long (5)** 18:16,18,19  
44:25 45:17  
**long-term (1)** 99:21  
**longer (4)** 4:20 14:13  
18:14,21  
**look (13)** 10:7 12:19  
15:2,4,20 23:21  
39:4 50:3 51:4 55:5  
56:13 68:4 73:14  
**looked (16)** 8:7,10  
14:22,25 18:6,24  
19:15 27:25 30:7  
36:23 41:23 43:13  
60:12 62:25 71:9  
84:19  
**looking (14)** 1:9 2:10  
11:6 27:23 29:12  
30:21 37:1 45:3  
51:2 75:9 81:1 87:1  
103:14 106:17  
**looks (2)** 34:25 48:15  
**losing (1)** 19:19  
**lost (1)** 21:7  
**lot (2)** 87:19 94:2  
**lounge (1)** 89:6  
**loving (1)** 20:7  
**loyal (1)** 82:23  
**lunch (5)** 24:22 91:14  
109:23 110:2,6

**M**

**Madam (9)** 1:4 45:16  
47:19 83:14 105:25  
107:17,18 109:22  
110:3  
**main (3)** 51:20 57:15  
109:9  
**major (2)** 84:23 85:3  
**majority (4)** 23:10  
41:18 59:20,24  
**making (6)** 29:9 53:14  
53:25 68:16 88:8  
102:15  
**male (3)** 68:7,10  
92:19  
**males (1)** 100:17  
**man (2)** 31:2 101:18  
**manage (1)** 43:2  
**management (2)** 2:25  
81:6  
**managerial (1)** 2:20  
**manhandled (1)** 66:17  
**managed (1)** 5:19  
**manner (4)** 14:19 32:4  
81:21

75:16 80:8  
**Margaret (1)** 109:3  
**mark (1)** 38:9  
**marks (2)** 54:25 57:2  
**Marquand (1)** 74:12  
**material (1)** 65:7  
**matter (5)** 8:15 18:9  
30:18 49:16 62:25  
**matters (6)** 83:12 90:3  
90:8,8 94:21 97:15  
**mature (1)** 56:2  
**mean (13)** 4:10,18  
17:11 27:11,19  
38:25 45:4 48:20  
53:22,24 79:17  
88:2 94:18  
**means (5)** 8:23 12:9  
38:11,12 45:19  
**meant (3)** 46:15 61:22  
79:12  
**mechanisms (1)** 93:5  
**media (2)** 79:13 85:19  
**medical (3)** 55:5,9,13  
**medicine (2)** 55:14,22  
**meet (1)** 91:11  
**meeting (6)** 5:3 90:10  
90:19 92:6,9  
101:10  
**meetings (8)** 3:6  
89:24,25 90:2,4  
91:2 93:13,14  
**member (51)** 2:17  
3:14 7:9 8:2,9  
11:19 14:25 17:8  
18:19 19:18,23  
20:12,16,20,25  
21:5,9 26:24 27:3,3  
27:5 28:3,13 31:19  
32:19,21,22 33:15  
34:5 46:21 66:18  
66:23 67:1,4,9 89:4  
91:12 92:1 94:11  
94:15 95:7,11,19  
95:20 97:2,3,4 98:9  
98:16,24 99:1  
**members (30)** 2:5  
7:22 13:20 17:5  
19:25 20:5,6 21:12  
21:17 25:21 26:22  
27:10,11 29:7  
40:19,20 42:15  
68:7,10 73:1 78:25  
91:21 95:17 99:5  
102:24 104:13  
107:24 108:19  
109:8,14  
**memo (8)** 12:20 33:2  
33:4 35:2 36:18  
37:5 41:4,25  
**memorandum (5)**  
36:15 37:17,23  
38:1,18  
**memory (3)** 29:23  
42:6 60:7  
**memos (6)** 10:20,22  
10:24 11:6 12:19  
47:13  
**mention (2)** 22:3,3  
**mentioned (6)** 21:24  
22:2,7 23:22 43:12  
102:1  
**met (1)** 79:17  
**metal (1)** 24:14  
**method (1)** 11:9  
**Michael (2)** 91:24  
92:7  
**Mick (5)** 79:18 81:23  
84:3,5 86:10  
**mid-20s (1)** 22:13

|  |  |  |   |  |  |   |
|--|--|--|---|--|--|---|
| <p><b>mid-teens (1)</b> 87:18<br/><b>middle (1)</b> 63:8<br/><b>militate (1)</b> 39:17<br/><b>mind (2)</b> 38:3 97:12<br/><b>mine (2)</b> 52:20,22<br/><b>Minister (1)</b> 74:14<br/><b>minutes (2)</b> 30:11<br/>107:10<br/><b>misbehaved (1)</b> 13:22<br/><b>misconduct (2)</b> 13:2,8<br/><b>misdeemeanor (1)</b><br/>11:20<br/><b>misdeemeanors (1)</b><br/>11:18<br/><b>misinterpreted (1)</b><br/>59:21<br/><b>missed (1)</b> 39:19<br/><b>mistaken (4)</b> 59:23,23<br/>60:7 106:17<br/><b>misunderstood (1)</b><br/>42:11<br/><b>mix (1)</b> 7:25<br/><b>mixed (2)</b> 46:11,12<br/><b>mock (2)</b> 15:14,24<br/><b>model (4)</b> 16:8 21:25<br/>105:2,10<br/><b>models (7)</b> 16:23 17:3<br/>22:2,7 24:1 94:10<br/>95:5<br/><b>modern (1)</b> 95:12<br/><b>moment (10)</b> 4:1 6:7<br/>30:5 31:10 35:10<br/>47:20 52:24 57:13<br/>81:12 83:4<br/><b>Monday (1)</b> 13:14<br/><b>money (4)</b> 9:5 18:1<br/>88:25 103:9<br/><b>monitored (3)</b> 5:11<br/>26:16,18<br/><b>monitoring (6)</b> 27:8<br/>27:14,18,19 65:14<br/>65:18<br/><b>monkeys (1)</b> 86:11<br/><b>month (2)</b> 89:25<br/>90:25<br/><b>months (8)</b> 11:5,10<br/>50:2 54:14 70:7,9<br/>86:2 108:15<br/><b>moods (1)</b> 40:23<br/><b>Morag (14)</b> 17:2 21:21<br/>21:23 22:4 23:23<br/>25:25 26:2,2 95:6<br/>105:1,4,9,15,21<br/><b>Morecambe (1)</b> 84:5<br/><b>morning (6)</b> 1:3,4 7:10<br/>44:14 72:21 77:2<br/><b>morning's (1)</b> 1:11<br/><b>mother (8)</b> 20:15<br/>50:18,20,21 51:6<br/>63:13 87:8 108:7<br/><b>motivated (2)</b> 87:1<br/>88:25<br/><b>motivation (2)</b> 9:17<br/>88:10<br/><b>move (8)</b> 27:23 47:22<br/>66:9,12 77:9,14<br/>89:2 94:5<br/><b>move' (1)</b> 24:16<br/><b>moved (3)</b> 88:23<br/>89:11 102:8<br/><b>movements (1)</b> 8:23<br/><b>moving (2)</b> 47:20<br/>99:12</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p><b>name (4)</b> 21:23 40:15<br/>61:10 74:19<br/><b>names (1)</b> 23:24</p> | <p><b>natural (1)</b> 40:12<br/><b>nature (6)</b> 39:24<br/>46:15 52:1 53:13<br/>73:19 79:17<br/><b>near (1)</b> 48:22<br/><b>nearby (1)</b> 8:22<br/><b>nearly (2)</b> 47:6 59:13<br/><b>necessarily (6)</b> 17:13<br/>17:15 36:24 43:5<br/>53:25 85:6<br/><b>necessary (4)</b> 9:10<br/>16:14,17 33:16<br/><b>need (17)</b> 18:17,21<br/>57:19 68:17 69:7<br/>74:25 77:12,16<br/>79:21 83:15,17<br/>85:5 89:17 98:3,6<br/>108:17 109:25<br/><b>needed (3)</b> 83:5 85:6<br/>98:12<br/><b>needs (3)</b> 93:25 94:4<br/>98:10<br/><b>never (26)</b> 8:2 11:17<br/>17:20 19:16 24:2,3<br/>26:7 42:8 46:13<br/>50:13 51:8,11<br/>60:19 61:16 63:15<br/>73:1 85:16 96:20<br/>101:6 103:5,5,7,11<br/>103:12 105:16,19<br/><b>new (7)</b> 62:17 63:17<br/>63:19,23 64:13<br/>95:16 102:23<br/><b>night (3)</b> 7:13,13 13:7<br/><b>nine (1)</b> 86:2<br/><b>NNEB (3)</b> 41:24 42:14<br/>42:20<br/><b>nodding (1)</b> 72:25<br/><b>noise (1)</b> 102:9<br/><b>non-oral (1)</b> 107:19<br/><b>non-residents (1)</b><br/>103:20<br/><b>nonsense (1)</b> 77:7<br/><b>norm (1)</b> 46:10<br/><b>normal (4)</b> 26:12<br/>33:21,24 46:9<br/><b>normally (1)</b> 91:19<br/><b>notably (1)</b> 15:12<br/><b>note (7)</b> 22:6 57:10<br/>70:3,10,12,16<br/>85:20<br/><b>noted (3)</b> 41:11,17<br/>56:9<br/><b>notes (1)</b> 106:17<br/><b>notice (2)</b> 94:22,24<br/><b>notified (1)</b> 9:16<br/><b>Notwithstanding (1)</b><br/>8:17<br/><b>number (7)</b> 63:9 65:8<br/>75:15 82:3 84:20<br/>84:21 108:14<br/><b>numerous (1)</b> 56:1<br/><b>nurse (1)</b> 7:13<br/><b>nursing (1)</b> 88:14<br/><b>nurturing (1)</b> 20:8</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>o'clock (1)</b> 109:24<br/><b>oath (1)</b> 1:14<br/><b>obey (1)</b> 79:2<br/><b>objective (1)</b> 75:21<br/><b>Observation (1)</b> 33:21<br/><b>observations (2)</b><br/>23:13 45:21<br/><b>obvious (2)</b> 20:13<br/>29:6<br/><b>obviously (9)</b> 4:17,22<br/>26:19 67:6 88:1</p> | <p>96:24 97:1 98:12<br/>103:21<br/><b>occasion (12)</b> 7:15<br/>17:17 20:22 22:18<br/>22:21 24:17,21<br/>27:14 28:17 40:18<br/>40:20 53:20<br/><b>occasions (4)</b> 10:21<br/>25:13 48:21 104:12<br/><b>occur (5)</b> 1:14 6:24<br/>7:16 9:9 49:15<br/><b>occurred (7)</b> 7:15 11:4<br/>27:1 50:23 52:22<br/>80:7 100:24<br/><b>occurrence (2)</b> 28:15<br/>40:13<br/><b>occurring (4)</b> 53:1<br/>74:17 85:20 103:24<br/><b>October (1)</b> 14:24<br/><b>odd (1)</b> 25:23<br/><b>offense (4)</b> 22:9,9<br/>49:14 55:19<br/><b>offences (5)</b> 22:11<br/>23:21 81:20 84:21<br/>108:25<br/><b>offending (2)</b> 22:14<br/>24:13<br/><b>offered (2)</b> 64:3 95:2<br/><b>office (3)</b> 5:20 98:20<br/>99:2<br/><b>officer (22)</b> 1:20 2:18<br/>3:12 4:3,7 5:4<br/>12:22,24 16:2 33:6<br/>46:23 79:18 80:5<br/>81:24 84:4 85:1<br/>98:18,21 99:3,15<br/>99:23 109:4<br/><b>Officer's (2)</b> 99:14,17<br/><b>officers (15)</b> 1:25 2:5<br/>3:7,20 20:1 42:21<br/>47:3,4 78:12 79:14<br/>79:20 80:4,16<br/>84:15 97:18<br/><b>Officers' (1)</b> 62:23<br/><b>offices (1)</b> 85:21<br/><b>Oh (1)</b> 57:20<br/><b>old (5)</b> 8:25 9:4 101:9<br/>101:10,17<br/><b>old's (1)</b> 4:22<br/><b>older (6)</b> 9:11 41:20<br/>41:21 42:1 100:13<br/>101:21<br/><b>on-site (1)</b> 104:8<br/><b>once (5)</b> 11:4 28:13<br/>67:15 89:25 90:25<br/><b>ongoing (1)</b> 41:14<br/><b>open (4)</b> 5:17 20:3<br/>64:17 78:5<br/><b>operation (7)</b> 79:25<br/>80:3,14,17 81:11<br/>81:13 84:7<br/><b>opinion (3)</b> 56:22<br/>99:23 106:15<br/><b>opportunity (7)</b> 35:20<br/>38:15 42:13 49:25<br/>72:9 78:3 86:19<br/><b>opposite (2)</b> 26:4<br/>105:22<br/><b>organised (1)</b> 42:4<br/><b>out' (2)</b> 13:9,14<br/><b>outcome (2)</b> 99:11<br/>100:10<br/><b>outlines (1)</b> 108:5<br/><b>outset (1)</b> 48:15<br/><b>outside (4)</b> 29:3 31:3<br/>90:22 101:18<br/><b>overlapping (1)</b> 54:16<br/><b>overlooked (1)</b> 28:24<br/><b>overnight (1)</b> 33:13</p> | <p><b>overstated (1)</b> 13:17<br/><b>oyster (1)</b> 84:5</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>package (1)</b> 89:9<br/><b>paedophile (1)</b> 109:12<br/><b>page (49)</b> 1:10 5:9<br/>8:10 10:19 13:4<br/>14:23 22:8 23:12<br/>23:14,20 30:21,22<br/>33:7,8 34:24 35:16<br/>36:13 39:4 41:10<br/>48:7 51:4,5 52:13<br/>52:13 55:10,12,24<br/>56:13,18 57:15<br/>61:9 62:20 63:6,7<br/>64:23 65:5 66:13<br/>68:8,23 69:16 75:5<br/>75:7,14 77:3,16<br/>80:21,23 83:18,18<br/><b>paid (1)</b> 41:14<br/><b>pale (2)</b> 56:1,15<br/><b>panel (19)</b> 35:11 49:8<br/>63:25 75:8 79:4<br/>82:15,19 83:3,11<br/>86:18,22 105:8<br/>107:1,24 108:19<br/>109:8,14,18 111:5<br/><b>Panel's (1)</b> 104:21<br/><b>papers (1)</b> 62:22<br/><b>paragraph (82)</b> 1:11<br/>1:19 5:8 7:17 8:7<br/>8:12 9:14 10:18<br/>11:3 14:20 15:6,7<br/>17:22 19:7,16 26:6<br/>27:25 28:22 30:21<br/>32:6 34:6 35:16,25<br/>37:16,20 39:5,7,10<br/>41:8,10 43:10,25<br/>44:4,12 45:7 48:7<br/>48:12 50:3,8,16<br/>51:5,12 52:9 53:2<br/>54:5,10,20 55:15<br/>55:21,25 56:14<br/>57:15 58:12,14,21<br/>59:15 62:1,16 63:8<br/>63:16,18 64:1,15<br/>65:2 66:13 68:4,14<br/>68:22 69:25 70:20<br/>72:22 73:25 74:22<br/>74:25 77:21,23<br/>78:18 81:2,7 83:18<br/>85:9 102:2<br/><b>paragraphs (5)</b> 50:6<br/>69:7,9,15 73:15<br/><b>parameters (1)</b> 14:3<br/><b>paraphrasing (1)</b><br/>104:25<br/><b>parent (2)</b> 15:16<br/>16:11<br/><b>parenting (1)</b> 98:6<br/><b>parentis (1)</b> 16:3<br/><b>parents (2)</b> 39:19<br/>52:20<br/><b>Parish (1)</b> 9:19<br/><b>park (1)</b> 101:10<br/><b>part (11)</b> 4:13 13:15<br/>15:1 22:24 48:16<br/>51:20 58:8 69:22<br/>70:17 90:10 100:9<br/><b>participate (1)</b> 41:12<br/><b>particular (14)</b> 2:23<br/>12:22,24 28:3 40:7<br/>40:15 41:13 51:13<br/>56:5 87:23 100:1<br/>100:10 103:6<br/>105:10<br/><b>particularly (10)</b> 23:9</p> | <p>36:22 37:10 40:7<br/>40:12 41:16 79:14<br/>90:12 100:14<br/>105:16<br/><b>parties (14)</b> 34:18,19<br/>39:5,6 102:3,20,22<br/>102:22,23,23,25<br/>103:4,15 104:12<br/><b>partner (1)</b> 8:2<br/><b>partners (3)</b> 7:18,22<br/>7:23<br/><b>party (7)</b> 34:21 41:5<br/>102:5,12,13 104:14<br/>104:15<br/><b>passed (3)</b> 63:1 92:2<br/>93:11<br/><b>passover (1)</b> 93:11<br/><b>passport (2)</b> 86:3,4<br/><b>patience (1)</b> 82:25<br/><b>patiently (1)</b> 25:10<br/><b>patrol (1)</b> 13:16<br/><b>pattern (2)</b> 25:8 56:4<br/><b>pause (2)</b> 69:18 76:19<br/><b>Pausing (1)</b> 13:15<br/><b>pay (2)</b> 89:7 103:8<br/><b>Payne-James (1)</b><br/>55:10<br/><b>peers (2)</b> 87:21,22<br/><b>penultimate (2)</b> 41:9<br/>83:17<br/><b>people (46)</b> 2:14 5:15<br/>6:17 7:2 16:24 17:7<br/>17:8 22:2 31:8,16<br/>32:3 42:18,19<br/>44:11 53:13,14,23<br/>53:23 59:10,11,12<br/>59:23 60:13 62:9<br/>62:14 64:3,18 65:3<br/>70:23 71:3 72:8<br/>82:3 87:2 88:13,14<br/>90:11,13,15,22<br/>91:21 92:16 102:21<br/>102:24 103:1 106:4<br/>106:18<br/><b>people's (2)</b> 72:20<br/>104:7<br/><b>perceived (2)</b> 108:1,3<br/><b>perfectly (2)</b> 16:5<br/>87:10<br/><b>performance (2)</b><br/>65:15 66:3<br/><b>period (9)</b> 2:3 13:3<br/>43:15 46:3 76:11<br/>82:22 92:18 93:11<br/>108:15<br/><b>periods (1)</b> 10:21<br/><b>permanent (1)</b> 2:5<br/><b>permissible (2)</b> 16:13<br/>94:9<br/><b>permission (3)</b> 50:18<br/>51:7 63:14<br/><b>permitted (1)</b> 10:10<br/><b>permitted/allowed (1)</b><br/>7:24<br/><b>perpetrator (1)</b> 72:6<br/><b>persistent (2)</b> 13:2,8<br/><b>person (16)</b> 3:13 9:15<br/>35:22 58:4 62:5<br/>64:20 65:4 72:7,10<br/>72:11 74:18 92:23<br/>93:8,10 97:1,12<br/><b>person's (3)</b> 9:17 49:5<br/>49:6<br/><b>personal (2)</b> 87:24<br/>99:16<br/><b>personally (4)</b> 21:10<br/>29:19 62:24 94:7<br/><b>persons (1)</b> 75:24<br/><b>perspective (2)</b> 2:7</p> | <p>74:3<br/><b>pertinent (3)</b> 3:23<br/>53:16 89:16<br/><b>petrol (1)</b> 90:8<br/><b>phase (1)</b> 40:14<br/><b>photocopy (1)</b> 86:5<br/><b>phrase (7)</b> 19:1 34:13<br/>36:25 48:20 57:5<br/>62:15 84:11<br/><b>phrasing (1)</b> 37:5<br/><b>physical (4)</b> 17:20<br/>57:23 59:5 71:12<br/><b>physically (3)</b> 17:14<br/>17:15,18<br/><b>pick (3)</b> 21:6,14 87:14<br/><b>picked (2)</b> 23:5,9<br/><b>picking (2)</b> 42:24 49:7<br/><b>picture (3)</b> 63:19,21<br/>64:7<br/><b>piece (1)</b> 99:25<br/><b>pier (1)</b> 9:5<br/><b>pill (1)</b> 92:19<br/><b>Pilling (3)</b> 18:7 20:8<br/>45:3<br/><b>pin (1)</b> 62:5<br/><b>pity (1)</b> 30:25<br/><b>place (13)</b> 4:24 12:5<br/>26:8 51:8,24 61:2<br/>61:23 63:15 67:6<br/>67:23 85:25 93:24<br/>99:12<br/><b>placed (6)</b> 28:8 30:3,5<br/>30:23 34:10 49:22<br/><b>placement (2)</b> 86:24<br/>98:9<br/><b>placing (1)</b> 45:5<br/><b>plain (1)</b> 37:9<br/><b>plan (2)</b> 37:22 100:9<br/><b>play (2)</b> 9:8 19:13<br/><b>please (7)</b> 1:15 5:8<br/>7:17 8:7 10:7,16,19<br/>13:4,11 14:20,21<br/>14:23 17:22 21:13<br/>21:19 23:12 27:23<br/>30:21 31:10 33:1,7<br/>34:15 39:4 41:3<br/>43:10 44:12 45:21<br/>45:23 51:3 52:9<br/>53:2 54:5,19 55:4<br/>55:10,12,24 57:12<br/>57:14,19 58:12,13<br/>62:1,19,20 63:6,7<br/>63:16 64:21 66:12<br/>68:19 69:8,12,24<br/>70:20 71:8 73:14<br/>75:4,5 77:3,22<br/>78:18 80:11,23<br/>81:8 82:18 83:14<br/>83:17,18 85:9<br/>90:13<br/><b>pm (6)</b> 83:10 107:12<br/>107:14 110:5,7,9<br/><b>pocket (3)</b> 9:5 18:1<br/>103:9<br/><b>point (6)</b> 14:11 15:19<br/>25:8 38:20 62:12<br/>99:6<br/><b>police (58)</b> 42:21 49:1<br/>49:3,9,11,12 50:22<br/>57:9 58:3,25 61:3<br/>61:14,21 65:6<br/>66:20 67:3,6,12,15<br/>67:17 68:2 69:4<br/>70:1,3,6,17 71:17<br/>71:22 72:3,12,16<br/>74:21,24 75:19<br/>77:5,6 78:11,20,24<br/>79:1,20 80:4,4,16<br/>80:16 81:19,25</p> | <p>82:21 84:15 85:1<br/>85:11,12,14,23<br/>106:12 108:4,17,21<br/><b>police's (1)</b> 75:11<br/><b>policemen (2)</b> 80:17<br/>82:1<br/><b>policy (1)</b> 20:3<br/><b>politically (1)</b> 74:17<br/><b>politicians (1)</b> 85:13<br/><b>pool (1)</b> 105:17<br/><b>poor (2)</b> 46:18 52:19<br/><b>popularity (1)</b> 65:9<br/><b>population (2)</b> 30:9<br/>42:17<br/><b>posed (4)</b> 47:7,11<br/>56:19 104:24<br/><b>poses (1)</b> 34:1<br/><b>posing (2)</b> 92:24,24<br/><b>position (4)</b> 26:9 42:9<br/>43:15 82:7<br/><b>positions (1)</b> 74:2<br/><b>possessed (1)</b> 42:15<br/><b>possession (1)</b> 70:2<br/><b>possible (4)</b> 6:7 56:16<br/>72:4 99:19<br/><b>possibly (2)</b> 35:21<br/>72:6<br/><b>posts (1)</b> 89:20<br/><b>practical (1)</b> 41:25<br/><b>practised (1)</b> 94:7<br/><b>practitioner (1)</b> 55:13<br/><b>pragmatic (1)</b> 15:9<br/><b>precautions (1)</b> 101:1<br/><b>preface (1)</b> 48:10<br/><b>prefer (1)</b> 42:4<br/><b>Preference (1)</b> 60:9<br/><b>preferred (3)</b> 16:9<br/>28:25 29:4<br/><b>prejudice (1)</b> 77:19<br/><b>premises (5)</b> 48:22<br/>102:16 104:4,5,9<br/><b>prepared (1)</b> 55:9<br/><b>present (13)</b> 5:3 25:13<br/>51:7 63:14 70:22<br/>71:1 85:25 102:4,6<br/>102:20,25 103:3<br/>105:6<br/><b>presentation (1)</b><br/>107:18<br/><b>presented (2)</b> 50:1<br/>109:15<br/><b>President (1)</b> 74:14<br/><b>press (1)</b> 85:21<br/><b>pressure (1)</b> 45:24<br/><b>pressures (2)</b> 19:8,9<br/><b>presumably (1)</b><br/>101:19<br/><b>presumed (1)</b> 95:7<br/><b>presumption (1)</b><br/>60:16<br/><b>pretty (1)</b> 29:6<br/><b>prevalent (1)</b> 68:20<br/><b>prevent (1)</b> 108:1<br/><b>previous (6)</b> 8:9 15:12<br/>15:21 24:21 54:13<br/>63:6<br/><b>previously (2)</b> 5:15<br/>76:6<br/><b>primary (1)</b> 4:19<br/><b>prior (2)</b> 8:9 83:19<br/><b>prison (6)</b> 53:10,16,20<br/>53:25 108:12<br/>109:11<br/><b>private (3)</b> 102:14<br/>109:23 110:8<br/><b>probably (18)</b> 2:21<br/>4:19 9:16,18 11:21<br/>20:18 26:2 38:9<br/>42:4 43:7 70:18</p> |
|--|--|--|---|--|--|---|

|  |  |   |  |   |  |  |   |
|--|--|---|--|---|--|--|---|
| 78:7 80:7 87:22<br>95:7 97:7 100:5<br>102:11<br><b>problem (3)</b> 43:11<br>46:12 98:7<br><b>problematic (1)</b> 33:14<br><b>problems (2)</b> 34:1<br>44:25<br><b>proceed (1)</b> 1:5<br><b>process (3)</b> 1:13 4:13<br>4:15<br><b>produced (1)</b> 96:25<br><b>profession (1)</b> 42:24<br><b>professional (3)</b> 40:6<br>58:7 86:12<br><b>Professor (46)</b> 86:20<br>86:23 87:18,23<br>88:8,17 89:2,7,11<br>89:18,21 90:3,10<br>90:18 91:2,5,15,20<br>92:4,14,23 93:2,4,7<br>93:12,15,18,23<br>94:5,13,19 95:10<br>95:16,22,25 96:5,9<br>96:11,15,18,22<br>97:4,14,20,21<br>104:25<br><b>programme (1)</b> 41:12<br><b>progress (1)</b> 89:17<br><b>prohibited (1)</b> 7:24<br><b>proper (2)</b> 46:8 78:1<br><b>property (2)</b> 74:9<br>78:16<br><b>proportion (1)</b> 42:16<br><b>proportionality (1)</b><br>78:5<br><b>proportionate (2)</b><br>75:22,24<br><b>proposes (1)</b> 37:17<br><b>prosecute (3)</b> 67:13<br>67:16,18<br><b>prosecuted (2)</b> 51:2<br>108:11<br><b>prosecution (4)</b> 67:5<br>67:22 69:2 72:14<br><b>protect (1)</b> 68:18<br><b>protection (3)</b> 16:15<br>64:11 72:2<br><b>protective (1)</b> 7:5<br><b>prove (5)</b> 49:5,6,13,14<br>57:9<br><b>proved (2)</b> 47:18<br>58:25<br><b>proven (4)</b> 48:18,20<br>48:23 62:16<br><b>provide (1)</b> 78:3<br><b>provided (9)</b> 23:25<br>24:4 34:17 47:25<br>56:24 81:18 83:6<br>107:21 108:16<br><b>providing (1)</b> 41:14<br><b>proving (1)</b> 48:25<br><b>provision (2)</b> 47:7,11<br><b>puberty (1)</b> 100:16<br><b>public (6)</b> 71:2 73:6,7<br>83:24 92:11 109:22<br><b>publish (1)</b> 51:1<br><b>pull (2)</b> 29:1 38:23<br><b>punched (3)</b> 22:21<br>53:3 59:7<br><b>punish (2)</b> 17:13,17<br><b>punished (1)</b> 13:22<br><b>punishing (1)</b> 15:10<br><b>punishment (16)</b> 10:7<br>12:11 14:2,13,13<br>15:4 16:25 17:1,4<br>17:24 18:17,18,20<br>36:8 96:5 97:16<br><b>punitive (1)</b> 35:20 | <b>purpose (1)</b> 81:4<br><b>pursue (1)</b> 61:18<br><b>pursued (2)</b> 51:10,11<br><b>push (1)</b> 50:10<br><b>pushing (1)</b> 26:21<br><b>put (8)</b> 35:14 37:13,14<br>40:18 44:24 49:13<br>60:10 90:5<br><b>puts (1)</b> 37:7<br><b>putting (2)</b> 29:11 44:7<br><b>pyjamas (1)</b> 30:1 | <b>rebuild (2)</b> 35:21<br>36:12<br><b>recall (20)</b> 1:22 3:19<br>5:7 7:13 12:6,13,14<br>13:23 14:14 28:21<br>28:25 36:5,6 93:6<br>94:17,24,25 95:1<br>102:10 109:5<br><b>recalls (1)</b> 109:2<br><b>received (9)</b> 41:18<br>42:8 58:2 65:13<br>74:1,24 75:1 98:17<br>107:8<br><b>receiving (1)</b> 31:20<br><b>reception (2)</b> 5:16,19<br><b>recognise (1)</b> 64:23<br><b>recognised (1)</b> 53:18<br><b>recollection (6)</b> 6:1<br>12:7 14:17,18 30:4<br>36:1<br><b>recommended (1)</b><br>66:10<br><b>record (4)</b> 66:10 107:8<br>107:15 111:7<br><b>recorded (8)</b> 5:11<br>10:20 27:18 66:5<br>96:3,7 97:15<br>106:16<br><b>records (1)</b> 57:23<br><b>recovered (2)</b> 10:17<br>10:24<br><b>Rectangle (5)</b> 79:25<br>80:3,14,17 81:11<br><b>redact (1)</b> 74:25<br><b>redacted (13)</b> 14:7<br>27:13 28:12 53:15<br>73:1,2,6 74:19<br>86:25 87:5,6,7,8,9<br>87:9,12,13,16,19<br>88:9,12 89:12 95:2<br>95:3,5,15 98:9,13<br>98:15 105:13 108:9<br>108:20,23<br><b>redactions (1)</b> 73:8<br><b>redress (7)</b> 55:7 60:20<br>60:21,23,25 61:4<br>106:6<br><b>refer (5)</b> 43:6 70:1<br>73:25 81:1 102:4<br><b>reference (8)</b> 36:16<br>38:21 57:14 74:25<br>84:20 85:9 96:23<br>107:2<br><b>referred (3)</b> 19:15<br>91:23 109:20<br><b>reflection (3)</b> 19:7<br>60:2,4<br><b>reflects (1)</b> 41:5<br><b>refreshments (2)</b><br>47:25 83:6<br><b>refused (2)</b> 24:22<br>40:21<br><b>regarded (1)</b> 97:19<br><b>regarding (9)</b> 3:21<br>46:23 72:5 85:24<br>86:1 88:5 92:7 94:3<br>97:16<br><b>regards (1)</b> 80:6<br><b>registered (1)</b> 55:13<br><b>regret (1)</b> 13:1<br><b>regularly (5)</b> 17:13<br>22:16 24:13 25:1<br>108:7<br><b>reinforce (1)</b> 35:17<br><b>rejected (2)</b> 76:7<br>78:21<br><b>relate (1)</b> 60:13<br><b>related (3)</b> 71:11,13<br>71:14 | <b>relates (3)</b> 58:21<br>62:21 107:25<br><b>relating (3)</b> 7:21 50:25<br>109:1<br><b>relation (30)</b> 14:4<br>15:21 21:22 49:20<br>50:14,19 51:17<br>52:12 53:4,8 54:8<br>54:21 56:10,20<br>58:8,23 59:17<br>60:18 62:15 66:14<br>69:6,22 73:14<br>75:11 78:13 79:5,6<br>79:12 82:13 108:23<br><b>relationship (7)</b> 1:25<br>2:4,8,18 51:13<br>52:11,16<br><b>relationships (1)</b><br>101:4<br><b>relatively (1)</b> 27:5<br><b>released (1)</b> 109:11<br><b>relevance (1)</b> 53:10<br><b>relevant (4)</b> 29:18<br>56:25 65:7 85:22<br><b>remainder (1)</b> 76:12<br><b>remains (1)</b> 78:5<br><b>remand (7)</b> 28:6,10<br>30:6,8,14,17 33:10<br><b>remarked (1)</b> 23:15<br><b>remember (32)</b> 2:16<br>3:18,19,22 7:9,14<br>12:5 15:1 28:11,12<br>30:11 31:4 32:20<br>37:21 38:21 42:14<br>54:9 59:22 61:13<br>61:22 66:20 68:7<br>88:3 90:1,20 94:18<br>95:1 98:19 103:23<br>103:24 104:11<br>105:5<br><b>remind (1)</b> 69:14<br><b>reminded (1)</b> 23:23<br><b>removal (1)</b> 33:21<br><b>remuneration (1)</b><br>88:20<br><b>repeat (1)</b> 47:10<br><b>repeated (3)</b> 13:9<br>25:8 40:16<br><b>repeatedly (2)</b> 42:7<br>108:14<br><b>repeating (1)</b> 84:25<br><b>repeats (1)</b> 56:20<br><b>replying (2)</b> 78:15,16<br><b>report (13)</b> 20:8,15<br>21:3 41:4,6,9 55:5<br>55:9 81:1,3,4,5<br>84:10<br><b>reported (4)</b> 21:4,11<br>81:20 97:2<br><b>reports (3)</b> 65:13,18<br>65:22<br><b>represent (1)</b> 56:5<br><b>representative (1)</b><br>34:20<br><b>require (2)</b> 9:2 77:25<br><b>required (5)</b> 57:22<br>64:4 70:4,16 81:22<br><b>requirement (1)</b> 90:18<br><b>residence (1)</b> 5:6<br><b>resident (12)</b> 22:15<br>52:10,11 53:2 54:5<br>54:10,14 58:15<br>59:5 66:16 90:22<br>103:19<br><b>resident's (1)</b> 66:19<br><b>residential (8)</b> 16:2<br>41:15,18,19 52:3<br>71:10 99:15,22<br><b>residents (3)</b> 30:19 | 36:14 71:14<br><b>residual (1)</b> 56:7<br><b>resolve (1)</b> 99:10<br><b>resorted (1)</b> 23:7<br><b>resources (1)</b> 84:17<br><b>respect (4)</b> 15:15,24<br>107:7 108:25<br><b>respected (1)</b> 2:12<br><b>respond (2)</b> 31:18<br>49:25<br><b>responding (1)</b> 77:22<br><b>responds (1)</b> 76:3<br><b>response (14)</b> 10:9<br>21:1 58:10 59:8<br>61:6 75:6,10 76:20<br>77:17,21 78:3<br>79:21 98:12 104:24<br><b>responsibility (8)</b><br>32:12 43:1 49:5,12<br>79:2 99:14,17,20<br><b>responsible (4)</b> 9:1<br>29:14 65:14 97:9<br><b>rest (1)</b> 22:6<br><b>restricted (3)</b> 37:9,19<br>37:22<br><b>result (2)</b> 15:14 56:6<br><b>resulted (2)</b> 75:22<br>76:1<br><b>retirement (1)</b> 78:21<br><b>return (3)</b> 83:6 86:5<br>109:12<br><b>returning (1)</b> 99:12<br><b>revealing (1)</b> 66:9<br><b>review (2)</b> 75:21<br>99:23<br><b>reviews (4)</b> 3:9,11,19<br>3:22<br><b>revisit (2)</b> 31:23 38:15<br><b>reward (1)</b> 31:20<br><b>rhetorically (1)</b> 109:11<br><b>rife (4)</b> 51:18,23,25<br>52:6<br><b>right (36)</b> 2:8 3:2<br>10:12,13 14:15,18<br>20:23 23:22,23<br>24:10 25:14 36:2<br>37:1 42:18 47:3<br>50:8,23 57:11<br>65:16,18,20 68:1<br>70:5 72:1 73:11,13<br>77:16 78:7 86:4,5<br>89:21 92:17 97:4<br>98:5 100:11 104:22<br><b>rightly (2)</b> 30:11 105:5<br><b>risk (4)</b> 68:4,15 92:24<br>92:24<br><b>role (17)</b> 4:14,16 16:8<br>16:23 17:3 21:24<br>22:2,7 23:25 49:1<br>49:10 57:8 70:8<br>94:10 95:4 105:2<br>105:10<br><b>room (10)</b> 28:25 29:5<br>29:8,11 30:24 31:1<br>33:5 48:1 107:3,10<br><b>rooms (15)</b> 13:17<br>27:24 28:3,5,12,24<br>33:11,18 35:1,7,8<br>36:1,4,6,8<br><b>Rotas (1)</b> 93:20<br><b>round (1)</b> 100:17<br><b>routine (1)</b> 95:23<br><b>routinely (1)</b> 23:5<br><b>rubbed (1)</b> 22:18<br><b>rule (3)</b> 8:8 9:11 103:5<br><b>rules (9)</b> 10:12 14:1<br>15:3 18:7 34:25<br>35:13 45:3,5<br>103:13 | <b>run (3)</b> 44:8,9 90:15<br><b>running (4)</b> 11:22<br>42:25 45:2 90:9 | <b>S</b><br><b>sad (3)</b> 53:18 60:2,3<br><b>Sadd (24)</b> 1:3,4,6,9<br>22:8 35:12,13<br>45:19,21 47:19<br>48:5,6 69:16 83:2<br>83:11,14 104:20,24<br>105:24 106:3,7,9<br>106:17,20<br><b>safety (2)</b> 33:22 34:1<br><b>salary-wise (1)</b> 88:16<br><b>samples (3)</b> 10:24<br>11:1,2<br><b>sanctions (3)</b> 15:4,7<br>36:23<br><b>satisfaction (1)</b> 24:20<br><b>satisfactory (1)</b> 99:11<br><b>satisfying (1)</b> 89:12<br><b>saw (10)</b> 8:2 17:19,21<br>18:13 23:25 26:7<br>36:22 40:22 105:16<br>105:21<br><b>saying (14)</b> 22:1 32:10<br>32:11 38:12 39:15<br>58:22 59:5 60:15<br>68:9 95:11,23<br>96:25 97:5 106:4<br><b>says (12)</b> 38:10 51:8<br>53:2 54:5,10 55:14<br>57:1,21 58:15<br>63:15 65:4 82:18<br><b>scale (3)</b> 44:5 84:19<br>84:22<br><b>scars (4)</b> 56:2,7,15<br>57:2<br><b>scheme (11)</b> 55:7<br>60:20,21,25 61:4<br>62:17 63:17,19,23<br>64:13 106:6<br><b>school (6)</b> 4:12,19<br>35:17 43:21 48:23<br>90:15<br><b>screen (12)</b> 1:12 10:16<br>14:21 21:20 33:1<br>35:2 37:16 41:3<br>51:3 55:4 75:4<br>83:17<br><b>seamstress (1)</b> 6:16<br><b>second (3)</b> 14:23 15:7<br>39:20<br><b>secret (1)</b> 60:22<br><b>section (1)</b> 102:3<br><b>secure (5)</b> 35:1,3,16<br>35:19 99:11<br><b>see (30)</b> 1:21 2:19<br>4:11 12:19 13:18<br>13:21 15:3,6 20:1<br>21:20 25:24 27:14<br>33:5,7 34:13,21,24<br>35:2,11 36:21 37:6<br>43:25 53:15 55:11<br>55:13 82:18 86:11<br>94:11 97:17 109:8<br><b>seeing (4)</b> 19:17 94:17<br>94:25 95:1<br><b>seeking (3)</b> 44:9 60:13<br>88:9<br><b>seen (19)</b> 6:13,18<br>20:20 29:12,22<br>35:3,20 47:12 50:9<br>57:7 74:5,9 80:10<br>88:19 92:1 94:13<br>96:24 103:12<br>105:18 | <b>seldomly (1)</b> 36:4<br><b>Senator (1)</b> 74:12<br><b>send (2)</b> 13:21 96:19<br><b>sending (3)</b> 12:3 97:5<br>97:6<br><b>senior (17)</b> 3:14 6:16<br>8:9 21:5 27:5,10,11<br>27:21 28:3,13<br>32:21 33:15 34:5<br>36:10 62:23 80:5<br>84:25<br><b>sense (6)</b> 2:10 7:4<br>21:6,14 72:24<br>100:9<br><b>sensible (1)</b> 15:16<br><b>sent (7)</b> 11:17 12:20<br>14:5 28:9 33:6<br>96:16 97:2<br><b>sentence (5)</b> 15:6<br>23:13 39:20 40:8<br>51:5<br><b>separate (4)</b> 101:2,7,7<br>102:9<br><b>sergeants (7)</b> 79:20<br>80:4,16 82:1 83:21<br>84:2,15<br><b>series (5)</b> 10:18,20<br>24:6 75:6,10<br><b>serious (4)</b> 11:18,20<br>37:12 64:24<br><b>seriously (1)</b> 52:19<br><b>seriousness (3)</b> 23:16<br>38:5,7<br><b>served (1)</b> 79:16<br><b>Services (8)</b> 1:21 2:12<br>2:15 18:7 46:18<br>104:5 108:1 109:2<br><b>session (4)</b> 107:7,9<br>109:23 110:8<br><b>set (22)</b> 16:8 17:7<br>27:24 28:2 30:12<br>39:6 41:5 50:6<br>52:14 54:17 55:23<br>56:25 59:4 60:12<br>63:18 66:17 68:24<br>69:6 72:18 73:17<br>74:23 80:24<br><b>sets (2)</b> 35:13 75:15<br><b>setting (3)</b> 16:14<br>64:25 75:8<br><b>settle (1)</b> 35:21<br><b>seven (1)</b> 102:21<br><b>seven-bedroom (1)</b><br>103:6<br><b>seven-bedroomed (1)</b><br>89:4<br><b>sexes (1)</b> 101:2<br><b>sexual (7)</b> 7:22 52:10<br>52:16 55:19 71:13<br>108:13,23<br><b>sexually (3)</b> 54:11<br>100:15 108:10<br><b>shaking (1)</b> 20:25<br><b>shame (2)</b> 59:9,14<br><b>shaming (1)</b> 29:11<br><b>shape (1)</b> 56:5<br><b>share (1)</b> 1:15<br><b>shared (4)</b> 93:1,2,8<br>94:22<br><b>sheets (1)</b> 22:19<br><b>shift (5)</b> 87:10,14,15<br>88:3,4<br><b>shifts (4)</b> 26:4 91:7,17<br>105:23<br><b>shoe (2)</b> 23:1 24:18<br><b>shoes (1)</b> 24:19<br><b>short (6)</b> 48:3 83:9<br>107:7,9,13 109:23<br><b>shouted (1)</b> 108:7 |
|--|--|---|--|---|--|--|---|

|                                |                                 |                               |                                |                              |                                |                             |
|--------------------------------|---------------------------------|-------------------------------|--------------------------------|------------------------------|--------------------------------|-----------------------------|
| <b>show (2)</b> 57:23 96:12    | <b>soup (1)</b> 37:11           | 61:7 64:15 66:13              | <b>supervision (5)</b> 9:2,9   | 106:23,25 107:2              | 48:22 51:7 53:20               | <b>turn (5)</b> 32:23 34:23 |
| <b>showed (1)</b> 11:7         | <b>source (1)</b> 32:25         | 67:3,4 69:22 73:6,6           | 27:21 46:8,10                  | 109:20 110:3                 | 54:15 57:19,25                 | 48:6 74:21 108:17           |
| <b>showers (1)</b> 101:7       | <b>space (1)</b> 9:4            | 78:18 83:18 102:1             | <b>support (3)</b> 46:18       | <b>thing (2)</b> 91:9 108:8  | 59:1 61:3 63:14                | <b>turned (1)</b> 69:16     |
| <b>shown (4)</b> 2:21 10:18    | <b>span (1)</b> 82:2            | 102:2 107:22 108:5            | 65:1 66:24                     | <b>things (15)</b> 1:14,16   | 65:16 66:3 67:13               | <b>two (29)</b> 13:1 15:25  |
| 10:19,22                       | <b>spanned (1)</b> 71:13        | 109:9,15                      | <b>supported (3)</b> 46:22     | 48:10 65:24 69:20            | 67:20 25 68:12                 | 21:22 24:6,13               |
| <b>shows (2)</b> 54:14 65:6    | <b>spared (1)</b> 58:3          | <b>statements (8)</b> 49:21   | 47:3 66:18                     | 86:1 88:5 90:9               | 69:4,7,13,14,16                | 25:21 26:22 27:7            |
| <b>sick (1)</b> 91:13          | <b>sparing (1)</b> 35:23        | 78:8,12 81:19                 | <b>supposed (2)</b> 22:25      | 93:18,22 95:8                | 74:15 75:19,22                 | 32:24 37:6 38:2             |
| <b>side (4)</b> 2:20 40:1      | <b>speak (3)</b> 43:19 65:8     | 84:21 107:7 108:16            | 39:11                          | 98:11 100:4 103:24           | 85:14,25 87:2,15               | 48:9 73:18 79:20            |
| 60:10 105:15                   | 98:22                           | 109:19                        | <b>sure (5)</b> 38:14 58:3     | 104:5                        | 87:19 88:3,23 89:1             | 79:20 80:3,4,16,16          |
| <b>sign (2)</b> 19:2 57:23     | <b>speaking (3)</b> 3:20,21     | <b>states (7)</b> 30:19 108:3 | 73:5 82:19 90:14               | <b>think (114)</b> 2:4,6,20  | 89:15 98:8 100:3               | 80:16 81:25 82:1            |
| <b>signature (1)</b> 24:16     | 4:3                             | 108:16,22,24 109:4            | <b>surely (1)</b> 92:25        | 3:14,17 4:9 8:1              | 101:2,14 102:11,11             | 83:14,21 84:1,14            |
| <b>significant (2)</b> 42:16   | <b>special (3)</b> 39:13        | 109:9                         | <b>surprise (1)</b> 61:1       | 9:25 10:8,10 11:10           | 103:21 105:10,10               | 84:15 106:10                |
| 65:8                           | 93:21,21                        | <b>stating (1)</b> 108:6      | <b>suspended (2)</b> 50:12     | 13:23 14:10,12,22            | 105:11,17 108:11               | 108:11                      |
| <b>signs (1)</b> 29:9          | <b>specialist (1)</b> 55:14     | <b>station (2)</b> 77:5,6     | 73:24                          | 16:7 18:23 19:6              | 109:25                         | <b>two-thirds (1)</b> 23:14 |
| <b>Silence (1)</b> 13:10       | <b>specialised (5)</b> 3:2,4,13 | <b>status (1)</b> 100:23      | <b>surely (1)</b> 92:25        | 20:10,22 21:17               | <b>times (8)</b> 7:15 27:21    | <b>type (2)</b> 84:6 94:20  |
| <b>silly (1)</b> 18:16         | 4:4 5:5                         | <b>stealing (1)</b> 11:22     | <b>surprise (1)</b> 61:1       | 22:4 25:12 26:2,15           | 54:23 57:21 79:13              | <b>typical (4)</b> 31:5,16  |
| <b>similar (7)</b> 15:16       | <b>specials (2)</b> 93:22 94:3  | <b>step (1)</b> 71:4          | <b>suspended (2)</b> 50:12     | 27:6,20 28:18,19             | 87:10 93:14 100:15             | 58:6 70:11                  |
| 16:24 43:17 62:9               | <b>specific (3)</b> 30:23       | <b>steps (1)</b> 39:17        | 73:24                          | 29:10,17 30:17               | <b>timing (2)</b> 72:5 76:15   |                             |
| 71:15 87:5 103:24              | 51:15 77:21                     | <b>stick (2)</b> 21:15 31:5   | <b>sustained (1)</b> 56:6      | 31:24 32:3,20                | <b>timings (1)</b> 93:20       |                             |
| <b>simply (4)</b> 26:16 43:3   | <b>specifically (2)</b> 2:2     | <b>stop (2)</b> 22:1 104:9    | <b>sworn (2)</b> 1:7 111:3     | 37:12 38:3,5,9               | <b>today (7)</b> 34:21 44:11   |                             |
| 46:11 82:4                     | 78:13                           | <b>story (1)</b> 100:4        | <b>system (2)</b> 108:2        | 39:12,15,19,22,24            | 60:11 85:22 106:24             |                             |
| <b>single (3)</b> 22:21 39:21  | <b>spend (3)</b> 9:5 19:14      | <b>straight (1)</b> 7:19      | 109:7                          | 40:11 42:18,25               | 107:5 109:22                   |                             |
| 40:9                           | 87:2                            | <b>strict (2)</b> 17:8 103:13 |                                | 43:5,6,21 44:10              | <b>toddlers (1)</b> 96:12      |                             |
| <b>situation (9)</b> 4:2 21:10 | <b>spending (2)</b> 53:20       | <b>stricter (2)</b> 17:5,11   |                                | 45:4,23 46:2,7,12            | <b>toilet (1)</b> 59:6         |                             |
| 33:22,24 71:8,15               | 87:19                           | <b>strictly (1)</b> 54:15     | <b>table (2)</b> 24:15 25:4    | 46:15 47:5,14,19             | <b>toilets (1)</b> 101:7       |                             |
| 72:18 74:7 81:6                | <b>spent (2)</b> 23:10          | <b>strike (1)</b> 22:16       | <b>tactical (2)</b> 76:17 77:1 | 49:9,12 51:25                | <b>told (20)</b> 7:10,11 11:2  |                             |
| <b>situations (3)</b> 44:16    | 108:11                          | <b>striking (1)</b> 23:2      | <b>take (36)</b> 2:2 4:24      | 53:12,16 56:10               | 42:8 52:21,23,25               |                             |
| 45:8 62:9                      | <b>spiteful (1)</b> 23:18       | <b>strived (1)</b> 44:20      | 8:14 17:2 28:17                | 57:11 58:25 59:17            | 61:15 63:24 64:14              |                             |
| <b>six (2)</b> 12:15 76:5      | <b>spoken (1)</b> 12:21         | <b>strokes (3)</b> 13:1,7,13  | 34:15 38:2,6,7 44:3            | 60:8 61:7,19 65:16           | 67:17,17,22 73:13              |                             |
| <b>size (5)</b> 6:2 43:18 56:2 | <b>spoon (1)</b> 24:14          | <b>strong (1)</b> 23:8        | 44:23 45:17,17,20              | 67:5,8 68:5 70:18            | 80:4 85:1 93:9,10              |                             |
| 56:3 84:1                      | <b>spot (1)</b> 39:23           | <b>stronger (1)</b> 36:23     | 47:24 49:19 54:19              | 73:23 74:8,14,15             | 98:17 99:2                     |                             |
| <b>skeletons (2)</b> 85:10,11  | <b>staff (149)</b> 2:6,11,17    | <b>struck (3)</b> 24:13,17,22 | 65:1 66:22 67:23               | 78:7 80:6 81:4,5,7           | <b>Tony (4)</b> 21:21,25       |                             |
| <b>skin (2)</b> 56:5 57:22     | 3:14 6:14,15,16 7:9             | <b>structured (1)</b> 5:11    | 69:13,14 73:16                 | 81:9,13,21 82:7              | 25:24,25                       |                             |
| <b>Skinner (1)</b> 13:5        | 7:18,20,23 8:2,9                | <b>Subject (1)</b> 73:8       | 74:7,13 76:23,25               | 83:3 85:17 86:9              | <b>top (5)</b> 33:8 52:13      |                             |
| <b>Sky (1)</b> 85:19           | 11:19,23 13:20                  | <b>subsequent (3)</b> 66:14   | 76:25 77:22 78:6               | 87:20,22 90:1,12             | 56:14 62:21 76:20              |                             |
| <b>slap (1)</b> 20:21          | 14:3,25 15:13,14                | 73:4,15                       | 82:11 83:4,15 86:4             | 90:23,25 91:18               | <b>torture (1)</b> 85:19       |                             |
| <b>slapped (2)</b> 53:3        | 15:24 16:15,18,20               | <b>subsequently (2)</b> 78:8  | 86:5 95:10                     | 92:8,8 94:20 95:4            | <b>total (1)</b> 81:17         |                             |
| 58:23                          | 17:5,9 18:9,9,19                | 86:6                          | <b>taken (21)</b> 14:24 15:9   | 96:22 97:10 98:5             | <b>totally (7)</b> 50:15 58:18 |                             |
| <b>slightest (1)</b> 108:8     | 19:8,9,18,23,25                 | <b>subsidised (3)</b> 88:24   | 16:1,6,7 18:6 39:17            | 99:20 100:5,20,20            | 58:19 59:9 63:23               |                             |
| <b>slightly (1)</b> 24:2       | 20:5,6,12,20,25                 | 89:8,9                        | 53:17 54:13 61:22              | 102:11,12 103:21             | 81:13 82:14                    |                             |
| <b>smack (2)</b> 17:21 94:7    | 21:5,7,9,12,14,17               | <b>substantial (1)</b> 88:19  | 67:6 68:25 71:22               | <b>thinking (1)</b> 45:7     | <b>touch (2)</b> 61:14 97:22   |                             |
| <b>smacked (3)</b> 15:22       | 25:21 26:1,15,22                | <b>substantiate (2)</b> 76:14 | 75:23,24 76:2,17               | <b>third (2)</b> 51:4 63:8   | <b>touched (6)</b> 1:24 30:5   |                             |
| 50:17 95:25                    | 26:24 27:3,3,5,10               | 76:22                         | 83:20 84:22 89:8               | <b>Thomson (20)</b> 12:21    | 31:22 51:16 58:15              |                             |
| <b>smacking (4)</b> 15:11,13   | 27:11,21 28:3,14                | <b>succeeded (1)</b> 45:11    | 101:1                          | 12:25 13:5,21 15:8           | 81:11                          |                             |
| 15:17 16:4                     | 29:7 31:19 32:1,6,7             | <b>succeeds (1)</b> 82:9      | <b>talk (5)</b> 5:9 32:6 51:12 | 15:23 30:25 33:1,2           | <b>track (1)</b> 8:23          |                             |
| <b>small (1)</b> 56:15         | 32:19,21,22 33:15               | <b>success (2)</b> 44:20      | 62:16 63:16                    | 34:13,24 36:21               | <b>train (1)</b> 42:18         |                             |
| <b>smaller (1)</b> 44:5        | 33:25 34:2,5 36:10              | 45:12                         | <b>tap (2)</b> 94:11 96:9      | 37:6,12,21 38:4,19           | <b>trained (7)</b> 32:3 42:20  |                             |
| <b>Smith (3)</b> 33:6 37:7,17  | 39:5,6,8,9,12,14,17             | <b>successful (1)</b> 45:1    | <b>taps (2)</b> 96:8,13        | 38:22 39:2 94:14             | 42:22 44:11 46:4,6             |                             |
| <b>smoking (2)</b> 11:23       | 40:2,2,3,16,19,21               | <b>suddenly (1)</b> 70:6      | <b>target (1)</b> 51:15        | 89:17                        | 89:17                          |                             |
| 13:13                          | 40:22,25 41:11,15               | <b>suffered (3)</b> 64:8      | <b>Taylor (3)</b> 75:2 76:3    | <b>Thomson's (1)</b> 16:10   | <b>training (16)</b> 31:25     |                             |
| <b>soaked (1)</b> 22:19        | 41:18,25 42:2,15                | 108:2,6                       | 78:9                           | <b>Thornton (2)</b> 109:3,5  | 41:2,12,15,19 42:3             |                             |
| <b>social (7)</b> 18:7 41:19   | 44:15 45:25 46:2,8              | <b>sufficient (4)</b> 45:6    | <b>Taylor's (2)</b> 75:6 76:20 | <b>thorough (3)</b> 70:13    | 42:4,9 43:11 44:4              |                             |
| 88:1,9,20 108:1                | 46:19,22 59:6                   | 76:14,22 78:4                 | <b>teacher (2)</b> 4:12 40:13  | 75:20 79:16                  | 46:20,24,24 89:14              |                             |
| 109:2                          | 66:18,23 67:2,4,10              | <b>sufficiently (1)</b> 26:16 | <b>team (2)</b> 93:13 109:25   | <b>thought (12)</b> 9:10     | 89:18,20                       |                             |
| <b>society (1)</b> 60:22       | 68:8,10 89:4,5,24               | <b>suggest (1)</b> 84:23      | <b>tease (1)</b> 40:3          | 11:21 12:1 18:20             | <b>transcripts (1)</b> 100:24  |                             |
| <b>soft (1)</b> 39:23          | 89:25 90:1,4,18                 | <b>suggested (1)</b> 37:22    | <b>teenage (4)</b> 28:18       | 26:17,20 45:3                | <b>transition (1)</b> 88:8     |                             |
| <b>solidarity (2)</b> 21:6,14  | 91:12,22,25 92:2,2              | <b>suggestions (2)</b> 23:8   | 47:9,12 101:20                 | 59:19 90:17,21               | <b>treat (3)</b> 39:21 40:9    |                             |
| <b>somebody (8)</b> 5:21       | 92:3,15 93:3,3                  | 37:6                          | <b>teenagers (1)</b> 100:14    | 95:14 97:7                   | 63:25                          |                             |
| 6:10 7:7,10 35:14              | 94:11,16,22 95:7                | <b>suggests (3)</b> 9:23      | <b>Television (1)</b> 85:19    | <b>thoughts (1)</b> 103:15   | <b>treated (3)</b> 19:23       |                             |
| 49:14 87:5 95:21               | 95:11,17,19,20                  | 44:25 100:14                  | <b>tell (3)</b> 8:17 21:11     | <b>threatened (1)</b> 54:7   | 25:18 106:13                   |                             |
| <b>somewhat (1)</b> 66:25      | 96:18,23 97:2,3,5               | <b>suit (1)</b> 94:12         | 99:4                           | <b>three (11)</b> 12:12 13:7 | <b>treatment (2)</b> 40:24     |                             |
| <b>soon (6)</b> 6:11 14:12     | 98:10,16,24 99:1,5              | <b>suitable (1)</b> 42:16     | <b>tells (1)</b> 56:23         | 13:13 22:16 23:6             | 82:20                          |                             |
| 14:24 31:2 32:19               | 102:3,5,17,19,24                | <b>suited (1)</b> 87:10       | <b>temper (1)</b> 19:19        | 48:21 54:16 95:9             | <b>tree (1)</b> 86:12          |                             |
| 89:15                          | 103:15,18 104:10                | <b>suits (1)</b> 109:24       | <b>tent (1)</b> 40:20          | 95:15 106:8 108:15           | <b>trial (5)</b> 1:17 21:20    |                             |
| <b>sorry (19)</b> 3:8 9:7 10:1 | 104:13                          | <b>summarise (4)</b> 45:15    | <b>term (2)</b> 86:9,10        | <b>threshold (1)</b> 11:15   | 23:8 24:16 49:23               |                             |
| 11:14 34:22 37:15              | <b>staff's (1)</b> 104:11       | 50:5 98:1 107:21              | <b>terms (4)</b> 46:9 95:12    | <b>threw (1)</b> 23:1        | <b>tried (1)</b> 108:23        |                             |
| 44:2 65:20 74:14               | <b>stage (5)</b> 27:17 61:5     | 107:1 109:2                   | 107:1 109:2                    | <b>Thursday (2)</b> 13:1     | <b>trip (2)</b> 8:15 59:7      |                             |
| 75:7 77:15 94:18               | 99:9 100:7 109:16               | <b>summarised (1)</b> 107:8   | <b>test (1)</b> 63:1           | 110:10                       | <b>true (7)</b> 6:10 8:20      |                             |
| 94:25 95:18 96:17              | <b>stairs (1)</b> 27:2          | <b>summary (4)</b> 32:9       | <b>testify (1)</b> 108:22      | <b>Tilbrook (1)</b> 15:12    | 10:5,6 16:16 43:12             |                             |
| 96:20 99:22 103:24             | <b>stand (2)</b> 64:19 65:3     | 45:17,22 75:12                | <b>thank (36)</b> 3:10 7:17    | <b>time (80)</b> 2:13,17 3:9 | 78:25                          |                             |
| 106:21                         | <b>start (2)</b> 1:11 104:3     | <b>Superintendent (16)</b>    | 14:18 17:22 29:21              | 5:13,22 6:24 9:3             | <b>trier (3)</b> 63:19,21      |                             |
| <b>sort (13)</b> 18:13 26:3    | <b>state (1)</b> 81:2           | 8:16 9:15 15:9 20:2           | 32:5,23 36:13                  | 10:21,22 11:8                | 64:7                           |                             |
| 74:5 85:10 87:13               | <b>stated (2)</b> 79:19 81:23   | 27:12,12 30:13                | 38:14 48:5 49:18               | 12:15 13:19 14:6             | <b>tried (1)</b> 108:23        |                             |
| 89:2 90:3 91:9                 | <b>statement (34)</b> 1:10      | 91:3 92:1 93:9 97:6           | 54:3 64:15 75:14               | 19:14,14 22:14               | <b>trip (2)</b> 8:15 59:7      |                             |
| 93:18 98:8 100:15              | 1:10,15 5:8 10:17               | 97:8,9 98:18,22,25            | 82:25 83:2 86:14               | 24:10,12 27:4 28:4           | <b>true (7)</b> 6:10 8:20      |                             |
| 100:16 101:24                  | 19:2,6,15 26:5                  | 15:21 32:11                   | 97:12,20,21,22,22              | 32:16 34:8 35:1,6            | 10:5,6 16:16 43:12             |                             |
| <b>sought (1)</b> 4:23         | 27:24 36:15 37:14               | <b>Superintendents (2)</b>    | 100:12 101:25                  | 36:5,9,18 38:24              | 78:25                          |                             |
| <b>sounded (1)</b> 32:20       | 41:8 47:23 48:7                 | 15:12                         | 104:19,20 105:24               | 42:6,23 43:6 46:10           | <b>truer (3)</b> 63:19,21      |                             |
| <b>sounds (1)</b> 95:22        | 57:12 58:1 60:13                | <b>superintendents (1)</b>    | 105:24 106:1,10,20             | 46:17 47:1,16                | 64:7                           |                             |
|                                |                                 | 15:12                         |                                |                              | <b>trust (2)</b> 38:25 45:6    |                             |
|                                |                                 | <b>supervise (2)</b> 32:7,10  |                                |                              | <b>trusted (2)</b> 9:13 70:23  |                             |
|                                |                                 |                               |                                |                              | <b>try (7)</b> 29:2 31:16 36:4 |                             |
|                                |                                 |                               |                                |                              | 45:13 62:5 68:17               |                             |
|                                |                                 |                               |                                |                              | 99:18                          |                             |
|                                |                                 |                               |                                |                              | <b>trying (4)</b> 19:12 31:19  |                             |
|                                |                                 |                               |                                |                              | 36:11,12                       |                             |

32:13,24 33:4,17  
35:1,3,4,19,22 36:1  
45:3 47:8 55:3 57:5  
61:10 62:15  
useful (2) 15:2 88:7  
usual (1) 107:3  
usually (3) 7:19 19:11  
30:1  
utmost (1) 23:16

**V**

vacated (1) 48:1  
van (1) 90:9  
variety (1) 25:4  
various (1) 94:14  
varying (1) 55:18  
vast (3) 59:20,24  
83:23  
vastly (1) 84:6  
vehemently (2) 50:22  
52:16  
verbally (1) 66:6  
vetting (1) 8:11  
viable (1) 14:13  
victim (2) 25:3 62:3  
victims (1) 55:17  
Victorian (1) 43:13  
view (14) 15:25 16:6  
16:10 18:6 31:11  
43:15 44:23,24  
53:7 54:15 57:8  
70:22 76:20 84:22  
viewed (3) 2:15 16:3  
23:17  
views (7) 4:17,19,22  
15:25 32:24 38:15  
71:1  
violence (3) 23:16  
25:9 59:5  
violent (1) 108:5  
violently (1) 21:1  
visit (1) 32:22  
visited (2) 32:15  
109:3  
visiting (1) 1:25  
visitors (1) 8:13  
visits (1) 1:22  
vividly (1) 31:3  
volunteered (1) 80:9  
vulnerable (2) 23:5  
45:6

**W**

wage (1) 89:9  
wait (3) 48:1 83:5  
107:3  
waking (2) 26:23,25  
walk (3) 8:25 9:1  
101:9  
walked (1) 77:11  
walking (3) 6:13 27:22  
31:5  
wander (2) 7:6 9:5  
wandering (1) 8:21  
want (36) 2:3 15:19  
31:21 34:8 35:15  
38:2 42:12 45:17  
45:21 50:7,13 54:7  
54:19 55:2 57:7  
58:13,16 61:18  
65:25 66:19 69:16  
69:19,23 74:17  
76:19 77:4,22  
82:13,19 84:8  
87:25 94:6 97:11  
97:22 101:25  
106:11  
wanted (10) 8:14 9:12

38:14,14 45:12  
48:19 88:11,13,15  
92:11  
warnings (1) 13:9  
warrant (2) 76:13,21  
washed (2) 40:21,21  
wasn't (24) 2:16 8:5,6  
10:10 11:12 14:6  
29:13 46:24 51:9  
51:11 58:25 61:5  
65:22 85:2 88:22  
88:25,25 95:6  
98:16 100:3,19  
101:16,23 102:13  
waste (1) 81:17  
wasting (1) 83:23  
way (24) 5:11 6:22  
7:24 17:10 19:3,22  
23:14 25:19 31:3  
37:18 39:9,22  
40:10 44:8,9 45:2  
69:21 81:8 85:7  
88:12,24 95:25  
96:1 106:12  
ways (4) 70:13 74:6  
97:7 99:15  
WD002620 (1) 21:19  
WD002620/2 (1)  
23:12  
WD002620/3 (1)  
23:20  
WD003510 (1) 55:4  
WD003510/15 (1)  
55:24  
WD003510/2 (1)  
55:11  
WD003510/23 (1)  
56:13  
WD003510/3 (1)  
55:12  
WD005188 (1) 108:17  
WD005398/2 (1)  
36:16  
WD005400 (1) 41:3  
WD005400/2 (1)  
41:10  
WD005402 (4) 51:3  
57:14 62:20 64:22  
WD005402/3 (4) 51:4  
57:15 63:7 64:23  
WD005402/4 (1)  
62:20  
WD005415 (1) 75:4  
WD005415/6 (1) 75:5  
WD005415/8 (1)  
77:17  
WD005421 (1) 10:16  
WD005421/2 (2)  
10:19 12:20  
WD005421/3 (1) 13:4  
WD005421/4 (1)  
13:11  
WD005422/2 (1)  
14:23  
WD005426 (1) 33:2  
WD005426/76 (1)  
33:7  
WD5422 (1) 14:21  
we're (3) 55:4 72:25  
72:25  
we've (2) 43:8 45:15  
wear (1) 29:24  
Wednesday (3) 1:1  
13:7 88:5  
week (1) 26:3  
weeks (1) 108:12  
welcome (2) 42:2  
82:7  
welfare (3) 4:8 18:24

82:8  
went (10) 5:22 7:19  
20:21 21:7 32:19  
39:9 101:17 103:11  
105:19,19  
weren't (13) 2:24 3:8  
10:11 14:10 40:24  
44:11 47:14 65:21  
78:10 90:24 94:24  
96:13 100:21  
wet (1) 22:19  
whacked (1) 53:3  
whilst (5) 10:3 24:7  
25:15 51:13 78:25  
wide (1) 41:20  
wider (1) 102:16  
wife (1) 84:14  
Wilkinson (2) 41:4,6  
William (1) 72:23  
willing (2) 13:21 64:18  
willingly (1) 77:6  
wind (1) 40:3  
window (1) 29:2  
wish (3) 31:18 83:12  
107:20  
witness (18) 1:7 4:14  
19:18 54:22 55:7  
56:18,20 57:2 65:9  
67:3,4 107:11,15  
107:20,21,24 111:3  
111:7  
witness' (1) 47:23  
witnessed (7) 12:7,18  
55:24  
21:2 40:24 66:18  
96:20,21  
witnesses (2) 40:22  
65:8  
woman (1) 23:6  
wonder (1) 47:19  
wondered (3) 31:23  
42:12 75:3  
wooden (1) 23:1  
word (8) 13:17 35:3,4  
35:5 46:5 47:5,8  
58:9  
words (1) 57:10  
wore (1) 29:21  
work (20) 14:4 26:3  
41:19 46:11 86:25  
87:5,8,10,13 88:3  
88:11,13,15 99:18  
99:25 100:4 104:10  
105:3,14 107:1  
worked (16) 12:12  
13:20 24:2,3 42:24  
43:20 52:18,20  
68:12 76:12 89:23  
93:12 105:4,15,21  
105:22  
worker (3) 52:3 71:11  
71:20  
working (21) 2:1,14  
6:8 8:1 17:6,19  
28:14 41:5 62:9  
87:2,6,6,9,10 88:4  
88:6 92:15 93:10  
99:10 100:10,19  
world (1) 103:22  
worse (1) 20:18  
wouldn't (14) 4:19  
6:17 7:6 9:13 31:15  
95:2,20 103:21  
104:1,2,3,15,17  
108:21  
writes (1) 15:8  
writing (1) 12:25  
written (5) 10:12 14:1  
16:12 38:5 94:14  
wrong (2) 65:1 106:19

wrongdoing (1) 78:24  
wrote (5) 37:25 38:17  
45:7 58:1 97:17  
WS000518 (1) 107:23  
WS000544/10 (2)  
7:17 8:7  
WS000544/11 (2)  
11:5 14:20  
WS000544/12 (2)  
17:23 27:25  
WS000544/13 (1)  
30:22  
WS000544/14 (2)  
36:14 37:16  
WS000544/15 (3)  
39:5 41:9 102:3  
WS000544/16 (1)  
43:10  
WS000544/17 (2)  
44:12 68:23  
WS000544/18 (2)  
70:1,20  
WS000544/20 (5)  
48:7 50:3,16 51:12  
72:22  
WS000544/21 (3)  
52:14 54:5,12  
WS000544/22 (2)  
54:20 58:14  
WS000544/23 (6)  
59:16 61:21 62:2  
62:16 63:17 64:16  
WS000544/24 (2)  
66:14 68:5  
WS000544/25 (1)  
68:8  
WS000544/29 (1)  
74:22  
WS000544/30 (2)  
75:2 78:19  
WS000544/31 (2)  
80:23 82:19  
WS000544/32 (2)  
81:9,13  
WS000544/33 (1)  
85:9  
WS000544/34 (2)  
81:16 83:19  
WS000544/35 (1)  
26:8  
WS000544/6 (1)  
19:16  
WS000544/9 (2) 1:12  
5:25  
WS000554/25 (1)  
73:16  
WS000554/28 (1)  
73:25

**X**

X (1) 13:1

**Y**

year (2) 33:3 55:18  
Year's (1) 102:23  
years (23) 9:4 12:13  
12:15 15:11 22:20  
22:23 24:20,25  
25:2 43:9 55:16  
59:22 62:13 64:10  
71:14 72:14 82:23  
94:18,19,25 95:9  
95:15 108:14  
yesterday (39) 1:9,13  
1:24 2:6 3:5,16 6:6  
8:8 10:8,9 12:21  
14:1,22 15:20 17:3  
18:6 19:16 22:7

23:25 25:22 28:1  
28:16 30:8 31:22  
36:21,24 37:2  
38:19 41:7,23  
42:12 43:3,19  
44:14 57:7 68:15  
106:23 107:19  
109:17  
young (18) 16:7 22:14  
22:23 24:7 35:22  
66:16 87:2 90:11  
90:13 91:21 92:16  
92:17,23 93:7  
101:18 102:10,21  
103:8  
younger (3) 9:11  
19:12,14

**Z**

Zealand (5) 62:17  
63:17,19,23 64:13

**0**

**1**

1 (5) 33:9 36:16,17  
111:3,4  
1,500 (1) 84:22  
1,776 (1) 81:19  
1.05 (1) 110:5  
10 (4) 14:24 24:20,25  
25:2  
10.00 (1) 110:10  
10.40 (1) 48:2  
100 (2) 48:7,12  
101 (2) 50:3,8  
102 (2) 50:16 51:12  
103 (1) 52:9  
104 (1) 53:2  
105 (2) 54:5 111:6  
106 (1) 54:10  
107 (1) 111:7  
108 (2) 54:10,20  
109 (2) 58:12,14  
11 (4) 13:14 15:11,22  
22:23  
11.00 (1) 48:4  
81:16 83:19  
11.58 (1) 83:8  
110 (1) 58:21  
111 (1) 59:4  
114 (1) 59:4  
115 (2) 59:15 62:1  
116 (3) 62:16 63:16  
64:1  
118 (1) 64:15  
119 (1) 61:11  
12 (5) 13:8,12 23:3  
24:20 83:7  
12.18 (1) 83:10  
12.52 (1) 107:12  
12.58 (1) 107:14  
120 (1) 66:13  
124 (1) 68:4  
126 (1) 68:14  
127 (1) 73:15  
13 (3) 4:22 25:2 35:16  
13/14 (1) 4:17  
139 (1) 73:25  
14 (4) 4:22 22:20  
35:25 36:13  
14-year (2) 101:9,10  
14/15 (1) 9:4  
140 (1) 73:25  
141 (1) 73:15  
142 (2) 74:22,22  
145 (3) 74:22,25 75:1  
147 (2) 74:25 78:18  
149 (3) 80:23,24

82:18  
15 (3) 1:1 22:20 55:24  
15-minute (1) 47:24  
15-year (1) 4:22  
155 (1) 81:2  
156 (2) 80:24 81:8  
157 (1) 81:12  
16 (1) 110:10  
160 (1) 85:9  
166 (3) 81:16 83:18  
83:20  
168 (1) 26:6  
17 (2) 13:5 68:23  
17-year (1) 101:17  
1959 (1) 107:25  
1970s (2) 68:20 105:8  
1971 (1) 105:5  
1972/1973 (1) 30:11  
1977 (2) 36:16,17  
1978 (5) 13:5,8,12,14  
14:6  
1979 (8) 2:3 5:14 14:8  
14:24 16:1,18  
20:10 36:19  
1980 (2) 20:9 33:3  
1980s (4) 9:22 72:3  
100:6 105:6  
1981 (3) 12:20 43:17  
46:13  
1988 (1) 43:21  
1990s (1) 100:6  
1a (2) 40:14 107:19

**2**

2 (6) 33:11 37:8 55:10  
109:24 110:1,4  
2.15 (1) 110:7  
2.20 (1) 110:9  
20 (6) 48:7 52:13  
54:23 55:16 57:20  
95:21  
200 (1) 55:25  
2000 (1) 100:6  
2004 (2) 66:12 77:11  
2008 (4) 49:9 61:4,24  
73:18  
2009 (1) 73:18  
2010 (1) 75:3  
2014 (1) 55:6  
2015 (2) 1:1 110:11  
20s (1) 24:12  
21 (2) 12:20 52:13  
23 (1) 56:13  
24 (1) 66:13  
258 (1) 56:14  
268 (2) 56:18,21

**3**

3 (7) 33:16 51:4 55:12  
57:15 63:7 64:23  
65:5  
30 (2) 19:16 80:21  
300 (1) 57:21  
30s (2) 22:13 24:12  
32 (1) 81:8  
34 (1) 83:18

**4**

4 (3) 33:19 55:15  
62:20  
40 (6) 59:22 64:10  
82:23 94:18,19,25  
400 (1) 57:21  
48 (2) 56:23 57:2

**5**

5 (6) 15:11 33:23

55:21 75:7,14,15  
50 (2) 1:11,19  
500 (1) 84:21  
52 (1) 5:8  
53 (1) 7:17  
533 (1) 81:20  
54 (2) 8:7 9:14  
58 (2) 10:18 11:3  
59 (2) 14:20 15:6

**6**

6 (2) 34:1 75:5  
6.30 (2) 72:20 77:2  
62 (1) 17:22  
64 (5) 107:15,21,24  
108:19 111:7  
65 (1) 27:25  
66 (1) 28:22  
67 (1) 30:21  
69 (1) 32:6

**7**

7 (7) 1:7 63:9 65:9  
77:3,16,17 111:3  
73 (1) 37:16  
75 (1) 37:20  
77 (1) 102:2  
79 (1) 39:7

**8**

8 (3) 24:25 34:4,6  
8.30 (1) 90:15  
80 (2) 39:5,10  
81 (1) 41:8  
84 (3) 43:10,25 44:4  
86 (2) 44:12 111:5  
87 (3) 68:22 69:7,10  
89 (1) 69:10

**9**

9 (3) 1:10 22:22 23:2  
9.30 (1) 1:2  
92 (1) 69:25  
93 (1) 70:20  
99 (4) 69:7,11,12  
72:22