

1 Tuesday, 2 July 2019

2 (10.00 am)

3 LADY SMITH: Good morning and welcome back to the resumption
4 of our hearings in relation to the case study into the
5 provision of residential care by the Christian Brothers.

6 This morning we return to oral evidence and, as
7 everybody can see, our first witness is going to be with
8 us by video link. But before going to him, I'll pass
9 over to Mr MacAulay.

10 MR MacAULAY: Good morning, my Lady. The next witness is
11 John Bernard Farrell.

12 JOHN FARRELL (sworn)

13 (The witness appeared via video link)

14 LADY SMITH: Before I hand you back to Mr MacAulay, a couple
15 of things. It certainly seems from this end that the
16 video link is clear and working well. I hope it's the
17 same for you at your end. But if you have any
18 difficulty in seeing or hearing us, please let us know
19 immediately. Will you do that?

20 A. Thank you, my Lady, yes.

21 LADY SMITH: It's very important that you're able to
22 communicate as nearly effectively as you would as if you
23 were actually here in the room with us; it's looking
24 good at the moment and I hope that continues.

25 The second thing -- and just let me deal with this

1 now -- is you know, of course, that this inquiry is
2 looking into the abuse of children in care and at the
3 moment we're looking into the abuse of children in the
4 care of the Christian Brothers, and we've been hearing
5 evidence about that over the last few weeks.

6 Although I think it has already been explained to
7 you that although this is a public inquiry and not
8 a criminal trial or a civil litigation, you have the
9 right not to incriminate yourself in relation to any
10 matters of which you have not been convicted in exactly
11 the same way as you would do in a courtroom.

12 That means that if the questioning or the evidence
13 turns to the abuse of children and allegations about
14 children having been abused by you -- and, as I say, I'm
15 talking now about allegations in relation to which
16 you have not been convicted -- you do have the right not
17 to incriminate yourself. But you need to appreciate
18 that if you do choose to answer any questions about that
19 matter, your evidence is being recorded in exactly the
20 same way as it would be in a courtroom and a transcript
21 is being made of it, and that recording and transcript
22 would be available at any future date if required. Do
23 you understand that?

24 A. Yes, I do, my Lady.

25 LADY SMITH: Thank you. If you have any doubts or questions

1 about it, at any time, please do ask. I'll hand over to
2 Mr MacAulay and he'll take it from there.

3 Questions from MR MacAULAY

4 MR MacAULAY: Good morning, again, John; we spoke a few
5 moments ago. You have in front of you the red folder
6 that contains your statement.

7 A. I do, yes.

8 Q. I propose to give the reference of the statement for the
9 transcript and that's WIT.001.002.6301. If I could ask
10 you to turn to the final page, can you confirm you have
11 signed the statement?

12 A. I can confirm that, yes.

13 Q. Do you say in the final paragraph that you have no
14 objection to your witness statement being published as
15 part of the evidence to the inquiry? Is that correct?

16 A. That is correct.

17 Q. Do you go on to say that:

18 "I believe the facts stated in this witness
19 statement are true"?

20 A. Yes, I do.

21 Q. I think, John, your full name is John Bernard Farrell;
22 is that correct?

23 A. That's correct.

24 Q. Your date of birth is [REDACTED] 1942; is that right?

25 A. That is correct.

1 Q. In the first sections of your statement, you give us
2 some background as to your upbringing in Dublin in
3 Ireland. You go on to tell us that you joined the
4 Congregation of Christian Brothers in 1959 at the age
5 of 17; is that right?

6 A. That is correct.

7 Q. Was it when you became 25 that you made your final
8 lifelong commitment to the Christian Brothers?

9 A. That is correct.

10 Q. During that period, I think you tell us, you were
11 educated by the Christian Brothers and that in 1963 you
12 attended a teacher training college in Dublin; is that
13 right?

14 A. That is correct.

15 Q. After that, did you spend some time working as a teacher
16 at a day school in Dublin?

17 A. Yes, that is correct, I did.

18 Q. I think you say it was a primary school, quite a large
19 primary school.

20 A. That is correct, yes, it was.

21 Q. In January 1967 do you tell us that you were transferred
22 to South Africa because you had expressed an interest in
23 serving in a foreign mission?

24 A. That is correct, yes.

25 Q. We are going to look at your time at St Ninian's in

1 Falkland. There is a record in the St Ninian's records
2 that you may have visited St Ninian's before you went to
3 South Africa. Do you have any recollection of that?

4 A. No recollection of that whatsoever. I had never been in
5 Scotland.

6 Q. It may be another brother, but it's not particularly
7 important.

8 What I want you to do now is to look at the folder
9 that's been presented to you with a number of documents
10 in it. If you could turn to what is the third document,
11 tab 3. Let's refer to them as tabs. CBR.001.001.5672.

12 A. Yes.

13 Q. This is a document that's been made available to the
14 inquiry by the order and it purports to set out your
15 track record working with the order. Do you follow?

16 A. I follow, yes.

17 Q. Have you seen this document before?

18 A. No, I haven't.

19 Q. I'll take you through it then. You can see that there's
20 reference to Dublin and your name at the top, your date
21 of birth, and then what this is setting out is a history
22 of where you may have spent time over your career. So
23 for example, we note in the second line that you were in
24 Pretoria and it would appear to be January 1968;
25 do you see that?

1 A. I do, yes.

2 Q. Was that the school you worked at, the first school, in
3 South Africa?

4 A. The first school I worked at in South Africa was in
5 a town called Welkom in the Orange Free State.

6 Q. I see that's in the top line and it looks like 1967;
7 is that right?

8 A. Yes, that's correct.

9 Q. You moved from Pretoria to Athlone in January 1973?

10 A. Yes.

11 Q. And to Cape Town in November 1973; is that right?

12 A. I see that. From memory, I don't think I could confirm
13 the precise dates, but I'll ... round about.

14 Q. Did you then go to study at Bulawayo?

15 A. That's right.

16 Q. It was after that period in 1975 that you were
17 transferred to the English province from South Africa
18 and that appears to have been in December 1977?
19 Do you see that?

20 A. That is correct.

21 Q. According to this record, you first went to St Ninian's
22 Falkland in December 1977.

23 A. No, it would have been January 1978.

24 Q. Okay. Thereafter, you went to study at Twickenham and
25 you went there in September 1978; would that be about

1 right?

2 A. That's correct, yes.

3 Q. According to this record, you returned to Falkland some
4 two years later in September 1980.

5 A. That is correct.

6 Q. And thereafter, from July 1983, after Falkland had
7 closed, you spent some time in Plymouth?

8 A. That's right.

9 Q. You also spent time in Ireland?

10 A. Yes, very briefly, yes.

11 Q. We know that, thereafter, you sought dispensation from
12 your vows and you became a Catholic priest.

13 A. That is correct, yes.

14 Q. And in particular, you spent some time working in
15 Scotland as a priest?

16 A. That is correct, yes.

17 Q. Can I look to your training as a Christian Brother?
18 What knowledge would you have of the constitutions and
19 the various rules that Christian Brothers were to
20 follow?

21 A. During our period of training for the apostolic work,
22 we would have had classes, I expect is the best
23 description, familiarising us with the structures of the
24 Congregation and how those structures applied to
25 everyday work.

1 Q. One of the rules contained in the constitutions that
2 we've had some reference to in the inquiry is
3 a provision that says that:

4 "A brother should never be alone with a pupil unless
5 duty and necessity should require it."

6 Was that a provision that you were aware of
7 throughout your time as a Christian Brother and, in
8 particular, at the time you were in St Ninian's in
9 Falkland?

10 A. Yes. Without being able to quote it specifically,
11 I think it would have been part of the mindset
12 in relation to how I would carry out my duties
13 in relation to the particular role I had in St Ninian's.

14 Q. Can I then look at your time in South Africa. Let's
15 begin in Pretoria. I think the school in Pretoria was
16 both a boarding school and a day school; is that right?

17 A. Yes, that is correct.

18 Q. When you started your time in Pretoria, were you working
19 in the boarding school section?

20 A. Not when I started, no.

21 Q. Did you move on then to the boarding school section?

22 A. Yes, I did.

23 Q. The inquiry has heard evidence from Brother O'Neill, who
24 was the provincial for the South African province in
25 1972. He has told the inquiry that

1 Brother Vincent Kelleher reported to the Provincial
2 Council that you had committed a moral transgression and
3 had interfered with a boy or boys. Can I just look at
4 aspects of that with you?

5 First of all, was Brother Vincent Kelleher your
6 superior in Pretoria?

7 A. He was the community superior, yes.

8 Q. So far as Brother O'Neill was concerned, what he said in
9 his evidence was this:

10 "I definitely assumed that he [that's you] knew what
11 the situation was."

12 Can I ask you about this: were you accused of
13 a moral transgression when you were working in Pretoria
14 in the boarding school?

15 A. I have no recollection of circumstances of that nature,
16 no.

17 Q. Well, when you say you have no recollection, can
18 I suggest it would be difficult, I think, to forget if
19 such an allegation had been made. When you say you have
20 no recollection, are you saying you were not told or you
21 might have been told and you have forgotten?

22 A. I doubt if I was told. As you suggest, it's not the
23 kind of thing one would forget easily.

24 Q. If we look at another document, it's at tab 5, and this
25 is, if you have it - CBR.001.001.5653.

- 1 A. I have it, yes.
- 2 Q. This is a visitation report of the high school that you
3 moved to in Athlone, St Columba's. I think that's where
4 you went after you'd been in Pretoria; is that correct?
- 5 A. That is correct, yes.
- 6 Q. Why were you moved?
- 7 A. I presume that any movement taking place among personnel
8 would have to do with staff requirements in whatever
9 establishment was being subject to any kind of movement
10 in or out, and so I moved or was moved from Pretoria to
11 Athlone in Cape Town.
- 12 Q. The school in Athlone was a day school; is that correct?
- 13 A. That is correct.
- 14 Q. Were you moved from the boarding side of the school in
15 Pretoria to the day side of the school in Pretoria
16 before you were moved to Athlone?
- 17 A. No. No, I wasn't.
- 18 Q. If we're looking at this document, which is the
19 visitation report for the school in Athlone carried out
20 in the period 20 to 24 May by the provincial. You'll
21 see below halfway there's a reference to:
- 22 "Brother Mark Farrell seems to have made a good
23 recovery from his troubles of last year."
- 24 Do you see that?
- 25 A. I do, I see that.

- 1 Q. What does that refer to?
- 2 A. I have no recollection of what that might refer to.
- 3 Q. Is it the practice for the provincial to meet with the
4 brothers when he is carrying out his visitation to the
5 community?
- 6 A. Yes, it is.
- 7 Q. Would Brother O'Neill, who I think was the provincial at
8 this time, take the opportunity of discussing your
9 position with you?
- 10 A. During visitation?
- 11 Q. Yes.
- 12 A. Yes, he would. He would meet with each individual
13 member of the community on a one-to-one basis, that's
14 correct.
- 15 Q. What Brother O'Neill told the inquiry, John, was that
16 he was told by Brother Vincent Kelleher that you were
17 being moved and that in subsequent places you would
18 attack this problem yourself and that you were being
19 given the opportunity to turn over a new leaf. That's
20 what Brother Kelleher told Brother O'Neill. Do you
21 follow that?
- 22 A. I can understand what you're saying but I have no
23 recollection at all of that situation being discussed
24 with me in any forum and with Brother Kelleher, nor with
25 Brother O'Neill.

1 Q. If Brother Kelleher was suggesting to Brother O'Neill
2 that you were being moved so you could deal with this
3 problem that had developed, you're saying, I think, are
4 you, that Brother Kelleher must have mislead
5 Brother O'Neill as to why you were being moved?

6 A. Or Brother O'Neill misunderstood. Brother O'Neill, if
7 my memory serves me -- and it is going back a long
8 time -- I think the provincial at that time was in fact
9 Brother Patrick Southwell, who was succeeded by
10 Brother O'Neill subsequently.

11 But again, we are going back a long way and the
12 exact details don't readily come to mind.

13 Q. John, can I ask you this question: are you able to
14 explain to the inquiry why you would not be faced up
15 with an allegation that involved a moral transgression?

16 A. No, I don't. If such an allegation were made, I would
17 expect to be faced with it by my relevant superiors,
18 yes.

19 Q. How clear are you with the passage of time that that did
20 not happen?

21 A. That did not happen.

22 Q. Is it correct to say that, as we've seen from the
23 document we looked at showing your track record in
24 different schools, that you did not work again in
25 a boarding school in South Africa?

- 1 A. That is correct, yes.
- 2 Q. Was that not because there was the concern that there
3 had been at least the allegation of a moral
4 transgression when you had been working in a boarding
5 school?
- 6 A. I'm not in a position to say whether that was the case
7 or not. We only had -- the brothers only had two
8 boarding establishments out of a total of about 13 or
9 14, so ... The fact that I was moved to other
10 establishments -- on the law of averages, the chances
11 are it would be a school without a boarding department.
- 12 Q. You do suggest in your statement at paragraph 15 that,
13 as you've mentioned already in your evidence, you were
14 moved from Pretoria to Athlone on the instruction of the
15 provincial to cover staffing shortages. Are you saying
16 that is what you were told?
- 17 A. That's what I understood.
- 18 Q. But is that what you were told by the provincial?
- 19 A. I have no recollection of being told, but that is
20 certainly what I would have presumed.
- 21 Q. Would you consider it to have been a failure then on the
22 part of the order not to have informed you of the
23 allegation or allegations that were being made against
24 you?
- 25 A. Yes, I would.

1 Q. You tell us in your statement -- and we've seen the
2 documentation relevant to this -- that your time in
3 South Africa came to an end when you requested to be
4 sent back home.

5 A. That is correct, yes.

6 Q. Why did you want to come back home?

7 A. Back to the northern hemisphere. Principally because my
8 parents were getting on in life and their health wasn't
9 wonderful and I was more concerned to be within striking
10 distance rather than be 6,000 miles away. And in those
11 days, we didn't have the luxury of telephone
12 communication very easily.

13 Q. I think you were eventually transferred to the English
14 province from South Africa, as we've seen from your
15 track record, in December 1977.

16 A. That is correct.

17 Q. If you could turn to tab 6, CBR.001.001.5654 and if you move to
18 the fourth document in that section of the folder, the third
19 paragraph in, you'll see there that there's a suggestion
20 that you made a request to do a BEd in Salisbury in
21 1977, and that request was denied. So it does appear
22 that you were content to spend some further time in
23 South Africa post-1977 if that is correct.

24 A. Yes.

25 Q. The BEd, what length of course would that have been?

1 A. It would have added a year to what I had already done at
2 the college of education.

3 Q. So was the fact that you had not been permitted to go on
4 the course part of the reasoning why you wanted to come
5 back to the northern hemisphere?

6 A. No, I don't -- no, it wasn't.

7 Q. We've seen from the document we looked at at the
8 beginning that you arrived in Falkland, according to the
9 document, in December 1977. You thought it might have
10 been the beginning of 1978, but it matters not.

11 A. Yes.

12 Q. At that time, what role were you being told you were
13 going to be carrying out at St Ninian's?

14 A. As a member of the teaching staff.

15 Q. Were you qualified to teach at St Ninian's?

16 A. At that time I was -- there was some doubt as to whether
17 my qualifications were acceptable or not.

18 Q. Then what was your role? What role did you actually
19 play when you were at St Ninian's for this period of
20 time?

21 A. I taught.

22 Q. Did you have any responsibility, for example, for the
23 dormitory areas or other aspects of the regime?

24 A. No, I didn't, no.

25 Q. During this time at St Ninian's, where did you sleep?

- 1 A. In the main building of Falkland House, the main
2 building.
- 3 Q. I think we know there's a main building where you come
4 into a main hall; is that correct?
- 5 A. That's correct, yes.
- 6 Q. And there is a stairway that will take you up to an
7 upper level. Is that the level where you had your
8 bedroom at that time?
- 9 A. Yes, that's correct.
- 10 Q. As you've said, there was a question mark then over
11 whether or not you were qualified to teach. Was some
12 decision made that you'd go and get some qualifications?
- 13 A. Yes, a decision was made that I would go down south to
14 London and follow a course down there.
- 15 Q. Was it the expectation that you would return to Falkland
16 once you were fully qualified?
- 17 A. Yes, I think that was in the mind of the provincial of
18 the time.
- 19 Q. And I think we know that you spent from about
20 September 1978 to September 1980 on the course that you
21 were sent to do; is that right?
- 22 A. That's correct, yes.
- 23 Q. When you returned then to St Ninian's in about
24 September 1980, what role did you take up when you
25 returned?

1 A. I really ... There was a handover of responsibility
2 from the previous headmaster to me as his successor, and
3 there was a transition period of a couple of months
4 there, in which I shadowed -- if you like, I shadowed
5 his area of responsibility.

6 Q. I think [REDACTED];
7 is that correct?

8 A. That is correct, yes. That's correct.

9 Q. When do you consider that you actually took over the
10 role of headmaster?

11 A. In the autumn of 1980.

12 Q. What did you see your responsibilities to be?

13 A. When I took over?

14 Q. Yes.

15 A. The management of the establishment. The running of the
16 school. The contacts with the local authority in
17 connection with education and social work as regards the
18 welfare of the residents.

19 Q. Looking to the Christian Brothers community that was
20 there at the time, you've mentioned Brother [REDACTED] LNA

21 A. Yes.

22 Q. Who were the other brothers when you took over as
23 headmaster?

24 A. Brother [REDACTED] MHJ was there. Brother [REDACTED] MBS

25 Q. Brother Kelly?

1 A. No, not when I took over, no. He joined the community
2 somewhat later.

3 Q. The evidence provided to the inquiry has been that
4 Brother Kelly was there since about September 1979.

5 A. Well, that's not my recollection.

6 Q. Could you be wrong about that?

7 A. I don't think so, Colin. I don't think so.

8 Q. This document isn't within your papers. It is
9 a visitation report. I'll put it on the screen.
10 CBR.001.001.2362. This might come on to our screens,
11 but you will not see it, but I'll read out the relevant
12 parts to you.

13 This relates to a visitation carried out between 26
14 and 30 April 1980, and we can see that in relation to
15 the community at that time, Paul Kelly is mentioned.
16 If we turn to page 2365, we read, the second entry:

17 "Paul Kelly, 28, has been here since September."

18 So that would make it September 1979. So the
19 suggestion there is that Paul Kelly had certainly been
20 at St Ninian's in September 1979, so he would have been
21 there at the same time as yourself and indeed
22 Brother LNA Do you understand that?

23 A. I do, yes.

24 Q. I understand it's not your recollection because it's
25 a long time ago, but on the face of it, if the

1 documentation is correct, then it would appear that

2 Paul Kelly was there --

3 A. Yes.

4 Q. -- when you were there.

5 A. Yes, I accept that.

6 Q. Can I just ask you to look at a couple of plans that are
7 in the folder in front of you, John. The first plan
8 I want you to look at is in tab 7. The reference for
9 the transcript is CFS.001.006.8297.

10 We're looking here at a layout plan of St Ninian's
11 and you can perhaps get your bearings. We have the
12 entrance hall that leads into the main hall. Can we see
13 there's an area to the right that has been designated as
14 the headmaster's office; is that where you had an
15 office?

16 A. Yes.

17 Q. To the left of that, do we see that there's an
18 indication of there being a stairway that would take you
19 to the upper level; is that correct?

20 A. That's correct, yes.

21 Q. And if we go on to the next tab, tab 8 -- and this is
22 CFS.001.006.8296 -- we're now looking at a layout of the
23 upper level.

24 A. Yes.

25 Q. Would it be here that you would have your bedroom?

- 1 A. Yes.
- 2 Q. Can you indicate where it was? I wouldn't be
3 constrained by the designations that have been given in
4 the plan as they may not be accurate.
- 5 A. It would have been one of the small rooms on the
6 right-hand side of that diagram.
- 7 Q. We see there's reference to "brother's bedroom" and then
8 below that "brother's bedroom" and "staff dormitory";
9 is that the area you're talking about?
- 10 A. Yes. That's more or less the location of where I had my
11 bedroom and bathroom.
- 12 Q. You told us earlier, John, that you had a form of
13 handover with [REDACTED] when you took over the role
14 of headmaster.
- 15 A. Yes.
- 16 Q. So far as Brother LNA was concerned, had he been
17 carrying out what one might refer to as dormitory duties
18 during --
- 19 A. Yes, he did.
- 20 Q. Did you?
- 21 A. No.
- 22 Q. Why not?
- 23 A. Well, he stayed, during that transition period -- he
24 continued, so far as I recall, in that role. Now, as to
25 who were the housemasters at that time, I'm not clear.

1 During my time in St Ninian's as headmaster, there were
2 a number of people were housemasters. Paul Kelly was
3 certainly one. [REDACTED] MHG [REDACTED] was certainly another.
4 Chris Brown was another.

5 Q. Did you find it at all unusual or strange that
6 Brother [REDACTED] LNA [REDACTED] while he was [REDACTED] SNR [REDACTED] was also able to
7 devote his time to looking after dormitories?

8 A. Well, yes, it was a heavy workload, but I don't think it
9 ever ... the topic ever cropped up that I would assume
10 identical responsibilities as to those which he had
11 apart from management. I felt, moving into it, as a new
12 job, I had enough on my plate simply to acclimatise
13 myself and familiarise myself with the comings and
14 goings of the establishment.

15 Q. You give us information in your statement about the
16 regime, such as chores and leisure time and so on, and
17 clearly the inquiry will have regard to that material.

18 Insofar as leisure time is concerned, I think you
19 tell us in paragraph 75 that you don't remember any
20 books or a library at the school when you were there.

21 A. That's correct.

22 Q. Did you find that unusual, that a school would not have
23 some form of library?

24 A. Well, in the 1980s, I don't think it would have been
25 very remarkable. We are struggling with the difficulty

1 of transposing standards which are accepted today back
2 30 and 40 years and wondering why this wasn't done and
3 that wasn't done and the other thing wasn't done, but
4 I don't think it's fair to be finding fault with
5 situations which were in a completely different time
6 frame.

7 Q. You do mention in your statement, you make some comments
8 about bullying and so on at the school. Did you find
9 that an issue?

10 A. No, it wasn't. It wasn't a major issue during my time
11 there.

12 Q. Were the boys difficult to manage?

13 A. Sometimes.

14 Q. Because I think we know that some boys at least came
15 from difficult backgrounds.

16 A. Yes.

17 Q. Would you be given information about the backgrounds of
18 boys?

19 A. Yes.

20 Q. Who would provide that information?

21 A. Social workers, what we would glean from attendance at
22 Children's Panels, and certainly contact directly with
23 families.

24 Q. That information then about backgrounds, how much of
25 that information would be passed on to the members of

1 staff?

2 A. I think as it was seen as being relevant. There
3 wouldn't have been a blanket policy in relation to that.

4 Q. You do tell us that smoking was not allowed but was
5 tolerated; is that how you saw it?

6 A. Well, tolerated might be a general phrase. Smoking
7 certainly was prohibited, but the staff knew that boys
8 brought back material for smoking from their visits home
9 and they would find places in the grounds where they
10 would indulge in their habit to a greater or lesser
11 degree.

12 Certainly, the staff would have tried to police that
13 situation, maybe in an easier way than a complete
14 clampdown and making it impossible.

15 LADY SMITH: Did you give the staff any instructions about
16 how they were to, as you put it, police the smoking
17 problem?

18 A. Not in specific terms, but I think they could understand
19 from my attitude -- and at staff meetings when we
20 discussed problems of dealing with the various incidents
21 that might arise, I think the staff who would have been
22 involved in supervision duties would have gleaned
23 something of my philosophy from the way I outlined
24 policy. Is that clear, my Lady?

25 LADY SMITH: Well, I'm not sure from what you tell me, if

1 I was a member of staff, what I would know about what
2 you expected me to do in relation to smoking.

3 A. Well, I think if a pupil was caught smoking within the
4 building, I think that would be seen as a major
5 incident, because it was an old building with a type of
6 lattice and plaster construction and I think it would
7 have been a great fire hazard. So the boys tended --
8 in the winter they might have gone to the toilet block
9 or they might have gone outside the premises altogether
10 and congregated at the -- there was a lawn outside the
11 back gate where they would kick footballs and generally
12 hang about, and sometimes that was an area.

13 To be honest, when I wandered in that direction
14 during lunch breaks, for example, I would -- shall I put
15 it that I would make my approach detectable, so that if
16 there were boys smoking outside they would have the
17 opportunity to put their smoking materials away or
18 dispose of them over the wall or something of that
19 nature.

20 LADY SMITH: Mr MacAulay.

21 MR MacAULAY: The inquiry has heard evidence that boys
22 absconding over different periods of time.

23 A. Yes.

24 Q. -- was a problem. During your time particularly in the
25 second period at St Ninian's, did boys abscond from the

1 school?

2 A. Yes.

3 Q. Did you find that disruptive to the school?

4 A. Yes, I certainly did. But again, it was accepted that
5 these incidents would occur. I think it was a feature
6 of all residential accommodation in special schools that
7 there would be pupils absconding for whatever reason,
8 whether there was a reason or no reason.

9 Q. Did you ask those that absconded and were taken back why
10 they had run away?

11 A. Mostly they would say they were homesick. I can't
12 recall ever being told that the reason somebody
13 absconded was because he was being bullied by his peers.

14 Q. Were the boys who absconded punished?

15 A. Yes, they were. The punishment would vary, sometimes by
16 having weekend leave denied. That would have been the
17 most severe punishment. I didn't see much point in
18 administering corporal punishment in those
19 circumstances.

20 Q. Can I touch upon schooling for a moment or two. Did you
21 yourself teach in the second period when you were
22 headmaster?

23 A. No, I didn't teach in the setting of a classroom, but
24 I did undertake the production of some theatrical,
25 musical items with the whole school. We entertained

1 usually the senior citizens from the village, who would
2 be invited to the school to be entertained, to have some
3 food provided. The boys would act as hosts and those
4 performing would perform and give of their best. It was
5 of their best and some were very, very good, very
6 successful productions as well.

7 Q. One of the things you say in your statement is that the
8 remedial teacher had a huge role to play in the teaching
9 of the boys.

10 A. Yes.

11 Q. Did you just have the one remedial teacher?

12 A. We did, Margaret Nicol. She was the only one and she
13 looked after the reception class and determined which
14 pupils needed extra tuition help in one aspect or
15 another. The level of literacy and numeracy of those
16 coming in was very low, almost across the board.

17 Q. That brings me to the next point then. What about the
18 teaching brothers? Did any of them have remedial
19 teaching skills?

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

21 Colin, may I please be excused? I need a comfort
22 break.

23 LADY SMITH: Certainly. We'll have a break. We can take
24 the morning break just now, John, and we'll resume in
25 about 10 or 15 minutes.

1 A. Yes, thank you, my Lady.

2 LADY SMITH: Very well, thank you.

3 (10.48 am)

4 (A short break)

5 (11.00 am)

6 LADY SMITH: John, are you comfortable now and ready to
7 carry on?

8 A. Yes, thank you, my Lady.

9 LADY SMITH: I'll pass you back to Colin.

10 MR MacAULAY: I want to ask you about records, John, and if
11 you look at paragraph 114 onwards in your statement,
12 this is where you provide some information about
13 records. Can I ask you this, first of all: did you, as
14 the headmaster, keep personal files for the boys?

15 A. Yes. I would have -- there would have been files in
16 both the social worker's office and in my office. There
17 would have been a bit of overlap in terms of -- yes.

18 Q. Would you have an individual file for an individual boy;
19 is that the way it worked?

20 A. Yes.

21 Q. So you had your own files in your office for that
22 purpose?

23 A. Yes.

24 Q. And what sort of material would be contained in the
25 file?

1 A. A record of incidents that might have arisen in relation
2 to behaviour, in relation to leave, home leave, that
3 problems may have arisen. I had the practice of
4 visiting homes during holiday, vacation times, to liaise
5 with -- usually with the one parent who, in most cases
6 was the mother, just to keep abreast of developments and
7 how things were going and whether she saw any
8 improvement in the general behaviour of her son --

9 Q. Would that material then go into the boy's personal
10 file?

11 A. Yes.

12 Q. Were files there when you arrived at St Ninian's?

13 A. I can't recall, Colin, to be honest. I can't, honestly.

14 Q. Can you tell me, John, what happened to these personal
15 records?

16 A. When the school closed, the social work records were
17 returned to the area social workers in the areas to
18 which the boys were being returned. Some of the boys --

19 Q. Sorry, but what about your files? Let's just focus on
20 the headmaster's files and what happened to them.

21 A. That material, if it was deemed significant, would have
22 been moved with Congregational material to the
23 headquarters of the Christian Brothers at the time.

24 Q. Two points on that. First of all, since that is
25 personal material relating to children, clearly that

1 would be significant as a record for that particular
2 individual; would you agree with that?

3 A. Yes, I would.

4 Q. When you say it would have been moved, do you know if
5 that material was moved?

6 A. I can't say categorically, Colin, that I supervised the
7 movement of the contents of a filing cabinet from
8 Falkland to the provincial headquarters.

9 Q. Are you saying you can't say, you don't have any
10 recollection of doing that?

11 A. Correct, yes, that is correct.

12 Q. So if that didn't happen, then would the files have
13 remained where they were at Falkland?

14 A. I wouldn't see any reason for retaining them there if
15 they weren't relevant. They may have been, in the
16 judgement of the school social worker, worth combining
17 with his reports and returned to the social worker in
18 the area.

19 LADY SMITH: Just a minute: these were your files; did you
20 share your files with the school social worker?

21 A. We worked very closely together, yes. We would.

22 LADY SMITH: Well, did you?

23 A. Yes.

24 LADY SMITH: He saw your files?

25 A. Yes. And I saw his files.

1 LADY SMITH: Are you telling me that you have a recollection
2 of the social worker taking part in deciding whether or
3 not children's files were to be retained or not?

4 A. To the best of my recollection, yes, my Lady.

5 LADY SMITH: Well, how was that done? Did you have
6 a meeting going through every child's file that you had
7 in your room or what?

8 A. Again, my Lady, I cannot say categorically how we did
9 it. I have no recollection of it.

10 MR MacAULAY: Whose responsibility was it to preserve the
11 files that you kept for the children?

12 A. It would have been the responsibility of the
13 Congregation.

14 Q. And on the ground, whose responsibility was that?

15 A. That would have been mine.

16 Q. I think what you're saying is you really don't remember
17 what you did or what happened to the files; is that your
18 final position?

19 A. Essentially, yes.

20 Q. More broadly, did you keep any other records in
21 connection with the ongoings at the school?

22 A. No.

23 Q. We know that there were logbooks kept from the period of
24 the opening of the school up until 1976. Were you aware
25 of there being a logbook or logbooks at the school when

- 1 you were there?
- 2 A. No. Logbooks were never handed over to me in the form
3 of a continuation of the regime.
- 4 Q. If you look at tab 9, WIT.003.002.1327 in the folder, what you're
5 being shown there, moving from left to right, that's three
6 logbooks, and you see one actually has the label
7 "Logbook" on it. Did you have these books at the school
8 when you were there?
- 9 A. I don't recognise those books as they are shown there.
- 10 Q. What about the book on the right? That's the admissions
11 register; do you recognise that?
- 12 A. No, I don't.
- 13 Q. Who was responsible for completing the admissions
14 register?
- 15 A. It would have been the school social worker's
16 responsibility in the first instance.
- 17 Q. Why would it be his responsibility?
- 18 A. Essentially, the boys were coming to St Ninian's on two
19 tracks: firstly for education and secondly for care.
20 The need for care and the identity of St Ninian's was
21 probably more readily seen as a place of care rather
22 than an educational institution.
- 23 Q. There wasn't a social worker at St Ninian's for
24 a considerable period of time before there was
25 a social worker there; is that right?

- 1 A. Right.
- 2 Q. So who would be responsible for completing the
3 admissions register before a social worker was on the
4 scene in your opinion?
- 5 A. It would have been the headmaster.
- 6 Q. In any event, do I take it from what you're saying,
7 John, you never completed an admissions register for any
8 boy who attended St Ninian's?
- 9 A. I have no recollection whatever of completing an
10 admissions register, no.
- 11 Q. The other book I want you to look at is in tab 12,
12 WIT.003.002.1344.
- 13 A. Yes.
- 14 Q. This is a book that contains the annals of
15 St Ninian's --
- 16 A. Right.
- 17 Q. -- dating back to when it opened and indeed before it
18 opened. Did you have any input into the keeping of the
19 annals?
- 20 A. No.
- 21 Q. Do you know what the annals are?
- 22 A. No.
- 23 Q. I think we know, John, that St Ninian's closed in July
24 of 1983; is that right?
- 25 A. That's correct, yes.

1 Q. As you tell us in your statement at paragraphs 121 to
2 122, this was at least partly due to a changing approach
3 to how children in care would be managed, and in
4 particular there was a greater emphasis on children
5 going into the community rather than institutions.

6 A. That's correct.

7 Q. Was there also a difficulty over manpower from the
8 Congregation's perspective?

9 A. Yes. Yes, there was a shortage of personnel.

10 Q. During your time as headmaster, did any of the brothers
11 receive any training in childcare?

12 A. No.

13 Q. In relation to discipline and punishment, did the
14 school, as a school, have any written policy in
15 connection with discipline and punishment?

16 A. No, it didn't have a written policy, no.

17 Q. I think there was guidance at least provided to the
18 Congregation in its constitutions and also in the acts
19 of its chapter as to how children should be disciplined;
20 is that right?

21 A. I don't recall, Colin, honestly.

22 Q. Did you focus on any of that guidance at the time when
23 you were there as headmaster?

24 A. Again, I have no recollection of doing so.

25 Q. We also know, I think, that for institutions of this

1 kind there were regulations that set out the law on how
2 children should be disciplined. Did you have any
3 knowledge of what was contained in these regulations?

4 A. In relation to?

5 Q. In relation to discipline of children.

6 A. In schools in general?

7 Q. In schools of the type of St Ninian's.

8 A. Of the type of St Ninian's, no.

9 Q. Did you punish children?

10 A. Yes, I did.

11 Q. Did you keep a record of these punishments?

12 A. No, I didn't.

13 Q. Did you understand that you ought to have kept a record
14 by law?

15 A. No, I didn't. I think I expressed in my statement my
16 regret that at the time I didn't see it as
17 a responsibility. I think if I had kept a clear record,
18 there would have been clarification to some of the
19 situations that were referred to in various allegations
20 made.

21 Q. Can I then look at the issue of allegations, John, for
22 a moment or two.

23 You stood trial in the High Court in Glasgow in
24 2016. You were faced with a significant number of
25 charges, over 40 charges, on the back of something like

1 28 complaints and allegations. Is that your broad
2 understanding as to what the background was?

3 A. Yes.

4 Q. You were convicted and found guilty on three charges
5 involving, putting it broadly, the sexual abuse of three
6 individuals; is that right?

7 A. That is correct, yes.

8 Q. And you were sentenced to five years' imprisonment and
9 that's where you are now, you're serving your sentence?

10 A. That's correct, yes.

11 Q. If you look at what I referred to when we spoke earlier
12 as the key that you've been provided in relation to the
13 names of individuals, the first name we look at is
14 someone called Jack. Do you see that?

15 A. I do, yes.

16 Q. You'll see who that is. Essentially, what Jack has told
17 the inquiry -- and I don't have time to go to the
18 transcript -- is that there was a motorbike incident
19 when you were on a trip to Wales and a particular
20 individual, as he put it, was battered by a belt because
21 you were raging. Essentially, he was painting a picture
22 of excessive punishment. Do you have any recollection
23 of that?

24 A. I can recall the incident, yes, very clearly. I can
25 remember the two individuals who were responsible for

1 the damage to the motorcycle. I'm not sure that Jack
2 was actually on that holiday with us. We would normally
3 take approximately 20 of the boys for a summer holiday,
4 usually to some type of outward bound hostel. The one
5 in this case was in Wales and we accommodated the boys
6 in bunk houses, tents, and the boys we provided that
7 holiday for tended to be individuals who would not have
8 had the opportunity of any kind of break.

9 Jack, as I recall, spent only a very short time in
10 St Ninian's. I don't think he would have been
11 considered a deserving case, if you like, to have that
12 holiday offered to him.

13 Q. But are you challenging his description of what
14 happened? That's the essence of the issue. He says
15 a particular boy got, as it's put in the statement to
16 you, "a hell of a beating from you". Do you challenge
17 that?

18 A. I challenge the accuracy of it, Colin, because in fact
19 it was two boys, and they were punished by having their
20 posteriors belted, not with the traditional regulation
21 tawse, but with a belt from my jeans. I would not have
22 considered it to have been excessive, no.

23 Q. The next person I want to ask you about is the second on
24 the list. He has taken the pseudonym "Alex".

25 A. Yes.

- 1 Q. And he provided evidence to the inquiry that he was
2 discovered by Brother LNA having drunk altar wine
3 in the chapel, and that you came in and, along with
4 Brother LNA tried to catch him. Did that happen?
- 5 A. Alec (sic) was never a pupil in St Ninian's during my
6 time there.
- 7 Q. Is the answer to my question, John, that so far as you
8 were concerned you weren't involved in that event?
- 9 A. I was not involved. I was not involved.
- 10 Q. He went on to say that he was later taken by
11 Brother LNA to his room, where he was sexually abused,
12 that there was a Brother MBP present, and that you
13 came in and you also sexually abused him. If you're
14 saying that he was never there when you were there, are
15 you saying that that did not happen so far as you were
16 concerned?
- 17 A. That did not happen as far as I'm concerned.
- 18 Q. I think you told me earlier that it was your
19 expectation, I think, that you would be posted back to
20 St Ninian's after your training in Twickenham.
- 21 A. Yes.
- 22 Q. Did you go back to St Ninian's from time to time?
- 23 A. No.
- 24 Q. Why not?
- 25 A. I was fully committed to my time at the house of studies

1 in Twickenham, my course, and when vacation time arose,
2 I tended to go back to Ireland to visit family.

3 Q. I just wonder, since it was the expectation that you
4 would go back to St Ninian's once your training had been
5 completed, why you would not pay some visits to the
6 place where you'd expect to be working.

7 A. I wouldn't disagree that it might seem almost logical,
8 but it didn't happen.

9 LADY SMITH: Did you keep in touch with St Ninian's whilst
10 you were in Twickenham?

11 A. Not to any degree.

12 LADY SMITH: So to what degree did you keep in touch?

13 A. It might have been by telephone.

14 LADY SMITH: Were there particular people you kept in touch
15 with there?

16 A. It would have been Brother **LNA** I expect. He was the
17 person with whom I had most contact.

18 LADY SMITH: Didn't he encourage you to go back and visit
19 during your vacations?

20 A. No, no.

21 LADY SMITH: Are you sure about that?

22 A. I am clear about that, yes.

23 LADY SMITH: Mr MacAulay.

24 MR MacAULAY: Did you know a Brother **MBP**

25 A. No. The brothers did not have names such as

1 Brother [MBP] the Christian Brothers. That wasn't
2 the way the Christian Brothers structures worked. There
3 was certainly no Brother [MBP] in St Ninian's or in
4 any other establishment run by the Christian Brothers.

5 Q. I think the inquiry has seen some records to indicate
6 there may have been a Christian Brother at some point in
7 time who was called [MBP] but I'm not suggesting
8 this is at this time. Did you know a Brother [MBP]
9 from any other order?

10 A. No. There might have been -- I didn't know one, but
11 there might have been one in the Congregation of the
12 De La Salle Brothers. Their titles would have been
13 similar to that, Brother [MBP], Brother Ignatius,
14 Brother Martin or whatever. But not the
15 Christian Brothers, that wasn't the way the
16 Christian Brothers termed ...

17 LADY SMITH: John, are you trying to tell me that the
18 Christian Brothers, they didn't take a religious name?

19 A. They took a religious name and were known by it outside
20 the community itself.

21 LADY SMITH: But within --

22 A. They would have been referred to as Brother [LNA]
23 Brother Farrell, Brother Kelly within the community.
24 Within the privacy of the common room brothers would
25 have referred to one another by their religious name.

1 LADY SMITH: So if somebody's second name was [MBP] they
2 could be known in your system as Brother [MBP]

3 A. Yes. Yes, if the surname was [MBP] yes.

4 LADY SMITH: I understand that.
5 Mr MacAulay.

6 MR MacAULAY: Can I move on to the third name on the list,
7 John, and that's Alexander Shannon, who doesn't want to
8 remain anonymous. It appears from the records the
9 inquiry has seen that he was there when both yourself,
10 Brother [LNA] and Brother Kelly were at St Ninian's.

11 A. Yes.

12 Q. One thing he told us in his evidence -- and this came
13 from other evidence as well, over periods of time --
14 is that brothers would be present at showers and he
15 mentioned Brother Kelly, Brother Farrell, and
16 Brother [LNA] Do you recollect being present when boys
17 were showering?

18 A. No. That was never part of my remit, never part of my
19 duties to supervise the boys having showers.

20 Q. Are you saying you were never present at any --

21 A. Never present, never present.

22 Q. He also said, so far as he was concerned, the regime at
23 his time in St Ninian's -- and he was there
24 from February 1980 to April 1981 -- was one where:

25 "There were three types of discipline: the belt, the

1 cane, and hands and fists."

2 Although he went on to say that:

3 "Only Brother LNA used the cane."

4 Does that description of the discipline regime
5 accord with your recollection?

6 A. No, no, it doesn't, no.

7 Q. He went on to say that you would use your hands as well
8 as the belt.

9 A. No, no.

10 Q. Was there a favourite boys' room in the dormitory area?

11 A. Not to my knowledge.

12 Q. Did you have favourite boys?

13 A. No.

14 Q. What about Brother Kelly? Did he have, to your
15 recollection, boys that he looked upon as his
16 favourites?

17 A. Not to my knowledge, no.

18 Q. The other evidence that Alexander Shannon gave is,
19 because he was a bed-wetter, he was taken by you to the
20 toilet and you took hold of his penis to make him do the
21 toilet in what he described as "a masturbating fashion".
22 Did that happen?

23 A. That never happened.

24 Q. The other person on the list, Max, number four on the
25 list -- do you remember Max?

- 1 A. Yes, I do.
- 2 Q. Did he ever complain to you that he was being abused
3 sexually?
- 4 A. No, he didn't.
- 5 Q. Did you ever engage in group sexual activity with Max
6 and other boys?
- 7 A. Definitely not.
- 8 Q. Did you, along with Brother Kelly, tell Max when the
9 school was closing down that he wasn't to speak about
10 anything what happened in St Ninian's while he was
11 there?
- 12 A. No.
- 13 Q. Do you remember if Max came back to visit you after he
14 had left the school?
- 15 A. No. I have no specific recollection of him coming back,
16 although many boys did come back. He might have been
17 one, but I have no recollection of him specifically.
- 18 Q. Did you know that Brother Kelly would have boys in his
19 room and that --
- 20 A. Yes.
- 21 Q. And did you know that boys slept in his room?
- 22 A. Yes.
- 23 Q. Did you approve of that?
- 24 A. I wouldn't say I approved of it, but I allowed it to
25 happen because the boys in question tended to be boys of

1 a nervous disposition who would have been in need of
2 comforting. They were the younger set among the boys,
3 and being away from home could have been traumatic for
4 them, so some would get their duvet and head up and
5 sleep on the floor. There might have been two or three
6 individuals scattered round the floor in Brother Kelly's
7 room.

8 Q. I think, from the description you've given, would it be
9 correct to say these were vulnerable boys?

10 A. Possibly.

11 Q. In any event, you're telling us you knew of the
12 practice?

13 A. Yes.

14 Q. And you didn't do anything to stop the practice?

15 A. No.

16 Q. Did you ever have a boy in your room overnight?

17 A. No.

18 Q. Again, if we look at tab 14, WIT.001.002.5528 -- if I could ask
19 you to look at tab 14. This is an extract from a statement
20 that's been provided to the inquiry by MKF

21 A. Yes.

22 Q. Paragraph 75 is the one I want to focus on. It's the
23 third line. He goes on to say:

24 "The only thing I can tell you is that one of the
25 pupils involved in the school magazine told me that

1 he was being bullied by others in his dormitory. He
2 said that Brother Farrell, the headmaster, had taken him
3 to his room and he had slept there for the night."

4 And he goes on to say that:

5 "There was no mention of any jiggery-pokery or
6 anything going on."

7 Did that happen?

8 A. No, that didn't happen.

9 Q. If I can take you to the last name on the list with the
10 pseudonym "Alan". His general description of life at
11 St Ninian's was:

12 "One of constant violence and threats."

13 Do you have anything to say about that?

14 A. I remember that individual, Alan. I would have
15 remembered him as being a very easy-going individual.
16 I wouldn't have seen him as a problem pupil.
17 I certainly have no recollection of him being subject to
18 any particularly harsh treatment.

19 Q. I now want to take you finally to the last little
20 chapter I want to try and cover before we finish and
21 that's during the time that there was a police
22 investigation and your involvement with the
23 Catholic Church safeguarder at the time.

24 Do you remember having a meeting with
25 William Crawford on 16 February 2014?

- 1 A. I wouldn't be sure of the date, but I had a number of
2 meetings with William Crawford over the course of the
3 time the investigation was going on.
- 4 Q. There was one particular meeting where he said he went
5 to your flat in Haddington -- I think he said it was
6 a Sunday in the afternoon -- after you had, I think, had
7 a meeting with the police and been charged. Do you
8 remember that meeting?
- 9 A. There would have been -- yes, there would have been
10 a number of meetings after the charges were made, but
11 again I cannot be sure as to where exactly in the
12 calendar these meetings took place.
- 13 Q. Do you remember Mr Crawford?
- 14 A. Oh yes, I do.
- 15 Q. Did you know at the time that apart from being
16 a safeguarder, he was also a policeman?
- 17 A. I was aware of that.
- 18 Q. If you look at tab 15 in the folder, CFS.001.006.9171 we have
19 here what has been identified to the inquiry by Mr Crawford as
20 a note he made of a conversation he had with you on
21 Sunday, 16 February. Do you see that?
- 22 A. I see that, yes.
- 23 Q. Have you seen this document before?
- 24 A. No, I haven't.
- 25 Q. Were you shown it before your trial?

1 A. No, I wasn't.

2 Q. At meetings you had with Mr Crawford, were you aware
3 that he would be making notes?

4 A. No.

5 Q. This, he says, is a contemporaneous note he made
6 following upon this meeting with you. He begins by --
7 I won't read the first line. He mentioned a name,
8 "Glasgow PM", and then there's reference to:

9 "Copy of signed lease. Copy and return."

10 Do you remember some business about the lease of the
11 property?

12 A. Yes, I do.

13 Q. He then says:

14 "Eleven charges. Eight complainants."

15 Was that the position at this time when you were
16 charged, there were 11 charges and there were
17 eight complainers?

18 A. I have no recollection of those details, no.

19 Q. Then he goes on to say:

20 "Two reason, six not."

21 And moving over to the next page -- I'll give the
22 reference, CFS.001.006.9771 (sic) and then at
23 CFS.001.006.9172 (sic) he is noted:

24 "Times of inappropriate touching: two right, others
25 fictional. Abuse by other Christian Brother -- abused."

1 What he said in evidence was that his understanding
2 from this conversation was that you were telling him
3 that two complainers had reason to complain and others
4 did not, and there was inappropriate touching, and it
5 was abuse by another Christian Brother. Did you say
6 that to Mr Crawford?

7 A. No, I didn't -- and I would not have discussed details
8 of the charges or the complaints, purely on the advice
9 of my legal representatives.

10 Q. The document goes on to set out what is headed "Covenant
11 review". Do you recollect your covenant as to what you
12 could do being reviewed?

13 A. Yes.

14 Q. A few lines from the bottom, five or six lines from the
15 bottom, there's a reference:

16 "Sheriff friend ..."

17 And it refers to a particular solicitor. Do you
18 remember discussing a sheriff friend who'd given a
19 reference to a solicitor at some point?

20 A. That's possible.

21 Q. So what we have here in this document, John, just to put
22 it to you, if you look at the structure of it, there's
23 a bit at the beginning talking about a lease, then
24 there's the bit about what he says has been said to him
25 that's incriminating, and then there's further

1 discussion about matters like the covenant and so on.

2 Are you suggesting that what Mr Crawford has done
3 is that he has begun a note, he has left some blanks,
4 and then he has gone into the rest of the document with
5 what you've told him and subsequently he has filled
6 in the rest of it? Is that your suggestion?

7 A. My suggestion is that he was not making notes during our
8 conversation, our meeting. I wouldn't have seen a need
9 for -- apart from the discussion of the covenant and
10 whether the covenant required any adjustment.

11 Q. There's also the detail about the sheriff friend,
12 referring to a particular named solicitor.

13 A. Yes.

14 Q. I think you think that that's something you would have
15 told him.

16 A. Possibly.

17 LADY SMITH: And a discussion about Legal Aid?

18 A. I doubt if I discussed that with him. Again, in the
19 light of my advice from my legal representative, I would
20 not have discussed details of the case with anyone apart
21 from the legal team.

22 LADY SMITH: So how else could Mr Crawford have noted,
23 "Applying for Legal Aid"?

24 A. I don't know, my Lady.

25 LADY SMITH: It sounds as though you told him that that is

1 what was happening, doesn't it?

2 A. It's possible that I did say to him that I was applying
3 for Legal Aid, but I have no recollection of that,
4 my Lady.

5 LADY SMITH: And also applying for diocesan funding, I think
6 the end of the note suggests. Would that have been
7 right?

8 A. I'm not sure I raised that with him. I might have
9 raised it with the bishop. But I don't think I would
10 have raised it with the safeguarding adviser.
11 I wouldn't have seen that to be part of the role of the
12 safeguarding adviser.

13 LADY SMITH: Mr MacAulay.

14 MR MacAULAY: There does appear to be -- can I just put this
15 point to you, John: if you look at this document, there
16 does appear to be detail in it that would be difficult
17 to recollect and write up subsequently. We've looked at
18 some of the detail, names, for example. There's
19 reference to a Canon Joe McMullen, for example, to
20 a particular church, a particular solicitor. There are
21 details there that it'd be difficult, I think, for
22 someone like Mr Crawford to have regard to and then go
23 away and write up separately. Do you see the point I'm
24 making to you?

25 A. He would have had access to information in relation to

1 the local parish in Haddington or the parish
2 subsequently in Musselburgh at which I stayed -- sorry,
3 earlier stayed, and the parish in which I stayed when
4 I moved to Newark Hill. That kind of information was
5 freely available to anybody with access to the diocesan
6 directory. So he wouldn't have needed me to supply him
7 with those details.

8 Q. Finally, John, can I take you to a couple of points you
9 make in connection with the jury's verdict of guilty.
10 Let's turn to paragraphs 213 and 214 of the statement.

11 Towards the end of paragraph 213, what you say is:

12 "I was very unhappy as I felt that the jury were
13 prejudiced with a mention of the Catholic Church and
14 child abuse. I felt as an Irish Catholic there were
15 feelings of hostility towards me from the jury."

16 You go on to say:

17 "I think historically there is still evidence within
18 Scottish society that there is a prejudice against Irish
19 Catholics."

20 And I think you're putting that forward as an
21 explanation as to why you were convicted. Have
22 I understood that correctly?

23 A. Yes.

24 Q. But of course, you were convicted, John, of three
25 charges, but you were --

- 1 A. That is correct.
- 2 Q. But you were acquitted of the majority of charges.
- 3 A. That's true.
- 4 Q. Well, would you still maintain there was a degree of
5 prejudice against you?
- 6 A. I'm afraid, yes, Colin, I would still maintain that.
- 7 Q. In relation to the issue of collusion, which you mention
8 in paragraph 215, are you really suggesting that all
9 these individuals, all these boys, men now, have somehow
10 got together to invent the allegations that were being
11 made against you?
- 12 A. I would maintain that some of them certainly did.
13 Apropos the preparation of materials for legal
14 proceedings, I have had the opportunity to have a look
15 at an academically rigorous investigation in relation to
16 adults' retrospective narratives of abuse in residential
17 childcare.
- 18 Q. Can you just give us the reference to that because we're
19 running out of time and we'll take note of it.
- 20 A. I have given the details to Audrey of the publication
21 and its contents and the references, which I found very
22 significant.
- 23 LADY SMITH: Is there a short note of the reference we can
24 read into evidence so it gets recorded? What is it
25 called, who is the author and when was it published and

1 in what?

2 A. The essay is by Professor Mark Smith from
3 Dundee University. The title of his essay is "Telling
4 Stories". It's contained in a collection of essays
5 edited by Ros Burnett from the University of Oxford.
6 Her book is titled "Wrongful Allegations of Sexual and
7 Child Abuse". It's on Oxford Scholarship Online.

8 LADY SMITH: Thank you.

9 MR MacAULAY: Thank you, John, and can I also thank you for
10 engaging with the inquiry today.

11 My Lady, I haven't any further questions for John
12 and no further questions have been submitted.

13 LADY SMITH: Are there any outstanding applications for
14 questions?

15 John, that does complete our questions for you.

16 I know that the video room is needed for other purposes
17 now, so forgive me if we rush through this, but
18 thank you very much for engaging with the inquiry in the
19 way that you have done. Your evidence is very helpful
20 and I'm able now to let you go.

21 A. Thank you, my Lady, I appreciate that.

22 In the first instance my willingness to make
23 a statement was to clarify the good name of St Ninian's.
24 It wasn't as it was painted by some of the complainers.
25 That is brought out by the response of parents and

1 former pupils who agitated on behalf of the school to be
2 kept open when the decision was made to close it.

3 LADY SMITH: Perhaps I should briefly reassure you, John,
4 that we have heard from people who have given evidence
5 here about what was good about the school, even if they
6 were telling us about bad things that had happened to
7 them. We've heard a lot of very fair accounts of the
8 things that they valued, so I have heard about that.
9 Thank you.

10 A. Thank you, my Lady.

11 (The video link was terminated)

12 MR MacAULAY: We should probably have a very short break.

13 LADY SMITH: We'll have a short break to change over from
14 video link to a live witness.

15 (11.45 am)

16 (A short break)

17 (11.55 am)

18 LADY SMITH: Ms MacLeod.

19 MS MACLEOD: My Lady, the next witness will give evidence
20 using the name "Francis".

21 "FRANCIS" (sworn)

22 LADY SMITH: Please sit down and make yourself comfortable.

23 You will see the red light is on the microphone;
24 that means it's operating. If I can ask you to try to
25 make sure you stay in a good position for it, it's

1 important that we can hear you through the sound system.

2 I'm going to hand over to Ms MacLeod now and she'll
3 explain to you what happens next.

4 Questions from MS MacLEOD

5 MS MACLEOD: Good afternoon, Francis.

6 A. Good afternoon, ma'am.

7 Q. I don't need your full date of birth, but were you born
8 in 1949?

9 A. I was.

10 Q. Are you now 69 years of age?

11 A. Almost 70.

12 Q. You have provided a statement for the inquiry and
13 there's a copy of it in the folder in front of you.
14 I'll give the reference for the transcript:
15 WIT.001.002.5510.

16 I wonder if you could turn to the final page of the
17 statement. Have you signed the statement?

18 A. I have.

19 Q. In the very last paragraph of the statement, do you say:

20 "I have no objection to my witness statement being
21 published as part of the evidence to the inquiry"?

22 A. Yes.

23 Q. And do you go on to say:

24 "I believe the facts stated in this witness
25 statement are true"?

1 A. Correct.

2 Q. Thank you.

3 I would like to begin by asking you a little bit
4 about your own educational background. I think you tell
5 us in your statement that you were born in Perthshire;
6 is that right?

7 A. That's correct.

8 Q. And that you completed teacher training in 1971?

9 A. Correct.

10 Q. Were you around 23 at that time?

11 A. Probably younger.

12 LADY SMITH: Maybe 22 or so?

13 A. Yes.

14 MS MACLEOD: Did you then go on to do a diploma in
15 education?

16 A. Yes.

17 Q. I think you tell us that you then held various teaching
18 roles.

19 A. I beg your pardon?

20 Q. Did you hold then various teaching roles?

21 A. Yes.

22 Q. Did you also study for something called a certificate in
23 what was known at the time as remedial education?

24 A. Yes.

25 Q. Where did you do that?

- 1 A. Dundee College of Education.
- 2 Q. When was that?
- 3 A. 1972/1973.
- 4 Q. You tell us in your statement that you went on to do
5 a masters and a PhD; was that in later life?
- 6 A. Yes.
- 7 Q. And that you've also got a TEFL certificate to teach
8 English as a foreign language?
- 9 A. Yes.
- 10 Q. You tell us that you taught at a number of schools
11 before your posting at St Ninian's in Falkland. You
12 name those schools for us as Perth Academy, Bellshill
13 Academy, Rosehall High School in Coatbridge and
14 Lendrick Muir in Kinross-shire.
- 15 A. Yes.
- 16 Q. And you tell us that you were posted to St Ninian's in
17 1981.
- 18 A. Correct.
- 19 Q. I'll look more closely at your time at St Ninian's
20 shortly. After your time in St Ninian's, did you then
21 go back into teaching in state schools?
- 22 A. Yes.
- 23 Q. Did you leave teaching in the late 1980s?
- 24 A. Yes, for a very short time, to do the masters.
- 25 Q. I see. Did you then move on to teaching at universities

1 as opposed to schools?

2 A. Yes.

3 Q. You tell us in your statement between paragraphs 4 and
4 13 about your time at Lendrick Muir School and you
5 provide some information about that; we're not going to
6 be looking at that today. You deal with St Ninian's at
7 paragraph 14 onwards of your statement. Could you tell
8 me then how did it come about that you started working
9 at St Ninian's?

10 A. There was word that Lendrick Muir was scheduled to close
11 down and the job at St Ninian's was advertised, so
12 I applied and was appointed.

13 Q. What was the job?

14 A. It was teacher of [REDACTED] I think,
15 if I remember correctly.

16 Q. Was there a [REDACTED] element to the role?

17 A. Yes.

18 Q. Was that something that was advertised as part of the
19 role?

20 A. I think so. I'm not 100% sure, but it would have been,
21 I'm sure.

22 Q. What was your understanding at the time you were
23 appointed of what St Ninian's was?

24 A. It was a listed school -- it was somewhere between
25 a List D and a List G school.

- 1 Q. We know that St Ninian's was all boys. How many boys
2 were there when you arrived in 1981?
- 3 A. Probably around 40-ish.
- 4 Q. Were you there in time for the beginning of the school
5 year, the academic year, in 1981?
- 6 A. No, no, I came after Christmas.
- 7 Q. In 1981?
- 8 A. In January.
- 9 Q. So you started at the beginning of 1981?
- 10 A. I think so, yes.
- 11 LADY SMITH: That would be probably the beginning of the
12 second term of the academic year?
- 13 A. Yes. That would be correct.
- 14 MS MACLEOD: I think you were at St Ninian's until it closed
15 in 1983?
- 16 A. That's right.
- 17 Q. Were you there about two and a half years?
- 18 A. Yes, I would think so.
- 19 Q. Of the 40 or so boys who were there, what was the age
20 range?
- 21 A. First year to fourth year of secondary school.
- 22 Q. Who were the brothers, the Christian Brothers, who were
23 at St Ninian's when you arrived in January 1981?
- 24 A. Who were they?
- 25 Q. Yes, which brothers were there?

- 1 A. You want names?
- 2 Q. Yes.
- 3 A. Brother Farrell was the headteacher. Brother Kelly was
4 a teacher. There was Brother Kean, who was, I think,
5 retired, but part-time teaching. And there was
6 a Brother **MBS** who was the **SNR**
7 school **SNR** I think they called him, the
8 **SNR** There was one other brother, but
9 I think it was Brother **MHG** who came, but I think he
10 came after I started.
- 11 Q. Were there other lay staff there who weren't
12 Christian Brothers? Were there other teachers who
13 taught there?
- 14 A. There was a Mrs Philip, a lady. Let me think.
15 A Mr **BHB** who was a **SNR** teacher. There was a
16 Mr **MCG** who was a **SNR**.
- 17 Q. Did you stay over at the school? Did you have a bedroom
18 there?
- 19 A. No.
- 20 Q. Where did you live?
- 21 A. I lived in Abernethy. I travelled every day.
- 22 Q. You tell us in paragraph 19 of your statement about some
23 nicknames that you and some of the other staff had.
24 What nickname did Brother Kelly have?
- 25 A. Snoopy.

- 1 Q. And what was your understanding as to why he had that
2 nickname?
- 3 A. Well, I can't say in all certainty, but I would imagine
4 because he was a snoop.
- 5 Q. What about domestic staff? Were there cleaners in
6 St Ninian's?
- 7 A. Yes. Yes, there were.
- 8 Q. Was there a [REDACTED] ?
- 9 A. There was.
- 10 Q. Who was that?
- 11 A. A Mr [REDACTED] MBV I think he was a former Christian Brother.
12 There was a groundsperson as well, whose wife worked
13 there as a seamstress -- Kilbane, I think was the name,
14 and Penny Kilbane was his wife. There was a laundress,
15 a Mrs Hutton, although she was called Mrs Chekhov
16 because she wore her hair up and boots. She looked
17 rather Russian and I think she was called Mrs Chekhov.
- 18 Q. You mentioned in paragraph 21 that there were regular
19 staff meetings at St Ninian's when you were there.
- 20 A. Yes.
- 21 Q. I think you tell us they were held on a Friday
22 afternoon.
- 23 A. Usually, yes.
- 24 Q. What was the purpose of those meetings?
- 25 A. Just to discuss any problems or concerns which had

1 arisen.

2 Q. Were the meetings recorded?

3 A. I'm not sure whether notes were taken, but ... I really
4 can't remember. I'm sure they would be because in most
5 cases they would have to be, just for reference.

6 Q. You tell us that you recall a debate about extra duties
7 and you being asked to take on extra duties at the
8 school. Could you tell me about that?

9 A. I think the demands on the lay staff sometimes were
10 a bit -- I use the word "unreasonable", but you were
11 obviously paid to do a certain amount of duties apart
12 from teaching. I did say on one occasion to the
13 headteacher that I felt that some of us had other
14 commitments outside school and to bear that in mind when
15 we were asked to do other duties, and his reply was,
16 "Well, if you're not happy, just throw in the towel" --
17 I think was the expression he used.

18 As I said before, when I discussed that with some of
19 the other brothers, they thought the comment was
20 inappropriate.

21 Q. What were your own hours on a day-to-day basis?

22 A. From 9 o'clock, just the normal school hours, except for
23 the times that we had extra duties to do and I think two
24 evenings per week was what I was scheduled to do and an
25 occasional weekend as well.

- 1 Q. During the two evenings a week and the occasional
2 weekend, what was your role at those times?
- 3 A. Well, usually there was a prep time of an hour, where
4 the boys had to either revise or do letter writing.
5 After that, they all partook in indoor sports, hobbies
6 and games, until about 9 o'clock. That was when we who
7 were on duty left to go home and the boys were prepared
8 for bed, I would think.
- 9 Q. You mention in your statement that there was a great
10 emphasis on supervision --
- 11 A. Yes. That's correct.
- 12 Q. -- and that you say:
13 "We obviously had to report back if there was
14 anything untoward."
- 15 A. Correct.
- 16 Q. Who would you be reporting back to?
- 17 A. To the headteacher, if I remember correctly.
- 18 Q. Is that Brother Farrell?
- 19 A. Yes.
- 20 Q. What kind of things would be seen as untoward that you
21 would report back?
- 22 A. Well, behavioural problems or being in places they
23 shouldn't be in within the school. Just any breaches of
24 discipline, I suppose.
- 25 Q. You mention that if you were alone with pupils, you were

1 advised to keep the door open.

2 A. Yes. That was general advice that was given to most
3 teachers, you know, just to protect yourself.

4 LADY SMITH: Are you saying that was St Ninian's advice or
5 that was just general advice?

6 A. I think in general, my Lady, it was advice given to
7 teachers in general.

8 LADY SMITH: Is this advice you'd be given when you were
9 training?

10 A. Possibly in training, but if not, it would be some time
11 along the way. You'd pick up these dos and don'ts as
12 you go along in your profession.

13 LADY SMITH: Yes. So you're not saying it was only when you
14 got to St Ninian's you understood you shouldn't be alone
15 with a pupil?

16 A. No, no.

17 LADY SMITH: Maybe nobody said anything about not being
18 alone with a pupil at St Ninian's? Would that be right?

19 A. Maybe not.

20 LADY SMITH: Thank you.

21 A. But it was something you were conscious or aware of.

22 MS MACLEOD: Were you involved in the process of getting
23 boys up in the morning and getting them ready for the
24 day?

25 A. No.

1 Q. What about the evening routine in relation to showers
2 and bedtime, did you have any involvement in that?

3 A. No.

4 Q. Any involvement in the showering or supervision of
5 showering?

6 A. I wasn't personally, no.

7 Q. In relation to the schooling, were you provided with any
8 training specific to St Ninian's when you arrived?

9 A. No. I think it was just assumed that if you were
10 qualified and trained, the academic needs, if I can use
11 that word, would be just based on your own experience of
12 assessment and teaching.

13 Q. How were the classes arranged? Was it in terms of age
14 or ability or subject?

15 A. It was age. Age, yes, I think, yes.

16 Q. In a particular age group of boys, would there be mixed
17 abilities?

18 A. Yes, very much so.

19 Q. Were you given any guidance or instructions on how to
20 cope with that and what to do?

21 A. No specific guidance at all. You just got on with it.

22 Q. Was there a curriculum?

23 A. There wasn't really a formal curriculum at all. There
24 was a goodly supply of materials available to meet the
25 needs of children who were requiring additional support

1 or additional needs.

2 Q. Were children prepared for national exams?

3 A. One or two of the fourth years did sit an O-grade exam
4 in either arithmetic or English, but they were few and
5 far between. I tended to assess the children who came
6 in using formal testing material, which gave an idea of
7 where they were and what their needs were in terms of
8 the curriculum. It was diagnostic testing and
9 attainment testing.

10 Q. How did you find, generally speaking, the management of
11 the boys in the classroom?

12 A. I mean, yes, they weren't unruly, to be honest. The
13 school seemed to me to be well disciplined compared to
14 other schools of similar category. The boys were well
15 disciplined and usually well-behaved.

16 Q. What was your understanding or feeling at the time as to
17 how that discipline was maintained?

18 A. Well, as a teacher who came from outside, you assumed,
19 rightly or wrongly, that the brothers did the
20 disciplining, so the boys came to the classroom with an
21 understanding of how their behaviour should be
22 conducted, and then, as a teacher, you have your own way
23 of disciplining and ordering within the classroom and
24 organising classroom organisation yourself.

25 Q. How did you discipline children in the classroom?

- 1 A. Well, you set standards of expectations for behaviour.
2 You kept them busy with the tasks that you provided,
3 which weren't too difficult in terms of -- to minimise
4 frustration. Yes, that's about all I can say on that
5 one. The work had to be according to their needs, but
6 challenging at the same time.
- 7 Q. Did you ever need to punish a child in any of your
8 classes?
- 9 A. Not in the context of class teaching.
- 10 Q. I think you mention in your statement that if there was
11 a problem it was referred to the headteacher or the
12 social worker.
- 13 A. Yes.
- 14 Q. How would that be done, practically speaking?
- 15 A. Do you mean I should report it to the headteacher
16 verbally --
- 17 Q. Yes.
- 18 A. -- or the child sent to the headteacher or accompanied
19 by myself to the headteacher? What do you mean?
- 20 Q. If something occurred in your classroom and you thought
21 this is something that I need to take to the
22 headteacher, would you take the child there and then to
23 the headteacher?
- 24 A. No, you can't leave a class. You would either send the
25 child to the headteacher or you would send the child to

1 sit outside the classroom and wait until the end of the
2 lesson, if the lesson was nearly over, but you as a rule
3 wouldn't leave a class. I think if it was something
4 serious, what I would do is I would send somebody to ask
5 the headteacher to come up to the classroom, because
6 I was upstairs, but that never occurred. But that's
7 what I would have done, if it was serious. But we were
8 instructed on that issue at one time, I remember now,
9 that if a child acts up or there's any problem that you
10 take them outside the classroom and then send for
11 somebody, ie the headteacher or social worker or whoever
12 was available.

13 Q. And did you ever have to do that?

14 A. No. But these were the strategies that we were advised
15 to adopt.

16 Q. I see. Were there any inspections of the school while
17 you were there?

18 A. There was one. It was from councillors from Fife
19 region.

20 Q. What was your understanding of the purpose of that
21 inspection?

22 A. I think because Fife was involved in some aspect of
23 payment or whatever responsibility, they had come to see
24 the school function. But it was a short visit, it
25 wasn't a long term, like a school inspection, it was

1 just a visit.

2 Q. I think you mention at paragraph 56 of your statement
3 that before you went to St Ninian's, they used to get
4 two visits a year from the Scottish Education
5 Department, but that it seemed to taper off.

6 A. Yes. Why I say that is because I read that in previous
7 reports, previous logbook entries, about St Ninian's.
8 But when I was there, there was nothing I can recall at
9 all apart from that one. But I believed, rightly or
10 wrongly, it was because social work policy was changing
11 and that children should be placed in -- not placed so
12 much in residential care, if possible, and they were to
13 be integrated or reintegrated into the community.
14 Although personally, I always felt there would be a need
15 for residential schooling.

16 Q. What information did you have about children's
17 backgrounds?

18 A. Well, quite a lot. The children came with files and
19 records which were kept in the school social worker's
20 office and you could readily access them if necessary.

21 Q. Did you look at the files yourself?

22 A. Sometimes, but not a lot. I tended to take the children
23 as they came and see how things went. There was
24 a remark once, the headteacher said to me, "Mrs Nicol,
25 always did this", she was my predecessor, and,

1 "Mrs Nicol always did that", and I said, "Well, I'm not
2 Mrs Nicol, can you let me do things my way and if it
3 fails I can go back to the records".

4 Q. Can you remember who it was that telling you what
5 Mrs Nicol was doing?

6 A. The headteacher, Brother Farrell.

7 Q. I think what you say in your statement is that you
8 preferred to judge people yourself.

9 A. Yes. Well, that was my way. Whether it's right or not,
10 I think you can develop preconceived ideas and maybe
11 self-fulfilling prophecies that weren't terribly
12 accurate. It depends on the context of the situation
13 that people are in.

14 Q. Did you have some involvement yourself, some input, into
15 any reports that were done about the children?

16 A. Yes, I think the law, if I'm right, asked for regular
17 reports, social reports and educational reports at
18 regular intervals. I don't know if it's still the same.
19 The social worker would come along and say, "Look,
20 so-and-so has a meeting on whichever day and time,
21 could you fill in the educational report?" which I had
22 to do. The same with social work as well.

23 Q. So would you provide a report then for the social worker
24 in St Ninian's, who would then feed it into some other
25 records?

- 1 A. I would think so, yes.
- 2 Q. In relation to records more generally, do you remember
3 there being an admissions register, for example, at
4 St Ninian's?
- 5 A. I can't recall, to be honest. It's a long time ago, but
6 I would imagine there would have been.
- 7 Q. What about a logbook? Do you remember there being
8 a daybook or a logbook when you were there in 1981?
- 9 A. I can't recall, but I think all schools had to provide
10 some aspect of a logbook, and I think it was the
11 headteacher who was responsible for filling in the
12 logbook, either on a daily or a weekly basis.
- 13 Q. But did you see a logbook at St Ninian's when you were
14 there?
- 15 A. No, I never saw one, but I did see one later on.
- 16 Q. And we'll come to look at that.
- 17 A. Okay.
- 18 Q. We've spoken about the discipline in the context of your
19 own classroom and you've told me what you would do. Did
20 you ever have occasion to discipline children outwith
21 the context of the classroom?
- 22 A. On one occasion -- when you say discipline, I mean, yes,
23 in a general way, every teacher's responsibility or
24 every member of staff's responsibility was working as
25 a team and singing from the same hymn sheet, so to

1 speak, as far as dos and don'ts were concerned.

2 But I had only occasion, one time to give corporal
3 punishment to a pupil because he was warned several
4 times about, if I can use the phrase, touching up
5 a female member of staff, who complained to me. I had
6 a word with him to no avail and she came again and told
7 me that this boy hadn't stopped doing what she didn't
8 want him to do.

9 So I gave him the strap, as we called it, and he
10 didn't do it again.

11 Q. When you say you gave him the strap, how was that
12 administered?

13 A. It was on the palms of the hands.

14 Q. How many strokes?

15 A. I think one on each, if I remember. I'm not 100% sure.
16 It was all within regulation use at that time.

17 Q. Were there any rules or regulations at the school about
18 when children should be disciplined and how?

19 A. Not really, no. What I understood was that corporal
20 punishment shouldn't be used for failure to do work or
21 inability to do schoolwork. It would be administered
22 very, very rarely and usually by the headteacher, but
23 there was nothing to say that we, who were in loco
24 parentis control of children at that time, couldn't use
25 it, give them a smack or the strap, as they called it.

1 LADY SMITH: Francis, in relation to your understanding
2 about the use of corporal punishment, are you talking
3 about what you understood from what you were told at
4 St Ninian's or an understanding you'd gained before you
5 went to St Ninian's?

6 A. The latter, before.

7 LADY SMITH: Right. In your time teaching elsewhere?

8 A. Yes.

9 LADY SMITH: You'd understood that that was what the
10 practice should be?

11 A. That's right.

12 LADY SMITH: Thank you.

13 A. I wasn't sure what the legal implications of corporal
14 punishment were because it was still in statute
15 acceptable that -- I checked with the book of
16 criminology and I think, if I remember correctly, it did
17 state that teachers were in loco parentis control and
18 the dictum that came from, for example, the education
19 authorities varied from authority to authority, but by
20 and large -- I mean, for example, in Dundee, which
21 I still have a copy of and I can send to you if you're
22 interested to see it, it stated that corporal punishment
23 should not be used for a failure in classwork, it should
24 not be used on girls at all, and it should be used
25 sparingly and only when absolutely necessary. Words of

1 that effect.

2 LADY SMITH: Thank you.

3 MS MACLEOD: The brothers who were there at St Ninian's, do
4 you know if they used corporal punishment on children?

5 A. I don't. I heard -- again, I'm not an advocate of
6 hearsay, but I did hear that Brother Farrell on occasion
7 had issued corporal punishment for whatever.

8 Q. Who did you hear that from?

9 A. Oh, some of the boys. I mean, they would say, "Oh,
10 so-and-so got the belt from Brother Farrell today for
11 whatever", or they'd say it in my hearing to one
12 another.

13 Q. Other than the belt, did you ever see or hear of any
14 other form of physical punishment at St Ninian's?

15 A. Um ... Not really. I smacked a boy once because he was
16 rude to me but that was about it. I don't know what
17 other teachers or other brothers did. I really don't
18 know.

19 Q. What other forms of discipline were used then?

20 A. Well, deprivation. I think, in some cases they were
21 deprived of their tuck, for example, for a period of
22 time. They were sometimes told to stand in solitary
23 in the main hall for a length of time.

24 Q. Do you recall seeing boys standing in the main hall?

25 A. Yes.

- 1 Q. How long would they be standing there?
- 2 A. I'm not sure, because they would be there when I came in
3 in the morning, and I might say to them, "Why are you
4 there?" and they said, "Oh, I did whatever, whatever,
5 and Brother Kelly told me to stand in the hall".
- 6 Q. Did boys run away during your time at the school?
- 7 A. I think one or two had, but not as much as previously.
8 Because the policy changed slightly and the boys were
9 allowed more time to go home and more contact with their
10 families, so there wasn't the same need.
- 11 But going back to your question on punishment, that
12 was one form of punishment if they misbehaved or ran
13 away, which was rare, they weren't allowed to go home
14 at the scheduled time, which was usually every weekend,
15 latterly.
- 16 Q. So they would miss out on their weekend leave?
- 17 A. Yes.
- 18 Q. When boys did run away, were they asked why they had run
19 away?
- 20 A. Not by me, but presumably the headteacher or the
21 social worker would deal with these situations.
- 22 LADY SMITH: Francis, you've told us about administering
23 punishment yourself and this is something I think you
24 deal with in your statement. Were your administrations
25 of punishment recorded in a book?

1 A. They were, but only in my own book. From previous
2 experience in schools, we were always asked or advised
3 to keep a register of corporal punishment, where you
4 dated and named the person and the number of strokes
5 that were administered and the reason for it.

6 LADY SMITH: But so far as St Ninian's itself was concerned,
7 was there a punishment book for you to enter up
8 punishments there?

9 A. Just my own.

10 LADY SMITH: The school didn't have its own punishment book?

11 A. Not that I was aware of, my Lady.

12 LADY SMITH: Thank you.

13 MS MACLEOD: Did you witness anything while you were at
14 St Ninian's that you would consider to be abuse of
15 children?

16 A. Not really. I always felt that the brothers -- I mean,
17 I wasn't aware of anything that went on outwith the
18 school, the school day, but I always felt that the
19 brothers were firm and fair with the boys and they
20 cared.

21 Q. I think you say in your statement at paragraph 75 that:

22 "Now and again one overheard things."

23 And you go on to tell us about something which
24 a pupil who was involved in the school magazine told you
25 about.

1 A. Yes. One of my evening activities at St Ninian's was
2 being in charge of the school newsletter or magazine,
3 which was sent out, a copy of which was sent out --
4 I think it was once a month -- to the respective
5 families and friends of the school.

6 I think the boy who's now, I believe, in prison --
7 they chat when you're talking together, they chat to
8 each other, they'd chat to myself or Brother **MHG** who
9 was also involved in the magazine. He did say that
10 he was being bullied by some of the boys or somebody in
11 the dormitory and that Brother Farrell had taken him out
12 from the dormitory to sleep in his bedroom, which I felt
13 at the time was a bit unwise, but he's the headmaster,
14 so ... But there was no mention of anything untoward
15 happening.

16 Q. Can you remember roughly how old the boy was?

17 A. I think he was in third year. His name --

18 Q. We don't need his second name; you can say his first
19 name.

20 A. I'm just trying to think.

21 Q. We don't need it.

22 A. It's a long time ago.

23 Q. Did he say anything more about what was happening to him
24 in the dormitory?

25 A. No, he just said he was being bullied and that

1 Brother Farrell was dealing with it and that was it.

2 Q. What was your response to him; do you recall?

3 A. Well, I can't remember whether he was telling me or
4 telling one of his friends about it. I just heard the
5 comment -- yes, I think that was what it was.

6 Q. Did you follow up what he had said or what you'd heard
7 in any way?

8 A. No, I think I mentioned it to Brother **MHG** and just left
9 him to deal with it. Because obviously, it was in the
10 context of an evening rather than in a classroom
11 situation.

12 Q. Did you tell Brother **MHG** that the boy had told you he'd
13 stayed overnight in Brother Farrell's room?

14 A. Yes. (Pause). I think his name was **[REDACTED]**, when I --
15 I remember now.

16 Q. Do you recall hearing or seeing at the time if
17 Brother Kelly had boys staying in his room?

18 A. I never saw, because I was never in that area or quarter
19 of the house. But again, I had overheard that he did.

20 Q. What had you overheard?

21 A. I overheard that sometimes some of the boys slept in his
22 bedroom and that he sometimes showered with the boys.

23 I heard on one occasion too that one of the boys, called
24 **MCU** who is now dead, I believe, he had taken the car
25 keys, the house car keys from Brother Kelly or

1 Brother Kelly's room and had driven around the estate
2 in the car, but again it could well be hearsay for all
3 I know. I mean, I didn't see it and again it was just
4 overhearing. I'm always dubious about what you overhear
5 because sometimes, as you know, boys can be a bit --
6 what's the word I'm looking for? They can exaggerate.

7 Q. Were these things you overheard from the boys
8 themselves?

9 A. Yes. Yes. And I did mention that to Brother **MHG** as
10 well.

11 Q. What did you mention to Brother **MHG**

12 A. What I've told you just now.

13 Q. So did you mention to Brother **MHG** that Brother Kelly,
14 as you said, sometimes showered with the boys, that
15 you'd overheard that?

16 A. I think so, yes, I think so. I had a good relationship
17 with Brother **MHG** He was a very nice chap and very
18 sensible. Whether he passed the information on or not,
19 I'm not sure.

20 Q. Are you aware that in recent times, in 2016,
21 Brother Kelly and Brother Farrell have been convicted of
22 serious sexual abuse of children at St Ninian's?

23 A. Yes, I was a witness at the court in Glasgow.

24 Q. What do you make of that then if you didn't yourself --

25 A. I was a bit astonished because I never suspected things

1 were happening at that level, to be honest.

2 Q. If you had had concerns -- you've mentioned that you
3 mentioned certain things to Brother **MHG** -- what would
4 you have done if you were very concerned about
5 something? What was the next thing available to you to
6 have done?

7 A. I would have mentioned it to Brother **MHG** I would
8 imagine. I wouldn't have confronted either of Kelly or
9 Farrell at all. But I don't know, I can't say in all
10 honesty what I would have done. It would have to be
11 brought to the attention of somebody, but who, I don't
12 know. Maybe the social worker.

13 Q. Were you involved in any way, when the school was
14 closing down, in preparing the children for moving on?

15 A. No. We were just told where people were going, moving
16 on to another establishment, but it was just as a matter
17 of routine or course that we were told.

18 LADY SMITH: When you were working there, did you ever
19 socialise with the brothers in the evenings, for
20 example?

21 A. Not really. There was a very odd occasion where they
22 would say -- they had their own community room there and
23 they liked a nightcap, as they called it, which I think
24 was a dram of whisky, and very, very rarely would they
25 say, "Would you like a nightcap before you go home?"

1 I don't drink, so I always said, no, thank you.

2 LADY SMITH: I see. Thank you.

3 A. I think there was on one occasion an open day, if I can
4 recall, and those of us who were involved were asked to
5 come into the community room for a drink of some
6 description, soft or otherwise. That's the only time
7 I can remember being in there.

8 LADY SMITH: But otherwise, what you knew was that was where
9 they repaired to relax and have a dram of an evening?

10 A. That was their inner sanctum, that's right.

11 LADY SMITH: Thank you.

12 MS MACLEOD: There came a time, quite a bit later in life,
13 when you did some research into the Christian Brothers
14 and particularly into St Ninian's; is that right?

15 A. That's correct, St Ninian's and Scotus Academy in
16 Edinburgh.

17 Q. How did that come about?

18 A. It was actually part of my master's degree in education.
19 It was a taught honours degree and we had to do a study,
20 a research part, and I couldn't think of what to do and
21 I asked my professor if there was ever any work
22 published or done on the Christian Brothers because I'd
23 taught there, and he said not that he was aware and he
24 said, "That's something you might like to do".

25 So obviously, to get the degree, I did the study.

1 I'd hoped, because my major study in that degree was in
2 psychology -- it was half a degree in psychology and
3 I wanted to move out from teaching into educational
4 psychology, and I thought, if I get this degree I would
5 hope to move. But they changed the goalposts and they
6 changed -- you see, at that time, if you did a Master of
7 Education, which I did, an honours masters, you could go
8 on to train to be an educational psychologist, but they
9 changed the goalposts towards the end of my study to
10 a Master of Science.

11 I didn't want to do another master's degree because
12 you could go on ad infinitum, ad nauseam, and my
13 professor suggested if you want to go and do a PhD you
14 can develop your master's thesis, which I did, and
15 that's how I got into it, really.

16 Q. When did you start researching towards what ultimately
17 became an article we'll look at shortly?

18 A. About 1991 and I graduated in 1995 with a PhD.

19 Q. And the article is available to the inquiry and it's at
20 CBR.001.001.2652. There's a copy in your folder in
21 front of you of the article.

22 I'm going to look at a few aspects of that with you,
23 if that's all right.

24 A. Sure.

25 Q. First of all, just to get a bit more of the background,

1 how did you go about researching, starting this research
2 in 1991?

3 A. I contacted the headquarters of the Christian Brothers,
4 explained what I was hoping to do, and could they allow
5 me access to various documentation in their archive and
6 whatnot, and they were -- well, they seemed more than
7 happy I should do it. Because there wasn't a lot of
8 publication or work done on the Christian Brothers at
9 all, apart from what had been done internally.

10 Q. What was the focus of the work to be?

11 A. The focus was to do a critical analysis and evaluation
12 of the Christian Brothers' contribution to pedagogy in
13 Scotland and England over the last 100 years and to
14 assess the impact it had.

15 Q. Were you put in touch with a particular brother or
16 brothers within the order?

17 A. Yes, I was put in touch with a deceased gentleman now,
18 who was Brother [REDACTED] MIC [REDACTED], who was a former
19 [REDACTED] SNR [REDACTED] f a secondary school. He was also the
20 [REDACTED]

21 Q. Had he been himself at St Ninian's in the 1950s?

22 A. I think he was, if I remember correctly, as [REDACTED] SNR [REDACTED]

23 Q. At the time you were in touch with him, he was the
24 [REDACTED]

25 A. He was the [REDACTED] and he was very helpful.

- 1 Q. Were you in touch with any other brothers?
- 2 A. Along the way, but it was mainly Brother MIC and
3 also the superior at that time, who was an Italian
4 gentleman or had an Italian name. I can't remember his
5 name now.
- 6 Q. Did you meet with Brother MIC
- 7 A. Oh yes, yes.
- 8 Q. Did you have several meetings over a period of time?
- 9 A. Yes.
- 10 Q. Did he allow you to have access to the archive?
- 11 A. Yes. Well, not exactly. Initially, I went to
12 St Edward's College and there was a brothers' house
13 attached to St Edward's College. He tended to ask me
14 what I wanted, what information I wanted, and he would
15 procure the information from the archive. I don't think
16 I was ever in the archive itself, but when I did further
17 research, I had to go to a place called Woodeaves --
18 I think that was near Manchester, Altrincham,
19 somewhere -- and they allowed me unlimited access to the
20 archive.
- 21 Q. Can you give me a feel for what kind of documentation
22 you saw? Was it correspondence, was it books? What was
23 your memory of what you saw?
- 24 A. Well, there were books there, but there were also
25 folders of letters. There were school logbooks and

1 reports, educational reports. There was diocesan
2 reports and that kind of thing, from what I can recall.

3 Q. The logbooks that you saw at that time while you were
4 doing your research, can you remember what period they
5 covered?

6 A. They covered from the inception of the school to the
7 demise, if it were demised at that point. The full --
8 the only ones I didn't recall, funnily enough -- for
9 St Ninian's, there were logbooks for St Ninian's there,
10 but there was nothing else, there was no letters, no
11 correspondence, I noticed that.

12 Q. The logbooks for St Ninian's, what period did they
13 cover?

14 A. From beginning to end.

15 Q. Do you recall seeing logbooks right up to the end 1983?

16 A. Yes.

17 Q. Did you see annals?

18 A. Annals? What do you mean by that? There was
19 Christian Brothers' educational records, which were
20 published documents-- well, they were books, really,
21 from way back to almost the present. I remember that.
22 As you can see from the article, I did quote CBER, which
23 was Christian Brothers Educational Records.

24 Q. Throughout the article, I see that at times you
25 reference school records.

- 1 A. Yes. That was the school logbook, usually.
- 2 Q. During your research, were you looking at documentation,
3 some to do with St Ninian's and some to do with
4 Scotus Academy?
- 5 A. Yes.
- 6 Q. If we can focus on the documentation relating to
7 St Ninian's, do you recall seeing a document known as
8 annals for St Ninian's?
- 9 A. Not really, no.
- 10 Q. Okay. I might just put this on the screen for you to
11 see if it's something that you recognise:
12 CBR.001.001.2240. The document actually starts,
13 I should say, at CBR.001.001.2208.
- 14 A. I can't recall having seen this one at all.
- 15 Q. Okay, we'll just go to the first page of it just to see
16 if you recognise it.
- 17 A. (Pause). Is this when the school closed?
- 18 Q. We'll go to the beginning of the document. This is
19 a document known as the annals, as I understand it,
20 which runs from 1946 through to the close of the school.
21 Do you recognise seeing this kind of document? It
22 has dates in it.
- 23 A. If this were the school logbook, then yes. If it
24 wasn't, I have never seen it before.
- 25 Q. We do have a photograph of the cover of the book in case

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[REDACTED]

So when you were putting together the article, were you using a combination of looking at records and taking information from what Brother MIC has told you?

A. No, I think in this particular case it was recorded in one of the educational records.

Q. And generally, as we go through the article, do you reference certain books, but do you also take some information from conversations and discussions you've had with Brother MIC

A. Yes.

Q. On page 17, which is on CBR.001.001.2658 --

A. My professor always told me, [REDACTED]

[REDACTED]

and I always tried to do that.

Q. Towards the foot of page 17, you say:

[REDACTED]

1 A. That's correct. I tried to get them, but there was
2 nothing.

3 Q. Is that something you were able to discuss with
4 Brother MIC do you recall, if these were -- if
5 there were any recordings?

6 A. I can't recall that specifically, but I'm sure I would
7 have asked him.

8 Q. I think you say yourself in the article that it's
9 a great pity.

10 A. Yes. Well, I did contact New Register House in
11 Edinburgh with a request for details of any reports, but
12 I'm sure they said to me they didn't have them.

13 MS MACLEOD: My Lady, it's almost 1 o'clock.

14 LADY SMITH: Would that be a good point at which to break?

15 Francis, we'll take the lunch break just now and
16 I'll sit again at 2 o'clock and we'll complete your
17 evidence then.

18 (1.00 pm)

19 (The lunch adjournment)

20 (2.00 pm)

21 LADY SMITH: Francis, when you're ready we'll carry on, if
22 that's all right.

23 A. Yes, thank you.

24 MS MACLEOD: Good afternoon, Francis.

25 A. Good afternoon, ma'am.

1 Q. If we can start this afternoon by looking at page 21 of
2 the article, which is at CBR.001.001.2662, towards the
3 foot of that page, you make mention here of two
4 confidential reports and recommendations that you
5 located. Do you recall that?

6 A. Yes.

7 Q. I think you say that these were concerned with the
8 future of the school.

9 A. Correct.

10 Q. I think you mention that there was a concern that there
11 may be a need for a greater feminine influence.

12 A. Yes.

13 Q. Is this something that had been suggested by an
14 inspector or by the inspectorate?

15 A. Yes.

16 Q. Over the page on to page 22, you continue to discuss
17 these reports. I think you say that because of the
18 demands of the brothers, who you say were on call
19 virtually 24 hours a day, there was a need for a regular
20 turnover of brothers coming to St Ninian's.

21 A. Yes.

22 Q. And your understanding was that the usual spell of
23 residence was about one to two years?

24 A. That's what I ascertained from the records.

25 Q. Staying with that paragraph, I think you go on to say

1 that:

2

3

4

5 A. Yes. It wasn't easy. Teaching in a school where
6 you have 40 to 50 difficult children is quite heavy
7 going.

8 LADY SMITH: Could you identify why it was that these
9 reports were encouraging St Ninian's to take on more
10 women?

11 A. I think a gender balance was seen as important, that the
12 boys there had a mother figure or feminine influence,
13 because pupils relate differently to different people --
14 some like a mother figure, some like a father figure --
15 and I think it was just felt it would be healthier if
16 there were women involved as well.

17 MS MACLEOD: You say there as well in the same paragraph:

18

19

20 A. Not really. I mean there was no course given as such.
21 I think they relied on your experience as a teacher and
22 experience with children of that calibre.

23 Q. At the end of that paragraph what you say is:

24

25 A. Did I say that? Oh yes, I see it here now. Yes.

1 I suppose anything from the norm, from the usual, can
2 unsettle people.

3 Q. Are you referring there to the changeover of brothers
4 and the lack of training?

5 A. I think there was always a hardcore nucleus of the
6 brothers there, but some came and went. Why, I don't
7 know, whether it was for their experience or whether
8 they had experiences to share with the boys, I'm not so
9 sure. They just came and went.

10 Q. And it being unsettling for the boys, is that your own
11 opinion or is that something you gleaned from the
12 records?

13 A. No, I think it was my own observations.

14 Q. If we go over the page to page 23 at 2664, to the second
15 paragraph on that page, I think you're making the point
16 here that although St Ninian's was primarily regarded as
17 a school, it was a residential or boarding establishment
18 as well, and therefore there was a care element
19 involved --

20 A. That's correct.

21 Q. -- as well as an educational element. I think a few
22 paragraphs down, we come back to the issue of a female
23 influence. You say:

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A. There was a matron there, who looked after the boys' medical needs, I suppose, and the lady who worked in the laundry and the seamstress. Well, they were female as well and they interacted with the boys, which was a good thing.

8

Q. The recommendation you mention from visiting social workers, is that something that you saw in the records that were made available to you?

10

11

A. Yes.

12

Q. If we can move on to the next page, page 24, at 2665.

13

I want to ask you a little bit about something you say

14

on this page that I'll take you to. It's about the boys

15

picking potatoes.

16

A. Picking what, sorry?

17

Q. Picking potatoes.

18

A. Oh yes.

19

Q. It's on the second paragraph on page 24. You mention

20

that:

21

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A. Correct.

24

Q. And you say:

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And then there is an entry here you quote from

3

school records; is that right?

4

A. Yes.

5

Q. I just want to take you to that record if that's all

6

right. That's at CBR.001.001.2227.

7

Do we see that on this page, about halfway down,

8

there's an entry dated 5 October 1959? In fact, on your

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copy, on the screen, the date has been blanked out, but

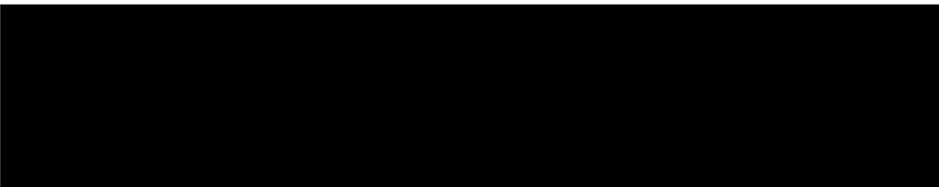
10

it is the entry that starts "the", and there's a bit

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that's blanked out to protect the identity of boys:

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A. One shilling and thruppence.

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Q. One shilling and thruppence:

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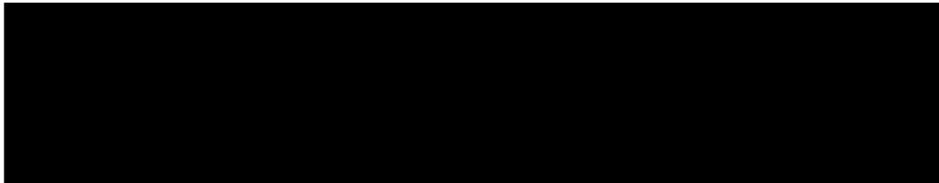


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Do you see then in the article you go on to say:

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23

A. I'm led to believe that was the case.

24

LADY SMITH: But all the work was done by the boys.

25

A. That's right.

1 LADY SMITH: So why should the brothers keep any of the
2 money?

3 A. I'm not sure whether, my Lady, it went to their bank
4 accounts or to the school fund to help buy some clothes
5 or something. I really don't know.

6 LADY SMITH: Were you aware of the school keeping bank
7 accounts for individual boys?

8 A. Not really.

9 LADY SMITH: Ms MacLeod.

10 MS MACLEOD: That information about the boys' payment, where
11 did you get that information from?

12 A. From either the logbook or the educational record.
13 I must have got it from somewhere or it wouldn't be
14 there.

15 Q. I wondered if it was something you'd been told by
16 somebody.

17 A. No, no. It was in writing.

18 Q. Okay. You say:

19

20

21 A. Uh-huh, that's correct.

22 Q. Moving on to the next page, page 25 of the article, at
23 2666. In the first part of this page you speak about
24 absconding and I think you say that your understanding
25 was that absconding happened fairly regularly but that

1 it tapered off.

2 A. Yes.

3 Q. You go on to say:

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I just wonder, that kind of information about it
being inexplicable, is that your own observations on the
records or is that something somebody told you?

10

11

12

A. I think it was written down. Most of what I've
recorded, as I said already, my Lady, has to be truthful
and substantiated, and I think most of what I've written
in my report or in this article has been authenticated
as fact, factually ...

13

14

15

16

17

Q. Okay --

18

LADY SMITH: Francis, I don't think for one moment

19

Ms MacLeod is challenging that. We're just interested
to see if we can work out what the different sources
were that you were drawing on at different times for
information. It's quite clear from reading your article
that every effort has been made to be a reliable
researcher in what you're presenting.

20

21

22

23

24

25

A. Thank you, my Lady.

1 MS MACLEOD: Staying with absconding, just a few lines down
2 you say:



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4
5
6 Again, I just wondered if you could recall where
7 that information had come from, in case it might assist
8 us.

9 A. I honestly can't recall, but I know from experience with
10 children that this often happens and it's not uncommon
11 in a residential establishment for children to abscond
12 for various reasons.

13 Q. Further down that page, in the final paragraph, you deal
14 with discipline and punishment and you say that:



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18
19 You go on to mention there in the footnote, I think,
20 a manual of school government from 1945. Is that
21 something, are you aware, that was available at
22 St Ninian's?

23 A. No, it wasn't.

24 LADY SMITH: But it seems to be a Christian Brothers
25 document, is it, judging by the terms of the footnote?

1 A. Yes, that's right, my Lady. I think it pertained more
2 so to Ireland, where the Christian Brothers originated
3 from, than to England or Scotland.

4 LADY SMITH: But were you aware of there being an English,
5 Welsh, or Scottish version of the brothers' manual?

6 A. No.

7 LADY SMITH: So did it look as though this manual of school
8 government was the only one they'd ever published?

9 A. As far as I was concerned, yes.

10 MS MACLEOD: On the next page, page 26, at 2667, you quote
11 from some comments that you've taken from the records,
12 and I just want to look at a couple of those. In the
13 second paragraph, you say:

14

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16

17

And you quote here something you say the archivist

18

told you:

19

20

21

A. Yes, correct.

22

Q. You then go on to quote from two comments that you have
23 taken yourself, I think, from looking at records.

24

A. Yes.

25

Q. The first of those is, [REDACTED], which

1 I don't need to put it on the screen, but we can find
2 that at CBR.001.001.2153, on 9 October 1972.

3 Then you go on to quote another contrasting remark
4 perhaps:

5



6 A. That's true.

7 Q. Is that something you've also taken from the records?

8 A. Yes.

9 Q. I'd like to put that particular record on the screen.

10 That's at CBR.001.001.2154. If we go down towards the
11 foot of this page, the date is 23 October 1972.

12 Unfortunately, the date is blanked out on your screen.

13 It starts:

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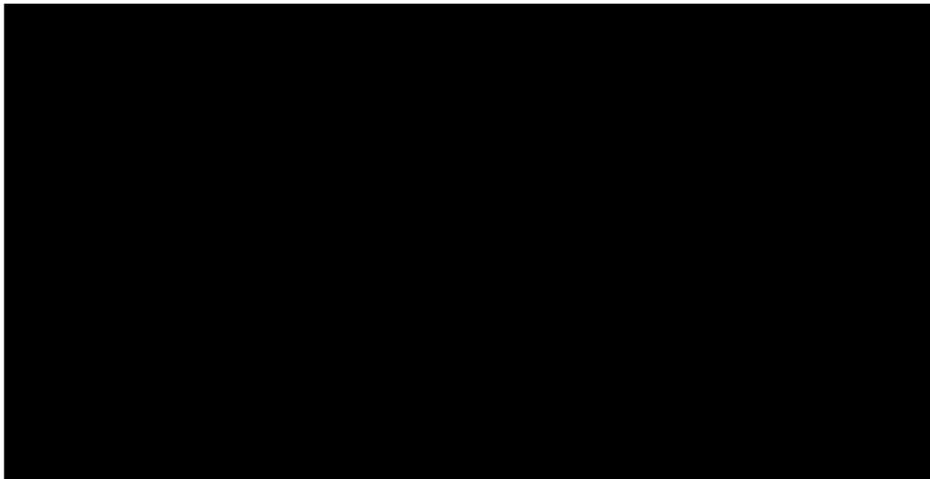
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22 Do you recall seeing that entry?

23 A. I can't recall at this moment in time, but if it's
24 there, it's there.

25 Q. I just wondered if you were able to help us at all with

1 whether there was any other information available about
2 what's called there a nasty allegation that had been
3 made?

4 A. I have no idea, to be honest with you.

5 LADY SMITH: Ms MacLeod, you said 23 October for that entry.

6 But I see that Francis' footnote, footnote 40, suggests
7 that it would have been 15 October.

8 MS MACLEOD: The entry in this record is the 23rd. We'd
9 have to probably double-check. It's one or another.

10 LADY SMITH: It may be that something has been recorded in
11 two places, I suppose.

12 A. That's possible, my Lady.

13 MS MACLEOD: It's certainly October 1972.

14 LADY SMITH: Thank you.

15 MS MACLEOD: Then towards the foot of page 26, Francis, you
16 discuss in your article the lead-up to the closure of
17 the school.

18 A. That's correct.

19 Q. And again on page 27 you discuss that again. On 27,
20 I think you explain that one of the reasons for the
21 closure may have been that staffing presented
22 a difficulty. Was that your understanding?

23 A. That's right.

24 Q. I think what you say about halfway down on page 27 is:

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Was that your understanding?

A. Yes.

Q. Again, was that from the records you have seen in your research or from other discussions you'd had?

A. I think it was more with discussions with some of the brothers.

Q. Would that be Brother **MIC**

A. No. Probably Brother **MHG**

Q. Was that at the time you were at St Ninian's yourself?

A. Yes. Because I think the numbers of people entering vocations was dropping, so there weren't the numbers of brothers that there used to be, and there was also a change in social work policy at that particular point. That's why the consultants recommended that the school be closed down.

Q. You've told us that the article -- well, your work came about as part of your own studies. We've seen that an article was later published based on the work you had done.

1 A. Yes.

2 Q. And that was in [REDACTED]

3 A. It was. It was in the [REDACTED] which was
4 a [REDACTED] and I felt -- well, one of the
5 reasons is because when you do a PhD, you're always
6 encouraged to publish some of the work that you've
7 studied to put the proverbial icing on the cake, and
8 I decided that it might be prudent to publish the work
9 I'd done, which was accepted by the [REDACTED]
10 I think it was a lecturer from Glasgow University who
11 was the director, or whatever you'd call them, of the
12 magazine itself.

13 MS MACLEOD: Thank you, Francis. I don't have any further
14 questions for you.

15 My Lady, I'm not aware of any other questions for
16 Francis.

17 LADY SMITH: Are there any outstanding applications for
18 questions? No.

19 Francis, that does complete all the questions
20 we have for you. It remains only for me to thank you
21 very much for engaging with the inquiry in the way
22 you have done. Your statement is tremendously helpful.
23 The article which you've provided us with, which I see
24 was accepted by a very well respected journal, is of
25 further assistance to us, and I'm really grateful to you

1 I want to remind you of something that I think you
2 have already been told and that is that although this is
3 a public inquiry and not a courtroom, you have the right
4 not to incriminate yourself in exactly the same way as
5 you would have in a courtroom or any form of court
6 proceedings. So that means that in the context of this
7 inquiry, which of course is looking into whether or not
8 children were abused when in care, if your evidence
9 moves into the subject of children being abused at
10 St Ninian's, you are not obliged to answer questions
11 that could sound as though they're intended to
12 incriminate you. Do you understand that? You're not
13 obliged to answer any questions suggesting to you or
14 asking you whether you were involved in any way in the
15 abuse of children.

16 But it is equally important that you understand that
17 although you don't have to answer any such questions, if
18 you choose to do so -- which of course you're perfectly
19 entitled to do -- your answers are being recorded to all
20 the questions that you are asked and they would be
21 available at any future proceedings if required. Does
22 that make sense?

23 A. Yes, thank you.

24 LADY SMITH: If you're in any doubt about that, please don't
25 hesitate to ask.

1 I will now hand over to Ms MacLeod and she will
2 explain what happens next.

3 Questions from MS MacLEOD

4 MS MACLEOD: Good afternoon.

5 A. Good afternoon.

6 Q. I don't need your full date of birth, but were you born
7 in 1948?

8 A. Yes.

9 Q. And are you 71 years of age?

10 A. I am, yes.

11 Q. In the red folder in front of you there's a copy of
12 a statement that you have provided to the inquiry. I'll
13 give the reference of that for the transcript:
14 WIT.001.002.6834.

15 Tom, I wonder if you could turn to the final page of
16 the statement. Have you signed the statement?

17 A. I have, yes.

18 Q. In the final paragraph do you say:

19 "I have no objection to my witness statement being
20 published as part of the evidence to the inquiry"?

21 A. Yes.

22 Q. Do you go on to say:

23 "I believe the facts stated in this witness
24 statement are true"?

25 A. Yes.

1 Q. If I can start by asking you a little about your
2 educational background. I think you tell us near the
3 beginning of your statement that you were brought up in
4 Fife.

5 A. Yes.

6 Q. I think you say that you joined the Christian Brothers
7 in 1962 when you were aged 14.

8 A. Yes.

9 Q. Did you start at a juniorate near Birkenhead?

10 A. Yes.

11 Q. Where I think you say you did your O levels.

12 A. Yes.

13 Q. Before going to Toddingham. Was that a novitiate?

14 A. Toddington. Yes, it was a novitiate.

15 LADY SMITH: Tom, I have the impression that, certainly in
16 your era, it was quite common for boys, when they were
17 still children at the age of 14, to join the
18 Christian Brothers; is that right?

19 A. Yes. Not just the Christian Brothers, my Lady, it was
20 very common to join all sorts of religious orders -- and
21 sometimes as young as 12.

22 LADY SMITH: Thank you very much.

23 MS MACLEOD: Once you'd done your A levels, Tom, were you
24 then sent by the order to a grammar school near
25 Liverpool to teach for a number of years?

1 A. Yes.

2 Q. From there, were you posted to St Ninian's?

3 A. After three years there, yes, to St Ninian's.

4 Q. I think you tell us that you were posted to St Ninian's

5 in August 1970.

6 A. Yes, that would be right.

7 Q. Were you around 22 years old?

8 A. I was 22, yes.

9 Q. I'll come on to look at St Ninian's in some detail, but

10 once you'd left St Ninian's -- I think you spent almost

11 a year there; is that right?

12 A. Just under. Eleven months, I think it was.

13 Q. Were you then posted to Dublin?

14 A. A place just outside, yes.

15 Q. Shortly thereafter, did you decide to leave the

16 Christian Brothers?

17 A. I did.

18 Q. I think you tell us that you then went on to do a degree

19 at St Andrews and a postgraduate at Moray House?

20 LADY SMITH: Why did you decide to leave?

21 A. Well, obviously, when you join as a young lad you're

22 given a number of years to train and think about things,

23 experience various things, and it's a tricky one. There

24 were a number of reasons why at age 24 I decided not to

25 continue. I seem to remember thinking that the

1 excitement had gone out of it and the idea of starting
2 afresh seemed more appealing.

3 LADY SMITH: Do you think one of the problems might have
4 been that 14 years is really too young to make
5 a commitment for life?

6 A. I'd certainly agree with that, yes. Definitely, yes.
7 It doesn't happen, you'll be pleased to know, any more.
8 But yes. Much too young.

9 LADY SMITH: As would 12 have been, as you have referred to
10 some orders using as their principle. Thank you, Tom.

11 MS MACLEOD: I think having done your postgrad at
12 Moray House you then had various roles working in
13 services for young people; is that right?

14 A. Eventually, yes. I worked in Edinburgh in a Church of
15 Scotland hostel for a year or so, and eventually I moved
16 into residential work, initially working with young
17 people, yes.

18 Q. Latterly were you involved in the provision of
19 pre-sentencing reports?

20 A. Yes. Youth offending it's generally referred to as, or
21 was, I'm not sure if it still is. I spent 22 years,
22 I think, working in Sheffield in that capacity.

23 Q. I think you say you've been retired for a number of
24 years now.

25 A. Sixteen, I think, yes.

1 Q. So if we can go back then to August 1970 when you were
2 posted to St Ninian's.

3 What was your understanding at that time of what
4 St Ninian's was when you were told you were to go there?

5 A. Well, I think I mentioned elsewhere in my statement that
6 I had visited it as a 13-year-old, so I had a very vague
7 idea that it was a place where troubled young people
8 were sent by the courts or by social services, whatever
9 they were then called. I had a vague idea, but that
10 was --

11 LADY SMITH: I think by the time you were at St Ninian's
12 it would have been the children's hearings or
13 Children's Panels, as they're known, who were making
14 recommendations for boys to go to St Ninian's more than
15 the courts.

16 A. I am not absolutely sure how they got there, my Lady,
17 I wasn't involved in that process even while I was
18 there. But ... were there Children's Panels at that
19 stage?

20 LADY SMITH: They were established under legislation that
21 was passed in 1968. They had have been new on the scene
22 when you started, but they'd certainly become
23 established by 1970.

24 A. Okay. Sorry, your question was?

25 MS MACLEOD: Just your understanding of what St Ninian's

1 was. I think you do tell us, as you mentioned there in
2 paragraph 12 of your statement, that you had visited
3 St Ninian's as a child --

4 A. Yes.

5 Q. -- yourself when you were around 13.

6 A. Yes.

7 Q. How did that come about?

8 A. The chappy whose job it was to scour the country for
9 potential young Christian Brother recruits came up to
10 Fife and managed to recruit me, and he came to see the
11 family and so on, and he took us down to Falkland, which
12 was quite near where our family lived. We didn't sort
13 of spend very much time there, just a quick look
14 round -- it was just a run out in his care, to be
15 honest, because our family didn't have a car.

16 Q. Do you remember his name?

17 A. I think it was a Brother Phelan, spelt with a PH, I seem
18 to remember.

19 Q. So if I can take you back then to your arrival in 1970,
20 what was your role to be? What were you going to be
21 doing at St Ninian's?

22 A. Well, basically, I was going to be doing what I was told
23 to do, really. I hadn't a clue. I obviously wasn't
24 trained in either teaching or social work or anything at
25 that stage. So it was basically I went up there and

1 I was given various tasks to do and I did them to the --
2 well, that was my role: to do what I was asked to do,
3 really. Do you need details of what I was asked to do?

4 Q. We can come on to that. How many boys were at
5 St Ninian's in 1970 when you got there?

6 A. Am I allowed to guess? Because I'm not sure. It was
7 between 30 and 40 I think, I think.

8 Q. What is your recollection of the age range?

9 A. I think there was definitely one 12-year-old. I can't
10 remember if there were more than one, but there was
11 definitely one. I suspect the oldest was 16. I think
12 children left school in Scotland at 16, so I think they
13 tended ...

14 LADY SMITH: I think it might have been that 15 was the
15 school leaving age then.

16 A. Was it 15?

17 LADY SMITH: I think it still might have been 15 in 1970.

18 A. In that case, 15.

19 MS MACLEOD: What was your understanding at the time of the
20 background of the boys in the school?

21 A. Basically, what I heard when I got there, really.
22 I didn't take part in any case conferences with
23 social workers. I didn't read any files on any of the
24 young children that were there. So I didn't really have
25 much idea of that, really.

1 Q. You've already mentioned that you didn't have experience
2 of that kind of setting. Were you given any training at
3 St Ninian's when you arrived?

4 A. No. "No" is the quick answer to that really.

5 Q. I think you tell us in paragraph 11 of your statement
6 that it was your first experience of anything like that.

7 A. Yes.

8 Q. Who was [REDACTED] St Ninian's when you got there?

9 A. He was called [REDACTED] SNR [REDACTED] and his name was
10 [REDACTED] BHD [REDACTED], I seem to remember.

11 Q. Which other brothers were there?

12 A. Am I allowed to say names?

13 Q. Yes.

14 A. There was a [REDACTED] LHC [REDACTED] who was an elderly brother,
15 who was the one actually [REDACTED] as
16 I remember, Brother [REDACTED] LNA [REDACTED] and Brother [REDACTED] MBV [REDACTED].
17 So there were five of us in total.

18 Q. Brother [REDACTED] BHD [REDACTED] you mentioned. Was he the
19 [REDACTED] SNR [REDACTED]?

20 A. He was.

21 Q. What was he like? How would you describe him?

22 A. A quiet man. I didn't get to know him terribly well, to
23 be honest. I tended to get to know the others much
24 better. I'm not quite sure how to answer that one.

25 Q. So what kind of interactions did you have with him if

1 he was the superior?

2 A. Very few interactions. As I say, I tended to work much
3 more closely with the other brothers there, who were
4 much more involved with the young people, both in terms
5 of teaching sport and so on and so forth, yes.

6 Q. You mentioned Brother LNA What was his role?

7 A. I think he taught [REDACTED] or both. He was
8 heavily involved in looking after the young people in
9 terms of the dormitory arrangements. He and I -- the
10 young people were divided into two houses, mainly for
11 sporting activities, and he looked after one house and
12 I looked after the other.

13 Q. I'm going to put a plan on the screen for you. It's at
14 CFS.001.006.8297.

15 If you take a few moments to orientate yourself with
16 this plan. If we could maybe zoom out on the image.
17 Do you see the car park marked and then the main
18 entrance?

19 A. Yes.

20 Q. Does this look familiar to you, the layout?

21 A. It is a long time ago --

22 LADY SMITH: We should probably warn you, Tom, that the
23 handwriting may not be accurate and not every outline of
24 a room may be accurate. This was a plan made up quite
25 recently, within the last few years, according to the

1 best of people's recollections. So don't worry if your
2 recollection doesn't match what's written here.

3 A. Okay. Thank you.

4 Yes, I certainly recognise the entrance hall. There
5 was a car park outside, yes.

6 MS MACLEOD: As you go through the entrance hall, do you see
7 the main hall marked there?

8 A. Yes.

9 Q. Is that your recollection of where the main hall was?

10 A. Certainly that is where it was.

11 Q. When you come in the entrance hall and take a right, did
12 that lead you into the dormitory area, the courtyard and
13 the dormitory area?

14 A. I don't remember the courtyard, but yes, I think the
15 dormitories were to the right, yes. As far as I can
16 remember, yes.

17 Q. If we could perhaps now zoom in on the dormitory area.
18 Looking at that top rectangle of the plan, did you have
19 a room in the dormitory area?

20 A. Yes, I did.

21 Q. Are you able to give me an idea where on that plan your
22 room was?

23 A. Am I allowed to guess?

24 Q. It's really your recollection that I'm interested in.

25 A. I really can't ... As you go into the dormitory area,

1 the first four rooms that you turn right on to, it was
2 one of those.

3 Q. Okay. That's the first four rooms along the bottom row.

4 A. It was one of those. I think it might have been the
5 third or fourth.

6 Q. Okay.

7 A. I think it might have been, yes.

8 Q. And did you mention that Brother LNA also had a room
9 in the dormitory area?

10 A. Yes.

11 Q. Where was Brother LNA room?

12 A. He was right round the other side, so to speak. So
13 you'd have to keep going round past the toilets and
14 showers and he had a room -- I see "Brother's bedroom".
15 It could have been that. That could have been it.
16 I can't remember.

17 Q. What were your duties in relation to the dormitory area?

18 A. Well, at night-time, basically --

19 Q. First of all, if I can just interrupt you -- I'm
20 sorry -- were you allocated to a particular age group of
21 boys?

22 A. I'm struggling with that. I can't remember if the ...
23 I can't remember if they were divided in terms of age or
24 if they were divided in terms of the two houses that
25 I mentioned earlier. But I seem to remember I had the

1 younger -- most of the younger ones. I seem to remember
2 that.

3 Q. Okay.

4 A. But I do have to confess, I'm slightly guessing.

5 Q. So in relation to the boys that you looked after,
6 if we start off with the morning, what were your duties
7 in the morning in relation to those boys?

8 A. Well, obviously we had to get them up somehow or other.
9 I think a bell was rung. I don't ever remember ringing
10 a bell myself, but I think a bell was rung by someone
11 at the entrance to the dormitory and the young lads
12 would have to get up and get dressed, I assume. I can't
13 remember what time that would have been at. But we used
14 to start the school stuff round about 9 o'clock and they
15 needed to get their breakfast obviously, so it must have
16 been quarter to 8 I'm guessing, 8 o'clock maybe.

17 Q. Were you involved in the supervision of any showers
18 in the morning?

19 A. I don't ever remember being so, no.

20 Q. Did the boys --

21 A. I don't think they had showers --

22 Q. You don't think they had showers?

23 A. In the morning, I don't think they did.

24 Q. Do you remember if the boys had chores to do in the
25 morning?

1 A. We didn't have cleaners that I can recollect, and
2 therefore I think all the boys were allocated small
3 areas to -- I assume they had to make their own beds.
4 I can't remember. But I assume they must have had to
5 make their own beds. We didn't have anyone coming in
6 doing that. And they also had areas of the house
7 I think to help keep clean. But it couldn't have taken
8 very long because by the time they got up and had
9 breakfast and started school -- it could only have been
10 15 minutes, I would imagine.

11 Q. So did the boys do the cleaning then of the house if you
12 didn't have cleaners?

13 A. Well, they certainly helped. But I can't remember.
14 They didn't spend hours doing it. It would have been
15 a few minutes each day I think.

16 Q. Did the boys clean the toilets?

17 A. Oh, I don't know. I can't remember that.

18 Q. Did you do any cleaning?

19 A. I kept my room tidy. But I didn't -- no, I don't
20 remember doing much in terms of round the house, if
21 that's what you're asking.

22 Q. So what about the evenings then in the dormitory area?
23 What was your role in terms of supervision of the
24 evening routine in the dormitories?

25 A. Well, I think I've said in my statement that basically,

1 whatever time it was at night, 9 o'clock, we'd get them
2 settled. They had to put their pyjamas on, obviously,
3 and my recollection is that we'd spend -- I'll speak for
4 myself: I'd spend some time -- it wouldn't be more than
5 15 minutes, I wouldn't think -- talking to the lads,
6 possibly in my room. And I think I've mentioned
7 somewhere that one of the first jobs I did when I got
8 there is I ran some wires from my little tape recorder
9 to their bedrooms so they could listen to the Top 20
10 whilst falling asleep.

11 Q. Yes, I think you tell us about that -- I think in
12 paragraph 20 -- you installed some speakers.

13 A. Yes, in -- I don't know how many bedrooms I was looking
14 after, three or four, I'm guessing. I was able to put
15 speakers in each room, yes.

16 Q. Did the boys have showers in the evening?

17 A. I don't remember that. I do hope so, but it wasn't one
18 of my things that I had to supervise or organise.

19 Q. So do I take it from that that you weren't involved in
20 the showering?

21 A. No, no.

22 Q. And you mentioned chatting to some boys, perhaps in your
23 room. When was that? When did that take place?

24 A. I do have to confess, I'm guessing to some extent, but
25 I think quarter to nine, and they got into bed maybe

1 about 9, quarter past.

2 Q. Is that once they were in their pyjamas?

3 A. Yes.

4 Q. What was the purpose of that?

5 A. I guess just almost in a sense as I used to do with my
6 own kids, to end the day on a happy note perhaps. Yes.

7 Q. What about during the night? What were your
8 responsibilities?

9 A. Well, I think again I mentioned somewhere that I don't
10 remember ever being disturbed during the night or having
11 to get up to deal with anything at all. I have no
12 recollection of, for example -- I must have been very
13 lucky, but I didn't seem to have any bed-wetters in my
14 group. So that would have obviously kept me busy, but
15 I didn't have to deal with anything like that.

16 Q. Were you aware if there were bed-wetters in other
17 dormitories that weren't your own responsibility?

18 A. I was aware of having -- I heard about one or two.
19 I don't know how many there would have been, but I can
20 remember there were one or two that had a serious
21 problem along those lines, yes.

22 Q. And who told you about that?

23 A. It would have been Brother **LNA** because I think he was
24 the one that dealt -- had to deal with it, really.

25 Q. And do you remember what he said?

- 1 A. What he said?
- 2 Q. Yes.
- 3 A. Oh ... Just something along the lines of, "Young
4 [whatever his name was]", and I can't remember, "has wet
5 the bed yet again". Something as simple as that,
6 really.
- 7 Q. And what was the procedure if somebody wet the bed?
- 8 A. I'm not sure. I'm not sure. But I have read some of
9 the statements made by some of the young people and
10 it would make sense what they've said, that apparently
11 they had to remove the sheets -- I never saw this
12 happen -- they had to remove the sheets and then they
13 had to go downstairs, I think, and have a shower, I read
14 somewhere.
- 15 Q. But you don't yourself recall seeing that happening?
- 16 A. Never saw that happening, no.
- 17 Q. If you weren't involved in supervising the boys you were
18 responsible for in the showers, do you know if they were
19 supervised by somebody else?
- 20 A. I would think so. The boys were never really left on
21 their own to do anything without supervision, as
22 I recall. So someone must have been supervising that.
- 23 Q. Do you know who did supervise the showers?
- 24 A. No, I don't know.
- 25 Q. Aside from the duties you had in the dormitory area, did

1 you have a role in the schooling side of the
2 establishment?

3 A. I did, yes. It was my dubious pleasure to teach [REDACTED],
4 [REDACTED], and to be heavily involved with the
5 [REDACTED] side as well.

6 Q. Were you given any guidance as to how to go about the
7 teaching, for example?

8 A. No.

9 Q. How were the classes organised in terms of age and
10 ability?

11 A. It was age more than ability. I vaguely recollect three
12 classes, and if there were 30-something boys there, then
13 there would have been 12 to 15 in each class, perhaps.

14 Q. What was your impression at the time of the standard of
15 education offered to the boys?

16 A. Well, I was the only one there that wasn't trained in
17 something or other. The other brothers, to my
18 knowledge, had degrees and, I assume, some sort of
19 teacher training qualification as well. I wasn't really
20 in a position to think very much about the standard of
21 the education. As I've obviously pointed out in my
22 statement in one or two places, the young boys had had
23 really tough times, obviously, in their earlier years
24 and their level of ability was generally a few years
25 below what it could have been and should have been, and

1 that had to be dealt with, really, and basically you had
2 to teach according to what was in front of you, operate
3 on the lowest common denominator to some extent.

4 So it was tricky. It was tricky. It probably
5 wasn't nearly as good as it should have been. Certainly
6 in my case, I was doing the best I could, but how the
7 other teachers operated I have no idea. I wasn't in
8 class with them ever to see that.

9 Q. Can you remember if there was a library available at the
10 school?

11 A. I don't remember it. I think there was one, but I don't
12 remember it.

13 Q. What about music? Is that something you were involved
14 with, the provision of music lessons?

15 A. I was the main music person and that's only because
16 I happened to [REDACTED]. But I enjoyed that and
17 that was something I spent as much time as possible
18 doing with them.

19 Q. I think you tell us in the statement that there were
20 some cellos that you swapped for guitars. Paragraph 25.

21 A. Yes. There were certainly two, maybe three cellos, and
22 not being [REDACTED] I decided that, yes, the guitars
23 might be a better idea.

24 Q. And your involvement in sports, was that something you
25 were also asked to take on?

1 A. Yes. I mentioned earlier the boys were divided into two
2 sporting groups and they played each other. It was
3 generally football -- I don't remember rugby being
4 played -- and cross-country, that sort of thing. So
5 yes, I was the trainer of half of them.

6 Q. Do you remember any inspections of St Ninian's when you
7 were there?

8 A. No.

9 Q. Do you remember anybody coming in to perform any kind of
10 visit similar to an inspection?

11 A. No recollection of that at all, no.

12 Q. Were you aware of any inappropriate sexual behaviour
13 between the boys?

14 A. Never saw any. Never saw any, no. And never heard
15 about any either.

16 Q. Did boys run away from the school during your time
17 there?

18 A. Yes, that happened, I think, a few times. Two or three
19 perhaps. I can't remember how many were involved in
20 absconding. I can't remember if it was a group or just
21 one person or one or two, but yes.

22 Q. Do you know the reasons why the boys were absconding?

23 A. Well, common sense would tell me that they were unhappy.

24 (Pause)

25 Q. Do you know if boys were asked why they had run away?

1 A. I didn't deal with that, possibly because I was, if you
2 like, the junior person there, so I wasn't involved in
3 dealing with any of those situations or asking those
4 questions.

5 Q. Were you involved or did you know what happened to boys
6 when they returned from having run away? Were they
7 punished, for example?

8 A. I think they were, I think they were. I didn't witness
9 it happening, but I think they were, yes.

10 Q. I think you mention at paragraph 42 that it may well
11 have been that they were made to stand in the main hall,
12 but that you can't remember witnessing it.

13 A. I have a vague recollection of seeing one or two lads
14 standing in that hall, but it's a vague recollection and
15 I can't remember the details of how long or who asked
16 them to do it or whether it was a specific punishment
17 relating to running away or not.

18 LADY SMITH: Do you think efforts should have been made to
19 find out the reasons why boys were running away?

20 A. I think so -- and I hope the questions were asked. And
21 hopefully social workers would have been consulted about
22 any problems as well. Hopefully. But I personally
23 wasn't involved in that side of things, really, so I'm
24 kind of guessing again.

25 LADY SMITH: It makes obvious sense, doesn't it?

1 A. Oh definitely.

2 LADY SMITH: Because one can't assume there's a single
3 reason that applies to every boy; each boy may have his
4 own reasons.

5 A. Mm.

6 LADY SMITH: Ms MacLeod.

7 MS MACLEOD: Do you remember there being records kept at the
8 school during your time?

9 A. Well, I've written down there somewhere that I never saw
10 any record book or made any entry into it ever. But
11 I do hope so, is all I can say. I'm sure there must
12 have been. I'm sure it must have been a legal
13 requirement perhaps. But again, I'm not sure.

14 Q. Were you given any advice or guidance from the older
15 brothers or the more senior brothers about how to
16 discipline and punish boys if that required to be done?

17 A. I wasn't given any advice on that. I don't remember
18 punishing boys myself. I don't think I used a belt or
19 a strap, which was available at the time. I seem to
20 remember that -- I didn't have any trouble. I've said
21 somewhere in this that I found that the young lads
22 behaved very, very well, did not give me a hard time.
23 I got on great with them, actually, and punishment just
24 didn't figure for me at all. I can't even remember
25 thinking, "I need help with this one, I'd better ask one

1 of the older colleagues to help me out in some way or
2 other", or even punish ... it wasn't an issue.

3 Q. If a child needed to be punished, would you send them to
4 one of the other brothers, for example?

5 A. I never did that. I don't remember ever needing to do
6 that.

7 Q. On that point, I just want to ask you about what one
8 particular witness has said.

9 If you look at the very front of your folder, Tom,
10 the very first page, you'll see what's called a key.
11 Do you see that?

12 A. A what, sorry?

13 Q. It's called a key. It's got names of former pupils at
14 St Ninian's.

15 A. Yes.

16 Q. And it's got the names that they've taken in evidence to
17 protect their identity.

18 A. Yes.

19 Q. So do you see the person who's taken the name "William"?

20 A. Yes.

21 Q. Do you recognise that person, that name?

22 A. No.

23 Q. Okay. I just want to ask you about something that
24 William says. I don't need to put it on the screen, but
25 it's at TRN.001.006.0870, line 6. This was a statement

1 that was read into evidence. William was at St Ninian's
2 from [REDACTED] 1971 and he was aged 13 at the
3 time. That's from the Christian Brothers' records.

4 What he says is that:

5 "[Tom] was a [REDACTED] teacher. He also played the
6 guitar. He wasn't one for inflicting physical
7 punishment himself. If you did something wrong, you
8 would be send to Brother [REDACTED] BHD or Mr [REDACTED] BHB for
9 punishment."

10 Does that ring any bells with you?

11 A. Well, I never did that. I think I would remember that,
12 really. Yes, I would have regarded that as a bit of
13 a personal failure. But I don't remember ever sending
14 a young boy to be punished by anyone.

15 Q. I think you tell us in paragraph 47 of your statement
16 that:

17 "One of the biggest punishments was losing
18 entitlement to weekend leave."

19 A. Mm.

20 Q. You go on to say that:

21 "The kids were under no illusion about what was
22 expected of them."

23 A. Mm.

24 Q. Who was in charge of discipline in relation to the
25 children?

- 1 A. Well, the older brothers, certainly -- apart from the
2 very old one that I mentioned at the outset -- the
3 SNR obviously, was the main man, or should have
4 been, but probably in reality, as I remember, probably
5 Brothers LNA and MBV were the main men, yes.
- 6 Q. So Brother LNA How did he discipline children?
- 7 A. I never saw him disciplining children using the belt,
8 but I think he would have done. I think he would have
9 done. He was a pretty fearsome man, so the young people
10 tended to behave very well if he was around. He didn't
11 have to resort to punishment very often.
- 12 Q. So how did he keep the boys in line then?
- 13 A. I think the way that most, dare I say it, present day
14 teachers have to resort to personality, now that the old
15 sanctions are no longer allowed. I think he had, dare
16 I say it, a lot of personality, and as I said, the kids
17 were not inclined to misbehave when he was around.
18 He had that presence.
- 19 Q. What about Brother BHD How did he discipline
20 children?
- 21 A. I didn't see him have very much to do with the young
22 people. I think he taught one subject. I think he did.
23 But as I said earlier, he was a quiet man who kept
24 himself to himself and he didn't figure very largely in
25 face-to-face work with the children. I don't think he

1 did.

2 Q. Did you ever see any of the brothers punish children in
3 a physical way?

4 A. I can't remember that happening. I'd be surprised if
5 I didn't see the strap, belt, whatever it was called,
6 being used ever. I may have seen it happening once or
7 twice, but it certainly hasn't registered and I can't
8 remember. I certainly can't remember any brutality of
9 any kind.

10 Q. Was there a belt available to be used? Do you remember
11 the belt?

12 A. I didn't have one, but I think there was one available,
13 yes.

14 Q. Did you see it?

15 A. Oh, I don't know. As I've just said, I probably saw one
16 of the children being punished. I can't remember.
17 I can't imagine I could have been there for 11 months
18 and never seen anything at all in terms of punishment.
19 So I'm guessing, but, yes, there was definitely a belt
20 there and I think one of the lay teachers -- we only had
21 one at that time -- I think he had one.

22 Q. Is that Mr BHB

23 A. Yes -- BHB was it? Yes.

24 Q. I think you tell us, Tom -- at paragraph 48 of your
25 statement you say:

1 "I have no recollection of ever having witnessed any
2 of the children being abused during my time at
3 St Ninian's, nor did any of the children ever approach
4 me about any such abuse."

5 A. Yes, that's correct, yes.

6 Q. If a child was unhappy at St Ninian's while you were
7 there, who was available for the children to -- who
8 could the children speak to?

9 A. Well, I hope me. I hope. I've said somewhere in the
10 statement that I actually found them to be a very
11 generally happy, cheerful group of young people. And
12 obviously, from what I've found out recently, that
13 obviously was not the case with every one of them,
14 obviously. But who would they speak to ... well, the
15 young people that I kind of dealt with, my group,
16 I would hope that they were able to speak to me or that
17 I'd have spotted, even at that young age, if they looked
18 unhappy.

19 Q. And if you had noticed something or a boy had told you
20 something, what would you have done? Who was the person
21 who you would tell things that would have been of
22 concern to you?

23 A. I would have spoken to, probably, mainly Brothers **LNA**
24 and **MBV** about it, because the three of us worked most
25 closely in terms of face-to-face work with the young

1 people.

2 LADY SMITH: What if the complaint had been about one or
3 both of them?

4 A. Well, that ...

5 LADY SMITH: What would you have done then?

6 A. That would have been problematic, my Lady. I think
7 I probably would have spoken to the elderly
8 Brother **LHC** It never happened, but had it happened,
9 I would think so. He was the father figure round the
10 place.

11 MS MACLEOD: Just to take you back, Tom, to something you
12 said a few moments ago. I think we were discussing
13 Brother **LNA** and you described him as "fearsome".
14 I just wondered if you could elaborate on that for me.

15 A. Fearsome in terms of -- I'm sure you also had teachers
16 that you remember at school as being fearsome, and
17 people that you just kind of knew not to, shall we say,
18 stretch the limits with or stretch the boundaries with,
19 and it's a presence that some people have, is it not?
20 You just kind of know that this is not somebody to mess
21 around with. That's what I meant by that.

22 Q. And did you yourself have that impression of him as
23 well, of Brother **LNA**

24 A. I was very fond of him and he was very, very supportive
25 towards me. I had no reason at all to dislike him or to

1 I think there's a difficulty with that document at
2 the moment, Tom. So I will just read out for you what
3 it says --

4 LADY SMITH: I think we've now got it, Ms MacLeod.
5 Thank you.

6 (Pause)

7 MS MACLEOD: I think that's the wrong document. That's
8 a completely different document.

9 A. Yes, definitely.

10 Q. Okay, so at 0265, line 23, Frank McCue was asked:

11 "Question: You have already mentioned
12 Brother LHC and Brother LNA ..."

13 And then he is asked if he remembers you, Tom.

14 What he says is:

15 "Answer: Yes, I remember Tom. He was like
16 Brother LNA young apprentice. He was always with
17 Brother LNA

18 Would that ring true with your own recollection?

19 Were you with Brother LNA a lot of the time?

20 A. I haven't actually come across that or read that before
21 or had that mentioned to me before but --

22 Q. This is something he said in evidence when he came to
23 give evidence.

24 A. Okay. As I've said a few times, Brothers LNA MBV
25 and myself worked very closely together with the three

1 of them. I don't think I spent more time with
2 Brother LNA than I did with Brother MBV. The three
3 of us were very actively involved throughout the day,
4 really.

5 Q. Then if I move on in the same transcript to
6 TRN.001.006.0274. Unfortunately, I don't think this is
7 going to be available on the screen either. At
8 page 0274, Frank McCue, at line 9, is speaking about his
9 first night at St Ninian's. What he goes on to say at
10 line 20 is:

11 "Answer: I went to my bed and I got woke up about
12 2 o'clock in the morning and it was Brother LNA and
13 he was under me. He was kneeling at the side of the bed
14 and I got a fright and I jumped up on the bed and I was
15 ready for a fight or whatever I was going to do, and he
16 told me to calm down. He was only checking to make sure
17 I wasn't a bed-wetter. I said, 'You could have asked'."

18 And he goes on to say:

19 "Answer: I'm sure it was [Tom] he had with him. He
20 was silhouetted in the doorway. At night-time you only
21 got dim emergency lighting and it was quite hard to
22 see."

23 I think this is something you were asked about in
24 your statement.

25 A. Yes.

- 1 Q. Were you ever involved in checking beds at night with
2 Brother LNA
- 3 A. No.
- 4 Q. Did you ever see Brother LNA check a child's bed?
- 5 A. I don't think so. I don't think I did. I think I would
6 remember that. No, I have no recollection of that.
- 7 Q. You were also asked when you gave your statement about
8 an occasion where it was said that Brother BHD
9 required to be pulled off Frank McCue and that you were
10 possibly involved in that, but you have said in your
11 statement that you weren't there at that time.
- 12 A. No, he's mentioned a number of brothers who weren't
13 there at the same time as I was; they actually came
14 after me.
- 15 Q. I think we can see, having heard Frank McCue's evidence
16 and looked at the record of that, we can see that that
17 event looks to have taken place in June 1972 when you
18 wouldn't have been there.
- 19 A. No, I'd long left at that stage, yes.
- 20 Q. Further on in the same transcript at TRN.001.006.0331 --
21 and again unfortunately this document isn't available to
22 go on the screen for you, but I'll read it out to you.
23 This is still Frank McCue. At line 11 on that page he
24 says:
25 "Answer: Well, always you were constantly seeing

1 little guys getting bounced on the laps of brothers."

2 He goes on to say:

3 "Answer: [Tom] was quite good at it. He used to
4 sit the kid on and put his guitar in front and let the
5 kids strum the strings."

6 Did you have boys sitting on your lap?

7 A. I have no recollection of that having happened. It's
8 certainly ... I was very fond of my guitar and I'm
9 very, very sure that I didn't allow anyone to touch it,
10 really. No recollection of that at all, to be honest.

11 I mean, many of these kids were 13, 14, 15. I was
12 22. I don't think I was into bouncing kids on my knee
13 at that age, really. I don't think so.

14 Q. If I can now move on to William, who we looked at
15 briefly earlier. His name is on the key at the front of
16 your folder. He provided a statement under the name
17 William. I think you were asked about him when you gave
18 your statement. Do you recognise his name?

19 A. No, I don't know a William -- I don't recognise that
20 name at all, no. I think we've spoken about him before,
21 have we?

22 Q. Yes, we have --

23 LADY SMITH: We did mention this earlier, Tom, that's right.

24 MS MACLEOD: This was put to you at paragraph 54 of your
25 statement, where William said in his statement that you,

1 Tom:

2 "Answer: ... had a habit of bouncing little boys on
3 his lap. Again, it is only with hindsight that I now
4 realise how inappropriate this behaviour towards young
5 boys was."

6 And I think you've responded to that in your
7 statement by saying:

8 "I wasn't really the bouncing-on-knee type of
9 person, especially with 14 or 15-year-old kids."

10 And that you have no recollection of that.

11 A. I have no recollection of it and I totally agree that it
12 would be inappropriate behaviour, really. But I have no
13 recollection of having done that. I went on to say that
14 perhaps he was confusing me with someone else, as has
15 happened in one or two other things, but yes -- no.

16 Q. You were also asked, I think in paragraph 55 of your
17 statement, about somebody called David Sharp, who also
18 used his own name, so he doesn't have a pseudonym.

19 I think it was put to you when you gave your statement
20 that it was suggested that someone had said to
21 David Sharp that you and another person took a child
22 from St Ninian's to a house. Were you ever involved in
23 doing that?

24 A. Definitely not, no. I'm not sure that I read that
25 anywhere, but definitely not is the answer. I think

1 I mentioned somewhere that I've no recollection of
2 meeting any social workers, any parents visiting, any
3 homes, you know, with young people. That wasn't part of
4 my remit as the trainee that I then was.

5 Q. I think you do say that in paragraph 56. You say you're
6 100% sure that that is nothing to do with you --

7 LADY SMITH: When you were working at St Ninian's, was your
8 family home still close by?

9 A. Yes.

10 LADY SMITH: Did you ever take a child with you to visit
11 your home?

12 A. No.

13 LADY SMITH: Thank you.

14 A. My parents were not terribly good at conversation,
15 my Lady, so it would have been fairly torturous.

16 LADY SMITH: Thank you.

17 MS MACLEOD: There came a time, Tom, when you left
18 St Ninian's. Was that towards the end of the academic
19 year in 1971?

20 A. It would have been when the schools broke up -- is that
21 the beginning of July, I think? Yes.

22 Q. And I think you tell us in your statement that you went
23 to Gibraltar then with Brother **MBV** and Brother **LNA**
24 for a short period.

25 A. Well, I didn't go with them. I got the train all the

1 way because I don't fly, and I joined them there for
2 a few days before I went over to Dublin, the Dublin
3 area, yes.

4 Q. And in the final paragraphs of your statement, the final
5 paragraph I should say, at 70, you offer some thoughts.

6 You say:

7 "It is reassuring that the whole childcare scene is
8 now much more professional, accountable and satisfactory
9 than it then was, and that young people are both able
10 and encouraged to make complaints as and when."

11 A. Yes. Definitely.

12 Q. And I think at the very end you go on to say something
13 that you touched on at the very beginning of your
14 evidence. You say:

15 "It is also a good thing that young people are no
16 longer encouraged to leave their families at an early
17 age to join any kind of movement."

18 A. Yes, obviously.

19 Q. And are you including religious orders in that?

20 A. I'm sorry, what?

21 Q. Are you including religious orders in that?

22 A. Well, that's what I had in mind, yes.

23 MS MACLEOD: Thank you, Tom. I don't have any further
24 questions for you today.

25 My Lady, I'm not aware of any other questions for

1 Tom.

2 LADY SMITH: Are there any outstanding applications for
3 questions of Tom?

4 Tom, that completes the questions we have for you.
5 It simply remains for me to thank you very much for
6 engaging with the inquiry as you have done, both by
7 providing your very helpful written statement and coming
8 here today to talk to us a little more fully about your
9 memories of St Ninian's. I'm very grateful to you for
10 doing that. It's of enormous assistance to me in the
11 work we have to do here and I'm now able to let you go.

12 A. Thank you.

13 (The witness withdrew)

14 LADY SMITH: Ms MacLeod.

15 MS MACLEOD: My Lady, that completes the evidence for today.
16 We have four witnesses lined up for tomorrow. One is by
17 video link at 10 o'clock --

18 LADY SMITH: Yes.

19 MS MACLEOD: -- and then three oral witnesses.

20 LADY SMITH: And two of them will be taken together?

21 MS MACLEOD: The final two will be taken together.

22 LADY SMITH: The usual 10 o'clock start with a video link
23 and here's hoping it's as clear as we had this morning.

24 I will rise now for today and sit again at
25 10 o'clock tomorrow morning.

1 (3.35 pm)

2 (The inquiry adjourned until
3 10.00 am on Wednesday, 3 July 2019)

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