

Wednesday, 24 January 2024

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(10.00 am)

LADY SMITH: Good morning and welcome to the third day this week of evidence in this chapter of our case study.

We have a witness ready to give evidence over the videolink and I'll invite Mr MacAulay to introduce him.

MR MACAULAY: Yes, my Lady. This next witness is Michael Murphy.

LADY SMITH: Thank you.

MR MACAULAY: I understand Michael Murphy would like to be referred to as Michael.

LADY SMITH: Thank you.

Michael, good morning, I'm Lady Smith and I chair the Scottish Child Abuse Inquiry here in Edinburgh. I'd like to begin with you taking the oath, please.

Michael Murphy (sworn)

(Via videolink)

LADY SMITH: Michael, just before I hand over to Mr MacAulay, as you're giving your evidence please don't hesitate to let me know if you have any questions, if the link isn't working, or if there's anything that you would ask for that would make the experience of giving evidence to this Inquiry more comfortable.

I do appreciate that it's not an easy thing to do and that we have some questions for you, as you probably

1 realise, that are going to be a bit difficult.

2 So far as those questions are concerned, Michael, it
3 is possible that you'll be asked questions, the answers
4 to which could incriminate you.

5 This is a public inquiry. It's not a court, but
6 there is a record being made of your evidence. There
7 will be a transcription and that evidence would be
8 available at a later date, if anybody sought to refer to
9 it.

10 So please bear in mind that you're entitled to
11 decline to answer any questions that could incriminate
12 you. That's your right. If you've any doubt as to
13 whether any of the questions we're asking you are those
14 sort of questions, please ask. Don't hesitate to do so.

15 Do you understand that?

16 A. Yes.

17 LADY SMITH: Thank you.

18 If you're ready, I'll hand over to Mr MacAulay and
19 he'll take it from there.

20 A. I'm ready. Thank you.

21 LADY SMITH: Mr MacAulay.

22 Questions from Mr MacAulay

23 MR MACAULAY: Good morning again, Michael.

24 A. Good morning, Colin.

25 Q. Could I ask you to turn to the final page of your

1 statement that you have in the red folder in front of
2 you?

3 A. Yes.

4 Q. Can you confirm you signed the statement?

5 A. I have signed it.

6 Q. Do you tell us in the last paragraph:
7 'I have no objection to my witness statement being
8 published as part of the evidence to the Inquiry.
9 I believe the facts stated in this witness statement are
10 true.'

11 Is that your position?

12 A. Yes. All right.

13 Q. Michael --

14 A. The date at which I signed that was 15.01.2024.

15 Q. Thank you.

16 I think that you were born in [REDACTED] 1933, is that
17 correct?

18 A. 1933, that's correct.

19 Q. You are now aged 90?

20 A. Yes, over 90.

21 Q. What you tell us by way of background is that you're
22 originally from County Cork; is that right?

23 A. That's correct.

24 Q. I think what you did initially was go to England for
25 your Formation and education; is that right?

1 A. That's correct.

2 Q. You took on the name or you were given the name Benedict
3 when you joined the Order?

4 A. That's correct.

5 Q. When were you fully a De La Salle Brother?

6 A. When -- I took my vows, and I think that was 1926 (sic)
7 when I was fully a De La Salle Brother.

8 Q. Is it the case that the Brother Provincial at the time
9 ordered you to go to St Ninian's, Gartmore in 1961?

10 A. That's correct.

11 Q. You would be in your 20s then; is that right?

12 A. Yes, I would be probably, yes, 26 or 27, maybe, I think.
13 I'm not sure.

14 Q. I think what you tell us in your statement is you were
15 not at that time trained in the residential care of
16 children; is that correct?

17 A. That's correct.

18 Q. I think you say you didn't have any experience in
19 working with children before you went to St Ninian's?

20 A. That's correct, yes.

21 Q. What you tell us in the statement, Michael, is that you
22 went to St Ninian's in October 1961?

23 A. That's correct.

24 Q. You were there in what you describe as a supervisory
25 capacity, but you went on to complete a college course

1 in social work in 1966?

2 A. 1965/1966, yeah.

3 Q. When you went to St Ninian's, you tell us that SNR

4 SNR was Brother MCA, is that right?

5 A. Correct, yes.

6 Q. Did that change over the time that you were at

7 St Ninian's?

8 A. Yes.

9 Q. Who him?

10 A. GSU.

11 Q. Was he SNR when you came to leave St Ninian's

12 in 1970?

13 A. No. He had Brother MJP

14 had.

15 Q. During your time in St Ninian's in the 1960s, clearly

16 there were other Brothers there at St Ninian's?

17 A. That's correct, yes.

18 Q. What names can you remember over that period?

19 A. Well, there was ... IAT was one and

20 GZQ was another and HFU, he was

21 SNR. I forget who else was there.

22 Q. Very well, but you say that SNR was

23 Brother HFU?

24 A. Yes.

25 He's dead now.

1 Q. You also mention some civilians who were there and the
2 names you mention are Charlie McKenna and Mr MCK .
3 They were there when you were there?

4 A. They were there, yes.

5 Q. Can I just ask you about what you tell us at
6 paragraph 11 of your statement. I'll read that out to
7 you and you'll have it in front of you:

8 'The problem back then was that there were few staff
9 around. The Social Work Services Group in Edinburgh
10 weren't prepared to have a lot of staff around the
11 place. However, we did get three social workers in
12 1966.'

13 You're suggesting there that at least for a period
14 there were staff shortages at St Ninian's?

15 A. That's correct, I was on my own.

16 Q. As far as training is concerned, if you turn to
17 paragraph 15, you tell us that when you first went to
18 Gartmore that you took note of what all the other staff
19 were doing:

20 'They were well advanced in years in looking after
21 these youngsters. I saw how they operated and I tried
22 to imitate them.'

23 Was that sort of training on the job, so to speak,
24 that you were being exposed to?

25 A. Correct. I should think so, yes.

1 Q. At paragraph 18 you give us some idea as to how many
2 children were there when you first went to St Ninian's.
3 What you tell us there is:
4 'There were 96 children when I first went to
5 St Ninian's. They were all boys.'
6 It was quite a large establishment?
7 A. Yes. That's correct, yes.
8 Q. What you're saying is that there was a shortage of staff
9 at that time in looking after the children?
10 A. Yes, that's correct.
11 Q. You --
12 A. I was the only one looking after those -- out of class
13 time looking after those 96, apart from Mr MCK and he
14 used to do the breakfast.
15 Q. What about SNR and SNR, did
16 they take any part in looking after the children?
17 A. Well, SNR helped me out in the yard
18 for six weeks to train me how to do it.
19 Q. Now --
20 A. This was the period out in the yard, recreation, during
21 ... outwith class time and from -- in the evening time
22 from 6.00 until 8 o'clock then there would be a number
23 of staff on duty for doing activities.
24 Q. Would that include some Brothers?
25 A. Yeah, the Brothers always, yeah.

1 Q. As far as the age range of the boys at St Ninian's were
2 concerned, you say in paragraph 18:

3 'The legal age was eight, but they didn't usually
4 come in until the age of ten.'

5 Is it the case, Michael, that there were children
6 there as young as eight or possibly even younger?

7 A. No. No. I think there was only one boy from Bathgate
8 that had problems at home. He was young, younger than
9 ten.

10 Q. Okay.

11 A. They wouldn't be allowed in. The legal age was eight.
12 They wouldn't be allowed in.

13 Q. If the Inquiry has heard evidence that children as young
14 as eight and possibly younger were admitted to
15 St Ninian's, you would disagree with that evidence?

16 A. I would, yes. Definitely.

17 Q. Going on to the living arrangements. What you tell us
18 is that you lived in Gartmore House. That was the main
19 building, is that correct?

20 A. Yes, that's correct.

21 Q. What you say is the Brothers had rooms on the other side
22 of the corridor from the boys' dormitories; is that
23 right?

24 A. That's right, yes.

25 Q. You're in relative close proximity to the boys?

1 A. You could say that. But your door was shut, and the
2 door was locked during the day.

3 Q. Can I just ask you about meal times, because you do
4 discuss that in your statement.

5 What you say at paragraph 24:

6 'I think the food was quite good. Nobody was
7 compelled to eat any food if he didn't like it. It was
8 his choice.'

9 Do you see that?

10 A. Yes.

11 Q. Did you force feed any children?

12 A. No, never did that.

13 Q. Is that something that you have been convicted of,
14 though, in the past?

15 A. Well, it's been mentioned, but it didn't occur.

16 Q. But you have been convicted of force feeding children?

17 A. I doubt it.

18 Q. I think you had -- I'll come and look at the trials in
19 a moment, but in your trial in 2003 you were convicted
20 I think of two charges involving the force feeding of
21 children. Do you remember that?

22 A. No, I never force fed children.

23 LADY SMITH: Michael, Mr MacAulay isn't asking you whether
24 you did things that were in charges of which you have
25 been convicted in the past. We know that you have been

1 convicted of a number of charges of doing things to
2 children that were criminal.

3 Those are facts and that's all Mr MacAulay is
4 checking with you. He's not going back to, if you like,
5 re-run the issues that were run at those trials. Those
6 trials have taken place. Findings have been made by
7 juries. You've been convicted. You've been sentenced
8 in relation to them. I can't look behind that.

9 You need to understand that. The law doesn't invite
10 me to look behind that. Those are facts in your past.

11 At the moment, Mr MacAulay is covering the history
12 of what happened to you in relation to complaints made
13 by people who had been children there.

14 Mr MacAulay.

15 MR MACAULAY: I think I understand your position, Michael.

16 What you're saying is if you were convicted of force
17 feeding children you say you're not guilty of that
18 essentially, is that your position?

19 A. I am saying that, yes.

20 Q. Thank you.

21 A. And the complainants are elderly people of 50 years of
22 age and more.

23 Q. I want to ask you a little bit about discipline. Again,
24 this is a matter you address in your statement.

25 What you say at paragraph 35 in the statement is:

1 'The headmaster would deal with boys who had
2 absconded. He would give them the strap. If they
3 failed to return from weekend leave they would lose
4 their next weekend or even the next two weekends.'

5 You go on to say:

6 'There had to be witnesses if the headmaster
7 strapped a boy.'

8 Were you a witness at any time when a boy who had
9 absconded required to be punished by the headmaster?

10 A. I should think once or twice only.

11 Q. Can you describe the nature of the punishment?

12 A. It would be the standard strap that was allowed by the
13 Government.

14 Q. How was it administered?

15 A. Usually in the hands.

16 Q. Did you witness children being strapped on the bottom?

17 A. I don't think so, no.

18 Q. At paragraph 37, can I ask you about this, you say:

19 'I admitted in criminal court proceedings against me
20 that I had three little laces. The three laces were
21 tied with a little cord at the end. I would give boys
22 a flick on the backside if they didn't behave themselves
23 in the line.'

24 First of all, can I just ask you about these laces.

25 You had clearly put together a number of laces to

1 construct what might have looked like a whip, is that
2 correct?

3 A. That wouldn't be a whip, no. A whip is something that
4 they're all entwined, twisted together.

5 Q. Can you just describe to me how your laces were put
6 together?

7 A. As you read out there, they were tied with a piece of
8 thread at the top and they were loose and they were
9 about 16 inches long.

10 Q. Did you strike boys with these laces on occasion?

11 A. Certainly, yes. Not very often.

12 Q. Again, is it the case that you have been convicted of
13 a number of charges of striking boys either on the legs,
14 one at least on the face, to injury, in the trials that
15 you have had to face.

16 As a matter of fact you've been convicted?

17 A. Not injury. There was nobody injured.

18 Q. Why were you using laces in this way?

19 A. Pardon?

20 Q. Why were you using laces in this way?

21 A. It says here, that was my way to help to discipline
22 them. I was disciplined at home like that. I was
23 beaten and I was beaten in school. That's part of life
24 and discipline back in the 1960s. Not nowadays.

25 Q. When you say you were beaten, is that what you were

1 seeking to do with these boys, you were beating the boys
2 with the laces?

3 A. Well, that was standard practice back in the 1960s.

4 LADY SMITH: Michael, where did you get the laces?

5 A. They were shoelaces. Shoelaces.

6 LADY SMITH: Shoes. Men's shoes?

7 A. No, shoelaces from boys.

8 LADY SMITH: Oh, right. Thank you.

9 MR MACAULAY: What you say is that you resorted to using the
10 laces, and I'll read what you say in the statement:
11 'Because I was on my own trying to keep discipline
12 of all these lads and they were difficult to manage.'
13 That was your reason why you had to resort to the
14 laces; is that correct?

15 A. That was common sense approach, yeah.

16 Q. You tell us in your statement at 45:
17 'I never received any complaints about boys being
18 abused in St Ninian's because boys weren't abused.'
19 Is that right?

20 A. Yes. I agree with that, yes.

21 Q. Did you see any evidence of abuse during your nine years
22 or so at St Ninian's?

23 A. No, I didn't.

24 Q. What about bullying? Did you see any evidence of
25 bullying when you were there? By boys upon boys?

1 A. Yes, I have seen that. It's something I frowned upon.

2 Q. What you say in your statement at paragraph 47, about
3 five or six lines down in the paragraph, is:

4 'Nobody complained about bullying, so I don't think
5 it was happening.'

6 You are telling me now that there was some bullying
7 going on; is that correct?

8 A. Well, I don't know whether you would classify it as
9 bullying or not, but that ill feeling towards each
10 other, you had that among children.

11 Q. You say here:

12 'All these boys were delinquents and they would
13 fight their own battles.'

14 I just want you to explain what you mean by saying
15 they were all 'delinquents'?

16 A. Yes, well, that was the name that was given to children
17 in the 1960s, they were classified as delinquents, every
18 one of them and it was something that was phased out
19 around later back in the 1970s.

20 Q. You tell us in relation to external monitoring that --
21 what you say at 49 is:

22 'Inspectors came to St Ninian's every week or ten
23 days.'

24 I just want to try and understand that. Did
25 inspectors come as often as that to St Ninian's?

1 A. Well, I wouldn't be sure about that, but Mr Murphy used
2 to come fairly frequently and he lived beyond Stirling.
3 He was fairly near at hand.

4 Q. As we've discussed, Michael, you moved from St Ninian's
5 to St Joseph's in Tranent. You tell us in paragraph 51
6 that that was on 1 October 1970?

7 A. That's correct, yes.

8 Q. Was there any background to you moving from St Ninian's
9 to St Joseph's?

10 A. No. What I did write about that MDC, who was SNR
11 SNR there and he worked in the senior school
12 in Glasgow and he was moved as SNR in
13 Tranent and I have a feeling that he asked the
14 Provincial to send me there. That's the only reason
15 I think.

16 And --

17 Q. Before you left -- carry on, Michael. Sorry.

18 A. I can't say that he did this, that he asked the
19 Provincial, because I don't know.

20 Q. Was there an incident before you left St Ninian's where
21 a child sustained an injury and you were involved in
22 that incident?

23 A. That's a while back. In the early days in St Ninian's.

24 Q. What incident are you talking about?

25 A. I had a misunderstanding with a boy, with a pupil.

1 Q. I'm sorry?

2 A. I had a misunderstanding with a pupil.

3 Q. What was the misunderstanding?

4 A. He abused me in public in front of a group of boys about
5 my footwear and my bad foot.

6 Q. And what happened?

7 A. I gave him an arm twist and hurt --

8 Q. I'm sorry?

9 A. And hurt his arm, that's all.

10 Q. The charge you were faced with, upon which you were
11 convicted in 2003, was that you seized him by the arm,
12 spun him bodily and threw him on the floor, as
13 a consequence of which he sustained a broken arm. Is
14 that what happened?

15 A. That is not correct.

16 Q. Did he --

17 A. And he never fell on the floor, this was outside in the
18 grounds.

19 Q. Did he sustain a broken arm?

20 A. No. I fractured a wee bone in his arm.

21 Q. There was a broken bone?

22 A. Yes, a wee bone in the arm, yes.

23 Q. Did you lose your temper with this boy?

24 A. I was disappointed really. I was what you call being
25 young and foolish in those days, it was, you would

1 classify that.

2 Q. You would be in your late 20s. You wouldn't be that
3 young and if it was later than what you think you could
4 even have been older.

5 Could I ask you again, did you lose your temper at
6 this time?

7 A. I was annoyed with him, yeah.

8 Q. This boy, was he aged 10/11, something like that, at the
9 time?

10 A. About that, yes.

11 Q. A young boy?

12 A. A young boy, yes.

13 Q. Did the boy have to be taken to hospital?

14 A. Yes.

15 Q. Did you go to the hospital with him?

16 A. No.

17 Q. Who --

18 A. I think the headmaster took him or somebody else.

19 Q. Did you explain to the headmaster how the boy had come
20 to be injured?

21 A. I didn't have to, because he was able to do that
22 himself.

23 Q. Am I to take it you didn't mention at all to the
24 headmaster how it came to be the boy was injured?

25 A. No, I was never asked about that. It wasn't classified

1 as quite serious.

2 Q. I'm sorry. Could you repeat that?

3 A. It wasn't classified as quite serious.

4 Q. It was quite serious?

5 LADY SMITH: I think, Michael, you said it wasn't classified

6 as quite serious, did you?

7 A. Yes, I said that.

8 LADY SMITH: Who said it wasn't serious?

9 A. I didn't look upon it as too serious.

10 LADY SMITH: Oh, so you didn't?

11 A. I fractured a wee bone -- I fractured a wee bone, yes.

12 MR MACAULAY: If you didn't speak to the headmaster, are you

13 suggesting that the boy would have told the headmaster

14 what happened?

15 A. I presume he did. I don't know. I can't say that.

16 Q. Did the headmaster speak to you and say to you,

17 'Michael, you've really gone beyond the score', so to

18 speak? Was there any conversation to indicate that you

19 had gone too far with this boy?

20 A. No. There was no conversation with the headmaster. The

21 boy was taken to hospital and had the stookie and that

22 was it.

23 Q. Who took him to the hospital?

24 A. I don't know who took him. Either the headmaster or

25 somebody else.

1 Q. You would have no idea then what the hospital was told
2 as to how the boy came to be injured?

3 A. No, there was no report from the hospital about him.

4 Q. Can I ask you this: did this incident have any bearing
5 on you being transferred from St Ninian's to
6 St Joseph's?

7 A. No, none at all.

8 Q. Can I then look at your time at St Joseph's and you talk
9 about that on paragraph 52.

10 I think what you tell us is that you are there from
11 1 October 1970 and you spent 21 years there, until you
12 retired in 1991, is that correct?

13 A. That's correct, yes.

14 Q. I think the De La Salle Order withdrew from St Joseph's
15 the year after, in 1992?

16 A. Yes, I went down to Clayton Court.

17 Q. You tell us you worked in Ogilvie cottage, what was your
18 role in Ogilvie cottage?

19 A. I was a social worker.

20 Q. Were you the head of the cottage, if I can use that
21 description?

22 A. No.

23 Q. Who was?

24 A. MJL, he was the senior social worker.

25 Q. I perhaps should have asked just before. When you were

1 in St Ninian's and indeed also in St Joseph's, did you
2 ever teach?

3 A. No.

4 Q. As far as St Joseph's was concerned, you thought there
5 was about 80 boys there when you first arrived at
6 St Joseph's, is that right?

7 A. That would be about it, yeah.

8 Q. Some were in two cottages and some boys were in the main
9 building, was that the set-up when you arrived there?

10 A. That was the set-up, yes.

11 Q. Things changed as time went on and for example did there
12 come a time during your time when there were more
13 civilian staff and also day pupils attended?

14 A. That's correct.

15 Q. You mentioned MDC [REDACTED], was he SNR [REDACTED] then at
16 St Joseph's when you got there?

17 A. Yeah, he had just been [REDACTED].

18 Q. At 59, what you do tell us is:
19 'I didn't supervise any other members of staff.
20 I was in charge of Ogilvie cottage towards the end of my
21 time in St Joseph's.'

22 Did there come a point in time during your time at
23 St Joseph's when you were in fact in charge of Ogilvie
24 cottage?

25 A. Just at the end of my time, yes, but not before that.

1 Q. Over your time at St Joseph's, did the numbers of boys
2 there begin to reduce?

3 A. That's correct, yes.

4 Q. I think at St Joseph's you had a club, an electronics
5 club, is that right?

6 A. That's correct, yes.

7 Q. Were you also involved in electronics at St Ninian's
8 before you were transferred?

9 A. Yes.

10 Q. Was that something that you had an interest in?

11 A. Yes. I had a flair for that, yes.

12 Q. Did you take some qualifications in electronics during
13 your time as a Brother?

14 A. Yes.

15 Q. One thing you say in paragraph 80, when you are looking
16 at trips and holidays, you say:

17 'Individual staff didn't take children out on
18 trips.'

19 Do you see that in paragraph 80?

20 A. Yes.

21 Q. Were there occasions during your time when perhaps
22 a social worker would come and take a boy away for
23 a weekend?

24 A. A social worker, did you say, would come and take --

25 Q. Yes.

1 A. No, the boys went home on weekend leave.

2 Q. But there were some boys who didn't go home for
3 a variety of reasons. For example, if --

4 A. That's right.

5 Q. Perhaps these boys, could they be taken out by
6 an individual at the weekend?

7 A. You mean staff?

8 Q. Staff, yes, or anybody.

9 A. Well, they'd go out as a group, not individuals, not
10 singles, yes.

11 Q. Again, can I look at discipline with you for
12 St Joseph's.

13 You do tell us about the mark system. I think the
14 mark system had a bearing on whether a child would go
15 home for the weekend or not; was that right?

16 A. That's correct, yes.

17 Q. Again, as at St Joseph's, it was the headmaster who
18 would deal with boys who absconded?

19 A. That's right, yes.

20 Q. What happened? How would the headmaster deal with such
21 boys?

22 A. Well, I wouldn't be in his office, so I wouldn't know
23 exactly what happened, but the usual procedure if the
24 boy absconded or failed to return -- sorry, not failed
25 to return, if he absconded he'd get the strap. If he

1 failed to return he would be missing his weekend leave
2 next week or the week after.

3 Q. Would such a boy who absconded or didn't return, would
4 he be physically punished by the headmaster?

5 A. If he absconded, yes. Not -- I don't think so --
6 I don't think if he failed to return. The police would
7 collect him and bring him back.

8 Q. Do you know what sort of punishment the boy who
9 absconded would receive from the headmaster?

10 A. I mentioned to you that he'd get the strap. That was
11 common procedure.

12 Q. You say you have never witnessed that, you never
13 witnessed it?

14 A. No, not in St Joseph's.

15 Q. You tell us at paragraph 98, Michael, that you never
16 received any complaints about boys or girls being abused
17 at St Joseph's?

18 A. Yes.

19 Q. You go on to say:
20 'They weren't abused.'
21 Are you maintaining, Michael, that there was no
22 abuse of the boys at St Joseph's during your time there?

23 A. I feel that's correct, yes. I feel that's correct.

24 Q. What about bullying between the boys? Did you witness
25 bullying?

1 A. I didn't, because there were lots of staff on duty in
2 St Joseph's, whereas I was on my own in Gartmore.

3 Q. At paragraph 104 you repeat your position:
4 'I wasn't aware of any abuse at St Ninian's or
5 St Joseph's because no abuse took place.'

6 You go on to say:
7 'The first time I became aware of the term abuse was
8 when I got the indictment in the High Court proceedings
9 against me in 2003.'

10 That is your position, Michael, I think?

11 A. That's the position, yeah.

12 Q. At 106 you say:
13 'I was never involved in any investigations into
14 abuse when I was at St Ninian's or St Joseph's, because
15 there were never any allegations of abuse.'

16 That's what you say?

17 A. That's what I'm saying, yes, correct, yes.

18 Q. Would you consider the breaking of an albeit small bone
19 in a child's arm, a young child's arm, as abuse?

20 A. I wouldn't classify it as abuse. I find it was lack of
21 discipline by him the way he treated me.

22 Q. Would you agree, Michael, that you weren't entitled to
23 respond in the way that you did to such an extent that
24 you caused the injury you caused?

25 A. Well, things do happen in the spur of the moment.

1 Q. Yes. I understand that. But would you accept that you
2 should not have injured him in the way that you did?

3 A. I accept that, but I mentioned that in court.
4 I admitted it in court. So I felt that was it done
5 with.

6 Q. I should have asked you. I take it that there was no
7 report about that incident made to the police?

8 A. No. I don't think so. No, the police didn't come.

9 LADY SMITH: Michael, are you telling me that in the
10 circumstances you feel the boy deserved what he got?

11 A. Well, looking back on it maybe I would be concerned now
12 in my old age, but I was young and foolish then and the
13 spur of the moment things do happen.

14 LADY SMITH: Do you think you lost control?

15 A. Well, how do you mean I lost control? I'm not sure
16 about that.

17 LADY SMITH: You were obviously very angry.

18 A. I was annoyed, yes, because he abused me in front of
19 a group of boys.

20 LADY SMITH: You then reacted on the spur of the moment?

21 A. That's correct, yes.

22 LADY SMITH: Thank you, Michael.

23 MR MACAULAY: You go on to tell us about the trial you faced
24 in 2003 and you weren't the only person on the
25 indictment, there was a Charlie McKenna and also

1 a James McKinstry.

2 You tell us in your statement, Michael, that
3 Charlie McKenna was somebody you knew, is that right?

4 A. That's correct, yes.

5 Q. You seem to suggest that you didn't know
6 Jimmy McKinstry?

7 A. Never knew him, no. He was a member of staff in the
8 1970s, when I wasn't there.

9 Q. You go on to say that you had no concerns about
10 Charlie McKenna when you were at Gartmore?

11 A. That's correct. He was a very honest man.

12 Q. In 2003, I think you, Charles McKenna and
13 Jimmy McKinstry, the three of you were convicted of
14 a variety of charges, is that correct?

15 A. That's correct, yes.

16 Q. Just bear with me.

17 I was just making sure. You were convicted of ten
18 charges altogether?

19 A. Yes, that's what you are saying, yes.

20 Q. I've just looked at the document.

21 Indeed one of the charges was about the discussion
22 we've been having about breaking the child's arm. That
23 was one of the charges that you were found guilty of?

24 A. Yes.

25 Q. I think at least one of the other charges was connected

1 with the use of laces and we have discussed that. We
2 have discussed your use of the laces.

3 Charles McKenna was convicted along with you on
4 a number of charges that include sexually orientated
5 charges, if I can describe them in that way.

6 I think what you tell us in your statement, as you
7 have just indicated, you had no concerns over the way he
8 dealt with children?

9 A. That's correct, yes. He was a very honest man and he
10 was sure how he worked with his children, the group he
11 had for woodwork.

12 Q. Did you see Charles McKenna with boys on his knee or his
13 knees?

14 A. No. Apparently something like that was brought forward
15 in the 1970s, not during my time there.

16 Q. There is a lengthy section in your statement dealing
17 with specific allegations, and I'll come to that in
18 a moment.

19 Can I just look at this whole business of the
20 administration of electric shocks.

21 You had a means of administering electric shocks to
22 children both at St Ninian's and at St Joseph's; is that
23 right?

24 A. That's not correct in what you're saying. Not --
25 I never administered electric shocks as such.

1 Q. Did you administer painful electric shocks at
2 St Ninian's and St Joseph's?

3 A. No. They were not painful. What happened was that the
4 current seeped along the muscle in your hand and that's
5 all. It was known as 'The Tickler' -- the unit was
6 known as 'The Tickler'.

7 Q. You agree, I think -- although you challenge the
8 allegations -- that you have a number of convictions in
9 2003 and in 2016 in connection with administering
10 electric shocks?

11 A. I didn't administer electric shocks. The unit didn't
12 produce electric shocks.

13 Q. You also had convictions in your final trial in 2021 for
14 administering electric shocks. I fully understand your
15 position, but as a matter of fact you have been
16 convicted of these charges?

17 A. I was -- you are saying I was convicted because people
18 didn't understand what the unit was.

19 Q. You have provided some photographs to the Inquiry,
20 Michael and perhaps I could ask you to look at these.
21 These are photographs you wanted us to look at.

22 I can put this on the screen. You have it there.
23 It's WIT-3-0000005666 at page 1.

24 The photograph you have has required to be redacted,
25 because it's being put on the public screen. I have

1 your copy that you sent into the Inquiry, which is
2 an unredacted version. The faces of the children are
3 redacted to protect their anonymity.

4 I think the point you want to make, and I'll take
5 from you, is that the photograph you sent in shows four
6 boys holding hands and smiling or laughing, is that
7 correct?

8 A. That's correct, yes, and that's how it was.

9 Q. You have written on the back of the photograph, and this
10 is at page 2:

11 'Four boys using the wee generator in my club.'

12 My attention was drawn to the word 'wee', did you
13 have a bigger generator in your club?

14 A. No.

15 Q. Are you saying you only had the one generator --

16 A. That's right.

17 Q. -- for administering shocks?

18 A. Some boys called it a 'dynamo', that's what you're
19 talking about, the bigger unit. The dynamo is used in
20 a motor car, not elsewhere.

21 Q. Let's call it a generator. I just want to be clear that
22 you only had the one wee generator when you indulged in
23 this particular practice?

24 A. Well, I wouldn't classify it as 'indulging'. It was
25 a hobby for the children.

1 Q. You will be aware, for example, that one of the charges
2 that you were convicted of in 2016 was a charge that
3 said that you burned the hands of a particular boy
4 through this process. You were convicted of that.

5 Do I take it then that you deny the generator would
6 have such power?

7 A. I do. Definitely not. That person is telling definite
8 lies.

9 Q. I just want to be clear. Are you saying you did or did
10 not have a bigger machine?

11 A. I didn't have a bigger machine, no. I mentioned to you
12 that a boy mentioned a dynamo, but he's talking about
13 The Tickler. He called it a dynamo.

14 Q. Two of the charges that you were convicted of in 2021
15 involved you administering electric shocks to the two
16 separate boys through their testicles. Did that happen?

17 A. Never. It never happened.

18 Q. But you were convicted of these charges?

19 A. They were false. A false conviction.

20 Q. Can I just summarise the position with regard to your
21 convictions and the number of -- men by now -- boys who
22 had been in St Joseph's or St Ninian's who were men when
23 they gave their evidence.

24 In your first trial you were convicted of ten
25 charges.

1 In the second trial, you were convicted of 15
2 charges.

3 In the third trial, you were convicted of 29
4 charges.

5 So over the piece, you have been convicted of 54
6 charges involving what would be seen as the abuse of
7 boys in one way or another.

8 Do I understand your position, Michael -- perhaps
9 with the exception of the broken arm case -- that you
10 dispute all these convictions?

11 A. I do. Definitely do.

12 Q. Those who are making the allegations, we call them
13 complainers, but they were the men who gave evidence,
14 there were 37 individual men who gave evidence in
15 support of these charges.

16 It's a lot of people to get together somehow to
17 conspire, if that is your position, to make up lies
18 about you, would you agree?

19 A. It's a lot of people, yes.

20 Q. If I can summarise the nature of the charges upon which
21 you were convicted.

22 You were convicted of charges involving physical
23 assault, you were convicted of charges involving
24 assaults by the administration of electric shocks, you
25 were convicted of charges involving force feeding and

1 you were convicted of charges involving sexual abuse.

2 That was the range of charges upon which you were
3 convicted, and your position is that it's all false?

4 A. It is, yes. Except that I had the laces, I've admitted
5 that. I've admitted I had The Tickler and I admitted
6 that I had a dispute with that pupil in Gartmore.
7 I admitted all in court.

8 Q. As far as the sexual abuse is concerned, some of the
9 sexual abuse was very serious that you were convicted
10 of?

11 A. Yes, but I have not been involved in sexual abuse with
12 anybody.

13 In matter of fact, the lad who started all this, he
14 said that [REDACTED] raped
15 him in the shower in Ogilvie.

16 Q. Is that a boy in relation to whom you were convicted in
17 2016 on a charge of what was known as a sodomy,
18 penetrating his anus with your penis. That is what you
19 were convicted of in 2016?

20 A. Yes, but I never did anything like that. I've never
21 been involved in sexual abuse of any pupil in Gartmore
22 or in Tranent while I worked there.

23 Q. If I turn to look at some of the allegations, and
24 I'm not proposing to go through these in any detail, but
25 you pass some comments on.

1 These are set out broadly from about paragraph 138
2 through to 199. If I turn for example to paragraph 150.

3 While I'm doing this, Michael, can I also ask you to
4 have in front of you what we refer to as a key. That's
5 a document that will list names --

6 A. Yes, I've got that.

7 Q. The reason I want to use that is that because these
8 individuals want to remain anonymous they've been
9 allocated a pseudonym, so when I'm asking you about the
10 individual I'll use the pseudonym.

11 In paragraph 150 the person mentioned, you'll see
12 his name is at the top of the list and his pseudonym is
13 'Terry'. You can see that what 'Terry' is saying and
14 it's been set out for you is that, halfway down:

15 'For breakfast it was usually porridge. I never
16 liked porridge. I had to eat it. We were forced to eat
17 it by Brother Benedict.'

18 What is your response to that?

19 A. My response to that is already I mentioned to you that
20 it was Mr **MCK** who did the breakfast. I never did
21 breakfast. That's a false statement.

22 Q. If I turn to perhaps paragraph 163.

23 I'll start at 162, because 162 is where this
24 person -- he is the sixth name down on the key list,
25 he's taken the pseudonym 'Seamus' in his evidence to the

1 Inquiry. He talks about how he would describe the
2 breaking of his arm. I fully understand that that
3 conflicts with your own approach, but then he goes on to
4 say:

5 'Brother Benedict would turn the handle to generate
6 the voltage. You had to comply or he would lose his
7 temper and things would be worse.'

8 That this is a way of giving everyone a shock.

9 Again, what you are telling us in your statement is:

10 'Boys did not receive electric shocks. Rather
11 a strange feeling went along one's muscles. This was
12 called The Tickler, it was not a mega ...'

13 Again, you really are disputing the account that
14 'Seamus' has provided?

15 A. Yes, I am definitely disputing that.

16 Q. If I turn to paragraph 175, the person who is mentioned
17 at paragraph 174, is almost halfway down the list, and
18 you'll see his name there and you'll see he's taken the
19 pseudonym 'Jim'. Do you see that, Michael?

20 You see who I'm talking about.

21 It's 'Jim' who is telling us what is set out at 175.

22 I'll just read that out:

23 'When I ran away in the snow of 1963 Michael Murphy
24 came and took me back. When we returned to St Ninian's
25 we went upstairs and he told me to take my clothes off,

1 which I did. He then held down on the bed and raped me
2 and started crying and was calling me all sorts of
3 names. He was blaming me for tempting him and whipped
4 me with a belt, which had about six strands of leather
5 with knots at the end.'

6 A couple of things I want to ask you about.

7 First of all, the allegation of rape. Did that
8 happen?

9 A. Never. Never.

10 Q. His description of being whipped with a belt which had
11 about six strands of leather with knots at the end,
12 could that be a reference to your laces?

13 A. That's what he's saying, yes.

14 Q. Is his description of the laces --

15 A. Yes it would be his description, but not reality.

16 Q. So you wouldn't accept then that your laces had about
17 six strands of leather with knots at the end?

18 A. That's wrong.

19 Q. That's wrong?

20 A. I had three laces, as I've already mentioned to,
21 shoelaces. By the way, right at the beginning of that
22 he says:

23 'I ran away in the snow in 1963 and Michael Murphy
24 came and took me back.'

25 I never went out to collect people, because I was on

1 duty.

2 Q. Would somebody within St Ninian's go and try and get
3 a boy who might run away get back to St Ninian's?

4 A. Yes. That would be SNR [REDACTED] might go out,
5 because he'd be fairly free to do so.

6 Q. That is Brother HFU [REDACTED], is it?

7 A. Yes. So what this lad is saying is incorrect right the
8 way through.

9 Q. I'll take you to the next paragraph. It's at 176 and
10 I'll just get the key for you.

11 It's about two-thirds of the way down, the key list.
12 Sometimes it's quite difficult to find these names,
13 because the list is so long. This is a person who wants
14 to use the pseudonym MBJ [REDACTED] when he's being referred to.

15 What MBJ [REDACTED] says at paragraph 176:

16 'About 6 pm it would be activities.

17 Brother Benedict's activity group was household
18 electricities. He would have a big board and tell us to
19 connect this to that and then he would flick a switch
20 and you'd get an electric shock. Brother Benedict
21 didn't teach a class and when he hit you he did so as if
22 he was hitting an adult.'

23 Again, he talks about an electric shock, but he also
24 talks about you hitting children, it would appear with
25 some force, because he says it's being done as if you

1 were hitting an adult. Did that happen?

2 A. No. I didn't hit like that.

3 LADY SMITH: How did you hit them, Michael?

4 A. It's the laces, that was part of my discipline.

5 LADY SMITH: What did you do with them?

6 A. I already mentioned that they got a little clip on the

7 backside with them if they were out of order.

8 LADY SMITH: Which bit of their body?

9 A. That would be in the line-up or the line-up before they

10 go to class.

11 LADY SMITH: Did you hit all of them in the line-up.

12 A. No. If the lad was out of order, I would say.

13 LADY SMITH: Were these boys wearing shorts?

14 A. Yes, they did have short trousers, short trousers, yes.

15 LADY SMITH: Your laces, you say, were about 16 inches long?

16 A. That's correct.

17 LADY SMITH: So the laces could also have hit their legs?

18 A. Well, not necessarily, no.

19 LADY SMITH: Thank you.

20 Mr MacAulay.

21 MR MACAULAY: My Lady.

22 **MBJ** goes on in paragraph 177 to say there was

23 a time when some of them ran away:

24 '... and the day after we ran away,

25 Brother Benedict, who was in charge of us, took me down

1 to the basement and kicked the hell out of me. He
2 attacked me as if I was a man and the kicks would lift
3 you off your feet. He dragged me by the hair and I was
4 thinking I'd got him into trouble because I had escaped
5 when he was the one who was supposed to be looking after
6 me. He was one of the worst for the brutality. I once
7 saw him break a walking stick over a boy's back.'

8 Again, what you say in response:

9 'His statements are biased and I really don't know
10 why, I never used a stick.'.

11 You're challenging that whole account?

12 A. I am, definitely, yes.

13 Q. You mentioned earlier that there was a boy or
14 a complainer who mentioned a dynamo. It may be that is
15 what you are referring to at paragraph 178.

16 If I can just look at that.

17 Looking to the key, this person's name -- one-third
18 of the way down from the top -- he has taken the
19 pseudonym 'Charles' for these purposes. Have you found
20 that, Michael?

21 A. Yes, I've found that.

22 Q. What he says then at 178:

23 'Brother Benedict had a speaker case which had
24 a dynamo in it. He would get five or six boys to hold
25 hands and two of them would make contact with the anode

1 and the cathode. He would then crank it up by turning
2 a handle, which sent a shock through everyone. On one
3 occasion he made me grab it and I couldn't let go
4 because of the speed he was powering the dynamo. I was
5 terrified and getting a severe shock. He thought it was
6 funny, but I certainly did not.'

7 He goes on to say:

8 'I was tricked into doing it and when I had to do it
9 on my own it was very painful and I couldn't let go.'

10 You say in response to that:

11 'I was quite shocked by this allegation. He
12 mentioned a dynamo. A dynamo is a unit that's used in
13 a car. It's not what I had.'

14 I think that is the point you were making earlier,
15 that what you had wasn't a dynamo, it was a form of
16 generator?

17 A. It was The Tickler, it was known as The Tickler.

18 Q. The Tickler is not a technical name, is it? That may
19 have been a nickname. Was it a form of generator?

20 A. It was a wee generator, yeah, a wee generator, less than
21 the size of a child's fist.

22 LADY SMITH: Michael, separately did you have a speaker case
23 or some sort of loudspeaker that had a dynamo to power
24 it or at least a large generator to power it.

25 A. No. The only thing I had was The Tickler.

1 Q. If there's been a suggestion in the evidence that you
2 may have had another device that perhaps is more
3 powerful, you say that's just not true?

4 A. That is definitely not true.

5 Q. Looking at paragraph 179 you don't seem to find this
6 person's name in the key. Maybe it's been omitted, but
7 we perhaps don't need that. At 179 this person says in
8 his statement:

9 'The regime was very strict. You got the belt and
10 the usual punches. There was a lot of bed wetting.
11 I wet the bed.'

12 In relation to bed wetting, were you ever involved
13 with children who wet the bed?

14 A. No. The night supervisor that looked after the boys in
15 bed at night. I was off duty.

16 Q. He goes on to say on the next page:

17 'Violence and beatings were just a part of your
18 daily routine. The beatings would leave marks and black
19 eyes. Brother Benedict was handy with his boots and
20 fists.'

21 I just want to ask you about this next sentence:

22 'He would fly off the handle for the slightest
23 thing.'

24 Is that accurate as to how you might react to
25 matters, flying off --

1 A. That is completely false.

2 Q. Did you fly off the handle when you were, you say,
3 abused by the boy whose arm you broke?

4 A. I already mentioned what happened there, but definitely
5 I have been very well disciplined myself. I was always
6 amenable to discipline.

7 Q. In any event, this person goes on to say that he was hit
8 in the face and his nose may have been broken. Your
9 position is you never hit a boy in the face?

10 A. That's correct, yes.

11 LADY SMITH: Michael, can I just take you back to the
12 subject of bed wetting for a moment.

13 I'd like you to look at paragraph 73 of your
14 statement.

15 What you tell me there is that there was a night
16 care officer for your cottage, but on Monday nights you
17 would be on duty until 9.45 pm. Do you see that?

18 A. That's correct, yes.

19 LADY SMITH: That was the way it worked, was it? Monday
20 evenings you were there right up to 9.45 pm on duty and
21 then you were still in the cottage --

22 A. No, 9.30 pm, I would be finished at 9.30 pm and I would
23 discuss with the night care officer about how the boys
24 behaved during the day.

25 LADY SMITH: Well, you say 9.45 --

1 A. That's when I left.

2 LADY SMITH: I see.

3 A. That's when I left the cottage.

4 LADY SMITH: Where did you sleep?

5 A. Over in the main building.

6 LADY SMITH: Thank you.

7 MR MACAULAY: Can I ask you about this allegation, which on
8 the face of it looks like a strange allegation. It's at
9 paragraph 184.

10 The person who is making this statement is named
11 about two-thirds down the list of the key and you'll see
12 that he has taken the pseudonym 'Paul' for the Inquiry.

13 Essentially, putting it short, on the motorway,
14 going back to Glasgow for weekend leave, when you were
15 driving the bus, then you had spotted an old TV on the
16 side of the road and you stopped to collect the TV.

17 Just in general terms, did that happen?

18 A. You say going back to Glasgow?

19 Q. Yes. I'll just read it to you:

20 'One weekend on the M8 motorway, going back to
21 Glasgow for weekend leave, Brother Benedict pulled over.
22 He had spotted an old TV on the side of the road.'

23 I just want to ask you, did that happen?

24 A. He wouldn't be with me in the bus going back to Glasgow
25 to collect the weekenders.

1 Q. Did you take weekenders to the bus to be dropped off in
2 Glasgow?

3 A. No. This is coming back from Glasgow, with a group of
4 boys.

5 Q. As I read this he says:
6 'One weekend on the M8 motorway, going back to
7 Glasgow for weekend leave ...'
8 The suggestion there is you are taking boys to
9 Glasgow for the weekend leave and I think we have heard
10 in evidence that you would take boys to the
11 Buchanan Street Bus Station?

12 A. That's correct, yeah. What he's saying here is not
13 correct. I picked the television up when I was coming
14 back from weekend leave on the Sunday evening.

15 Q. Do you have a recollection then, Michael, of there being
16 an occasion when you did stop on the M8 and picked up
17 a television?

18 A. I did, yeah.

19 Q. Did you on that occasion, whether it's going or coming,
20 get the assistance from 'Paul', who is mentioned here?

21 A. I can't recall that. Definitely --

22 Q. Clearly, if you say it happened and 'Paul' confirms
23 that, then it suggests that he was there when you did
24 stop to pick up the television. Do you follow that?

25 A. I follow that, yeah, but I can't recall that he came out

1 and picked up the television. I'd be able to do that
2 myself.

3 Q. Do I take it then that you don't accept this rather odd
4 situation where you seem to have recovered the TV and
5 then drove off leaving 'Paul' behind?

6 A. That's correct. He was never left behind. Nobody was
7 left behind. That's a stupid premise about all that.

8 Q. There are a number of responses you make to some
9 allegations. Essentially making the point that if that
10 individual is making that allegation it can't be right
11 because you weren't there at the time that that person
12 was let's say at St Ninian's for example.

13 If we look at for example paragraph 153, if I can
14 perhaps make this a bit clearer.

15 The person mentioned at 153 is above halfway in the
16 list of the pseudonyms, and he's taken the pseudonym
17 'Kenny' for purposes of his evidence.

18 What you say about him:

19 ''Kenny' was not in St Ninian's when I worked there
20 due to his age. He stated that he was born in 1963 and
21 I left St Ninian's in 1970, when he would have been
22 seven years old.'

23 This comes back I think to our discussion, Michael,
24 that your position is that children as young as seven
25 would not have been admitted to St Ninian's?

1 A. That's correct. I never knew this lad, HCA .

2 Q. You'll see what his allegation is, it's quite a serious
3 one, that you hit him on the back with a bat. Do you
4 see that, 154. He had to be taken to the matron and you
5 told the matron that he had fallen.

6 Do I take it that your position is that simply did
7 not happen, because you would say that there was no
8 cross-over between you and this boy at St Ninian's?

9 A. That's correct and there was no cricket in St Ninian's
10 when I was there.

11 Q. I think you make the same point at paragraph 145, if you
12 just look at that.

13 This person -- his name appears fourth from the top
14 of the list and he's taken the pseudonym 'Michael' in
15 giving his evidence and you have looked at that. Again,
16 you make the point at paragraph 145:

17 'Michael' provided a statement to the Inquiry in
18 which he makes allegations of physical abuse against me.
19 He was not in St Ninian's when I worked there. Due to
20 his age, I know he was not at the school when I worked
21 there. He was born in 1962. Boys came to St Ninian's
22 around the age of 10.'

23 You mentioned earlier that legally they could come
24 at eight, but the Social Work Department didn't send
25 them at eight years of age because they were too young.

1 Again, you are making the point quite simply that
2 because he would have to be eight when you were there in
3 1970, there was no cross-over between you and his
4 presence there?

5 A. That's correct, I never knew him.

6 Q. Perhaps the last point I want to raise with you is
7 paragraph 181.

8 This is allegations that has been made against you
9 by a lady. Her name appears -- it's below halfway in
10 the list and she's taken the pseudonym 'Rae'.

11 In short at paragraphs 181 through to 182 she makes
12 allegations of sexual abuse against you. I think your
13 position is that her allegations had no foundation?

14 A. That's correct. I never knew her. She was a day pupil,
15 apparently.

16 Q. Can I take you to paragraph 204, Michael.

17 What you tell us there, under the heading 'Overall
18 response to allegations against me':

19 'I can't explain why all these allegations have been
20 made.'

21 You go on to say the time you spent at St Joseph's
22 and when you were confined to Ogilvie. That's your
23 starting point. You just cannot explain why so many
24 have made so many serious allegations against you.

25 As you say there, you can't explain why so many have

1 made so many serious allegations against you?

2 A. The thing is that there can be quite a number of
3 complainants on the indictment, but where is the
4 evidence?

5 Q. Again, you mention the laces at paragraph 206 and what
6 you say is:

7 'The laces that I had in Gartmore were for
8 discipline to control the wildness of all these boys.
9 I think the whole thing is very unfair to me at the
10 beginning. Social Work Services Group in Edinburgh did
11 not give us enough staff.'

12 Again, you have mentioned this already, you were
13 short staffed and you were put in a difficult position
14 from the point of disciplining the children is
15 concerned, is that your position, Michael?

16 A. In Gartmore?

17 Q. Yes.

18 A. What I did say was that I was on my own with 80 to 90
19 delinquent children, that the parents couldn't look
20 after or the police couldn't control them at home and
21 they were sent to Gartmore school and I was asked to
22 look after them, which was diabolical really because it
23 was nearly impossible to do any sort of job, a person on
24 his own.

25 Q. At 208 you do advance this as an explanation. You begin

1 by saying:

2 'There has been collusion.'

3 Are you suggesting that the many, many adults who,
4 as you say they are now, who have come forward either in
5 the criminal trials or to this Inquiry have somehow got
6 together to make up these allegations against you?

7 A. Well, they can't -- these lads are 50 years old or more.
8 They're well advanced in the ways of the world and the
9 internet and all the social media platforms. So they
10 can have collusion like that without actually speaking
11 to each other.

12 Q. Why would they pick on you?

13 A. I already said because I'm the only one alive today.
14 There's nobody else alive.

15 Q. You weren't the only one alive in 2003 when the first
16 trial took place?

17 A. Yeah, but since -- the more serious ones you're talking
18 about is sexual abuse, it's all with a view to financial
19 gain.

20 Q. That's the point I think you make in paragraph 217,
21 about halfway down the paragraph:

22 'What people are saying is lies. They're
23 pretending. It's all about finance. The whole idea
24 nowadays is that they can get easy money for nothing,
25 and that includes the girl.'

1 That is your position, that it's really about
2 compensation and setting up a basis to obtain
3 compensation?

4 A. Well, in those days there was a strong media-driven
5 incitement to get money by whatever means. And
6 allegations of all sorts, especially those of sexual
7 abuse, seem to be the way forward.

8 Q. Just coming back to your explanation as to why so many,
9 many of these former pupils at St Ninian's or
10 St Joseph's have picked on you.

11 I think your answer was that you're the only one
12 alive today. But it could be said, Michael, that it
13 might have been easier to pick on someone who is dead?

14 A. Yes, but they'd get no money out of them.

15 LADY SMITH: Michael, I think what Mr MacAulay is referring
16 to is the fact that somebody is dead doesn't mean that
17 there can be no financial recovery, whether by way of
18 going to the Redress Scheme or by looking to whoever was
19 responsible for that person working at the institution.

20 The fact that the alleged abuser is now dead doesn't
21 mean there can't be a financial claim.

22 MR MACAULAY: The advantage of picking on a dead person is
23 a dead person can't answer back. You have answered
24 back, Michael, and you've made your position perfectly
25 clear as to what your position is. You have provided

1 answers. A dead person couldn't do that.

2 Would you agree with that?

3 A. Yes, I hear what you're saying, yes.

4 Q. You do set out in the penultimate paragraph of your
5 statement, at 218, a heading 'Helping the Inquiry'.

6 I'll just read that out:

7 'I can't really know what else could have been put
8 in place at the schools. What was already in place
9 seemed to be working well. There were no complaints
10 about me from anybody. In Gartmore I was on my own. As
11 soon as the boys got their recreation after dinner
12 I might have taken them for a short walk down the avenue
13 and back up again. I think that was something that
14 annoyed them. I suppose I was punishing everybody for
15 two or three boys' behaviour. It might have been
16 unfair, but I couldn't take two or three boys and leave
17 the other 90 to look after themselves.'

18 Again, that is the point you made earlier on, that
19 really you were very much left on your own, short
20 staffed, looking after so many boys?

21 A. Yes. That's correct.

22 Q. Apart from that, Michael, is there anything else you
23 would like to say then to help the Inquiry at this
24 stage?

25 Perhaps before you say anything, there are a few

1 questions that have been sent to me that I need to put
2 to you before you do that.

3 The first question I want to ask you is this: are
4 you aware, Michael, that the De La Salle Brothers do not
5 question the applicants' evidence at this Inquiry about
6 the terrible abuse they suffered at your hand?

7 A. They have mentioned it, yeah.

8 Q. But they're not questioning the evidence that's been
9 given to this Inquiry about the terrible abuse that
10 those people suffered. They're not questioning that.

11 A. Well, they haven't been asked to question it, to answer
12 anything.

13 LADY SMITH: Michael, just let me explain to you: the reason
14 Mr MacAulay is putting this forward is that the
15 Brothers, the De La Salle Brothers, could, in this
16 Inquiry, challenge any of the evidence I hear about
17 children being abused. And so far as the allegations
18 against you are concerned, they have not challenged any
19 of them. But they could have done. They haven't. So
20 they accept it.

21 A. No, I don't accept --

22 LADY SMITH: No, not you, Michael.

23 They appear to be doing so.

24 A. I don't think so.

25 LADY SMITH: All right.

1 A. They realise that I have not been involved in sexual
2 abuse.

3 MR MACAULAY: Indeed, do you realise then that the Brothers
4 do not question the correctness of your convictions for
5 physical and sexual abuse? They're not questioning
6 these convictions.

7 A. I don't think they got the opportunity. They were never
8 asked to comment on these things.

9 Q. I can also put this to you, that the
10 De La Salle Brothers are grateful to all victims who
11 have shown the courage to come to the Inquiry with their
12 accounts of their experiences. Do you therefore realise
13 that the De La Salle Brothers strongly disagree with
14 your suggestion that they have a financial motive?

15 A. I haven't heard anything from the De La Salle Brothers
16 that they agreed with all that's been said.

17 Q. Are you aware then that at the Inquiry the
18 De La Salle Brothers have offered a complete and
19 unreserved apology to all who suffered abuse of any kind
20 at the five schools in which the Order was involved?
21 Are you aware of that?

22 A. I'm not aware of that, no.

23 Q. Do you realise that the Brothers are assisting the
24 Inquiry, and will continue to do so, in an open and
25 transparent manner and that they seek to learn from the

1 past and will fully participate in any process which
2 improves the protection and care of children? Do you
3 realise that?

4 A. I hear what you're saying, yes.

5 Q. I was about to go on, Michael, to ask you if there's
6 anything further you would like to say before we part
7 company?

8 A. Well, I do feel that all these characters, these
9 complainants, they're unhinged and beside themselves and
10 I think they need to be checked out by the police. The
11 police never investigated all these people, the stories
12 that were told.

13 MR MACAULAY: Michael, thank you very much indeed for coming
14 here today and answering my questions.

15 My Lady, apart from the questions I've put, there
16 are no further applications for questions to Michael.

17 LADY SMITH: Thank you very much.

18 Michael, can I add my thanks to you for engaging
19 with us for quite a long time this morning without any
20 break. It's been very helpful to me to hear from you,
21 yourself, in addition to having your written statement
22 in front of me. This is all now part of the evidence to
23 this Inquiry.

24 I'm sure you're very tired after what we've put you
25 through and I hope you can now have a more restful day

1 than your morning has been so far.

2 We'll switch off the link now. You go with my
3 thanks.

4 A. Thank you.

5 LADY SMITH: We'll take the morning break just now.

6 Just before I rise.

7 One name was used by Michael which is protected by
8 my General Restriction Order. That was MJF

9 At one point he used the name of one of our
10 applicants, who is referred to at paragraph at 153.
11 It's particularly important that that name is not
12 repeated outside this room and that person is not
13 identified outside this room.

14 We'll take the break just now.

15 Thank you.

16 (11.34 am)

17 (A short break)

18 (11.50 am)

19 LADY SMITH: Ms MacLeod.

20 MS MACLEOD: My Lady, the next witness will use the
21 pseudonym 'William'.

22 This is a witness who will require to be warned.

23 LADY SMITH: Thank you very much.

24 'William' (affirmed)

25 LADY SMITH: 'William', the red folder has your statement in

1 it and it will be available to you to use for reference
2 if you want to. We'll also bring the parts of the
3 statement that we're looking at from time to time up on
4 the screen, so it will be there as well.

5 One or two other preliminaries though, 'William'.
6 I know what we're asking you to do here is probably not
7 your choice as to where you'd like to be this morning.
8 We're asking you to speak in public about matters that
9 took place decades ago now and quite difficult matters
10 to address in many ways.

11 If in the course of your evidence there is anything
12 I can do to make things more comfortable, by giving you
13 a break at any time or explaining something better than
14 we're explaining it or you just have any queries, please
15 don't hesitate to speak up. It's important that you let
16 us help in as much as we can.

17 Finally, there is something I want to say about some
18 of the questions you may be asked. Although this is not
19 a court, it's a public inquiry, and this isn't to do
20 with making findings of guilt or innocence, there are
21 questions we may need you to address, the answers to
22 which could incriminate you. A transcript is being made
23 of the evidence, so it would be available at a later
24 date if anyone sought to use it.

25 If such questions do arise, you don't need to answer

1 them. It's your choice, but of course if you do choose
2 to answer you have to answer them fully and honestly.

3 Any doubts about whether any of the questions fall
4 into that category, please just ask and we'll tell you
5 whether they do or not.

6 Do you have any questions at all at the moment?

7 A. No.

8 LADY SMITH: Okay. If you're ready, I'll hand over to
9 Ms MacLeod and she'll take it from there.

10 Ms MacLeod.

11 Questions from Ms MacLeod

12 MS MACLEOD: My Lady.

13 Good morning, 'William'.

14 A. Morning.

15 Q. Can I ask you first of all to look at the copy of your
16 statement that's in the red folder. I'm just going to
17 give the reference of the statement for the transcript.
18 WIT-1-000001352.

19 If you turn to the final page of the statement.
20 Have you signed the statement?

21 A. Yes.

22 Q. In the very last paragraph do you say:

23 'I have no objection to my witness statement being
24 published as part of the evidence to the Inquiry.

25 I believe the facts stated in this witness statement are

1 true.'

2 A. Yes.

3 Q. Thank you.

4 I don't need your date of birth, 'William', but to
5 give a timeframe, could you confirm that you were born
6 in 1953?

7 A. Yes.

8 Q. What we'll be focusing on today, as you know, is your
9 time as a teacher at St Joseph's School in Tranent.
10 Were you a teacher there between 1978 and 1994?

11 A. Yes.

12 Q. If I can just begin briefly by asking you a little bit
13 about your qualifications and your experience in
14 teaching prior to going to St Joseph's.

15 You tell us that you have a teaching diploma from
16 Moray House in Edinburgh?

17 A. Yes.

18 Q. And that you also have a qualification from Edinburgh
19 University for teaching history?

20 A. Yes.

21 Q. Prior to going to St Joseph's, were you a primary
22 schoolteacher?

23 A. Yes.

24 Q. Can I ask you what then led to you applying for a job at
25 St Joseph's?

1 A. I spent four years in primary and couldn't see myself
2 doing that for the rest of my life. And I think it was
3 a local newspaper, there was an advert for St Joseph's.
4 I thought it looked interesting. At that time we had
5 a speech therapist who came to the primary school and
6 who also went to St Joseph's, so I asked her about
7 St Joseph's, what it was like and she said it's a good
8 place to work. I said that I'm thinking about applying
9 and she said, it might be a good idea, so that's why
10 I applied.

11 Q. What role did you apply for?

12 A. Teacher of science.

13 Q. At that time, when you made your application, 'William',
14 what was your understanding of St Joseph's and what it
15 was?

16 A. Very little. I knew it was a residential school but
17 that was it, and also secondary rather than primary.
18 But that was it.

19 Q. You tell us that you applied for the job, had
20 an interview and got the job?

21 A. Yes.

22 Q. And that you started in 1978?

23 A. Yes.

24 Q. What did you learn then through the application process,
25 the interview, before starting? What did you learn

1 about the school in terms of what it was?

2 A. That it was residential and that the boys who were there

3 had been sent by the Children's Hearing system, and that

4 was about it, to be honest.

5 Q. Who ran the school?

6 A. The De La Salle Brothers at the time.

7 Q. Who was SNR [REDACTED] ?

8 A. Brother MJG [REDACTED].

9 Q. Did that change during your time at the school?

10 A. Yes. He [REDACTED] and Brother MBU [REDACTED] [REDACTED].

11 Then when the Social Work Department took over in

12 the 1980s Brother MBU [REDACTED] [REDACTED] was SNR [REDACTED] and the

13 Brothers eventually all moved out of the school

14 altogether, and they appointed a bloke called Jim Tague

15 as head. That would be late 1980s/early 1990s,

16 thereabouts.

17 Q. Did you live in the school?

18 A. No.

19 Q. When you arrived in St Joseph's in 1978 did you have any

20 training up to that point in child protection?

21 A. None.

22 Q. Any experience in interacting with children who, as you

23 described them, having been sent from the

24 Children's Panel?

25 A. None.

1 Q. What were your first impressions when you arrived at
2 St Joseph's?

3 A. Horror. Regret.

4 I had gone from a primary where my last class had
5 been -- it was a streamed primary in those days, and it
6 was a top stream. Could do anything you wanted. I went
7 in to St Joseph's and was met with some unsavoury
8 comments and I wondered: what have I done?

9 Q. The unsavoury comments, who was making the comments?

10 A. The boys, the boys. Are you a jakey? No. It was just
11 their way of banter. Somebody new coming in and we are
12 going to have a wee go.

13 Q. How many children were at the school?

14 A. 40, maybe 50. I don't know. 40ish.

15 Q. Were they all boys?

16 A. Yes.

17 Q. What was the age range of the boys?

18 A. Secondary.

19 Q. Would that be from 11 upwards?

20 A. I'm not sure if there were that many 11-year-olds at
21 that point. I think maybe S2 was the youngest at that
22 point.

23 Q. You have already mentioned that at least some of the
24 children came through the Children's Panel to the
25 school?

1 A. I think they all came through the Children's Panel.
2 I don't know. Latterly we had day boys, but I don't
3 know if they were voluntary or not. I think when I went
4 there I think they were all Children's Panel.
5 Q. Were you teaching a particular age group of boys?
6 A. No. No. The whole school.
7 Q. You were teaching science to the whole school?
8 A. Yes, or attempting to.
9 Q. In terms of the children's backgrounds then, were you
10 given information, either by another teacher or by
11 a Brother, about what the children's backgrounds were
12 and why they were -- individual children, I mean, did
13 you know their individual circumstances?
14 A. I think I would have access to files if I wanted to see
15 them. I can't remember if I looked at them or not to be
16 honest.
17 LADY SMITH: Do you know where the children's files were
18 kept?
19 A. There were social work offices in the school, so they
20 would be kept there. If I wanted information I would
21 probably ask a social worker, one of the residential
22 workers, rather than look at a file I would say, 'Look
23 what is the background for this particular person?'
24 Q. You have mentioned Brother MJG as SNR and
25 that [REDACTED] to Brother MBU. Were there a number of

1 Brothers at the school?

2 A. Yes. When I started there was Brother MJG ,

3 Brother MBU , who was SNR , Brother HED was the

4 bursar, who we never saw. He just took care of the

5 money. Brother PAG , who was quite elderly. He was

6 retired. There was a Brother Cuthbert, he -- I think he

7 taught. I'm not sure. I can't remember if he was

8 a teacher or a social worker. I think he was a teacher,

9 but I couldn't tell you what of.

10 Q. Was there a Brother Benedict?

11 A. Oh, Brother Ben, yeah. Mm hmm.

12 Q. Were some of the Brothers teachers?

13 A. I think Cuthbert might have been.

14 Q. Aside from the Brothers, were there also other lay staff

15 at the school, apart from yourself?

16 A. Yes.

17 Q. Did that include teachers, social workers and various

18 others --

19 A. Houseparents, yes, aye.

20 Q. Was there a lay headmaster of the educational side of

21 the school?

22 A. Yes.

23 Q. Who was that?

24 A. Frank Rochford, who had been a Brother apparently.

25 Q. Did you receive any induction training when you arrived

1 at St Joseph's?

2 A. No.

3 Q. Was there any system of appraisal of you as a member of
4 staff or review as to how you were getting on?

5 A. Not formal, no.

6 Q. Was there any line management structure? Did you have
7 somebody that you reported to?

8 A. Not as such. There was Frank Rochford and there were
9 two senior assistant, that's what they were called in
10 those days. I suppose like principal teachers, that
11 kind of thing. But it wasn't a management structure as
12 such.

13 Q. You have mentioned that you taught the whole school
14 science. Can I understand, did you have your own class?

15 A. Yes, like my own room.

16 Q. Different classes of boys came in and out?

17 A. Yes.

18 Q. Were those boys arranged by age or something else?

19 A. Some by age, some by ability. There was
20 Frank Rochford's wife, Margaret, she taught what was
21 more or less a remedial class for boys who weren't up to
22 speed with reading and numeracy.

23 Other than that, it was more or less ages. Although
24 I had a class which was like one step up from remedial
25 as well. So I had my own wee group that I did reading

1 and numeracy with, as well as the science for the whole
2 school.

3 Q. In a particular class roughly how many boys would you
4 have in the class?

5 A. Six to eight, depending.

6 Q. Were you given any guidance or training about how to
7 control the class or discipline them if that were
8 needed?

9 A. No, no.

10 Q. In your statement, 'William', you tell us about I think
11 what you call some policy-type changes that you and
12 others introduced in the school during your time there.
13 You give some examples.

14 For example, one of them was that you had the
15 bedtime of boys extended?

16 A. Yes.

17 Q. Can you just tell me a little bit about that?

18 A. Well, when I first went the boys were meant to be
19 suppered, washed, ready for bed at 9 o'clock, which
20 seemed to me to be bizarre when you've got 16-year-olds.
21 The sun is streaming through the windows and you're
22 expecting these kids to go to bed. I thought that's
23 just daft.

24 So a few of us nagged away and:

25 'Oh, but the night watchman comes on. You've got to

1 have them prepared'.

2 I said:

3 'If the night watchman is agreeable, then can't they
4 stay up to maybe 9.30/9.45 pm? If I'm on an evening
5 duty I'll make sure they're washed and they are ready to
6 go to bed. If the night watchman is happy, then why
7 can't it happen?'

8 It took a couple of years, but we eventually wore
9 them down and we had the bedtimes extended.

10 Q. When you say 'we eventually wore them down', who did you
11 have to wear down, who made those kind of decisions
12 ultimately?

13 A. SNR [REDACTED], Brother MJG [REDACTED].

14 Q. Another thing you mention is to allow smoking in the
15 school?

16 A. Mm hmm. Yeah. That was always a bone of contention,
17 because obviously smoking is not a good idea. We know
18 this. However, glue sniffing was rife at the time and
19 we felt it was better. There was a big field area at
20 the school and boys would disappear down there and sniff
21 glue and we knew how dangerous that was. We lost boys.
22 We lost two or three boys who had died through glue.

23 We always felt it was the lesser of two evils that
24 if they were smoking, okay, that could result at some
25 point in the future, cancer, we know that. But glue

1 killed you there and then or it could and we always felt
2 that there was the lesser of two evils and we pushed and
3 pushed to let boys smoke, to get them out of the habit
4 of the glue. Again, that took a wee while and it was
5 over MJG's dead body at one point, but he eventually
6 relented and allowed the boys to smoke.

7 Q. Did that have ultimately the effect that you thought it
8 might --

9 A. Yes.

10 Q. -- that boys were less likely to then engage in glue?

11 A. Much less, much less.

12 Q. In terms of having these changes gradually allowed, what
13 did you feel was holding back the Brothers in wanting to
14 maintain things as they were?

15 A. They were kind of stuck in their ways. That is the way
16 it always had been, so why change it?

17 Q. In paragraphs 57 and 58 of your statement you discuss
18 something that you describe as a bugbear of yours and it
19 related to boys when it came to their time to leave
20 St Joseph's, that I think you noticed that their
21 behaviour got worse?

22 A. Yes.

23 Q. Can you just tell me about the concerns you had about
24 the process involved in boys leaving the school?

25 A. It was a very abrupt change. We had them until they

1 were 16 and they were usually May or Christmas leavers
2 and they just left and we had no follow-up. And the
3 boys themselves knew that up until then there was social
4 work involvement, if they needed new clothes or trainers
5 or whatever, they could get them. After 16, that
6 support had gone and we always felt it was not great
7 that we couldn't maintain contact and try and find out
8 how they were getting on or what was happening with
9 them.

10 Q. Am I to understand that until a boy was 16 and in the
11 school, the school itself and also the social worker --

12 A. An external social worker, yes.

13 Q. -- was in school and also an external social worker?

14 A. Yes.

15 Q. But when they reached 16, all of that was taken away?

16 A. For a lot of them, yes. Certainly the school side was
17 and some of them, the external social worker was taken
18 away as well.

19 Q. In response to this concern you had, what did you
20 propose?

21 A. Nothing, because there was nothing we could do.

22 Q. In your statement I think you mention that in relation
23 to the Ogilvie Unit that that became vacant and you
24 perhaps wondered if that could be used by the boys who
25 were approaching the leaving age to see if they could

1 build up skills --

2 A. Yes.

3 Q. -- that might assist them when they left?

4 A. Yes.

5 Q. Can you tell me about that?

6 A. It was one of my ideas, that I felt that we didn't do
7 enough to prepare the boys for life after -- because
8 they were looked after. They had their clothes washed
9 for them and meals prepared. I thought it's a big, big
10 step when you're 16 to go out in the big wide world and
11 you've got no preparation for that.

12 I reckoned we could use one of these empty units or
13 part of it and do budgeting. The boys would wash their
14 own stuff. They would prepare their own breakfast. If
15 they were doing work experience they would make their
16 own sandwiches, make an evening meal. Just to try to
17 get into the way of coping with leaving.

18 Q. Did the boys take to this, did they engage with it?

19 A. Yeah.

20 LADY SMITH: What about the Brothers? Did they engage with
21 this?

22 A. Yes. Because we couldn't have done that without the
23 Brothers' say so. So I think I said in my statement
24 that I said to Brother MJG I was planning to take
25 them to the bookies and get them trained for -- he was

1 horrified. I thought I'm just joking Brother, I'm just
2 joking. So I ran it past them, that this is what we
3 were planning to do. Because we had to have money
4 allocated for the boys to buy food and suchlike, so it
5 had to go through Brother MJG and he was quite happy
6 for that to happen.

7 Q. Another change you mention in your statement, 'William',
8 is in relation to qualifications the boys were able to
9 work towards?

10 A. Yes.

11 Q. What happened there?

12 A. Well, there were none. I believe that historically
13 List Ds and before that Approved Schools were more trade
14 based and I think St Joseph's had had a cobbler at one
15 point and they did various trade skills. I would
16 imagine that was on the basis that when they left they
17 would maybe carry on and get a trade and I always felt
18 that there were no academic qualifications being
19 offered. So I pushed for that and, as it says there,
20 I brought in the City & Guilds.

21 By that time I was teaching maths. I had given up
22 the science. I was teaching maths and I felt the boys
23 had to leave with something to their name, rather than
24 just leaving us and so that was the City & Guilds.

25 Then when standard grades came in I pushed for that

1 and we managed to get Ross High, who very kindly came
2 down and gave us their syllabus for the maths. I think
3 the English teacher got his from somewhere else, I don't
4 know where he got it from, maybe Preston Lodge. So
5 again we -- Ross High told us which books to use to go
6 along with the syllabus and we bought the books in and
7 did standard grades as well.

8 Q. Again, did you have a feeling had this been something
9 that had been raised before or thought about before?

10 A. Not really.

11 Q. Were the boys willing to work towards and sit those
12 exams?

13 A. Yeah.

14 Q. Did some of the boys pass the exams?

15 A. Yes.

16 Q. Do you remember there being any inspections of
17 St Joseph's while you were there?

18 A. No.

19 Q. Was there any involvement from what was known perhaps as
20 a board of managers while you were at the school?

21 A. We had a board of managers. I don't know what they did.
22 We never saw them.

23 Q. Can I ask you now, 'William', about discipline and
24 punishment and your recollections of how that was
25 managed at the school.

1 What were the forms of punishment that were used and
2 how was discipline managed?

3 A. It was usually loss of weekends. That was the main
4 punishment if somebody had done something that was
5 thought of as being worthy of losing a weekend, then
6 that's what it was.

7 Q. How was it decided whether or not a boy would lose
8 a weekend? Was that done by an individual teacher?

9 A. I think I said on my statement I was eventually --
10 I eventually became a senior assistant, so I was part of
11 this meeting. There was the head, depute,
12 Frank Rochford, MJL, who was the head of social
13 work in the school, myself, the other senior assistant
14 teacher and I think one social worker from each unit.

15 We would go through the boys and who had done
16 what --

17 Q. This was a weekly meeting?

18 A. Weekly meeting on a Wednesday, which I thought was not
19 great either, because they then went and told the boys
20 who weren't getting home on a Wednesday that they
21 weren't getting home. So that didn't go down well for
22 the rest of the week.

23 I thought why do this on a Wednesday? Why not do it
24 later on in the week? So again we pushed and it was
25 changed to a Thursday meeting and the boys were told on

1 a Friday, which made more sense to me.

2 Q. I think you tell us there was a discussion about it and
3 ultimately it was up to the Head Brother whether or not
4 the boys were allowed home?

5 A. Yes.

6 Q. Was any form of physical punishment used during your
7 time at St Joseph's?

8 A. I only saw that once, and that was a boy was belted on
9 the backside.

10 Q. Indeed you tell us about that at paragraphs 110 and 111
11 of your statement.

12 What happened on that occasion?

13 A. He had -- there is a slight slope in the car park and
14 for reasons best known to himself he got out of the
15 minibus and let the brake off.

16 Q. The boy?

17 A. The boy. It had rolled down and came to a halt and
18 MJL felt it was necessary to -- he felt it was bad
19 enough to warrant the belt. So I had the misfortune of
20 being asked to be a witness.

21 So I think he got three or four of the belt on the
22 backside, with clothes on.

23 Q. Just to clarify, what was MJL's role in the school
24 at that time?

25 A. Head of social work. The head of social work, the head

1 of teaching, the depute and head each had a day at the
2 weekend when they were in charge of the school. So
3 MJL would be in charge of the school that
4 particular day. So it was his decision what happened.
5 He didn't have to refer it to anybody.

6 Q. Was that the only one time you saw physical punishment
7 being administered?

8 A. That was it, yeah. It was recorded in a book, which
9 I had to witness and sign.

10 Q. Do you know what kind of book that was?

11 A. No. It was like -- it was like a journal kind of thing.

12 Q. Had you seen the book before that?

13 A. No. Didn't see it before. Didn't see it after. Just
14 on that one occasion.

15 Q. Did you ever discipline children physically?

16 A. No.

17 Q. In paragraphs 35 and 36 of your statement, if I can just
18 go back, 'William', if I can begin at 34, halfway down.
19 'William', I think you have been provided with
20 copies of a number of statements that people made to the
21 Inquiry?

22 A. Mm hmm.

23 Q. I think what you say here at paragraph 34 is:
24 'I can't equate the stuff in the statements about
25 the beatings, as it was just not part of anything that

1 I ever saw. I don't understand where it came from.'

2 A. Yes.

3 Q. Am I to understand from that that during your time at
4 St Joseph's you never saw any child being beaten by any
5 member of staff?

6 A. No, never.

7 Q. Or any Brother?

8 A. No.

9 Q. During your time at the school, do you recall hearing
10 about any sort of concern, either from within the school
11 or from an external source about how children were being
12 treated at the school?

13 A. No.

14 Q. Was there a complaints process within the school for
15 children if they wanted to report something?

16 A. Not that I knew of, but I would assume that they would
17 go to their named social worker in the school and say
18 there.

19 LADY SMITH: Just to be clear, 'William', are you telling me
20 you've no memory of such a system?

21 A. Yes. I've got no memory of the system. There was no
22 structure in place, no.

23 LADY SMITH: Thank you.

24 MS MACLEOD: Did any child ever come to you to report any
25 concerns they had about how they'd been treated by any

1 other staff?

2 A. No.

3 Q. I asked you specifically there about physical
4 punishment, but just to be clear, did you ever see any
5 behaviour from staff or Brothers towards children at the
6 school that caused you concern?

7 A. Only one. We had -- he was called Brother **IVB** and he
8 was apparently interested in becoming a Brother and he
9 turned up at some point and he was completely unsuited
10 for what he was doing. I saw him a couple of times.

11 One time in particular he chased a kid down the
12 field. He was going to thump this kid who had been
13 cheeky to him or something. But he did not last long.
14 Why he was there, I don't know.

15 Q. So this Brother **IVB**, you saw him chase a child down
16 a field?

17 A. Uh-huh.

18 Q. Did you see him make contact with the child?

19 A. No, the child was faster.

20 Q. When you say he didn't last long, do you recall there
21 being any discussion or chat about why he didn't last
22 long?

23 A. Yeah. I think we'd all raised concerns and I think the
24 Brothers themselves looked at what he was doing and
25 decided that that was not for him and he should move on

1 to something else.

2 Q. Was your understanding at the time then that he moved on
3 to something else because the way he was treating
4 children wasn't deemed to be appropriate?

5 A. Yes.

6 LADY SMITH: Do you remember how long this man who was known
7 as Brother [VB] was at St Joseph's?

8 A. Several months. Perhaps four, five, six months.

9 LADY SMITH: Thank you.

10 A. I don't think it was a full year.

11 LADY SMITH: That's helpful. I appreciate you wouldn't be
12 able to give me a precise length of times, but we're
13 talking some months, not just a few weeks?

14 A. No, no.

15 LADY SMITH: Thank you.

16 MS MACLEOD: Just to follow up with that, 'William', do you
17 recall approximately when in time during your period at
18 St Joseph's he was there?

19 A. Mid-1980s. 1984 maybe. There or thereabouts. Maybe
20 slightly later.

21 Q. Can I ask you about your memories of record keeping at
22 St Joseph's.

23 What records do you recall being kept in relation to
24 children?

25 A. On the teaching side, I had a register. So I would mark

1 period by period, day by day who was there, who wasn't.
2 I also had a record of the maths. I had a big, old
3 register that I'd used. So I had all the units the kids
4 were meant to be doing. I had them all marked off when
5 they did them, when they didn't do them.

6 The social workers had their own records. I think
7 they had weekly meetings at least with the boys, if not
8 more. And they would discuss whatever they had to
9 discuss and that was recorded by them. They had offices
10 on the bottom of the school, and I would imagine they
11 kept all their records there.

12 Q. In your statement I think you mention that you don't
13 recall report cards for individual children --

14 A. No.

15 Q. -- on the academic side?

16 A. No.

17 Q. You contrast that perhaps with what you would expect to
18 see and saw in other schools?

19 A. Mm hmm.

20 No, there was no termly reports or yearly reports,
21 no. Although, I suppose there would be reports for
22 panels. So we'd have to do a teaching report for the
23 panel, but that wouldn't be a report card as such.

24 Q. When you gave your statement, 'William', you were asked
25 about a number of Brothers and lay staff who were at

1 St Joseph's at the same time as you?

2 A. Mm hmm.

3 Q. This is set out from paragraph 167 to 202 of your
4 statement.

5 I think the people you were asked about were

6 GFJ [REDACTED], MJK [REDACTED], LVH [REDACTED], LVI [REDACTED]
7 LVI [REDACTED], Brother MJG [REDACTED], Brother MBU [REDACTED],
8 LUZ [REDACTED], Mr IAX [REDACTED], LRM [REDACTED] and Mr MJL [REDACTED].

9 I think what you tell us -- correct me if I'm wrong,
10 'William' -- but that in relation to these people, other
11 than the incident you've told me about involving
12 Mr MJL [REDACTED] and the corporal punishment, you never saw them
13 treating a child in a way you would consider to be
14 inappropriate?

15 A. No. I never saw LRM [REDACTED] either. Didn't even know
16 he'd been at the school.

17 Q. I think you were also asked about other people that you
18 didn't know, including Brother MGX [REDACTED], Brother MGZ [REDACTED]
19 and a MHD [REDACTED]. You didn't know these people?

20 A. No. Actually, I think since then -- I said earlier that
21 Frank Rochford had been a Brother. I think he may have
22 been Brother [REDACTED] way before I came there, but
23 I could be wrong in that.

24 Q. Brother Benedict is somebody that was mentioned earlier
25 on in your evidence. What was Brother Benedict's role

1 at St Joseph's when you were there?

2 A. Social worker.

3 Q. Did you have any interaction with Brother Benedict?

4 A. No. Only when -- if there was a boy in my class who

5 perhaps an external social worker was coming for

6 a meeting and wanted some information about the school

7 side and it was one of Brother Ben's boys I would be at

8 the meeting.

9 Other than that, he was a different unit from me.

10 Q. He wasn't somebody that you saw and engaged with on

11 a daily basis?

12 A. No.

13 Q. While you were at St Joseph's, did you ever hear of any

14 concerns or complaints about Brother Benedict?

15 A. No.

16 Q. Were you aware at the time that he ran a club --

17 A. Yes.

18 Q. -- for the boys?

19 A. Yes.

20 Q. It's mentioned in your statement that it was called

21 Brother Ben's Club?

22 A. Yeah.

23 Q. What was your knowledge at the time of that club and

24 what went on there?

25 A. I went there once, not long after I started. I was

1 encouraged by some of the boys to go along. As far as
2 I can make out, it was electronics. He did music,
3 discos and that kind of thing and he also had, you're
4 going to ask me about it, The Tickler. And that's why
5 the boys wanted me to go along, so I would have to have
6 a shot at The Tickler, which I did.

7 You'll know all about this. Where you hold it and
8 turns the handle and you get a slight electric shock.

9 Q. When you held it, who turned the handle?

10 A. One of the boys. With great gusto, I might add.

11 Q. Was it sore?

12 A. No, no.

13 Q. At the time did you have any concerns about the club?

14 A. No.

15 Q. Did you have any concerns about what went on there?

16 A. No, because the boys all seemed to enjoy it. A lot of
17 them went and quite happily went.

18 Q. Do you know that Brother Benedict has been convicted --

19 A. Oh yes.

20 Q. -- of the abuse of children at St Joseph's during your
21 time there?

22 A. Oh, yes, mm hmm.

23 Yes, I was -- because I think it's annoyed me a lot.

24 I was approached by two lawyers on behalf of

25 Brother Ben, who asked if I would testify about The

1 Tickler. And the way they put it to me was that
2 Brother Ben was being accused of torturing boys by
3 making them hold The Tickler.

4 I thought that's ridiculous, because I'd done it and
5 it was nothing bad at all. I should have realised when
6 it was the High Court that what was involved there was
7 more to it than that and it wasn't until I got in the
8 witness stand that I found out about Brother Ben and
9 what he had been up to. Up until that point I had no
10 idea.

11 I was not happy at all at being misled as to why
12 I was there. I had no inkling whatsoever that that is
13 what he'd been up to. None at all.

14 Q. I now want to turn to that part of your statement,
15 'William', where it discusses certain allegations that
16 have been made against you by people who have come
17 forward to the Inquiry.

18 I think if we can start by looking at paragraph 206.

19 'William', I should say that there is a document in
20 your folder which looks like this. It's called a key
21 and it has a list of names and a list of pseudonyms.
22 We'll try and use the pseudonyms to protect anonymity.

23 If I can ask you first of all about the person who
24 has taken the pseudonym 'Charles'.

25 Perhaps before we look at the detail of what

1 'Charles' says, 'William', can I ask you this: did you
2 have blackboard dusters in your classroom?

3 A. Yes.

4 Q. How did you use the dusters? What did you use them for?

5 A. Dusting the blackboard and also throwing.

6 Q. In what circumstances did you throw the dusters?

7 A. It was a bit of I suppose classroom nonsense. You
8 would -- it was fairly general back in the 1980s for
9 duster throwing in classrooms. Because it was such
10 a small class, maybe six kids, they were well spaced and
11 a piece of nonsense. You'd be throwing dusters to hit
12 the desk and quite often they would throw them back at
13 you. It was just a ...

14 Q. Were these blackboard dusters with a kind of material
15 part and a wooden part?

16 A. Yes.

17 Q. Were you aiming at anything in particular when you were
18 throwing the dusters?

19 A. At the desk. Not at people, no.

20 Q. Was the throwing of dusters used as punishment or a way
21 to discipline?

22 A. No, no. Just a bit of classroom nonsense.

23 LADY SMITH: Do you accept, 'William', that if whatever your
24 intentions a duster hit a child it would hurt?

25 A. Yes, but I was very careful not to hit anybody.

1 LADY SMITH: As I remember these dusters from my time at
2 school, the wooden part at the back was wide enough for
3 the teacher to get their hand round. It was effectively
4 the handle for the duster?

5 A. Yeah.

6 LADY SMITH: And then there was felt on the other side?

7 A. That's right.

8 LADY SMITH: That as time went on might get worn out from
9 rubbing off chalk?

10 A. The ones I had were fairly new. They were not worn
11 down.

12 LADY SMITH: Maybe I was plagued by dusters that didn't have
13 much felt left on them. Thank you.

14 A. From what I remember, they were well felted.

15 LADY SMITH: Thank you.

16 MS MACLEOD: Was a child ever hit by a duster that you threw
17 in the class?

18 A. Not that I can remember, no. I came close once or twice
19 when they were thrown back at me, but --

20 Q. Can I ask you also then in general terms: did you have
21 a bottle in your classroom that boys sometimes inhaled
22 from?

23 A. No, I did not.

24 That will be the ammonia. When I moved rooms from
25 my initial room to the room I had then, somebody in the

1 dim distant past had been a chemistry teacher and the
2 cupboard was full of -- what was were dangerous
3 chemicals, as I found out subsequently. Big bottles of
4 ether, chloroform, all sorts of stuff that shouldn't
5 have been there.

6 I think we'd been -- I must have been talking about
7 something, whether it was -- I can't remember now what
8 it was, it would be something along the lines of, it
9 could have been smelling salts. Why smelling salts were
10 used, because it's got ammonia in it:

11 'Oh, I tell you what. I've got ammonia in the
12 cupboard. Do you want to sniff?'

13 It was by way of illustrating and I can remember
14 I sniffed it first and said:

15 'Look, it's strong. Be careful when you're sniffing
16 it.'

17 Q. Am I to take from that that there was a bottle of
18 ammonia that children were invited to sniff if they
19 wanted to?

20 A. Yeah. It was in the cupboard though. It wasn't on my
21 desk. It was locked away with the rest of the
22 chemicals.

23 Q. Was that ever used as a way of disciplining or punishing
24 children?

25 A. Absolutely not.

1 LADY SMITH: Just to be clear, 'William', you tell me there
2 were bottles of chemicals, including a bottle of
3 ammonia, in the cupboard when you took the room over?
4 A. Yes.
5 LADY SMITH: Why didn't you get them removed?
6 A. I did.
7 LADY SMITH: When?
8 A. I took the room over about the same time as I was
9 starting to find out about the standard grade maths and
10 the -- when I got the head of maths from Ross High to
11 come down he said he would give me all the syllabus and
12 I said:
13 'Look tell you what, we'll do a trade. You get the
14 science department to come down here, take all these
15 chemicals, because I don't want them.'
16 He said:
17 'That's fine, we'll do that.'
18 So the head of science came down, took one look at
19 the cupboard and said, 'You can't have them'. So
20 I think the next day men in white suits turned up and
21 I think Brother MJG got a mouthful for these things
22 being on the premises and they were all removed, fairly
23 rapidly.
24 LADY SMITH: Thank you.
25 MS MACLEOD: If we can now look, please, 'William' at

1 paragraph 206, which is part of a statement that
2 'Charles' has provided to the Inquiry.

3 What 'Charles' says is:

4 ''William', who was one of the teachers, used to
5 throw blackboard dusters at you and if they hit you it
6 was very painful and also dangerous.'

7 I think you say you didn't throw them at children
8 and that they didn't hit children?

9 A. No.

10 Q. He goes on to say:

11 ''William' would also get you to smell the coffee.
12 He had a bottle that he would take the lid off and make
13 you smell the coffee. Instead of coffee there was some
14 sort of ammonia, if you smelt it your eyes felt like
15 they were popping out of your head. You could only do
16 it once until you caught on. I used to warn the new
17 boys, but nobody warned me.'

18 I think the suggestion there is that this is
19 something done to new boys when they arrived in your
20 class?

21 A. No, no.

22 Q. I should have asked you, do you remember the person who
23 has taken the pseudonym 'Charles'?

24 A. I remember the name, yes.

25 Q. Do you remember the boy?

1 A. Vaguely.

2 Q. If we now move on to Gary McQueen, who is next person.
3 He doesn't have a pseudonym.

4 If we go to paragraph 216 of your statement, he
5 said:

6 'William' was famous for throwing dusters at anyone
7 who was mucking about, which would hit you on the head.'

8 Again, I take it you dispute that?

9 A. No.

10 Q. You say that didn't happen?

11 A. No, it didn't happen, no, no.

12 Q. Again he mentions the bottle of liquid and he says:
13 '... which you would get if you were maybe late for
14 class or if you hadn't joined a line quick enough.'

15 You say that was never used as punishment?

16 A. Absolutely not, no.

17 Q. He goes on to say towards the end of the page 35:
18 'William' would know by your reaction if you had
19 not done it [that's inhaled it properly or not]. If you
20 weren't flat out on the floor with your eyes streaming
21 you obviously hadn't done it properly and you would have
22 to do it again.'

23 Were boys ever --

24 A. No.

25 Q. Did they respond to inhaling the liquid in that way?

1 A. Absolutely, not, no, they didn't.

2 Q. Do you recall Gary McQueen?

3 A. Yes.

4 Q. The next person is an applicant who has taken the
5 pseudonym 'Monty'. What he has said is set out in your
6 statement at paragraph 229 and he says a similar
7 allegation:

8 'William' had two blackboard dusters that he had
9 taken the pads off.'

10 You tell us the pads were on the dusters you had?

11 A. Yes, they were.

12 Q. 'He would throw them at your head in class if you
13 weren't doing your work. I got a duster thrown at me
14 a lot of times. If your head wasn't down in your book
15 he would throw one at you. He would throw it even if
16 you lifted your head for a second to think, so you would
17 keep your head down even if you weren't working.'

18 You dispute that?

19 A. Yes. That didn't happen, no.

20 Q. This witness, 'Monty', also set out in the following
21 paragraph:

22 'William' would also sneak up behind you and clout
23 you on the back of the head if he thought you were
24 daydreaming or anything.'

25 Did you ever clout boys on the back of the head?

1 A. No.

2 Q. This witness describes, in paragraph 232 of your
3 statement it is set out, something that he says that
4 happened when a boy he says stood up to you and told you
5 he wasn't going to put up with you throwing things. Do
6 you recall this incident that is described here?

7 A. I don't recall KCS, no.

8 Q. Do you recall this incident in relation to any boy at
9 the school?

10 A. No.

11 Q. Finally, 'William', if I can take you to the applicant
12 who has taken the pseudonym 'Alec', and to paragraph 240
13 of your statement. What he says is:

14 'There was a band called the UK Subs, they were
15 a punk band, they wore black armbands. I pretended to
16 be a fan and bought an armband. I put a swastika badge
17 on it and wore it to 'William's' class. I didn't
18 realise at the time what a swastika meant to him. It
19 was only when I was older that I thought: how could
20 I have done that? He asked me politely to take the
21 armband off. I escalated it by doing a Nazi salute.
22 'William' went radge, he went crazy, he ripped the
23 armband off, dragged me out of the class and down the
24 social work corridor.'

25 Did that happen?

1 A. No.

2 Q. Do you recall the person who has taken the pseudonym
3 'Alec'?

4 A. Yes.

5 Q. Do you recall him wearing the sort of armband he's
6 described?

7 A. No.

8 Q. If I can ask you now about -- moving on from that part
9 of your statement that we have covered in relation to
10 specific allegations -- paragraph 244 of your statement.
11 This is something you say in response to a comment
12 that one of the former pupils made, suggesting that --
13 most of the boys didn't like you. Can you just maybe
14 look at paragraph 244 and what you wish to say in
15 response to that sort of comment.

16 A. I find that upsetting. Because I always thought I got
17 on well with the boys. I think I said at the time,
18 I think he got me mixed up with somebody else, because
19 he said that the person that he liked had brought the
20 SVQs into the school, and that was me. I think he got
21 me mixed up with another member of staff, but I always
22 got on well with the boys, always.

23 Q. I think what you say in paragraph 246 is:
24 'I can't explain why these allegations are being
25 made.'

1 A. No.

2 Q. In 248 you say:

3 'Things like chucking dusters, you don't think that

4 years in the future somebody is going to see it

5 differently from what it actually was, the same with the

6 ammonia.'

7 A. Yeah.

8 Q. You go on to clarify:

9 'I cannot remember any pupil getting hit in any way,

10 even accidentally, by a duster that I threw.'

11 A. Yeah.

12 Q. Just to clarify, 'William', you tell us that you have

13 never had any other complaints made against you?

14 A. No.

15 Q. Apart from these, which have been made in a few of those

16 statements?

17 A. Mm hmm.

18 Q. How have you found it having these sorts of things said

19 about you?

20 A. Upsetting. I think I've spent most of my teaching

21 career working with kids who are SEBD, I would imagine

22 they'd be described at one point and always done well

23 with them. Always got on well with them. Never had any

24 problems. Always tried to do whatever I could.

25 After St Joseph's I worked in a school in West

1 Lothian for much the same kind of clientele. Always got
2 on great with the kids. I find that kind of
3 upsetting --

4 LADY SMITH: 'William' you referred to kids who are 'SEBD',
5 what does that stand for.

6 A. Social, emotional and behavioural difficulties.

7 LADY SMITH: Thank you.

8 A. That is one of the terms at one point. I don't know if
9 it's used. Probably isn't now.

10 LADY SMITH: Thank you very much.

11 MS MACLEOD: If I can now turn to that part of your
12 statement towards the end where you set out some
13 thoughts about helping the Inquiry.

14 At paragraph 258 you say:

15 'The only explanation I can give if abuse was
16 happening at St Joseph's that I was not aware of is that
17 it could have been happening without me knowing about
18 it. It was a big campus, stuff could have been going on
19 where I had no idea where it was.'

20 A. Obviously it was. Obviously Brother Ben was doing stuff
21 that I had no idea he was doing. Absolutely none.

22 Q. In terms of lessons that you think could be learned you
23 say:

24 'The lessons that could be learned to help protect
25 children in places like St Joseph's in the future is

1 better training, better supervision of staff, better
2 record keeping and a robust complaints procedure.'

3 A. Yes.

4 Q. Indeed, that completes all the questions that I have for
5 you today, 'William'.

6 I just want to ask you if there is anything that you
7 would like to add before we complete your evidence?

8 A. No.

9 MS MACLEOD: Thank you very much for coming to give your
10 evidence.

11 My Lady, I can confirm there are no applications for
12 questions to be put to 'William'.

13 LADY SMITH: Thank you, Ms MacLeod.

14 'William', could I add my thanks and before I let
15 you away, I hope you appreciate that a number of people
16 who have given evidence to us about experiencing abuse
17 at institutions run by the De La Salle Brothers have
18 also, particularly in relation to St Joseph's, made
19 a point of saying that they appreciate they got good
20 education and some of them have pointed to that as being
21 something they're grateful for. So please don't think
22 that all we hear are the negatives about people having
23 been abused.

24 I'm grateful to you for having engaged with us as
25 you have done, both for providing a detailed written

1 statement that is so helpful in so many ways and by
2 coming along today to give your oral evidence.

3 I said at the beginning, I appreciated that we were
4 asking you to do something difficult and I'm glad to say
5 it's now at an end, so far as we are concerned, and
6 I'm able to let you go and hopefully have a relaxing
7 afternoon.

8 Thank you very much.

9 A. Thank you.

10 (The witness withdrew)

11 LADY SMITH: Before I stop for the lunch break, a man was
12 referred to who is known as Brother **IVB**, not to be
13 identified outside this room.

14 There was also reference to the name of an applicant
15 whose first name was **KCS**. Please do be aware that no
16 applicants are to be identified outside this room,
17 unless they have opted to waive anonymity.

18 Also a reference to **MJL**. I may have mentioned
19 his name before as being a man who is not to be
20 identified outside this room, but in case I haven't,
21 I remind you of that.

22 Lunch break now and another witness at 2 o'clock,
23 I think; is that right?

24 MS MACLEOD: Yes, my Lady. That's right.

25 LADY SMITH: Thank you very much.

1 (12.55 pm)

2 (The luncheon adjournment)

3 (2.00 pm)

4 LADY SMITH: Good afternoon.

5 Mr MacAulay, the next witness?

6 MR MACAULAY: Yes, good afternoon, my Lady.

7 The next witness wants to remain anonymous and wants
8 to use the pseudonym 'Dominic'.

9 LADY SMITH: Thank you.

10 'Dominic' (sworn).

11 LADY SMITH: 'Dominic', one or two things I want to say to
12 you before we begin your evidence.

13 First of all, thank you for coming this afternoon
14 and thank you also for helping us with the written
15 statement you have provided that we have been able to
16 look at in advance. That is of great assistance.

17 Separately, I do appreciate you probably would
18 rather be somewhere else than here this afternoon
19 discussing these matters of what happened so long ago in
20 your working life and we're asking you to do this in
21 public, but I'm sure you appreciate the reason why this
22 Inquiry is taking place and the reason why we have asked
23 for your assistance.

24 If at any time you have any questions, please don't
25 hesitate to speak up. If there's anything I can do to

1 assist, like giving you a break before 3 o'clock, when
2 I would take a break anyway, just say. It's not
3 a problem.

4 Finally, before I hand over to Mr MacAulay,
5 'Dominic', I want to make it clear to you this is not
6 a courtroom. This isn't a place that's to do with
7 making findings of guilt or innocence. It's a public
8 inquiry. But a record is being made of the evidence,
9 there will be a transcript of it and your evidence would
10 be available at a future date for anyone who wishes to
11 study it.

12 If at any time you are asked a question the answer
13 to which could incriminate you, you have exactly the
14 same rights as you would have if this was a court of
15 criminal law and that is you don't have to answer them.
16 It's up to you. Of course, if you do answer them you
17 must do so fully.

18 If you're in any doubt, and some people can be, as
19 to whether a question is that sort of question, please
20 just say and we'll confirm to you one way or the other.

21 Does that all make sense?

22 A. Yeah.

23 LADY SMITH: Thank you.

24 If you're ready I'll hand over to Mr MacAulay and
25 he'll take it from there.

1 Mr MacAulay.

2 Questions from Mr MacAulay

3 MR MACAULAY: Yes, my Lady.

4 Good afternoon, 'Dominic'.

5 A. Good afternoon.

6 Q. The first thing I want you to do is look at your
7 statement that you'll find in the red folder in front of
8 you. If could you go to the final page of the
9 statement.

10 Can you confirm that you have signed the statement?

11 A. I have.

12 Q. Do you say in the final paragraph:

13 'I have no objection to my witness statement being
14 published as part of the evidence to the Inquiry.
15 I believe the facts stated in this witness statement are
16 true.'

17 A. Yeah.

18 Q. Do you tell us and I don't want -- before I do that, of
19 course I need to give the reference for the statement.

20 LADY SMITH: WIT-1-000001376.

21 MR MACAULAY: That will be it, yes, thank you, my Lady.

22 We need the reference for the transcript.

23 I don't want your date of birth, 'Dominic', but to
24 put a context into your evidence, can you confirm that
25 you were born in 1959?

1 A. I was.

2 Q. I want to ask you really about three matters.

3 Your time at St Joseph's in Tranent.

4 Your involvement with a person by the name of

5 Gary McQueen.

6 And also ask you about certain allegations that are

7 made.

8 Do you follow that?

9 A. Yes.

10 Q. Insofar as St Joseph's School was concerned, you went

11 there as a young man in a particular position, is that

12 correct?

13 A. Yeah.

14 Q. What position was that?

15 A. I think it was called -- it was, it was called

16 a residential social worker at the time. Unqualified.

17 Q. What age -- unqualified?

18 A. Yeah.

19 Q. What age were you at the time?

20 A. 22.

21 Q. You begin your statement by setting out your first

22 impressions of St Joseph's. Can you summarise for me

23 what these were?

24 A. Yeah. I didn't know what to expect. I don't know if

25 you know St Joseph's. It's a fairly imposing building

1 on a fairly large site, a couple of football pitches
2 down the bottom. The building itself is neoclassical,
3 so it's fairly imposing.

4 I remember I was interviewed in SNR
5 office, Brother MJG office, which is quite a big
6 office. A sort of table that he sat behind and I was
7 sort of met and given coffee and that by a couple of
8 members of staff. I don't know who they were actually
9 at the time, but I just got a good feel from it and from
10 the people I met during the interview.

11 Q. You tell us in paragraph 5 what you made of the culture
12 at St Joseph's. I'll just read what you say in that
13 paragraph, it will come on the screen. You suggest that
14 their approach to care was set out in a publication from
15 the late 1950s, and I'll read that:

16 'The Brothers attempt to foster a kindly spirit in
17 their intercourse with the students and to maintain that
18 discipline which is of course essential in every school,
19 not so much by the enforcement of rigid rules and
20 regulations as by advice and guidance given in
21 a brotherly spirit. The object being to make the school
22 not only a place for education and for the moulding of
23 character, but likewise a happy home.'

24 In your view, did that reflect the culture you came
25 across when you went to St Joseph's?

1 A. It did, aye.

2 Q. I think you go on to say that during your time at
3 St Joseph's, and I'll come to that time in a moment,
4 that a book was published setting out the basic
5 philosophy of the school?

6 A. Yeah. The context I think was that schools were closing
7 down I think, remaining schools were having to sort of
8 market themselves a bit more and we produced a booklet
9 saying what it was that St Joseph's did and I remember
10 it at the time thinking, well, that sounds good. It
11 also sounded reflective I think of what we did do. This
12 notion of sort of gently leading kids to a point where
13 they can find their own way in life.

14 LADY SMITH: When you say, 'Dominic', that schools were
15 closing down, do you mean Approved Schools were closing
16 down?

17 A. List D schools.

18 LADY SMITH: List D-type schools, yes.

19 MR MACAULAY: Coming then to when you arrived there, as you
20 tell us at paragraph 11 you were a basic grade
21 residential care worker, an unqualified residential
22 social worker, and you were at St Joseph's, you tell us,
23 from 1981 to 1985.

24 A. Yeah.

25 Q. During that time you say you were granted leave of

1 absence to pursue social work training. How long did
2 that take?

3 A. Two-year post-graduate course.

4 It was a two-year post-graduate course.

5 Q. Were you still attached to St Joseph's while you were
6 doing that course?

7 A. No. I was on leave of absence. I maybe had some
8 continuing attachment. I maybe played some football or
9 something or did the odd shift maybe over the summer or
10 something, but that was about all.

11 Q. In the four years or so that you were attached to
12 St Joseph's, two of those years were spent on this
13 course?

14 A. No, I was four years and then went on the course.

15 Q. I see. Sorry --

16 A. I was there 1981 until 1985 and then on the course from
17 1985 to 1987.

18 Q. What did you do after that?

19 A. I came back to St Joseph's, until the turn of 1989/1990.

20 Q. I think you tell us initially you were attached to the
21 Benildus cottage?

22 A. Uh-huh.

23 Q. What was your role there at the beginning?

24 A. I was an unqualified residential social worker.

25 Q. Can you tell me what was the structure then within the

1 cottage?

2 A. There was what was called in those days a cottage
3 warden. That was Ron McKinnon. There was
4 a housemother, am I allowed to mention names?

5 Q. Yes.

6 A. A Mrs Mulgrew.

7 Q. They can be redacted of course.

8 A. Okay. And myself. So we were the three core staff.

9 Each cottage was the same in the sense there was
10 a housemother, two residential social workers, one who
11 would be designated as the cottage warden. So we did --
12 we would get kids up every morning, one of the
13 residential social workers, we would deal with lunch,
14 tea and then in the evenings we would do one evening
15 each and various teachers and ancillary staff would
16 cover the other evening duties.

17 Q. On your return after your placement, did you go to one
18 of the other cottages?

19 A. I did.

20 Q. That was to Ogilvie cottage, I think?

21 A. Yeah.

22 Q. Who was involved in the work in that cottage?

23 A. A Mrs [REDACTED] was the housemother and Brother Benedict was
24 the other residential social worker. So I became the
25 cottage warden with Brother Benedict and Mrs [REDACTED].

1 Q. You go on in your statement, 'Dominic', to tell us
2 a little about the way in which working relationships
3 operated. One thing you say is:

4 'There was no direct line management system at that
5 time.'

6 Would you report to anybody, either in Benildus or
7 in Ogilvie cottage?

8 A. Well, I would report to the cottage warden presumably in
9 the first instance. And there was a head of social
10 work, so -- I guess they would be my line manager if you
11 talk about a line management structure, but it was more
12 complicated than that in the sense that a lot of the
13 work I did was within a particular team in the evening
14 and at weekends and the sort of lead of that team was
15 the -- he was head of education, SNR [REDACTED],
16 Frank Rochford, so a lot of my direct contact with one
17 of the senior staff would have been with Frank.

18 Q. I think you tell us in your statement that there were
19 four of these residential cottages with the same sort of
20 structure; is that correct?

21 A. Well, there were four when I started. Then one of the
22 numbers started to reduce across the sector, I think.
23 One of the cottages closed down, probably about 1983, so
24 there were three for most of my time there, until
25 towards the end when the cottage that had closed down

1 re-opened as a girls' cottage.

2 Q. In your time, were the numbers of placements going down?

3 A. Yeah. There was about 20 boys per cottage when
4 I started and there were four cottages, so that would
5 have been around 80. It reduced, numbers per cottage
6 reduced -- well, number of cottages reduced from four to
7 three. Numbers per cottage from probably 20 to around
8 14/15.

9 Q. What you tell us at paragraph 27 is:

10 'List D schools were charitable bodies funded by the
11 Social Work Services Group of the Scottish Education
12 Department. They were run by a board of managers, who
13 would appoint senior staff.'

14 Just on that, were you conscious of there being
15 managers' visits to St Joseph's when you were there?

16 A. No -- I knew there were managers' meetings on a regular
17 basis, yeah. I think probably monthly -- I don't know.
18 I knew there were regular managers' meetings. I didn't
19 have much contact with managers.

20 Q. Looking at the general structure, I think you tell us
21 that when you started, Brother MJG was SNR
22 and I think when he [REDACTED] that was [REDACTED]
23 Brother MBU?

24 A. Yeah.

25 Q. Apart from those, were there other Brothers -- you have

1 mentioned Brother Benedict, and we'll come back to him,
2 but apart from those three, were there other Brothers
3 engaged in any way in the care of the children?

4 A. Not in the care of the children. There was one other
5 working Brother, Brother HED, who was the bursar, but
6 he died probably about 1983 or something and there were
7 a number -- there was a Brothers' community essentially
8 on the top floor of the main building and there was
9 about three -- two or three other Brothers who had
10 retired there, so they lived on the premises but had
11 nothing to do with the care of the children.

12 Q. Looking to your own commitment to being there, can you
13 help me with that. Was that a daily commitment? Would
14 you be there on a daily basis?

15 A. I'd be there Monday to Friday and one day every second
16 weekend and an evening or a couple of evenings. Yeah,
17 it was a fairly full-on commitment.

18 Q. During the week, was it 9 am to 5 pm?

19 A. No. It was 7.15 am -- a variation of 7.15 am to
20 4.30 pm, 8.30 am until 6 pm and then you would do a late
21 night on top of that.

22 Q. I think you tell us in your statement that when you
23 began you were living with your parents in Edinburgh; is
24 that correct?

25 A. Yeah.

1 Q. I think you then had your own flat?

2 A. Yeah.

3 Q. Would you then be travelling to and from?

4 A. Yeah.

5 Q. Would there be occasions when you stay overnight at
6 St Joseph's?

7 A. In the early stages I did. Maybe a couple of nights
8 a week I had access to accommodation.

9 Q. Looking at the age range of the children when you were
10 there, can you help me with that. What was the age
11 range?

12 A. St Joseph's was what was termed in List D terms
13 an intermediate school, so there were junior, senior --
14 junior, intermediate and senior schools. St Joseph's
15 was intermediate. The boundaries were a bit blurred to
16 be honest. We would -- we could take boys from 12 ...
17 secondary school age essentially, 12 to 16. The
18 majority were probably 14 to 16.

19 Q. In the main, if not all, were they being sent there by
20 the Children's Panels system when you were there?

21 A. I would say 90-odd per cent, yes, there was
22 an occasional day pupil who might have come through
23 an educational route, but they were almost all
24 Children's Panels referrals.

25 LADY SMITH: In your time there, was the school leaving

1 age 15?

2 A. No, 16.

3 LADY SMITH: 16 by then. Thank you.

4 MR MACAULAY: You tell us a little bit about the trips that
5 boys were taken on at paragraphs 54 and 55.

6 You also say, at 56:

7 'There were a variety of informal trips according to
8 what was going on at any time. Staff would sometimes
9 take boys to their homes, usually for a purpose such as
10 to help with something.

11 'There was also something around introducing boys to
12 family and getting to know adults beyond their formal
13 roles.' You say this could be a powerful experience for
14 children. So there was these arrangements whereby
15 children could be taken out by members of staff?

16 A. Yeah.

17 Q. Did you yourself do that?

18 A. Sometimes, yeah, I did.

19 Q. Would you take single children or groups of children or
20 both?

21 A. Mostly single children.

22 Generally speaking, if I did it, it was to pick up
23 stuff to play football, you know, or passing by on the
24 way to the Children's Panel or something like that.

25 I didn't have kids in my house for any length of time,

1 other than, you know, the one that you are going to come
2 on to, Gary.

3 Q. Would you occasionally have a child in your own house?

4 A. Yes.

5 Q. Was that the practice among not just yourself, but
6 others --

7 A. Yeah. It wasn't everybody who did it. Some felt more
8 comfortable with it than others. My view was that you
9 could adopt different approaches, as you are working in
10 one of the schools you could take a sort of jailer
11 approach or you could take a more relational approach
12 and my own sort of preference was to try and break down
13 some of the barriers. It didn't bother me if kids knew
14 where I lived. I wasn't afraid that they would break in
15 or anything like that. Yeah, I did take them into my
16 home occasionally.

17 Q. Do I take it from that, that to see a child go off with
18 an adult who was in some way connected to St Joseph's
19 would not be an unusual thing to see?

20 A. No.

21 Q. I think we're going to come on to a particular
22 social worker who was involved with a person we know as
23 Gary McQueen. Was it known that he -- his name was
24 IAZ -- would take Gary out on occasions?

25 A. It was known to me and to Ron McKinnon, I guess, and --

1 yes, I think it would have been. He wouldn't have been
2 the only social worker, you know, I don't know if I knew
3 at the time that IAZ was taking Gary home or anything
4 like that or -- no, I did, I did know that sometimes he
5 was doing that, but I thought sometimes it was just for
6 a walk or just some sort of recreational sort of
7 opportunity.

8 Yeah, no, people would have known.

9 LADY SMITH: Would the school have to have given permission?

10 A. The school wouldn't have, because in this instance the
11 social worker was the supervising authority. So I don't
12 think the school would have had a sort of role there in
13 terms of giving permission or not.

14 LADY SMITH: Were these occasions of boys being taken out in
15 this way specifically recorded anywhere?

16 A. I suspect they would only have been recorded within the
17 daily records of any other recording that would have
18 been done a daily basis.

19 LADY SMITH: Would you have any memory of that?

20 A. Not specifically, no.

21 LADY SMITH: Thank you.

22 MR MACAULAY: Would the record be made by the headmaster or
23 somebody else?

24 A. No, it would be the key worker, one of the residential
25 social workers. Each of the boys would be allocated

1 a key worker, which would be one of the two residential
2 social workers. So the key worker for particular boys
3 would do the daily records for those boys.

4 Q. As far as Gary McQueen is concerned, were you his
5 social worker --

6 A. Yeah --

7 Q. -- when he was there?

8 A. -- I was.

9 Q. Do I take it from that, he was in the cottage that you
10 were attached to?

11 A. Yeah.

12 Q. Can I just ask you briefly about the teaching staff.
13 In your time, were there any Brothers still involved
14 in the teaching of children?

15 A. Brother MBU occasionally would do I think religious
16 education or something, but, no, not regularly.

17 Q. I take it from that that the teaching staff comprised
18 essentially of civilians?

19 A. Yeah.

20 Q. The picture I get from you, LUZ, in your time is that
21 St Ninian's is very much monopolised by civilian staff?

22 A. Almost entirely. As I say, there were two working
23 Brothers. There was about eight or so teaching or
24 instructing staff, who were all lay people, and just
25 about all of the residential social workers were lay

1 people.

2 Q. Are you able to describe to me what the boys were like
3 over this period that you are telling us about?

4 A. They were kids who had had for the most part difficult
5 family circumstances.

6 A lot had had very difficult family circumstances.
7 Most of them had been to a whole number of Children's
8 Hearings. They had gone through different stages of the
9 system. Most had probably been excluded and were
10 excluded from school at the point that they were
11 admitted. Some had been out of school for a number of
12 years.

13 Most had an offending profile. Some fairly serious,
14 some more trivial. There were a mix. There were a lot
15 of what we might have called in those days, socialised
16 delinquents, kids who had gone off the rails a wee bit,
17 but were reasonably well adjusted. They were sort of
18 the easier kids to deal with.

19 There are other kids that I think nowadays we would
20 probably put a label on and call them 'on the spectrum'
21 or 'ADHD' or give them some sort of label, which we
22 didn't know at the time. So some demonstrated a number
23 of fairly difficult behaviours that were difficult to
24 understand at times.

25 But for the most part they were good kids. They

1 were good to be around. Good fun.

2 Q. Can I then ask you about discipline.

3 How was discipline -- looking to that mix of
4 children you have mentioned -- maintained?

5 A. I think in my statement I give a quote from a research
6 paper, a Home Office research paper from the early 1980s
7 that talks about establishing a sort of culture of
8 discipline within an establishment. And something about
9 creating particular expectations and rhythms that start
10 to take care of themselves, if you like.

11 That kids in St Joseph's had it really very well,
12 actually, I think, that difficult kids could come into
13 the school and settle in, because the culture was
14 a settled one.

15 They would pick up some of that from some of the
16 other kids around them, who would say, 'This is the way
17 we do things around here'. But they would also pick it
18 up from the staff who -- there can be a sort of notion
19 that you can only maintain discipline with that kind of
20 disparate group through a sort of authoritarian staff
21 approach.

22 The reality is that that doesn't work. You can only
23 establish discipline within an establishment when you've
24 got boys and staff agreeing what is acceptable together
25 and where people sort of buy into the general ethos of

1 a place. And I think that's what happened at
2 St Joseph's.

3 Looking back, I thought it was quite a remarkable
4 place in that sense, that there was very little
5 difficulty. There were very few -- there was no formal
6 discipline. I think again I say in my statement that
7 the approach was one that you might call restorative
8 these days, where if a kid kicked off or, you know,
9 misbehaved you would take them aside and say:

10 'You can't do that. Desist.'

11 And get on with it.

12 Q. I think the quote that you mentioned that you thought
13 was relevant is in paragraph 73, towards the bottom
14 where:

15 'A unified acceptance by staff and inmates of the
16 authority which each adult has within the institution.
17 From this acceptance comes a strong normative influence
18 on institutional members through internal controlling
19 processes, such as modelling, identification, caring,
20 warmth and love.'

21 That is the quote you have in mind?

22 A. It's fascinating actually that there is a demand for
23 loving care now and yet to speak about warmth and love
24 in those days and I think that was around, mm hmm.

25 Q. As you point out in paragraph 70, in the 1970s, and

1 indeed before, corporal punishment was permissible.

2 What was the position by your time at St Joseph's? Was

3 there any corporal punishment?

4 A. None. It had been abolished, I think, officially in

5 List D schools before it was in mainstream schooling.

6 So I think it was abolished in 1978. But there had been

7 a period I think before that where they were working

8 towards abolition, so it probably wasn't used from about

9 1976, I would guess.

10 Q. You do tell us about there being challenging,

11 inexplicable sometimes, violent behaviours and that's

12 where your restorative-type approach would come into

13 place to try to deal with that?

14 A. Yeah.

15 Q. The denial of privileges, was that also part of the

16 disciplinary process?

17 A. The main privilege would have been denial of leave and

18 when I started there was still an element of that, that

19 kids were denied leave. And that would be a sort of --

20 what would be called a behaviourist system and I don't

21 think -- we didn't operate a behaviourist regime. So we

22 moved away from that. I think when Brother MBU

23 SNR, Frank Rochford SNR and boys

24 started to live closer to home, then we stopped using

25 leave as a sort of punishment if you like or

1 a privilege. We stopped thinking of it as a privilege.
2 We saw it as something which was kids' rights and they
3 should be spending time at home, so we stopped actually
4 using that. We'd only stop kids going home if there was
5 good reason why they shouldn't go home, which were home
6 related rather than school related.

7 In terms of other privileges, we might sort of stop
8 them going to an activity, but again as I say in my
9 statement, we sometimes did counterintuitive things
10 there and if kids had misbehaved then you wanted to sort
11 of bring them back into the fold sometimes, so you would
12 involve them in activities.

13 Q. In any event, what you do tell us quite plainly in your
14 statement, that there was no physical punishment?

15 A. There was no physical punishment.

16 Q. You say you never hit a child during your time there?

17 A. Not as a punishment, no. I think in the course of, you
18 know, some of the physical interactions then, you know,
19 there were -- these could be messy, but I never ever hit
20 a kid as a punishment, no.

21 Q. Restraint is quite a topical topic these days.

22 I suspect it wasn't discussed very much in the 1980s,
23 but did children have to be restrained on occasion?

24 A. I remember in my interview with Brother MJG and he
25 said something to me about kids -- boys can sometimes

1 take what the other boys call 'flakies' and he said if
2 that happens you have to hold them against a wall or
3 wherever until they calm down. That was restraint, you
4 know.

5 We didn't really do anything what nowadays would be
6 called prone restraints on the floor. That was unusual.
7 I'm not saying it didn't happen. But there was sort of
8 physical intervention in a situation, but it wasn't
9 institutionalised in the way that it became
10 institutionalised when we introduced systems of
11 restraint.

12 Q. You tell us to the extent that there was restraint, you
13 didn't see anything that was excessive during your time?

14 A. I didn't.

15 Q. You have a section headed 'Concerns about the
16 institution' at paragraph 90. What you say is:

17 'St Joseph's was not, to my knowledge during my time
18 there and as far as I'm aware, ever the subject of
19 concern within the institution itself or to any external
20 body or agency or any other person because of the way in
21 which children and young people were treated.'

22 You were never aware of any concern being expressed?

23 A. I wasn't. I mean, I think that the school's reputation
24 was actually a fairly good one amongst professionals in
25 the field.

1 Q. Although there wasn't a formal complaints system as you
2 have mentioned, there were ways and means into which
3 complaints could come to the surface?

4 A. Yeah. I mean, there was always a member -- I say
5 'always', there were a number of members of staff that
6 boys could go to and you have a relationship with/speak
7 to if they felt -- actually, Brother MBU, both
8 Brothers, Frank Rochford, you know, they were people
9 that I think boys trusted that if they weren't happy
10 about anything they could go to.

11 I think there was a lot of staff like that that boys
12 could go to. Most of them, as I say, were regularly
13 going home to parents. They all had social workers,
14 they all had allocated social workers. So there were
15 outlets that if they wanted to complain then they could
16 do so.

17 Q. You tell us also about, at paragraph 93, there was the
18 forum of a cottage meeting held on a Friday morning,
19 when boys and staff could collectively work through
20 issues?

21 A. That came from some of the sort of free school movement.
22 Not just that, there was a lot of really progressive
23 stuff going on in the List D schools in the course of
24 the 1970s and 1980s and the cottage meeting or the
25 equivalent happened in a whole number of schools.

1 Yeah, it was a forum whereby you could say:

2 'Well, I wasn't happy with the way you handled that
3 situation.'

4 And boys had, you know -- could actually come in in
5 these meetings and sort of have the same sort of say as
6 an adult. That was the idea. There was some sort of
7 democratic dimension to it. It wasn't entirely
8 democratic, but that was the sort of intention behind
9 it, that we could get together and sort things out.

10 Q. Bullying, were you conscious of there being bullying
11 there?

12 A. Again, you would expect there to be bullying in the kind
13 of establishment it is and a lot of the publicity that
14 such schools get suggested there was a lot of bullying.
15 There wasn't. There was a lot of other boys taking care
16 of one another as well. There was a lot of really good
17 sort of peer-to-peer interaction.

18 There was wee bits where boys would say, 'That's my
19 seat', or something and there would be a wee bit of
20 a hierarchy, but I wasn't really aware of much overt
21 bullying at all, no.

22 LADY SMITH: 'Dominic', going back to paragraph 93 and your
23 reference to the cottage meetings, a couple of things
24 you refer to there are it being a time for addressing
25 rupture and repair and also falling out and falling in.

1 What are you talking about there?

2 A. I think in any situation, any relationships, any sort of
3 situation where you are living together on top of one
4 another in close proximity, then you annoy one another
5 and you do things which somebody might think, 'Well,
6 I didn't like that'. But you've got to work these
7 things through.

8 The idea of rupture and repair is a sort of term
9 that comes from some of the psychological literature
10 anyway. It's how we actually grow through
11 relationships.

12 LADY SMITH: Can you give me an example of a rupture that
13 you remember?

14 A. I can't off the top of my head, no.

15 LADY SMITH: You go on and say you weren't aware of anything
16 excessive, which seems to suggest you were aware of some
17 problems. Do I have that right?

18 A. Excessive in what sense?

19 LADY SMITH: Well, you tell me, it's your language. It's
20 the last sentence in paragraph 93.

21 A. Oh, yeah.

22 I mean, it was every day rupture and repair rather
23 than anything which would go beyond every day sort of
24 interactions and falling out.

25 LADY SMITH: Such as?

1 A. It's 40 years ago, I can't come up with anything there.

2 LADY SMITH: Okay. Thank you.

3 MR MACAULAY: You have a section headed 'Abuse', starting at
4 paragraph 99, 'Dominic'.

5 What you say at 100:

6 'I honestly do not think that I saw behaviour
7 that I consider to be abuse of any kind taking place in
8 St Joseph's.'

9 Is that your position.

10 A. It is. I mean, what child abuse is is disputed and
11 it's, you know, changed over the years, but I never ever
12 came away from a situation thinking, 'Woah I felt really
13 uncomfortable about that'.

14 Q. What you say at 103 is:

15 'One of the reasons why it might not come to light
16 is there was not the same awareness of or understanding
17 of abuse in the 1980s.'

18 Is that your understanding?

19 A. Yeah. I don't even know if we used the term 'abuse' in
20 the 1980s, you know. In social work there was things
21 like non-accidental injuries, so it was things which
22 were beyond everyday interactions, so it is things like
23 bruising and burn marks and things like that. That was
24 the sort of focus at the time. I don't think we spoke
25 about that abuse as a generic term in the same way that

1 we do now.

2 Q. As far as sexual abuse is concerned, you say that was
3 not well known about in this time?

4 A. If I remember correctly, the first time sexual abuse was
5 mentioned in a Scottish Government publication or
6 Scottish Office publication was 1986, and that was in
7 the context of incest.

8 Sexual abuse wasn't really on people's radar. It
9 was something that maybe happened in -- I don't know,
10 Calton Hill or wherever, but didn't -- you know, we
11 weren't aware of it happening in institutions and all
12 around us. It just didn't really figure.

13 Q. No boy complained to you about any inappropriate
14 behaviour then during your time?

15 A. No.

16 Q. You say at 103:

17 'What we do know now is that this [namely sexual
18 abuse] is something that can be very difficult for
19 a pupil to disclose.'

20 Is that your own experience?

21 A. It is, yeah. It has possibly become easier because
22 it's, you know, out there in the media and whatever
23 else. People talk about it a lot these days. When you
24 didn't speak about it, it would be more difficult to
25 disclose it, I guess.

1 Q. You go on to say there weren't any formal child
2 protection arrangements, but notwithstanding that, you
3 say that you didn't think children were unsafe in the
4 absence of such policies or procedures?

5 A. No. I never went home at night thinking a kid was
6 unsafe.

7 Q. Having regard to external monitoring, as you point out,
8 there was no inspection regime such as the Care
9 Inspectorate or its forerunners during this time, but
10 you would have thought that Social Work Services Group
11 or the Scottish Education Department might have had some
12 inspectorial function.

13 You do say you weren't aware of there being any
14 inspections?

15 A. I was thinking about that and I mean, the List D schools
16 were schools, so they would have been subject to
17 inspection from the HMI. I don't remember -- I don't
18 know if it perhaps happened when I was absent on my
19 course, but I don't remember personally any inspection.

20 Q. We have touched upon the board of managers. You say
21 that they visited the school monthly and then at a point
22 in time the council took over that role; is that right?

23 A. Yeah.

24 Q. You thought that was maybe 1986/1987. Were you
25 conscious of someone from the council coming to visit

1 the school?

2 A. Yeah. There was an assistant principal officer from the
3 Social Work Department who used to come down, I think
4 weekly.

5 Q. As far as anyone from the board of managers would be
6 concerned, before that did you ever speak to anybody who
7 might have been from that board?

8 A. I think maybe at formal occasions or something like
9 that, but not routinely, no.

10 LADY SMITH: Can you give an example of a formal occasion
11 when you might have come across them?

12 A. I was thinking actually of every year LRM
13 LRM or LUF, would
14 come down, so it might be something like that or if
15 somebody was retiring or, you know, a sort of social for
16 that.

17 LADY SMITH: A special event of some sort?

18 A. Yes.

19 LADY SMITH: Thank you.

20 MR MACAULAY: Record keeping, you tell us about that.

21 Would you be engaged in keeping records of children?

22 A. Well, each residential social worker would do -- I don't
23 know if they called them daily records at that time, but
24 essentially a sort of running tally of what boys were up
25 to and whether there was anything to report on them or

1 how they were getting on on a day-by-day, week-by-week
2 basis.

3 Q. You mentioned Children's Panels before. Would you on
4 occasion attend a Children's Panel with a boy to see
5 whether or not for example the supervision requirement
6 was to be altered?

7 A. Yeah. Well, each of the residential workers would
8 attend the panels for their key boys. So I would maybe
9 have about eight or nine boys who I would write their
10 panel reports and attend their Children's Panels.

11 Q. For these panels were you sometimes required to prepare
12 a report on how the boy was getting along?

13 A. Yeah. I would prepare a report, the field
14 social worker, the community social worker would provide
15 a report. There might be other reports as well and
16 together those would give the panel members the sort of
17 material on which to base their decision, yeah.

18 I mean the reports would go out in the headmaster's
19 name, but I would write them for my boys, yeah.

20 Q. There is then a section in your statement that's headed
21 'Convicted abusers'. You know that Brother Ben,
22 Michael Murphy, was convicted of the abuse of a child or
23 children at St Joseph's.

24 I think you tell us that in your first stint at
25 St Joseph's you had little to do with Brother Benedict,

1 but then you were in the same cottage after your
2 placement. You would have been involved with him then?

3 A. Yeah, very closely.

4 Q. What did you make of him at that time?

5 A. I didn't know him from the past, so it was a more
6 intense sort of working relationship thereafter.
7 I liked him. I got on well with him. He was a bit
8 quirky in the sense that he was sort of old fashioned.
9 He sounded as though he was just out of the, you know,
10 rural Ireland.

11 The boys liked him. He had fairly clear
12 expectations about what he expected from them. He was
13 quite sort of regimented in some senses, but there was
14 a warmth about him as well that the boys liked.

15 Q. You have mentioned Brother MBU, who SNR
16 SNR. You describe him as being a lovely gentle
17 man and inspirational in his own way. You were
18 impressed by him?

19 A. Very much. He's the antithesis of what you might expect
20 as SNR of a List D school. He was fairly
21 slight. He was incredibly gentle and yet he had a way
22 with boys that -- yeah.

23 Q. And Brother MJG, his [REDACTED], you mention him at
24 146 and your recollection of him is a kindly older man
25 who [REDACTED] for the school?

1 A. Yeah. I think by that stage, Brother MJG was
2 preparing for ██████████, but he was -- yeah, he was
3 a bit of a ██████████. He'd been there for a long time
4 and been in other schools as well. A very experienced
5 SNR ██████████.

6 Q. I think when you came to leave St Joseph's that was
7 because you went to a promoted post elsewhere?

8 A. Yeah.

9 Q. Did you say that was 1991?

10 A. It was the turn of 1989/1990.

11 Q. I mentioned earlier the social worker, IAZ ██████████. He
12 was not attached to St Joseph's, is that correct?

13 A. Yeah. He was an employee -- he would have been Lothian
14 Regional Council at the time and he was a social worker
15 in the Craigentenny Social Work Team in Edinburgh.

16 Q. Can I turn to paragraph 186 of your statement.

17 Perhaps before I do that actually I want to go back
18 to Brother Ben, because you'll be aware that Brother Ben
19 faced three trials, one in 2003, 2016 and 2021. Did you
20 require to give evidence at any of these trials?

21 A. The second two, not the first one.

22 Q. What was your purpose in giving evidence?

23 A. I guess mostly character reference, yeah. I think in
24 the second one I was able to speak to -- most of the
25 charges were actually older charges. In the final trial

1 there was about one or two offences where I knew the
2 child in question and was able to say something about
3 that, but mostly it was just, you know, about the
4 routine of the school.

5 Q. The position was the first trial was really focusing on
6 St Ninian's?

7 A. Yeah.

8 Q. The second trial, 2016, was focusing on St Joseph's and
9 the third trial had a bit of both, I think?

10 A. I think the second one was a bit of both as well. Maybe
11 I'm wrong. It was certainly before my time, most of the
12 offences.

13 Q. It was, yes.

14 Charges in relation to which Brother Ben was found
15 guilty, and you're probably aware of this, related to
16 the administering of electric shocks. You are aware of
17 that, I think, 'Dominic'.

18 Did you have any idea that Brother Ben had some sort
19 of apparatus that could give some sort of sensation, if
20 I can use a neutral word, to a boy?

21 A. Yeah, because he did it to me as well.

22 Q. Can you tell me about that?

23 A. Yes. It was an electronics club. Again, you have to
24 remember that this was before any sort of computerised
25 devices or anything like that. He had a workshop and he

1 had things like air hockey and places where kids could
2 go and listen to records, watch Top of the Pops and
3 things and there was a whole number of electric devices
4 that they could actually play about with and learn about
5 electrics.

6 One of them was a sort of hand-cranked generator,
7 which he would -- well, not just him, he or one of the
8 boys would sort of crank and if you held on to two,
9 I don't know what they are, anodes, or whatever, bits of
10 wire coming out of them, then it would be like the kind
11 of Van de Graaff generator that most of experienced in
12 a physics class at school, whereas if you touched it you
13 get a slight shock and people would say that your hair
14 would stand on end, but it was the same sort of
15 sensation as I had experienced in secondary school
16 through a Van de Graaff generator.

17 So the boys used to sort of dare each other as to
18 who could stay on the longest and things and -- but
19 I had absolutely no concerns about it. As I say, the
20 boys used to take me across now and again and I would
21 get the same as any of them and it was underwhelming.

22 Q. I think you are aware though that he was convicted of
23 a number of charges relating to causing injury by this
24 process. Can I ask you, do you know if he had just the
25 one device or more than one?

1 A. There was only one device and it was bolted to a table.
2 And it wasn't a mobile device, as I've seen mentioned.
3 You didn't have to sit down and be strapped in. You
4 could let go at any point in time. It was only one
5 device. He used to actually bring it out for open days
6 at the school so that members of the public could use it
7 as well.

8 Q. Can I then move on to section B in your statement,
9 'Dominic', beginning at paragraph 186.

10 In preparation for giving your evidence, you were
11 provided with a statement that had been taken from
12 Gary McQueen.

13 You say at 188:

14 'There are a number of inaccuracies in Gary's
15 statement.'

16 Before I look at that, can I just explore with you
17 for a moment or two your relationship with Gary over
18 this period. Are you able to describe that for me?

19 A. Yeah. It was a sort of close relationship in the sense
20 that we sort of clicked. We liked one another. He
21 lived not far from where I lived. He -- I suppose to be
22 honest he arrived at the point where I was becoming more
23 established in the school. He sort of -- there was
24 still -- it takes a while to get established in that
25 kind of setting.

1 Gary was on my side, if you like. He would support
2 me with other boys and we just got on together. He was
3 actually -- he got on well with most adults, he was very
4 socially skilled in a lot of ways.

5 We did a lot of things together, mostly in school,
6 occasionally out of school. Take him for a cycle or
7 something like that. We -- yeah, as he approached
8 school leaving age then I started becoming involved in
9 what he might do thereafter and we spoke about catering.

10 So I took him for an interview with the head of
11 catering at Telford College and we started working
12 towards him applying for a catering course. There was
13 a point when catering was taking off as a career.

14 You know, him and I and IAZ [REDACTED], his
15 social worker, went for a few meals out with him, just
16 really to sort of give him an experience of types of
17 food that he would never have had in his sort of home
18 setting.

19 So, yeah, we did that. And after he was admitted --
20 he got the place at the catering course, which was at
21 Jewel and Esk Valley College, I maintained some sort of
22 contact with him, just to sort of see that he was still
23 on course.

24 Q. At that time, having left St Joseph's, he would no
25 longer have a social worker allocated to him because

1 he'd no longer be under supervision?

2 A. Yes, I don't know exactly when he would have had the
3 supervision order dropped, but it would generally be
4 around about the time that boys were leaving school.

5 LADY SMITH: Am I right in thinking, 'Dominic', that you
6 were about ten years older than him?

7 A. Yeah.

8 LADY SMITH: When you were receiving social work training,
9 were you given any guidance about where the boundaries
10 should lie professionally between a social worker and
11 a young person like this?

12 A. Not explicitly, no. There were different viewpoints on
13 that.

14 LADY SMITH: What were they?

15 A. Well, social work comes from very different sort of
16 historical roots.

17 One would be a sort of clinical one which would see
18 the relationship as being one where it's very
19 boundaried.

20 And a sort of relational approach would say that you
21 actually need to drop the boundaries, that the
22 boundaries can become barriers to the kind of
23 relationship that people can grow through.

24 LADY SMITH: Do some recognise that a lack of boundaries can
25 become a real problem and involve risk?

1 A. I think that we all realise that a lack of boundaries
2 can become a real problem, but I think that boundaries
3 are interpersonal rather than procedural most of the
4 time.

5 LADY SMITH: Thank you.

6 MR MACAULAY: You mention IAZ [REDACTED] who was Gary's
7 social worker from the community. I think we discussed
8 this already, but IAZ [REDACTED] did take Gary out
9 overnight, didn't he, from St Joseph's?

10 A. Yeah. I think he probably did that more than I was
11 aware, but it wouldn't have been entirely from
12 St Joseph's. A lot of the time that would have been
13 from home. Because Gary spent a lot of his time at home
14 as well.

15 Q. Just on that, perhaps getting a timeframe. Gary told us
16 that he was born in [REDACTED] 1969 and that he was
17 admitted -- the records tell us rather that he was
18 admitted to St Joseph's on about 8 March 1983, when he
19 would be 13-and-a-half. Would that be about right?

20 A. That makes sense.

21 Q. His supervision was terminated on 16 July 1985, when he
22 was almost 16?

23 A. That would make sense.

24 Q. I think you are going on to say that for part of his
25 time at St Joseph's he was a day pupil?

1 A. Mm hmm.

2 Q. Was that designed to try and break children in gently to
3 being back at home?

4 A. For the most part it was, yeah, yeah.

5 Q. It may be from the records that the decision for that
6 end was some time in early 1984 and at some point in the
7 early part of 1984 Gary was a day pupil, but he wasn't
8 fully complying with the trust that was put into him.
9 Do you remember that? That he wasn't always turning up?

10 A. No, that's right. I think being a day pupil wasn't
11 working particularly. I remember actually I took him in
12 to see the reporter to the Children's Panel for a chat,
13 just as to whether this was working for him.

14 I suppose it was in the context of whether we'd need
15 to try and come back to a hearing and reconsider the
16 amount of time he was spending at home.

17 Q. Was there a decision taken towards the latter part of
18 1984 that he should be back on a residential basis?

19 A. I can't recall the specifics.

20 Q. You are right in saying there was a period of time when
21 he was a day boy, a day pupil, but thereafter he was
22 back in the residential setting, until he left in about
23 July 1985?

24 A. Yeah, that would make sense.

25 Q. That makes sense. You actually tell us, 'Dominic', that

1 you met Gary a couple of months ago, before you were
2 actually asked to give a statement to the Inquiry, is
3 that right?

4 A. I did, yeah.

5 Q. How was that meeting?

6 A. I think I'd been along at the shops and I was coming
7 home and there was a neighbour across the road getting
8 a new roof and there was a lot of workmen around and one
9 of the workmen shouted over to me, 'LUZ , LUZ ' and
10 I didn't recognise him initially and I certainly didn't
11 recognise him in that context, because I had him as
12 a chef, he said. 'It's Gary', and so we -- yeah, we
13 sort of reacquainted one another after -- I think the
14 last time I'd seen him was at his wedding in 2006.

15 Q. You had been to his wedding?

16 A. I'd been to his wedding.

17 Q. I take it that was a friendly meeting you had with Gary?

18 A. Absolutely. I had about three or four meetings with
19 him, because they were on the job for a number of weeks
20 and he came in for a coffee and ...

21 Q. You tell us in your statement that he told you that he
22 had had good experiences at St Joseph's?

23 A. He did. He reminded me of me taking him to the theatre
24 and inspiring a like of the theatre, which he still has.
25 He -- I mean, I thought that Gary had good experiences

1 at St Joseph's. I wasn't aware of there being bad
2 experiences particularly.

3 So, yeah, he did speak about some good experiences.

4 Q. Did you notice in his time there that there was some
5 change in his personality?

6 A. Yeah, oh, very much and I was very aware of it and I was
7 very upfront with Gary about that as well. That I was
8 concerned about his state of mind, mm hmm.

9 Q. I think subsequently you were told by Gary that he had
10 been sexually abused by IAZ [REDACTED]; is that correct?

11 A. In 1986.

12 Q. Yes. Much later on, I understand that.

13 A. Yeah.

14 Q. But you had some contact with him then and you then
15 learned that there had been the sexual abuse at a time
16 when he was at St Joseph's?

17 A. That was only later. That was in 1999. I wasn't aware
18 in 1986.

19 Q. I follow that. I meant the 1999 contact. At that time,
20 you became aware that Gary was saying he had been
21 sexually abused by IAZ [REDACTED]?

22 A. Yeah.

23 Q. Looking back, do you think then that that might have
24 been a reason why he had this change in his personality?

25 A. It would make some sense, mm hmm.

1 Q. Did you speak to him about how he was feeling at the
2 time though?

3 A. Yeah. I tried. I tried really quite a lot to try and
4 get to the bottom of it. I think I thought that it was
5 to do with his relationship with his mum, [REDACTED],
6 within the community or just adolescence.

7 No, it didn't occur to me that there was anything
8 sort of sexual or certainly anything sexual with [IAZ].

9 Q. His refusal to tell you that I think you tell us that's
10 not uncommon for those who are sexually abused?

11 A. Yeah, I think -- yeah, I accept that, yeah.

12 MR MACAULAY: My Lady, that's 3 o'clock. We normally have
13 a short break.

14 LADY SMITH: Would that be a good place to pause?

15 If it would work for you, 'Dominic', I'll take the
16 afternoon break just now and then we'll resume your
17 evidence after that. Would that be okay?

18 A. Okay.

19 LADY SMITH: Thank you.

20 (3.03 pm)

21 (A short break)

22 (3.13 pm)

23 LADY SMITH: Mr MacAulay.

24 MR MACAULAY: My Lady.

25 'Dominic', you point out some inaccuracies in Gary's

1 statement that you have regard to.

2 For example, at 194, you quote from Gary saying the
3 De La Salle Brothers ran St Joseph's and they also had
4 St John Bosco's in Fife and a place called St John ...
5 and we know that's not correct, that is clearly
6 inaccurate.

7 Likewise, I think at 196 and 197, Gary has given his
8 impression as to what the staff commitments were, but
9 clearly again there are inaccuracies there?

10 A. Yeah.

11 Q. That might be understandable, looking back.

12 A. Yeah. Some of that is a bit odd, because -- yeah,
13 I mean, it's not a big issue.

14 Q. You pick up the point that when boys might have been
15 woken up and when mass might have been.

16 There is a point you pick up at 202 about cycle
17 trips and you say that Brother MBU would not have
18 organised the cycle trips. It was you and others, the
19 staff?

20 A. It was me and two of the teachers, yeah.

21 Q. Was there a situation when Gary indicated he didn't want
22 to go on the cycle trip?

23 A. I don't even think he indicated. I think he just didn't
24 turn up the day that we were setting off.

25 Q. I think Gary seemed to suggest there was a record that

1 he had made contact with Brother MBU ?

2 A. I wasn't aware of that.

3 Q. You have indicated that in relation to work experience,
4 you would be heavily involved in arranging that for
5 someone like Gary?

6 A. Not so much me. We had -- there was a sort of leavers'
7 cottage, now not all of the boys approaching leaving
8 were in the leavers' cottage, but there would be
9 a programme of work experience for all the boys in their
10 final term really and one of the social workers,
11 LVH, would organise the work experience
12 placements.

13 Q. There was a well-established scheme to manage that?

14 A. Yeah.

15 Q. You have regard to what you have set out at paragraphs
16 212 and 213 about an incident that Gary narrates about
17 when he got what he called a couple of lickings off the
18 staff.

19 As you pointed out, the name of the person -- the
20 person has a cypher, but I'll name who it is so you know
21 who it is, but this name will be redacted and will not
22 go outwith the room.

23 The person he's talking about there is

24 a IAX, did you know IAX ?

25 A. Uh-huh. Yeah, uh-huh. He was only there for -- from

1 1981 to 1983. He never ever came down to Liverpool and
2 he wasn't in Benildus cottage. He was in Savio, which
3 was the cottage that was closed down.

4 I did see reference to an American guy in Gary's
5 statements and that's who it was. I couldn't work it
6 out. I don't remember him ever being in Benildus and,
7 as I say, I don't remember any sort of fistfight like
8 that.

9 Q. I think Gary's position here is that this incident may
10 not have happened in the cottage that he was attached
11 to. But -- I think it was -- may have been the case
12 that at weekends they may have identified a particular
13 cottage that children would use?

14 A. That's true, that's true.

15 Q. That this incident happened in that way rather than his
16 own cottage.

17 A. Okay.

18 Q. I think the query you put forward in relation to Gary's
19 account here is that you would find it hard to imagine
20 how such an incident could happen. Do you know the
21 cupboard that he's talking about?

22 A. If it's in Benildus, I do.

23 Q. If it's not there then it may be a different size?

24 A. Yeah.

25 Q. In any event, you have no recollection of Gary requiring

1 hospital treatment?

2 A. No.

3 Q. Do you think that's something you would have known and
4 learned about?

5 A. Yeah. If somebody had broken ribs and stitches in
6 a mouth wound then I would have known about it. It
7 would have been all round -- everybody in the school
8 would have known about it. You know, it wasn't the kind
9 of thing you could have kept -- that could be kept
10 hidden.

11 Q. You point out that if Gary was being abused by his
12 social worker, IAZ [REDACTED], at the age of 11 or 12 that
13 would be before he went to St Joseph's?

14 A. Yeah. That's only come out in the statement that I saw
15 from Gary from the Inquiry. He never told me any of
16 that subsequent to that. Yeah, it would have been way
17 before -- well, a couple of years before.

18 Q. Can I then take you to what we can call the Peebles
19 incident.

20 Can you tell me about your side of that? And we'll
21 begin with a phone call.

22 A. Yeah. I mean, Gary had my phone number. He didn't use
23 it much, but I think it was probably a Saturday morning.
24 I got a phone call probably about 5 am and it was
25 a reverse-charges call asking if I could take -- I would

1 take this call, which I did. And Gary was on the other
2 side really quite distressed. It was hard to actually
3 work out what was going on.

4 So he had told me that -- I think essentially that
5 his social worker, IAZ, had molested him. He had ran
6 out the house and was running or was, you know, making
7 his way back to Peebles. I think the house that IAZ
8 was in was a few miles outside Peebles.

9 I managed to sort of slow him down enough to say,
10 well, if you go to Peebles, go to the swimming baths,
11 you know, I'll come down and collect you from there.
12 I knew that he would know the baths, because as a group
13 we used to go down, each of the cottages would go down
14 to sort of camping spot on the River Tweed between
15 Peebles and Innerleithen and we'd go in one day to the
16 swimming baths. So I thought he'll know that, so I told
17 him to meet me there.

18 I went down and it -- I think it was probably about
19 June or something, because I remember driving down and
20 the sun was rising. I picked him up and took him back
21 to Edinburgh. I was going to take him back to his
22 gran's and he said, 'She'll just get worried if I go
23 back now, she'll wonder why I'm coming back at this
24 time'.

25 So I took him back to my flat. Gave him a cup of

1 tea and just sort of chilled there for a couple of hours
2 and I took him down to his gran's.

3 Q. When you picked him up what sort of state was he in?

4 A. He was still really quite distressed, yeah. In a way
5 I had never really seen him. I had seen him sort of
6 looking as though he was very anxious and that, but he
7 was sort of more distressed this time than I'd seen him.

8 Q. Did he tell you at that point anything about what had
9 happened, in addition to what he might have suggested on
10 the telephone call?

11 A. Not much more. A bit more detail. I think he had
12 said -- I remember something about him saying that when
13 it came time to go to bed he had said: where am
14 I sleeping? And there was only one bed and he started
15 to get anxious about that and then [IAZ] started sort of
16 horseplay with him, inappropriately, and he felt that --
17 probably sexually and he thought, I need to get out of
18 here. So pushed him out, ran out the house.

19 He said that [IAZ] came after him and he threw
20 a brick or a plant pot or something at his car and got
21 away, but that was about as much as he told me really.

22 Q. Was there any suggestion made of there being another
23 person in the property?

24 A. No, not that I recall, no.

25 Q. Looking to the aftermath, you say that you took him to

1 your house for the reasons you gave. Thereafter later
2 you say you took him to his grandmother's?
3 A. Mm hmm.
4 Q. Did you take him to St Joseph's?
5 A. No, no, he was a year out of St Joseph's by that stage.
6 Q. You would time this incident some time in 1986?
7 A. 1986, about late May/June 1986 I would say.
8 Q. How did you leave matters with him then?
9 A. I left it that he was going to speak to his grandmother
10 about the situation and see what they together wanted to
11 do about it.
12 Q. Did you yourself consider doing anything about it?
13 A. I didn't actually, for the reason was that Gary himself
14 was saying, 'I don't -- I'm not going to the police'.
15 I didn't probably know what I could have done. If
16 Gary wasn't going to the police, I couldn't make
17 a complaint to the police. They wouldn't have acted on
18 anything if Gary wasn't going to talk to them.
19 I didn't really know anybody in -- he had moved job
20 as well by that stage so --
21 Q. You mean [AZ] ?
22 A. Yeah.
23 Q. Did he have contact with children?
24 A. No. He had moved to I think an adult mental health post
25 in a different office.

1 Q. If that situation were to arise today would your
2 approach be any different today?

3 A. I mean, my approach was very different in 1999 when he
4 told me and he still didn't tell me he wanted to go to
5 the police. I think that we were governed by very
6 different understandings in the mid-1980s.

7 One, there was not the same understanding of the
8 long-term effects of sexual abuse.

9 But, secondly, there was a sort of ethical principle
10 of client self-determination. If essentially an adult,
11 legally an adult, was telling me that he didn't want to
12 go to the police, then I didn't feel I was in any
13 position to override that.

14 Q. Were you influenced in your approach at that time by the
15 fact you knew that IAZ [REDACTED] was not involved with
16 children?

17 A. I was aware of that. That probably was one of the
18 factors that informed my decision, yeah. I remember
19 saying that to Gary's gran.

20 Q. You said that to her?

21 A. Yeah.

22 Q. Do you know what his grandmother did?

23 A. I didn't. I don't, no. I don't.

24 Q. Your position is, just to be absolutely clear, you were
25 not taking Gary back to St Joseph's to a potentially

1 abusive situation. You were taking him essentially
2 home?

3 A. I took him to his gran's. I didn't take him -- I think
4 Gary's statement says that I took him out for a meal
5 with IAZ [REDACTED] that self-same night. I didn't.

6 Q. Did you take him out for a meal some night after that?

7 A. No. No, I don't understand that.

8 Q. You had taken him out for meals before?

9 A. Previously, yeah.

10 Q. Can we then come on to, I think 1999, when you had some
11 further contact. Leaving aside -- was his wedding
12 before that or after that?

13 A. No, his wedding was probably about 2006, I think.

14 Q. In 1999 you had some contact with Gary again. Can you
15 tell me how that came about?

16 A. Well, I think we had sort of met up by chance in about
17 1997 and I had seen him two or three times, but
18 specifically going for meals in the restaurant where he
19 was head chef at that point. And then he phoned me at
20 some point in 1999 to say, 'Can you come and speak to
21 me? My head's in a bad way'.

22 So I went round to his flat in [REDACTED], either
23 that night or the -- the following night, I think. He
24 told me that, yeah, he was -- his mental health was in
25 a bad place, that he -- his partner at the time had

1 suggested -- what he told me I think at that point was
2 that he had gone for a walk with [REDACTED] and his
3 partner up the Pentlands and [REDACTED] had shown him
4 a picture of IAZ [REDACTED] and Gary says he flipped and
5 sort of took it out on his girlfriend. She had said:

6 'Look, you need to do something about this anger,
7 this rage or whatever.'

8 And she said you need to -- you know, 'Speak to
9 LUZ [REDACTED]'. I had met her a couple of times and I presume
10 from her suggesting that that she must have assumed that
11 I had a -- or Gary had a good relationship with me and
12 he could talk to me.

13 So he told me that there had been a previous
14 incident when he was still in St Joseph's, not in
15 St Joseph's, but when he was still a pupil there, when
16 IAZ [REDACTED] had taken him out and there had been an incident
17 with IAZ [REDACTED] and his partner.

18 Q. Did he give you some detail as to what the incident
19 involved?

20 A. It was something about having been given drugs and
21 wakening up with some -- I think IAZ [REDACTED] rubbing his back
22 and the suggestion was that IAZ [REDACTED]'s partner had sexually
23 abused him.

24 Q. Could it have been the other way round?

25 A. Well, I see in the most recent statement it's the other

1 way round. I know, yeah.

2 Q. You're not sure one way or the other?

3 A. No. I mean, I think that the account I gave in 1999

4 will be the account I believed at the time. That would

5 be the correct account from the time. It seems to have

6 changed.

7 Q. The account you gave in 1999 was that it was IAZ that

8 was rubbing his back and not [REDACTED]?

9 A. Yes.

10 Q. Did you get any indication from Gary at this time that

11 he had been abused by IAZ in other places?

12 A. No.

13 Q. Was it just the one?

14 A. It was just the one in 1999. He only told me about one

15 additional episode, yes, aside from the Peebles one.

16 LADY SMITH: You use the word 'episodes' in paragraph 249,

17 the third-last line, is that a mistake?

18 A. That is a mistake -- well, it's -- it was me responding

19 to Gary's statement and I hadn't at that stage gone

20 through the statement I had given to the council in 1999

21 and that reminded me there had only been one situation

22 or one episode that he told me of at that particular

23 meeting and I was responding really to the content of

24 Gary's statement where he spoke about a number of

25 further episodes, rather than just the one.

1 MR MACAULAY: Just to be clear then, that it was the one
2 episode that he told you about in the flat?

3 A. Yes.

4 Q. This did prompt you to respond?

5 A. Yeah.

6 Q. What did you do?

7 A. The following morning I went into work and called the
8 council's child protection officer and told him just of
9 the story, he asked me to write it down in a memo form,
10 which I did. The depute director came out to speak to
11 me.

12 Q. I think you said the conversation you had with Gary was
13 in his flat. I think you know from Gary's statement
14 that his recollection is somewhat different and that's
15 not your recollection?

16 A. No. I mean I met him in his flat, yes. I can't
17 remember a subsequent meeting particularly. I'm not
18 saying it didn't happen, but that's the meeting that he
19 told me.

20 Q. Was there a meeting where, if you look at paragraph 255,
21 I can take you to what is set out there, that he said he
22 went for lunch with you:

23 'We had a pint together and we started to talk about
24 Brother Ben.'

25 Do you remember did that happen?

1 A. It doesn't really make sense, because Brother Ben's
2 first conviction was in 2003. I don't remember going
3 for a pint with Gary particularly at any point
4 subsequent to that 1999 meeting. When I saw him
5 recently he told me about the Windsor Bar, again I don't
6 remember it.

7 Q. He said that you apologised to him and what he says:
8 'He was young at the time and it was different days
9 then and I accepted that.'

10 Did that happen?

11 A. I honestly don't -- I mean, in the course of the meeting
12 in his flat I might have said, 'Oh, Gary, I'm so sorry',
13 but being sorry for what has happened rather than sorry
14 for my role in it.

15 Q. You do say in your statement at paragraph 225, and
16 I think this may come out of what you said to the
17 council:
18 'I have never doubted or questioned the accounts of
19 abuse he gave me in 1986 or in 1999.'

20 A. No, I've not, no. I mean, I think the nature of how
21 people tell of these things is not always
22 straightforward, but I've never doubted that there is
23 something in what he has said, yeah.

24 Q. Your purpose then in telling the council about this,
25 what was behind that?

1 A. Well, I think things had changed. I mean, there was
2 an expectation at that point and there was a set of
3 protocols, procedures, which I was well aware of in
4 which I knew I had to pass on that kind of information.
5 Essentially I was doing what would be expected of me.

6 Q. You have a section in your statement, [LUZ], where you
7 talk about accounting for your thinking and actions in
8 1986 and that's beginning at paragraph 262. Can you
9 perhaps summarise what your thinking is there and what
10 message you're trying to convey?

11 A. Well, Gary in his statement says that I and the Brothers
12 were complicit in his abuse and I wouldn't accept that.
13 I think at every point I was acting on what -- On Gary's
14 wishes and that he didn't want to give a statement to
15 the police.

16 I know elsewhere in his statement he says I should
17 have taken him direct to the police station. He was
18 saying, 'That's the last place I want to go'.

19 So I mean I do actually -- it wasn't -- a decision
20 that I didn't think through. I had going on in my head
21 the fact that [IAZ] wasn't working with children any
22 more. I had in my head the fact that you needed to --
23 well, I didn't at that point, because I hadn't done
24 child protection training at that point. But
25 subsequently I was well aware that you needed to sort of

1 go at the pace of people who are disclosing abuse, that
2 you needed to take your lead from them to some extent.
3 Without even knowing that in a sort of academic sense,
4 I sort of thought, well, he maybe needs time to sort of
5 come to that conclusion or that decision.

6 So, yeah, I mean, I'm absolutely comfortable with
7 the decision I took at that point in time and I think
8 I can sort of explain it and rationalise it.

9 Q. Of course, if Gary had been still at St Joseph's that
10 would be a different scenario?

11 A. Well, I think that would have been a different scenario
12 for a couple of reasons.

13 (1) he would have still been a child in care under
14 supervision.

15 (2) I would have had somebody to talk to.
16 I probably would have spoken to somebody like
17 Frank Rochford and said: what do I do here?

18 And I would still have been an employee, which
19 I wasn't at that point in time.

20 Q. Then if we just go on to the final section of your
21 statement; 'Dominic' and that's one that looks at
22 allegations made to the Inquiry that relate to you.

23 In the front of your folder you'll find what we
24 refer to as a cypher key, it's at the very front page,
25 I hope. The purpose of this is to preserve the

1 anonymity of those that I may want to mention to you.

2 You'll see the person's name to the left and you'll
3 see that person's pseudonym to the right. Do you see
4 that?

5 A. Yeah.

6 Q. Gary, of course, has not taken anonymity so he's using
7 the name Gary.

8 You have been provided, you say, with a copy of the
9 statement that was provided by 'Charles', and you see
10 who 'Charles' is.

11 A. Mm hmm.

12 Q. What he says is, at paragraph 63:

13 'You had to watch out for the staff that were on at
14 the weekend as they were the worst for hitting you and
15 a man called [he names your first name] were the worst
16 offenders. They would leather you with the thick end of
17 a pool cue. They also had a leather belt. I still have
18 the scars on my head where I was hit.'

19 There is only a first name mentioned there, as you
20 can see, does this mean anything to you?

21 A. Nothing.

22 Q. Do you remember the individual?

23 A. I do, yeah. Not particularly well, to be honest, but
24 I do remember him.

25 Q. Your clear position is at 283, you didn't in any way

1 inflict any abuse on this individual?

2 A. Or any other individual with a pool cue or a leather
3 belt.

4 Q. The other person I want to ask you about, it's in
5 paragraph 291 onwards and the pseudonym for this person
6 is 'Andrew'.

7 I'll read out what 'Andrew' has said in his
8 statement:

9 'I remember my first impressions when I got to
10 St Joseph's. It was a scary place. I was in the
11 building and I was given the clothes that I was to wear
12 by the matron and I saw the in-house doctor. I met
13 'Dominic' and he took me to the room upstairs where
14 I was going to be sleeping. He told me to change into
15 the clothes. I started to get undressed, but I was
16 feeling uncomfortable by the way he was looking at me.
17 I got down to my Y-fronts and I asked him to look away.
18 He refused and came over and slapped my bare leg on my
19 thigh once. I was shocked and it made me wonder what
20 I had come to. I quickly got dressed.'

21 Does that mean anything to you?

22 A. It doesn't at all. A couple of things.

23 One, I wasn't 'Andrew' or whatever his name is, key
24 worker, so unless his key worker wasn't available then
25 I wouldn't have done the admission.

1 Secondly, I must have admitted a couple of dozen
2 kids. I don't remember having any issue at admissions
3 and I certainly didn't hit a kid.

4 Q. The final issue I want to raise with you relates to
5 what -- he goes on to say, at paragraph 299:

6 'I remember 'Dominic' and other staff coming in and
7 told to us wash behind our ears. Looking back this
8 could have been so that we took our hands away from our
9 private parts.'

10 Were you ever involved in telling 'Andrew' to wash
11 behind his ears?

12 A. Not that I recall, no. Nor any other kid.

13 Q. What about this notion:

14 'Several members of staff told you that you weren't
15 allowed to wear underwear in bed and they said it made
16 your testicles sweat and stop you from ejaculating when
17 you're older. The staff who told us this were [he
18 mentions one] who taught us and 'Dominic' and the night
19 watchman.'

20 Does that mean anything to you?

21 A. Absolutely not.

22 Q. Very well, 'Dominic'. Those are all the questions
23 I have for you. Is there anything in addition you would
24 like to say to help the Inquiry?

25 A. I don't think so, no.

1 MR MACAULAY: Thank you for coming here today to answer my
2 questions and providing the assistance you have to the
3 Inquiry.

4 My Lady, I can confirm that no applications for
5 questions to 'Dominic' have been submitted.

6 LADY SMITH: Thank you very much.

7 'Dominic', may I add my thanks once more, both as
8 I say for your written statement and your evidence
9 today. It's been really helpful to hear from you in
10 person. I said I guessed that you would rather be
11 somewhere else and I'm sure you would now rather leave.
12 I'm delighted to say that you are able to do that and
13 I wish you a safe journey back home.

14 A. Thanks.

15 LADY SMITH: Thank you.

16 (The witness withdrew)

17 LADY SMITH: A couple of names. At one point Mr MacAulay,
18 by mistake, used this witness's actual first name, but
19 he's not to be identified in any way outside this room.
20 His pseudonym is 'Dominic' and that's what he's to be
21 known by. We also had a reference to a [REDACTED],
22 we may not have had a reference to him before, and he's
23 not to be identified either.

24 MR MACAULAY: I think also the witness himself used his
25 first name.

1 LADY SMITH: He did, yes, he did at one point as well.
2 MR MACAULAY: I suppose a slip of the tongue is easily done.
3 LADY SMITH: It's easily done. That wasn't a criticism of
4 you, Mr MacAulay.
5 MR MACAULAY: My Lady, tomorrow we have some further
6 evidence. We have a witness due to give oral evidence
7 at 11.45 am and then a remote witness at 3 o'clock.
8 LADY SMITH: A remote witness in the afternoon.
9 MR MACAULAY: We'll do read-ins in between.
10 LADY SMITH: Read-ins at 10 am, a witness in person at about
11 11.45 am and then maybe some more read-ins after the
12 lunch break, I think we may still have some to do, and
13 the witness by link at 3 o'clock.
14 Thank you.

15 (3.44 pm)

16 (The Inquiry adjourned until 10.00 am on
17 Thursday, 25 January 2024)

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