

Friday, 26 January 2024

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(10.00 am)  
LADY SMITH: Good morning and welcome back to the last day in which we're going to be looking at evidence in this chapter of the case study.

Mr MacAulay.

MR MACAULAY: Good morning, my Lady.

This next witness is an applicant who wants to remain anonymous and use the pseudonym 'Gillian' in giving evidence.

LADY SMITH: Thank you.

'Rae' (read)

MR MACAULAY: The reference for the statement for the transcript is WIT-1-000000436.

'Gillian' tells us she was born in 1974. She describes her family set-up early on in her statement. She also describes some medical problems that she had from birth and because of these particular problems she was picked on at school, which meant that she went to different schools at different times.

Her family background was quite disruptive. She was playing truant when aged 13 and the upshot was that she appeared before the Children's Panel. She tells us about that in paragraph 15:

'As a result of that, there was

1 a Children's Panel-type meeting and I was told I would  
2 be going to St Joseph's Residential School.  
3 HBD [REDACTED], who was SNR [REDACTED] at St Joseph's,  
4 was at that meeting along with my mum and social workers  
5 and I remember him telling me that I would be a day  
6 person as a trial, but if my behaviour got worse I would  
7 have to stay there as a resident.'

8 She then goes on to talk about St Joseph's at  
9 paragraph 21, and she says:

10 'I would have been about 13 or maybe 14 when  
11 I arrived at St Joseph's and that would be about  
12 1987/1988. I was there for three years and I'm fairly  
13 sure I left in [REDACTED] 1990, just before I was 16.

14 I was there as a day pupil for about six or seven  
15 months before I started staying there permanently  
16 through the week. I was never told that might happen.  
17 I was just told that it was happening and that was that.

18 I stayed there until I left but sometimes I stayed  
19 over weekends as well as a punishment. Sometimes  
20 I didn't go home for about three weeks.'

21 Then she talks about some of the aspects of the  
22 routine. Moving on to paragraph 34:

23 'Brother Benedict and HBD [REDACTED] also went over  
24 the rules. They told me to always stand in line and  
25 abide by the rules and then everything would be fine.

1 They also explained that if children didn't abide by the  
2 rules they would be punished.'

3 I'm told, my Lady, that I, once again, misspoke in  
4 relation to the pseudonym and the pseudonym is 'Rae',  
5 whereas I think the name I mentioned relates to somebody  
6 else.

7 I'm at paragraph 34:

8 'They also explained that if children didn't abide  
9 by the rules they were punished. They said children  
10 could get detention or be told to sit in a room and face  
11 a wall. They said that to me and to my mum and dad.

12 I remember being so scared as I didn't know the  
13 place and I didn't know anyone who was there either.  
14 I knew I'd done wrong or been bad, but I didn't know  
15 what anyone else was thinking of me.'

16 She then talks about other aspects of the routine.

17 In paragraph 43 she says:

18 'We would all line up, boys on one side, girls on  
19 the other, and Brother Benedict would walk up and down  
20 the lines checking to see that you were clean, neat and  
21 tidy.'

22 At paragraph 49 she says that the food, as far as  
23 she can remember, was fine.

24 At 51:

25 'If you couldn't eat it you would get detention.

1       There was no physical punishment that I was aware of.  
2       The staff weren't too bad and if you were hungry you  
3       could always grab a piece of toast or something, so  
4       there was never a problem with food.'

5             Then in relation to leisure time, I'll read  
6       paragraph 53:

7             'I played a lot of football. I was right into my  
8       football and everyone knew that at St Joseph's, if they  
9       gave me a football and told me to play with it all day  
10       it wouldn't have bothered me at all. If I ever wanted  
11       anything to do with football I would get it. If I said  
12       to Brother Benedict that I needed new football boots  
13       I would get them.'

14            Then she talks about schooling. She says in 58:

15            'Most of the teachers were brought in to St Joseph's  
16       and most of them were great.'

17            Then at 59:

18            'Some of them were abusive and if I was having a bit  
19       of a laugh they would take my books away from me, poke  
20       me in the back with a pencil and just shove me into the  
21       corner. I would get angry with them and it just made me  
22       worse and made me rebel. I failed maths and English  
23       because of the way the teachers treated me.'

24            Then at 61, when she is talking about healthcare:

25            'It wasn't a constant thing and I think she came in



1 on set days [that is the nurse]. I saw her after  
2 Brother Benedict hit me on the back of the legs one day.  
3 My kneecap actually popped out because I jerked myself  
4 with fright. I had to go and see the nurse and she got  
5 me to bite down on a bit of wood and then pushed my  
6 kneecap back in. That was painful.'

7 She then talks about religious instruction and what  
8 chores they did and what contact she had with her  
9 family. Then, at 74:

10 'I did run away quite a lot at St Joseph's. There  
11 was a group of five or six of us and we would get to  
12 Uphall Train Station somehow and meet up with folk from  
13 the Uphall homes, who would all hang about the train  
14 station and get drunk. We would just do the silly  
15 things kids do.

16 I just couldn't handle the school and having to deal  
17 with Brother Benedict. If I'd done something wrong or  
18 hadn't done my homework to the required standard, he  
19 dealt with every disciplinary thing.

20 If we didn't get picked up by the school we would  
21 get on a train to Uphall. We would maybe be away  
22 a couple of hours but we always got caught. It was  
23 great just getting away and doing your own thing for  
24 that space of time with your pals and not having to be  
25 in for a certain time. We were just being normal and

1           having some freedom.

2           The police would usually find us and take us back  
3           and then we'd be locked in our rooms for a couple of  
4           days as punishment. The police would ask why we were  
5           running away, and I would just say to them, "Would you  
6           stay in a school like that?" I never thought to say to  
7           the police that I was getting abused. I just thought it  
8           was my fault because I got put to that school.  
9           I thought because I was bad I deserved it.

10          I didn't ever wet the bed but I did hear a few girls  
11          shouting and screaming and kicking off through the  
12          night. I would speak to them in the morning and they  
13          would say they had wet the bed and had been told they  
14          weren't getting home for the weekend. They would kick  
15          off at that and have to get restrained and that's what  
16          I'd be hearing. I could hear them shouting and swearing  
17          at the staff and things getting flung about, so that was  
18          scary. I didn't know anyone and I didn't know the ins  
19          and outs about all the girls so it was difficult.

20          I know some boys also wet the bed. One boy said to  
21          me he would get battered and his face rubbed in his wet  
22          bedsheets. He told me he would be made to clean his  
23          sheets and that he was paraded about in front of all the  
24          other boys. He said staff would call him a bed wetter  
25          and then he would get the cane.

1           I remember something like that happened once to him  
2           and he was taken away by Brother Benedict. After that  
3           he went missing for about three weeks. I think he ran  
4           away but we never spoke about it.

5           Brother Benedict would give you the cane as  
6           a punishment for some things. If you got detention or  
7           just didn't do anything he wanted you to do, he would  
8           tell you to be in his office for a set time and it was  
9           there you would receive your punishment. When he caned  
10          you in his room he would hit you rapidly about five  
11          times on your bum or the backs of your legs. Sometimes  
12          you couldn't sit down. It was so painful and it would  
13          leave welt marks on your skin.

14          My mum did see the marks on me and would say to me  
15          that I didn't get the marks from falling over, I would  
16          just tell her that I had been fighting or arguing and  
17          didn't know exactly what happened. She would just treat  
18          them with cream or TCP.

19          I don't know if Brother Benedict kept any records of  
20          any punishments. I never saw him writing anything down  
21          in a book when you were punished, so to my knowledge  
22          there were never any records kept about that.

23          Sometimes girls would get sent back to the annex and  
24          locked in their room for misbehaving. They might be  
25          cheeky in class or might not be doing their work. Then

1 they wouldn't be allowed to join in any activities or  
2 they might have their music taken off them. That would  
3 usually end up with the girls kicking off and having to  
4 be restrained. The girls didn't like being locked in  
5 their rooms, but that actually didn't happen to me.  
6 That happened as often as two or three times a week.

7 Brother Benedict was the main Brother at  
8 St Joseph's. He told me, and certainly led me to  
9 believe, that he was the one in charge of the whole  
10 school. It was run by maybe four or five monks but he  
11 did seem to run things.

12 Brother Benedict loved his football and running the  
13 school team at St Joseph's. I was his little angel and  
14 he told me I was at St Joseph's because of my football.  
15 He told me I was sent to that school to get their  
16 football team out of trouble.

17 Brother Benedict would tell me the school was in the  
18 "Guinness Book of Records" because of me, because I was  
19 the only girl that had done this and that, and it was  
20 all to do with the football side of things.

21 What I found strange was that he had these clippings  
22 and newspaper articles about me and my football  
23 successes cut out and stuck on his wall. It was all  
24 about me when it came to football and that's where I got  
25 my abuse.

1           Every time we had a football game at home in the  
2 grounds at St Joseph's I was sexually abused. We had  
3 games that were away as well when we had to stay away,  
4 but Brother Benedict never came with us on those games.

5           At all the home games I had to get changed in the  
6 same changing room as the boys. I was [REDACTED] in  
7 the team and I just had to get changed in the same area  
8 as the boys. I was sent to the opposite side of the  
9 changing rooms and they hung a towel up but that was the  
10 only privacy. Then we all went out on to the pitch as  
11 a team.

12           After the games, the boys would all shower in open  
13 shower areas and I would be told to shower as well, but  
14 I would be sent to the furthest away corner in the same  
15 area. There was no privacy at all. I would just be in  
16 the same area where the view might be a bit more  
17 restricted. Nothing ever happened with any of the boys,  
18 but it could have and they could easily see me. Staff  
19 were around but not in the actual dressing rooms.

20           When we finished the game, especially when we'd won,  
21 Brother Benedict would come up behind me as we were  
22 walking back to the changing rooms and try to give me  
23 a cuddle. He would put his hands over my shoulders from  
24 behind and cross his hands over the top of my breasts.

25           Then he would go and sit in the changing rooms and

1 he would sit and stroke my leg while I was sitting in my  
2 shorts. He would move his hand to the inside of my  
3 thigh and then he would stroke me with his thumb,  
4 getting closer and closer until he was touching my  
5 private parts.

6 I remember we played another residential school in  
7 Liverpool once. I don't remember the name of it, but  
8 they came up to St Joseph's for a rematch and stayed  
9 over. After the game, we went to the changing rooms and  
10 Brother Benedict did his usual to me, just the same as  
11 he did after every game. There was a lad there who  
12 played for them, I'm sure that he was called [a name]  
13 and he saw what Brother Benedict was doing and turned to  
14 him and said something like, "What the fuck do you think  
15 you're doing, fucking pervert?" Brother Benedict  
16 started saying I knew what he was doing and that I was  
17 fine with it. And he kind of turned us away from the  
18 boy's view with an arm around my shoulder. He just  
19 guided me away and started telling me not to listen to  
20 the boys and not to let them tell me what to do. I was  
21 so naive and I just said yes to him and told him I would  
22 make sure I stayed good.

23 I did ask Brother Benedict on one or two occasions  
24 why he was touching me and he just said it was because  
25 I was a good girl and I was good at football and won

1           them trophies.

2           That time when the Liverpool school team came to  
3           play us was the only time any boy said anything. None  
4           of the boys in St Joseph's team ever said anything to  
5           Brother Benedict and a couple of them definitely saw me  
6           and saw what he was doing to me. They were watching and  
7           looking at me. They could see I wasn't comfortable with  
8           what Brother Benedict was doing. I think that they were  
9           just scared because they had to stay there as well.

10          He also used to lock me in his broom cupboard in his  
11          room. It always felt like I was in there for hours, but  
12          it was maybe only 20 minutes to half an hour and then he  
13          would come back. I had this cocky attitude and would be  
14          cheeky so he'd lock me in the cupboard and leave me  
15          there. That happened quite a lot. As much as twice  
16          a week, more than he sexually assaulted me.

17          He also spat on me. He spat on everybody. He would  
18          poke me with the sharp end of a pencil in the middle of  
19          my back and he would slap me across the side of my head.  
20          Sometimes I was being cheeky, but he often did that to  
21          me and other kids for no reason at all. He was just  
22          an evil vulgar man. I don't know why anybody would want  
23          to behave like that towards anyone, let alone children.

24          He would appear out of nowhere when you were running  
25          along the corridors and trip you up. I remember one day

1 I was walking along a corridor ... who I have mentioned  
2 and Brother Benedict appeared out of nowhere and punched  
3 [REDACTED] right in the face. That was for no reason at all.

4 Every morning Brother Benedict would get all the  
5 boys and girls to walk out in a line. He would get you  
6 to put your hands out and he would check them to see if  
7 your nails and hands were clean. If they weren't, he  
8 smacked you with a wee wooden ruler across your  
9 knuckles.

10 He did that to me and told me to put my hands on his  
11 desk. He would hit me with the edge of the ruler right  
12 on my knuckles. That was extremely sore and was another  
13 injury my mum would see. I would tell her I had fallen  
14 over or been fighting and she would treat my fingers and  
15 tape them up for me. I just didn't want my mum and dad  
16 to feel bad about where I'd ended up after all the  
17 arrangements they'd made with Brother Benedict.  
18 I didn't want to put that on them.

19 I've had broken knuckles and I have marks on my  
20 knuckles to this day from that. He would then tell you  
21 to go away and wash your hands. If you weren't dressed  
22 neatly he would give you detention.

23 That's the abuse that happened to me. I got hit  
24 a lot by Brother Benedict and he touched my private  
25 parts and breasts. I didn't get anything near what some



1 of the laddies got though. I'm not religious, but you  
2 don't think that someone who is into God and monkhood  
3 could do some of the things Brother Benedict did to  
4 other people.

5 I know from speaking to some of the lads, that they  
6 were shocked in the shower like an electric shock. It  
7 was a machine or something. That was by  
8 Brother Benedict and it was on their private parts.  
9 That was going on when I was there.

10 An Italian boy who was at St Joseph's about ten  
11 years before me and he was once hit over the elbow with  
12 a hammer, he told me that long since as we have become  
13 friends over the last few years, I'm sure it was the  
14 woodwork and outdoor education teacher that did that to  
15 him.

16 There was a female teacher who taught computers and  
17 she used to poke me in the back with a pen or pencil.  
18 I can't remember her name, but she had short black hair  
19 and she was really strict. She would just come up and  
20 poke me right in the back, like a right jab, and tell me  
21 to shut up. She was making you realise you were doing  
22 something wrong. She did that to anyone in her class  
23 that wasn't paying attention.

24 The maths teacher was the same. He used the pointy  
25 end of his pencil and he jabbed you in the back with

1           them. I can't remember his name.

2           I once saw a boy get hit on the elbow by a hammer  
3           that was thrown by a teacher in the woodwork class.  
4           That was a separate incident to the one I've already  
5           mentioned and it was [REDACTED] who was hit that time. I think  
6           he had to go to the doctor for that as it was bleeding  
7           and he was taken out of the class. I did see him  
8           a couple of days later with a bandage over it. That was  
9           another teacher, not Brother Benedict. I can't remember  
10          his name.

11          I saw boys getting hit a lot as well.  
12          Brother Benedict would just appear and he would punch me  
13          or other boys, sometimes in the face, sometimes in the  
14          body. He would also give you a kick to the leg and trip  
15          you up as well. He would be hiding in the corridors and  
16          just pop out and hit you. He did that all the time. It  
17          was an everyday thing for him.

18          [REDACTED] SNR [REDACTED], [REDACTED] HBD [REDACTED], would slap kids  
19          across the head sometimes if they were running late. He  
20          did that to me and to others.

21          There was also a woman who was the head of the girls  
22          annex who was a bit fiery and quick tempered. I saw her  
23          trying to restrain one of the girls one day and she  
24          ended up smashing the girl's face off the bedroom door.  
25          I don't remember that woman's name, but she had long,

1 black hair that she put in a ponytail. She always came  
2 with the football team when we had away games. I think  
3 that was because I was [REDACTED] in the team.

4 I was only physically restrained on two occasions.  
5 Once was that woman with the long ponytail and the other  
6 was by a member of staff. I stuck the head on him  
7 because he grabbed me too tight and then the ponytail  
8 woman and she really restrained me.'

9 Moving on to paragraph 122:

10 'My mum noticed my hand was all swollen one day and  
11 she asked me what had happened. I just told her  
12 I'd hurt it while playing football. Mum would also  
13 notice injuries to my hands and my knuckles, when  
14 Brother Benedict had hit them with his ruler, but I just  
15 used to tell her I'd punched a wall or been in a fight.  
16 I couldn't tell my mum and dad because they put me  
17 there. I've only started telling my sisters now.  
18 I just couldn't tell my family at the time.'

19 Then at 126:

20 'I did try to tell my dad once about  
21 Brother Benedict and the touching he was doing after the  
22 football games. It didn't go very well and basically my  
23 dad didn't believe it. I also told my older sister who  
24 I was quite close to that I was getting grief at school.  
25 I didn't go into the detail about it or say who it was

1 or what it was. She's now in a guilty situation and  
2 thinks it's her fault, but it's nothing to do with her.

3 I did try to tell my PE teacher once as well. He  
4 was a huge Swedish man with blond hair and blue eyes.  
5 I told him Brother Benedict was abusing me and I told  
6 him everything he was doing to me. The PE teacher told  
7 me I was being silly and that a man of  
8 Brother Benedict's calibre had everything to lose, so  
9 why would he behave like that? He said the Brothers had  
10 a responsibility and wouldn't behave like that so he  
11 basically accused me of making it up. I don't think  
12 I did PE very much after that.

13 That made me feel like a bit of dirt on my shoe.  
14 I had built up the courage to go and speak to a teacher  
15 about something like that and he just brushed it off  
16 like nothing happened.

17 That was the time I actually did speak to someone  
18 about the abuse and I wasn't believed. It was like  
19 I was being shushed up and it was all being put on the  
20 back burner. To my knowledge he did nothing about it  
21 and he didn't record anything or speak to anyone else.  
22 I tried to report the abuse and it didn't work, so  
23 I didn't say anything more to anyone at that time.

24 You don't want to turn round and say what's  
25 happening in the school. It's embarrassing and who is

1 going to believe a young bairn over monks and Brothers?  
2 Everyone looks up to them as nice people because of who  
3 they are. I also thought I deserved it and it was my  
4 fault because I was being bad.'

5 Then at 135 she says that she left St Joseph's  
6 a couple of months before her 16th birthday, which would  
7 be about in 1990.

8 Then looking to her life after care, if I can turn  
9 to paragraph 144:

10 'I ended up getting to a point in my life that if  
11 I wanted to stop drinking I had to go to a country that  
12 didn't allow drink. That was my way of detoxing and  
13 recuperating myself.'

14 She tells us that she went to Afghanistan and did  
15 stop for about nine years and she felt great. Things  
16 then started to go bad again in my life and I started  
17 drinking again in 2012.'

18 She goes on to talk about the impact.

19 At 154:

20 'I'm beginning to understand now all the hurt, pain,  
21 torture and emotion has been from my school days. All  
22 my life I've been taking drugs to escape from how  
23 I'm feeling. I never had my son for 28 years because  
24 I couldn't be a mum. I couldn't be emotional. Only now  
25 am I beginning to understand and learn about my son and

1 I'm glad he's here and I wouldn't change him for the  
2 world and I've got four wonderful grandchildren.'

3 At 163:

4 'I have flashbacks as well. They have been really  
5 bad recently. I've been waking up in the middle of the  
6 night screaming. It's all dark and I feel I'm locked in  
7 the dark in the cupboard at school. My son tells me he  
8 has heard me screaming and shouting things like, "Get  
9 away, get away".'. .

10 Moving on to "Lessons to be learned" at 179:

11 'I do think people involved in the care of children  
12 need a lifetime background check, not just ten or  
13 15 years as people can try to turn their life around.  
14 No one who has any history of abusing children should  
15 ever be allowed to work with them again.

16 Anyone working with children, whether it's teachers  
17 or people that had the power Brother Benedict had at  
18 that school, all need to be thoroughly checked.'. .

19 Finally for her hopes for the Inquiry at 183:

20 'I certainly hope that Brother Benedict never gets  
21 back out of prison, if that's where he is. I would like  
22 an apology from him and for him to tell me what he did  
23 was wrong and he took advantage of me and my childhood.  
24 It was like I was incarcerated for being human just  
25 because I was a problem child.

1 I doubt I will ever get that apology and even if  
2 I did, it probably wouldn't mean anything but maybe then  
3 I could finally put things to rest and try and have  
4 a life with my son and grandkids.

5 I have no objection to my witness statement being  
6 published as part of the evidence to the Inquiry.  
7 I believe the facts stated in this witness statement are  
8 true.'

9 The statement has been signed on 18 September 2020.

10 LADY SMITH: Thank you very much, Mr MacAulay.

11 Ms MacLeod.

12 MS MACLEOD: My Lady, I will read in the statement of  
13 an applicant who wishes to remain anonymous and he will  
14 use the pseudonym 'James'.

15 LADY SMITH: Thank you.

16 'James' (read)

17 MS MACLEOD: The witness statement can be found at  
18 WIT-1-000000867.

19 This witness has provided some comments and  
20 clarifications with regards to some matters that are  
21 mentioned in his statement and I will seek to note these  
22 as I go through the statement.

23 LADY SMITH: Thank you very much.

24 MS MACLEOD: 'My name is 'James'. I was born in 1948.

25 I was born in Armadale. My father was a miner, my

1 mother was a housewife. I don't recall her ever having  
2 a job. My father had a relatively good job, so we were  
3 better off than some families. We were brought up as  
4 Catholics. My mother was deeply religious.

5 I do not have a very clear memory of my childhood.  
6 However, I have some specific memories of certain events  
7 which occurred when I was growing up.

8 In 1956 we moved to a larger house in Armadale,  
9 which had three bedrooms.

10 By the time I started school in the autumn of 1953  
11 my two older brothers were both working. Therefore  
12 I don't have much of a recollection of them being part  
13 of my life until years later.

14 I started at St Anthony's in Armadale. On my first  
15 day my sister accompanied me. It was normal practice  
16 that your mother would take you to the school on the  
17 first day, but in my case it was my sister. It might  
18 have been because she was already attending the school.

19 I didn't like being at school because most of the  
20 teachers were very scary. I found it difficult to take  
21 in much of what they were trying to teach me. I was  
22 terrified most days.

23 I was scared of being asked to recite prayers and  
24 the times tables. I found them difficult. The teachers  
25 would often belt me with the tawse for not learning



1 things correctly. They did the same to others too. It  
2 was quite traumatic receiving the belt every day for not  
3 remembering times tables or prayers.

4 We were given what was called a play piece by our  
5 parents. It was usually a sandwich and a biscuit, which  
6 you would be allowed to eat during the first morning  
7 break. Sometimes I would be given money from my mother,  
8 which we were allowed to spend in the convenience shop  
9 on the way to school.'

10 The witness has indicated there is an addition he  
11 would wish to make in between paragraphs 8 and 9, and  
12 I'll read that now:

13 'I sat my Eleven Plus exam while I was still at  
14 St Anthony's. I was quite a shy and timid boy which  
15 made me susceptible to being bullied by other children.  
16 I was also very small compared to other children my age.

17 Most play times my tormentor would take my biscuit  
18 from me along with my money. If I didn't have any money  
19 or had eaten my biscuit he would grab my arm and give me  
20 a Chinese burn. It was very painful. The boy bullied  
21 me for a while before moving on to someone else.

22 The school was a Catholic one which was run by the  
23 council. It was next door to the Protestant school. As  
24 the years went on I became less and less enamoured with  
25 school and started to miss it. It was called 'plugging'

1 school. It wasn't long before the truant officer became  
2 involved and after a meeting at school it was decided  
3 that I would be given a position of minor responsibility  
4 to give me an incentive to attend.

5 As a result, I had to report to the headmaster's  
6 office every day in order to collect the school register  
7 and take it round each class for the teachers to  
8 complete. After the task was completed, I had to sort  
9 out the school milk delivery into class sizes and then  
10 with the help of another boy deliver the crates to the  
11 relevant classes.

12 The strategy seemed to work for a while to improve  
13 my attendance. However, the headmaster and teachers  
14 failed to recognise that the time I spent doing these  
15 tasks had impacted on my capacity to learn and be  
16 educated properly.

17 In the summer prior to starting secondary school,  
18 I was sexually abused by one of my school friends.  
19 I had been out with him and another friend in the  
20 industrial estate behind one of their houses. As we  
21 were crossing a field to get back home the bigger of my  
22 two friends came up behind me and pulled my trousers  
23 down. He pulled me down on to the ground and forced  
24 himself on me. The other boy didn't try to stop him and  
25 said it was just a bit of fun and not to bother about

1       it. In those days things like that weren't spoken  
2       about, so I didn't mention it to anyone or speak about  
3       it again. After that, I didn't want to associate with  
4       either of the boys who were actually due to be starting  
5       the same secondary school as me. Bizarrely, I don't  
6       recall either of them being at secondary school with me  
7       for some reason.

8               I was 11 when I started secondary school in 1959 or  
9       1960 at St Mary's in Bathgate. I sat my Eleven Plus  
10       while I was still at St Anthony's. I was quite a shy  
11       and timid boy, which made ...'.

12              That is the part I've moved, my Lady.

13   LADY SMITH: Yes.

14   MS MACLEOD: Reading paragraph 14 then, now here the witness  
15       has clarified that the first sentence, where it says:

16              'The headmaster at St Mary's was called Mr Glancy  
17       ...'

18              In fact it was the headmaster at St Anthony's that  
19       was called Mr Glancy.

20              He goes on to say:

21              'There was also a headteacher Mr Fenny. I think  
22       they were from Bathgate. The headmaster's sister,  
23       Ms Fenny, taught us the four instructions, which was  
24       about not speaking in class and sitting with our arms  
25       folded.'

1           And the latter part of the paragraph relates to  
2           St Mary's:

3           'I found the change from being in the same classroom  
4           with the same teacher all day to moving around six or so  
5           different classes and teachers difficult. I was belted  
6           in every classroom for something or other. It was more  
7           severe and vicious in St Mary's. It was always on the  
8           palm of my hand. It was usually six times.

9           We did our prayers first thing in the morning and  
10          the catechism. We also did a prayer before and after  
11          each break and during the day. It was the same prayer  
12          time every time.'

13          Again the witness has clarified that that was at  
14          St Mary's:

15          'The PE teacher used to enjoy beating me with  
16          a cricket bat or sometimes a tennis bat. He was a big,  
17          muscular man. We were required to go swimming once  
18          a week as part of the curriculum. On one occasion,  
19          I saw some of the other boys jumping into the water, so  
20          I did the same. The water was deeper than I had thought  
21          and I started to panic. I was flailing about and needed  
22          some help in getting to the shallower end. The teacher  
23          was angry with me for not telling him that I could not  
24          swim. I thought we were going there to learn to swim.  
25          He lined up all the children who couldn't swim along the

1 shallow end and told us to hold on to the handrail and  
2 start jumping up and down, putting our heads under the  
3 water to get used to it.

4 As I did this, my swimming trunks slipped down to my  
5 ankles. I was scared to go under the water to pull my  
6 trunks back up, so I climbed out of the pool and ran  
7 back to the changing room. The rest of the class found  
8 this highly amusing, which was mortifying. After that,  
9 I always stayed off school on the days we had swimming.

10 Around this time, I became more boisterous and was  
11 absent from school frequently, preferring to spend my  
12 time in the briquette-making factory down the road from  
13 the house. I used to go and help load the lorries  
14 instead of going school. I wasn't paid for doing this,  
15 but my willingness to help afforded me access to the  
16 premises when it was closed.

17 My friend and I would take the briquettes and sell  
18 them round the doors at night. It wasn't long before  
19 I was caught. On another occasion I was caught selling  
20 cigarettes at school, which I had stolen from breaking  
21 into a shop. The teacher who caught me reported it to  
22 the police. I got into an argument with the teacher and  
23 took one of the pupils' bikes from the bike shed.  
24 I tried to cycle home on it but was caught by the police  
25 before I got there.

1           As a result of these incidents, I had to go to  
2           court. My mother told me what the outcome might be of  
3           going to court. However, I didn't take it all in at the  
4           time. I wasn't aware I was going to be sent away.  
5           I appeared in the juvenile court in Linlithgow. My  
6           mother came to court. My mother was frequently in and  
7           out of hospital throughout these years with various  
8           illnesses.

9           I was taken straight to St Joseph's in Tranent by  
10          two probation officers. They were called Mr Barkhouse  
11          and Mr Fleming.

12          I was placed in care at St Joseph's from [REDACTED] 1961  
13          to [REDACTED] 1963. At that time the school was operated  
14          by the De La Salle Order. I was 11 or 12.

15          There were eight Brothers, two medical staff, five  
16          lay teachers, two handymen, a night overseer and  
17          an administrator. Brother PAF [REDACTED] was SNR [REDACTED] and  
18          Brother GRE [REDACTED] was SNR [REDACTED]. There was  
19          Brother HYK [REDACTED], Brother LUJ [REDACTED], Brother GWM [REDACTED],  
20          Brother HHT [REDACTED], Brother LVD [REDACTED] and Brother MJG [REDACTED].  
21          The lay members of staff were Mrs Reynolds, Mr MJK [REDACTED],  
22          Mr Burns, Mr GVX [REDACTED] and Mr GW [REDACTED]. Mr MJL [REDACTED] was the  
23          administrator and school secretary. Mr MJL [REDACTED] had a big  
24          office. Brother PAF [REDACTED] also had his own office.

25          There were approximately 120 male pupils in the

1 school, which were divided into four separate houses,  
2 the houses were St Andrew's, St Joseph's, St Patrick's,  
3 St Jean-Baptiste de La Salle, there were 30 boys in each  
4 house. The boys were mainly from Glasgow and Edinburgh,  
5 but some were from further afield, like Hawick

6 When I first arrived at St Joseph's I was met by  
7 Mr MJL, the school secretary. He seemed pleasant  
8 enough. He took me to the yard where other boys were  
9 playing football. He picked one of the boys and  
10 instructed him to accompany me round the school to be  
11 kitted out with items which I would require while at the  
12 school. I can't remember his name.

13 I spent most of the first day with the boy, who made  
14 me aware of most of the rules and regulations. He  
15 explained that infringement of any rules would incur  
16 various forms of punishment, depending on the severity  
17 of the misdemeanour, such as the tawse or strap to the  
18 hands, a deprivation of privileges, like pocket money  
19 fines or being locked in cupboards. I was allocated to  
20 St Jean-Baptiste's and given an identification number.

21 Brother PAF, who was SNR, was a decent but  
22 strict man. I had my first encounter with him on my  
23 first night. I was told all new boys had to be  
24 interviewed by him so that he could assess them and  
25 record details of them and their family. I was

1 instructed to go from my dormitory and stand in a queue  
2 on the stairs leading to his office. I was standing on  
3 the stairs along with four other boys. We were summoned  
4 individually into his office. I became aware that these  
5 meetings were a nightly occurrence to allow boys to  
6 discuss their problems or issues.

7 When I was in the office, Brother PAF told me to  
8 come round beside him and stand next to him. He put his  
9 arm around my waist and pulled me close to him. He  
10 caressed my upper waist for a few seconds before letting  
11 me go. He proceeded to write down my details. He asked  
12 me about my family and my previous school.

13 After a few minutes, he told me that I was finished  
14 and sent me back to the dormitory. I discovered later  
15 that the practice of holding a boy and caressing his  
16 waist was called "edging". A few of the Brothers,  
17 namely Brothers GRE and GYZ, did this  
18 occasionally. Similarly, the term "edger" was also  
19 given to boys who became favourites of members of staff.

20 There were four dormitories, two fairly large and  
21 two smaller, which were all on the top floor of the  
22 school building. The larger dorms accommodated 40 to 50  
23 boys and the smaller ones 10 to 15. The dormitories  
24 were separated by individual, single occupancy rooms,  
25 which were the Brothers' living quarters. Three of



1 these separated the dorms and there were four more at  
2 the end of the corridor. Two of these overlooked the  
3 playground and the other two overlooked the front  
4 grounds and garden of the school.

5 Brother PAF occupied the first of the two rooms  
6 overlooking the front garden. I wasn't in any of the  
7 other rooms next to Brother PAF's, but during some of  
8 his bouts of ill-health I was often sent to  
9 Brother PAF's quarters with a newspaper or a drink.  
10 I would knock and wait for him to tell me to come in and  
11 leave whatever I had brought for him by his bedside.'

12 Between paragraph 33 and 36 the witness speaks of  
13 mornings and bed times, meal times and food.

14 I will go on to read paragraph 37, where he says:

15 'We had communal showers. We showered every night  
16 between 9 pm and 10 pm. There were rows for towels.  
17 There were three or four blocks of showers. I think  
18 there were 12 showers so you had to queue. We wore  
19 trunks. Sometimes if Brother PAF was in a bad mood he  
20 would come in and make you strip and wash your body  
21 parts in front of everyone else.'

22 From paragraphs 38 to 47 the witness speaks of his  
23 memories of clothing, leisure time, trips and holidays.

24 I will go to paragraph 48:

25 'The schooling was very basic. We were in

1 classrooms almost every day, all day but I can't  
2 remember learning anything. I didn't achieve any  
3 qualifications there. However, I learned some useful  
4 life lessons. For example, there was a tailoring  
5 teacher called Mr GVV . He also looked after the pipe  
6 band uniforms. I was taught how to cut and sew cloth  
7 for making suits and how to operate a sewing machine.  
8 There was a French lady who had her own department next  
9 to the sickbay, she was a seamstress and arranged the  
10 laundry.

11 I was taught metalwork by Mr MJK . It was basic  
12 life skills, like filing, using a hacksaw and grinding  
13 on a machine. There was lathe work, but very few of the  
14 boys were allowed near the machine. There was woodwork  
15 classes which were taken by Mr GVX . He was  
16 a jovial character who also drove the school bus to  
17 Forfar each year for the summer camp at Turin Home  
18 Farm.'

19 Between paragraphs 50 and 55 the witness speaks  
20 about healthcare, religious instructions and personal  
21 possessions.

22 On page 12 of the statement the first part  
23 paragraph 55 appears to be cut off. That is something  
24 that I'm able to read in now to the statement.

25 Paragraph 55 should read as follows:

1           'I can remember an occasion when  
2           LRM of the St Andrews and Edinburgh  
3           Diocese visited the school. The band marched in front  
4           of his car from the entrance gate to the front of the  
5           school. All the boys were lined up along each side of  
6           the drive in their Sunday suits. It was one of the best  
7           most memorable days I had there.'

8           That completes that paragraph.

9           I'll read from paragraph 56:

10           'My mother came to visit me once after I had been  
11           there for about six or seven weeks. She became very ill  
12           and was unable to visit again. I didn't receive any  
13           visits from my probation officer while I was there.

14           The best of the privileges was to be allowed home  
15           for the weekend. Most boys were allowed to go home.  
16           Every Friday morning a notice would be posted on the  
17           bulletin board with the names of boys who were allowed  
18           home for the weekend. The practice was that the  
19           selected boy wouldn't have any lessons but instead would  
20           change into their Sunday suit to travel home. The boys  
21           would then report to Brother PAF's office to be given  
22           money for bus fares and then sent on their way. I think  
23           I went home on about three or four occasions. I used to  
24           get the bus from Tranent to Edinburgh and then from  
25           Edinburgh to Armadale.

1 I ran away on two occasions. There were lots of  
2 boys who ran away from St Joseph's. They were always  
3 caught. On the first occasion I was punished by  
4 Brother PAF. However, on the second I was not.  
5 I think because my mother was very ill.

6 There was a lot of bullying between the boys.

7 The most dreaded form of punishment was tartan  
8 pants. This was usually administered for absconding or  
9 one of the more serious crimes, which were known as  
10 "mauling". Mauling was the term for play fighting,  
11 an activity indulged in by most boys of that age.  
12 However, in St Joseph's grappling with another boy was  
13 usually misconstrued as something else.

14 Tartan pants involved being sent to SNR's  
15 office, stripped and instructed to put on the tartan  
16 pants, which, when one was belted on the backside with  
17 the tawse, didn't leave a mark on the backside. It was,  
18 however, an excruciatingly painful experience. The  
19 tartan pants were tartan patterned and made of a fine  
20 material, similar to that of boxer shorts. They were  
21 kept in Brother PAF's office. It was done in private  
22 in his office. You had to lean on the desk while the  
23 Brothers smacked you with the tawse, usually six times.  
24 It was one of the more severe forms of physical  
25 punishment used in the school and left you quite unwell

1 for some time after it.

2 I was threatened with this treatment on numerous  
3 occasions. The Brothers all had belts, which they kept  
4 on their cassocks. I didn't ever see Mr **GVX**,  
5 Mr **MJL** or Mr **GVV** using the belt on anybody. It was  
6 the Brothers who belted us. However, I did receive the  
7 belt from Mrs Reynolds once. She hit the boys on the  
8 tips of the fingers.

9 There were several more forms of abuse practised by  
10 the Brothers and lay teaching staff which were of  
11 varying degrees of severity. One Brother would catch  
12 a boy under the chin with the nails of his forefinger  
13 and thumb which caused acute pain.

14 Another Brother, whom I recall to be Brother **MJG**,  
15 would take his wrath out on a boy by punching him to the  
16 ground and kicking him while the boy would be crawling  
17 under desks and chairs to try and escape the beating.  
18 Unfortunately, this would only infuriate the Brother and  
19 make the beating last longer. I saw this happening on  
20 a number of occasions. I was on the receiving end of  
21 this treatment once because I had asked to go to the  
22 toilet. He said that I was being disruptive in class.  
23 He was eventually transferred to St Ninian's School in  
24 Stirling.

25 On a different occasion, after I had been at the

1 school for some time, one of the Brothers, who I do not  
2 wish to name, banged me on the side of the head with the  
3 inside of his fist for asking to be excused from PE  
4 because I was not feeling well. He told me to go and  
5 get changed into my PE kit and join the other boys.  
6 Shortly into the lesson I collapsed with a high  
7 temperature. It transpired that I had contracted German  
8 measles and was put into the sick bay for over two  
9 weeks. No one mentioned anything about the incident.

10 I was given the tartan pants treatment by  
11 Brother PAF once because I had absconded from the  
12 school. I only got as far as Musselburgh before being  
13 returned by the police the same night.

14 The first time I experienced sexual abuse was upon  
15 returning to school after being sent home one weekend.  
16 On this weekend in March 1963 my name was included in  
17 the dozen or so posted on the bulletin board. After  
18 spending a weekend at home, I duly caught the bus from  
19 Armadale to Edinburgh. However, I missed the connection  
20 to Tranent and was quite late in getting back to school.

21 When I arrived, everyone was upstairs in the  
22 dormitories, so I had go up and find who was on duty to  
23 be allowed into the room for changing back into my day  
24 clothes. The night overseer met me at the dormitory and  
25 told me that Brother X was on duty. He said that



1 Brother X was in the kitchen. I went to the kitchen and  
2 told Brother X about missing my connection and returning  
3 to the school late. He accompanied me to the suit  
4 changing room and told me that I would be in trouble  
5 because I had not phoned the school to let them know.

6 After I changed he took me back to the kitchen and  
7 told me that he would give me a hot drink before I went  
8 to bed, since I had missed the evening sandwiches.  
9 I told him that I did not want a drink and would rather  
10 just go to bed because I was on altar duty in the  
11 morning and had to be up early.

12 However, he took me to the kitchen anyway and made  
13 me a drink. While I was drinking it I noticed that he  
14 had undone his cassock and was masturbating. He told me  
15 I would have to finish him off with my mouth. I refused  
16 to do it. He warned me that I would get the tartan  
17 pants if I didn't do it, so rather than be beaten I did  
18 what he asked. He beat me anyway because I spat his  
19 semen onto his cassock. It angered him, so he hit me.

20 I could not fall asleep that night because I kept  
21 thinking about it. I expected to be sent for by the  
22 headmaster for being late. But it wasn't mentioned by  
23 anyone again. I assumed that Brother X had not told the  
24 headmaster about my lateness.

25 The same thing happened again about five times over

1 the next few weeks. Brother X had one of the single  
2 rooms that separated my dormitory from the small one  
3 next to it. After the night overseer had woken the boys  
4 in the small dormitory for the toilet, Brother X would  
5 come and take me to his quarters to give him what he  
6 wanted and then send me back to bed.

7 The abuse from Brother X stopped when another boy  
8 came to the school. The boy used to brag about what he  
9 was doing with Brother X. I do not wish to name  
10 Brother X.

11 During this time, there was an incident of a similar  
12 nature with another Brother, Brother Y. I was caught  
13 fighting with another boy in the recreation hall because  
14 he was taking my turn at the table tennis. Brother Y  
15 separated us and told us we would be taken to SNR  
16 office for tartan pants. Once we arrived at the office,  
17 however, Brother Y ordered the other boy to return to  
18 the recreation hall. He then took me into the office  
19 and told me that I had to give him oral sex or I would  
20 receive the tartan pants beating. So I complied. It  
21 didn't happen again with Brother Y. I do not wish to  
22 name Brother Y.

23 Around this time, Brother X stopped making his  
24 demands on me. I was very relieved. I can remember  
25 that it was around the time of year when the school went



1 to Forfar for the annual berry picking season. After  
2 the trip, if you were eligible, you were allowed to go  
3 home for a few weeks' leave. If you were a habitually  
4 badly behaved boy then you weren't allowed to go home  
5 after the trip or you had a week or two taken off as  
6 punishment.

7 When I went home on this break I told my mother  
8 about what was happening at the school. She told me not  
9 to tell my father about it, but said she would take the  
10 matter up with Brother PAF . A few weeks later my  
11 mother became very ill and passed away. I was allowed  
12 home for her funeral. I never found out if she had  
13 spoken to Brother PAF .

14 I told Father John about the Brothers inflicting  
15 abuse on me when we were in the vestry in the chapel.  
16 He advised me that he was sorry but he couldn't do  
17 anything about it and to tell my parents, saying that he  
18 could not get involved. He stopped coming to school  
19 soon after that. I considered speaking to the  
20 headmaster, but other boys had told me that when they  
21 had told him about it they were belted for telling lies.  
22 I didn't tell him out of fear of suffering the same  
23 punishment.

24 A few weeks after my mother's funeral, I was sent  
25 home permanently. I had turned 15. It seemed to come

1 out of the blue. I was just one day told to go and put  
2 my suit on.'

3 In paragraphs 79 to 83 the witness speaks about his  
4 life after care.

5 I will move to paragraph 84, when he speaks about  
6 impact:

7 'I think I have been very lucky in that what  
8 happened to me at St Joseph's has not affected me. It  
9 hasn't stopped me from living my life. I have a great  
10 relationship with my family. They don't know about any  
11 of the abuse and I don't want them to know. My sister  
12 doesn't even know about any of it.

13 I used to have dreams quite a lot, but it's been  
14 over 10 to 20 years. I have been affected by them since  
15 then. Unfortunately some people aren't as resilient as  
16 me and haven't been able to cope with what happened to  
17 them. I haven't told my family about any of the abuse  
18 I suffered at the school. I have confided in one other  
19 person who has knowledge of my experience at  
20 St Joseph's. Unfortunately, this individual experienced  
21 similar abuse while there and I don't want to provide  
22 their name. They do not wish to speak to the Inquiry  
23 either.

24 I have tried to access my social work records from  
25 East Lothian Council. However they weren't very

1 helpful. I have contacted the De La Salle Brothers in  
2 an attempt to obtain my records from my time there.  
3 I've been advised that they do not have any records  
4 regarding my time there. They advised me that the  
5 perpetrators are deceased.

6 I am also trying to trace Father John Byrne.  
7 De La Salle have intimated to me that there was no  
8 Brother MJG there. I must have his name wrong, but  
9 I have tried to remember it but I can't.

10 It would have helped if checks had been done. Most  
11 importantly, those in positions of responsibility should  
12 listen to what those in care have to say. In the  
13 58 years which have passed the events have remained  
14 clear and fresh in my memory. I regret not disclosing  
15 the abuse more forcefully at the time. Sadly it is not  
16 possible to bring the perpetrators to account because  
17 they are now deceased. Although they may have escaped  
18 justice, I believe there will have been a more powerful  
19 retribution awaiting them on their demise.

20 I have no objection to my witness statement being  
21 published as part of the evidence to the Inquiry.  
22 I believe the facts stated in this witness statement are  
23 true.'

24 'James' signed the statement on 2 December 2021.

25 LADY SMITH: Thank you very much.

1 MS MACLEOD: My Lady, I think that completes the applicant  
2 evidence and we now have a couple of read-ins of other  
3 witnesses.

4 LADY SMITH: Thank you very much.

5 'James' (read)

6 MR MACAULAY: My Lady, this witness, his full name is

7 MBU and he is Brother MBU. He was  
8 born in the year 1927 and as your Ladyship can work out,  
9 he's now 96, nearly 97.

10 I will give the statement reference,

11 WIT.003.001.7965.

12 He tells us in paragraph 5 that although he was  
13 a Brother of the De La Salle Institute:

14 'I didn't make my commitment until I was 25 years  
15 old in 1952.'

16 He goes on to talk about his first time at  
17 St Mungo's, in 1948/1949:

18 'St Mungo's was a temporary Approved School. It  
19 opened in 1942 as an Approved School. It closed in  
20 1957. This was the first school that I was to work at.  
21 When I arrived it consisted of the big house and some  
22 wooden huts, which acted as classrooms. They were  
23 partitioned off and there was a stove in the middle.  
24 There was a long avenue up to the house and in the  
25 grounds there were playing fields. It was quite

1 isolated and the nearest town was Mauchline.

2 When I arrived there there was one headteacher, who  
3 was a Brother, two Brothers were teachers and there was  
4 a lay teacher. There was also a man who taught woodwork  
5 and I recall that he lived nearby.'

6 At paragraph 10:

7 'There were about 80 boys attending the school.  
8 They were all aged between 8 and 14 years old. My job  
9 was to be the Prefect, which meant that I was  
10 responsible for looking after the children after school  
11 hours. It often meant that I was looking after 80  
12 children on my own.'

13 He then goes on to talk about the routine at  
14 St Mungo's and at paragraph 19 talks about the staff:

15 'The staff at the school at this time were  
16 Brother MJG, who was SNR. Brother George,  
17 who came from Bolton, and Brother Donard. The lay  
18 teacher was Michael Slaven, who came from Glasgow, who  
19 stayed during the week and went home at the weekend.  
20 There was a woodwork teacher whose name was James Wilson  
21 who resided in Mauchline.'

22 In paragraph 24 he talks about the discipline:

23 'There were special arrangements for punishment.  
24 There had to be a report of any punishment with  
25 signatures of all the parties describing the reason for

1 the punishment, along with what the punishment was. The  
2 punishment then had to be included in the quarterly  
3 report to the Scottish Office.

4 The details were kept in the punishment book. The  
5 punishment given was always the tawse, which could be  
6 administered to the person's hand or posterior. It  
7 wasn't used very often. It could only be administered  
8 by the senior staff.

9 The main offences that justified the tawse were  
10 insolence in the classrooms, bullying and absconding.

11 I have very vivid memories of the inspection system  
12 for Approved Schools. We were allocated a man called  
13 John MacPherson, who had sole responsibility for all the  
14 inspections of Approved Schools in Scotland. He would  
15 arrive at the school both announced and unannounced on  
16 regular occasions.

17 Mr MacPherson inspected all aspects of the school.  
18 He would do the likes of inspecting footwear and spoke  
19 to the children in their classrooms about their  
20 experiences in the school.

21 There were also welfare officers assigned to the  
22 school. The welfare officers would appear in court on  
23 behalf of the boys. They were also regular visitors at  
24 the school.

25 You would also get representatives with Local

1 Authorities, who placed the boys in the school, coming  
2 to visit and looking at how they were being treated.'

3 At 31:

4 'There was also the board of managers, who were  
5 regular visitors to the school. There was a monthly  
6 board of managers' meeting held at the school, when all  
7 members of the board along with the headmaster attended  
8 the meeting. The board of managers were the real  
9 bosses.

10 The children were all able to make a complaint to  
11 the staff at St Mungo's. All the complaints would be  
12 dealt with by the headmaster. In the year I was at  
13 St Mungo's I don't remember any complaint going any  
14 further than the headmaster.

15 I attended a teacher training college in  
16 Strawberry Hill, Twickenham, London between 1949 and  
17 1951. It was a two-year course which ended in 1951.  
18 I obtained my teachers certificate.'

19 He returns then to St Mungo's and at paragraph 36,  
20 this is the period 1955 to 1957:

21 'In 1955 I returned to St Mungo's as a teacher.  
22 Brother MJG was SNR and there was an extra  
23 member of staff. The routine had not changed since the  
24 last time I was there.

25 I was to remain at St Mungo's for two years until

1 1957 when the school closed. It was only ever  
2 a temporary Approved School.

3 At this time the school was governed by a board of  
4 managers. The headmaster had to report to this board,  
5 which had been appointed by the Archdiocese of Glasgow.  
6 There would be a mixture of people on the board,  
7 including lawyers and priests.

8 Not all the meetings were held at the school, some  
9 were held in Glasgow.

10 The main role of the board of managers was to  
11 oversee the running of the school. They would be  
12 responsible for vetting the staff and making staff  
13 appointments. The domestic staff would be hired by the  
14 matron. The structure of management was the same at all  
15 the De La Salle schools that I worked in.'

16 At 41:

17 'I returned to St Mungo's as a general teacher. At  
18 this time there were two persons filling the role I had  
19 previously had as Prefect at the school. There was no  
20 change to the method of punishment or inspections and  
21 John MacPherson was still visiting. The number of boys  
22 attending the school was being run down, as the school  
23 was only temporary and due to close. There was to be  
24 a replacement school at Kilmacolm. I was told that  
25 I would be moved to St Ninian's School, Gartmore near



1 Stirling.'

2 He then looks at his time at St Ninian's, which is  
3 1957 and 1967.

4 At 46 he says:

5 'SNR [REDACTED] at St Ninian's was called  
6 Brother GEC [REDACTED]. SNR [REDACTED] was  
7 Brother MCA [REDACTED]. Brother Michael Bogue was  
8 a teacher, and he was a cockney from London. There was  
9 also a Brother Anthony who worked in the office,  
10 Brother Anthony was very deaf. The Prefect was a  
11 Brother MJO [REDACTED].

12 All the staff, with the exception of  
13 MJO [REDACTED], had teaching qualifications. There was  
14 also a matron and domestic staff and I remember a lot of  
15 the domestic staff came from the isle of Barra and all  
16 spoke Gaelic.'

17 Then he talks about the routine. If I go on to  
18 paragraph 55:

19 'John MacPherson continued to make inspections of  
20 St Ninian's. I also remember another psychologist, he  
21 also worked for the Scottish Office. We also had  
22 regular visitors from the welfare officers.'

23 Then at paragraph 60:

24 'I SNR [REDACTED] at St Ninian's in 1961. SNR [REDACTED]  
25 SNR [REDACTED] was MCA [REDACTED] and he was very

1 sickly and I was really SNR . In 1967  
2 I was asked to my post at St Ninian's in  
3 Gartmore as there was a man coming to as  
4 SNR . I think that he felt that I had too much  
5 influence on the SNR .

6 The SNR was GSU , I was asked to  
7 move to Springboig St -- Boys' Senior Approved School,  
8 Edinburgh Road.'

9 Then he talks about that in the following paragraphs  
10 and his time there between 1967 and 1969:

11 'This was a school for older boys. Some of whom had  
12 jobs. It was established in 1936 and situated in the  
13 Springboig area of Glasgow. The residents were aged 16  
14 or 17. The De La Salle Brothers left the school in  
15 1969.

16 It was a very difficult place to be, as a lot of the  
17 boys were gang members and there was a gang culture.  
18 I was a teacher there but a lot of the boys were out  
19 working. There was about 60 boys and I remember that  
20 they had a gardening teacher. The dormitories held  
21 about ten boys in each dorm.

22 The school was manned by a lot of lay people, who  
23 are the unsung heroes of these schools. When some  
24 staff, including Brothers, went they stayed on and were  
25 the continuity. They stayed on until they retired.'

1 He moves on to talk about the discipline at  
2 paragraph 65:

3 'I don't recall any physical discipline. I assume  
4 that there were records kept. Most of the discipline  
5 was the removal of privileges, like home leave being  
6 cancelled.

7 The school was very rough. Some of the boys were  
8 involved with the gangs in Glasgow. I can tell you that  
9 one of the woodwork instructor was nailed by the boys to  
10 his classroom floor through his clothing.'

11 He goes on to say at paragraph 68:

12 'In 1969 I left St John's to do a master's degree at  
13 Stirling University in sociology and psychology.'

14 It's after that that he goes to St Joseph's School,  
15 paragraph 71:

16 'I moved to St Joseph's in September 1972. I SNR  
17 SNR in 1979 SNR in 1984.

18 St Joseph's was a massive change from where I had  
19 been before. The units of children were much smaller  
20 with more staff, the pioneering introduction of the  
21 Children's Hearings made a large difference to the  
22 procedures. The introduction of residential  
23 social workers also made a difference in caring for  
24 young people. Each child in the school was allocated  
25 a key worker.'

1           Then moving on to paragraph 78:

2           'The school was governed by a board of management,  
3           who sat regularly and had frequent meetings with the  
4           staff and children. The board was made up of people  
5           from all walks of life, including a priest and doctor.  
6           The chairman of the board for a lot of the time was  
7           a man called Jimmy Docherty and one of the active  
8           members was Lady June Hamilton-Douglas. When the  
9           running of the school became the responsibility of the  
10          Lothian Region, the board of directors became a limited  
11          company, which was something to do with the liability  
12          they had.

13          If I needed advice or direction the board of  
14          management were always available as they were local  
15          people. I used to get legal advice from Tom Campbell,  
16          who also served on the board of management.'.

17          Moving on to paragraph 84:

18          'The responsibility for the day-to-day care of the  
19          children was jointly shared between the Brothers and the  
20          lay staff employed at the school.'.

21          At 88:

22          'In 1972 there were 60-plus children. The age range  
23          was between 14 and 16, although there were some older  
24          children on occasions. In the 1980s the numbers were  
25          falling off and were down to 50-plus.

1 In the 1970s the school changed its title from  
2 Approved to List D school.'

3 Paragraph 92:

4 'In 1985 St Joseph's was asked if it could take  
5 girls at the school. Some girls came to St Joseph's as  
6 residents. They had their own unit and joined the boys  
7 in the classroom. There were also day girls that  
8 attended classes. I think the board of governors at  
9 St Joseph's felt this could be the future of  
10 St Joseph's, as numbers were falling. It was also  
11 appreciated that extra measures would need to be put  
12 into place to deal with the change.'

13 Moving on to paragraph 95:

14 'When I first arrived at St Joseph's the Brothers in  
15 the Community were SNR [REDACTED], Brother MJG [REDACTED],  
16 myself, Brother MJF [REDACTED], Brother Cuthbert Nolan  
17 and Brother Benedict Murphy. I ended up working with  
18 Brother MJG [REDACTED] for 39 years of my working life. There  
19 were houseparents who were also resident in the units.  
20 Brother MJG [REDACTED] and I stayed in the school building while  
21 the other Brothers lived in staff accommodation attached  
22 to the units. When I arrived, SNR [REDACTED] was  
23 Brother MJF [REDACTED].'

24 At 97:

25 'The lay staff who worked at the school were either

1 qualified social workers, instructors or teachers. They  
2 worked only at the school. Most of the social workers  
3 were female. All the Brothers, apart from  
4 Brother Benedict, had teaching qualifications.  
5 Brother Benedict had a social work qualification. He  
6 had a whole lot of electronic gadgets which he used to  
7 entertain the boys with. He had a machine called The  
8 Tickler, which he used to give the boys a small electric  
9 shock from it. The boys used to queue to get a shock.  
10 This was later portrayed in the press as an instrument  
11 of torture, which was just nonsense.'

12 Then moving on to paragraph 106, when he looks at  
13 discipline:

14 'When SNR [REDACTED] at the school, all  
15 corporal punishment was stopped. It was the decision  
16 made by the school and was not forced on us by the  
17 Lothian Regional Council. We didn't make any fuss about  
18 this decision, as no one missed it. Instead  
19 I introduced a system of marks for good and bad  
20 behaviour and if the marks were bad the children could  
21 be deprived of some home leave, but that was a last  
22 resort.

23 Previously there was corporal punishment, used very  
24 occasionally at St Joseph's and personally in the  
25 20 years I was there, I had to use it once on a boy from

1 Baillieston, and I can remember that well.'

2 Then in paragraph 112:

3 'In 1972 when I arrived at the school we were  
4 inspected by a man called John Murphy. He was from the  
5 Scottish Office and was employed by the Department of  
6 Education. He lived in Stirling. He would call at the  
7 school six times a year to inspect. John Murphy was  
8 instrumental in getting more staff and also completing  
9 the transition from the Scottish Office to the Lothian  
10 Regional Social Work Department.'

11 116:

12 'There was an annual visit from LRM [REDACTED], who  
13 was [REDACTED] in Scotland. He was  
14 also [REDACTED] of the board of managers.'

15 118:

16 'I was not aware of any abuse when I worked at the  
17 different schools for the De La Salle Institute. I was  
18 made aware of the allegations of abuse in later years  
19 after I had left.

20 I do recall a particular incident when I was at  
21 St Ninian's School when a child reported to me he had  
22 been slapped in the face by one of the Brothers. I took  
23 the complaint to the headmaster and there was an inquiry  
24 by the board of management. The Brother received  
25 a verbal warning.



1           There was an unwritten rule that you should never be  
2 alone with any of the children attending the schools.  
3 This was emphasised on regular occasions. I remember  
4 that one of the lay staff who was convicted of abuse  
5 contacted me afterwards asking me how he could clear his  
6 name.

7           I know that there were occasions when it couldn't be  
8 helped that you were on your own with children, like  
9 when they had run away and they had to be collected in  
10 the middle of the night at the local police station.  
11 There just wasn't the staff available.

12           I am aware that there have been some convictions  
13 that happened on my watch, for which I must apologise.  
14 I regret that they ever happened.

15           I know that Brother Benedict was convicted for abuse  
16 when he was at St Ninian's, Gartmore between 1960 and  
17 1969 and also at St Joseph's, Tranent between 1970 and  
18 the early 1990s. I was also at these homes at the same  
19 time and knew him. I remember when he first came to  
20 St Ninian's he had no training and he was sent on  
21 a social work course.

22           There were also two members of staff who were at  
23 St Ninian's who were convicted of abuse, for which I was  
24 appalled. I also know that Brother Benedict had to deal  
25 with very large numbers of boys and I can easily



1 understand someone like him losing his temper.

2 The first I knew about the abuse was when I got  
3 a telephone call from another Brother to tell me about  
4 Brother Benedict. I don't believe that it happened and  
5 I still don't. The reason I say this is because I knew  
6 the person involved and I don't believe he could do  
7 that. This is my own personal view. I didn't believe  
8 it was a failure in the systems when we were responsible  
9 for the children in our care.

10 I do agree that if all the allegations against the  
11 staff members which ended up in convictions were true,  
12 then we did, as individuals, indeed fail in our duties  
13 to protect the children in our care.'

14 He goes on to say in paragraph 129:

15 'I [REDACTED] in 1992 and [REDACTED]. I [REDACTED]  
16 [REDACTED] and the school was taken over by  
17 [REDACTED], who SNR [REDACTED]. The rest of the  
18 staff stayed on at St Joseph's.

19 Finally, in paragraphs 135:

20 'When I was SNR [REDACTED] at St Joseph's, Tranent there  
21 was a record for every child which was kept in the  
22 headmaster's office. There were also records maintained  
23 by the Social Work Department of Lothian Regional  
24 Council. I left the files at the school when I left in  
25 1992. I assume that the Social Work Department will

1 have the records.'

2 136:

3 'There were a number of former pupils of the schools  
4 who came back to visit. I still get telephone calls  
5 from a man who is now in his 70 and was in St Mungo's,  
6 Mauchline. I am still in touch with a family of  
7 a Belgian boy who was evacuated to St Joseph's during  
8 the war. He learned the art of shoe making when he was  
9 in care and continued his profession in later life. He  
10 died, but his sister kept in touch and when she passed  
11 away the sister's daughter kept up contact.

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

16 Brother MBU has signed the statement on  
17 22 October 2018.

18 LADY SMITH: Thank you very much.

19 MR MACAULAY: Brother MBU has also produced  
20 a supplementary statement in response to specific  
21 allegations that were drawn to his attention. The  
22 statement in the way it has been put together uses  
23 ciphers in connection with the persons that are  
24 mentioned.

25 What I propose to do is to -- when the person is

1 an applicant to use that person's pseudonym and if the  
2 person is a Brother to use the Brother's name, which can  
3 of course be in due course redacted if that's  
4 appropriate.

5 LADY SMITH: I think that Brother MBU was provided with  
6 the ciphers, wasn't he?

7 MR MACAULAY: Yes, he would have been.

8 LADY SMITH: Thank you.

9 MR MACAULAY: In the second statement he begins by saying:

10 'I have received communications from the solicitors  
11 to the Child Abuse Inquiry in relation to statements  
12 made by four individuals ... during their respective  
13 lives attended centres run by the De La Salle Brothers.

14 The witnesses are referred to as 'Alec', 'Paul'  
15 'Andrew' and 'Callum'.

16 Firstly, I refer to my previous statement comprising  
17 137 paragraphs and 24 pages and dated 22 October 2018  
18 and made to the Scottish Abuse Inquiry and confirm that  
19 every aspect of that statement remains true and correct  
20 and I stand by it.

21 For the record, I have administered corporal  
22 punishment on one occasion, and this is while I was  
23 SNR at St Joseph's. The punishment was in  
24 response to a pupil persistently absconding and  
25 I administered the strap on the pupil's hands, for no

1 more than four strikes.

2 LADY SMITH: He covered that in his statement.

3 MR MACAULAY: Yes:

4 'As I have previously indicated, when SNR  
5 SNR at St Joseph's corporal punishment was  
6 completely abolished. In relation to the administration  
7 of corporal punishment at St Joseph's and St Ninian's  
8 prior to its abolition, the strict rules were as  
9 follows.'

10 He essentially sets out provisions that are to be  
11 found in the Approved Schools (Scotland) Rules 1961.

12 LADY SMITH: I was going to say, it does sound as though he  
13 was reciting the content of those regulations.

14 MR MACAULAY: 'I will now endeavour to deal with the  
15 individual statements of the following witnesses,  
16 insofar as they relate directly to me.

17 The witness 'Alec' is the author of a very detailed  
18 63-page statement and his first reference to me is by  
19 naming me as a Brother who taught at St Joseph's.

20 At paragraph 148 he states that after absconding  
21 from St Joseph's he would be punished severely by one of  
22 myself, Brother MJG, Brother MGZ or Brother Ben  
23 with the belt.

24 I can confirm that at no time have I hit any pupil  
25 with a belt or ever been with colleagues participating

1 in that activity. I have never witnessed a boy being  
2 beaten on the bare bottom by a belt or by any other  
3 means. I completely deny any knowledge of this and  
4 of course deny any participation in it. I have no  
5 knowledge of a belt ever being used by people in control  
6 of corporal punishment.'

7 At paragraph 149 the witness 'Alec' states that  
8 I hit him and fellow pupils, "Hit us loads of times",  
9 this is completely untrue. I did not engage in the  
10 physical punishment on this witness or any other  
11 witness, save as I have mentioned previously.

12 In relation to the sexual abuse instigated by my  
13 fellow Brothers, I deny having any knowledge of this  
14 whatsoever. I deny the sexual abuse being reported to  
15 me and I was SNR at St Joseph's from 1984 to 1992  
16 and I deny seeing any inappropriate activity between my  
17 fellow brethren and lay staff with pupils. Had I done  
18 so I would of course have taken appropriate action.

19 At paragraph 154 the witness states, "In St Joseph's  
20 most of the kids got beaten by the Brothers because of  
21 their behaviour". I completely and utterly deny this.  
22 I was true to my vocation and remain true to my vocation  
23 in the ethos of my Order and on no account did I ever  
24 take advantage of a pupil nor a person under my control  
25 by beating him or chastising him in any manner.

1           In relation to paragraph 169, there is a reference  
2 to my being told by MHB about the reporting by the  
3 witness of sexual and physical abuse. I deny this ever  
4 being reported to me and in fact the witness himself  
5 does not say he reported it to me. He was told a third  
6 party had done so.

7           Nevertheless, neither the witness, 'Alec', or any  
8 other individual reported sexual and physical abuse of  
9 this pupil or of any other pupil.

10          Finally, in relation to this witness statement in  
11 paragraph 290 there is reference to my describing him as  
12 "Biafran", I cannot ever conceive of any circumstances  
13 in which I would say this.

14          In relation to the witness statement of 'Paul', I do  
15 recall the item known as The Tickler. As far as I knew  
16 this was quite a harmless device and that members of  
17 staff could take the article home at Christmas for the  
18 children to play with.

19          I honestly believed there was no harm in it. In  
20 fact some of the boys would queue to have a go. I have  
21 no recollection of LVH arranging for 'Paul'  
22 to be moved.

23          In relation to paragraph 45 of the statement,  
24 I would never and have never offered a packet of  
25 cigarettes to any pupil in any circumstances and I can

1 honestly attest to the fact that abuse was not reported  
2 to me by this witness, otherwise I would have acted  
3 appropriately. I did very occasionally offer the odd  
4 cigarette to a pupil, but certainly not a packet and  
5 only where I believed it benefited them and only to  
6 pupils who were 16 or over.

7 In relation to the witness 'Callum', and it's the  
8 statement of 'Callum' and its relevance to me  
9 individually. At paragraph 55 he mentions me as being  
10 a good teacher and at paragraph 57 that he liked me.

11 At paragraph 55 he said I ran the football team and  
12 at paragraph 112 he mentioned the swimming trip, which  
13 I remembered vividly. However, at paragraph 124 this  
14 witness states that I witnessed him being beaten on the  
15 bare bottom after absconding by Brother MCA and  
16 that I pushed him down by his shoulders in order to  
17 facilitate this.

18 I utterly and totally deny this. I have never seen  
19 anybody beaten on the bottom and it's preposterous to  
20 suggest that I was complicit in this activity.

21 At paragraph 28, 'Callum' alleges that I tore up  
22 a letter to his parents about abuse perpetrated upon him  
23 by Brother MBZ. This I totally and categorically  
24 deny. It is not something that I would ever do.

25 For the record, I was not aware of any abuse by



1 Brother MBZ upon this witness and nor was it reported  
2 to me.

3 At no time during my entire teaching career did  
4 I tear up a letter from a pupil to his parents.

5 In the statement of 'Andrew' there is no adverse  
6 comment about me. At page 37 'Andrew' states that  
7 I drove the children back after a holiday and I once  
8 came to collect him to return him to the school after he  
9 ran away. Again, any reference to sexual abuse by my  
10 colleagues or lay people or physical abuse was  
11 completely denied.'

12 He goes on to say:

13 'Andrew' makes a 64-page statement and they appear  
14 to be the only references to me.

15 I now deal with the general allegations of 'Paul',  
16 who attended at St Joseph's between approximately 1983  
17 and 1985.

18 I was SNR in 1983 SNR  
19 at St Joseph's in 1965. Broadly the allegations of  
20 abuse are as follows.'

21 Can I say, my Lady, I'm not planning to read that in  
22 detail because these allegations are not directed  
23 against Brother MBU. They're directed against other  
24 people, but what Brother MBU does say:

25 'I confirm that I knew of none of this conduct.



1 None of it was ever reported to me and had I been aware  
2 of these allegations I would have reported them to the  
3 appropriate authorities.

4 In relation to 'Callum', he was at St Ninian's  
5 between 1964 and 1968 and he was there for approximately  
6 three years and at the same time as me.

7 I have read the allegations of abuse that can be  
8 summarised as follows.'

9 Again he sets out the allegations on the following  
10 page, page 4. These allegations are not against  
11 Brother MBU . They're against other Brothers and  
12 other people.

13 What he says at paragraph 26:

14 'Again, I can honestly attest to having no  
15 contemporaneous knowledge of any of this and nor was any  
16 of this conveyed to me. Needless to say had I been  
17 aware of these allegations I would have made appropriate  
18 enquiries and reported to the relevant authorities.

19 I have no knowledge of a belt being used. I believe  
20 that 'Callum' is referring to the strap or tawse, which  
21 was the officially approved instrument for administering  
22 corporal punishment at that time. In relation to the  
23 allegations made by 'Callum' in respect of 'Callum's'  
24 stay at St Joseph's, I was not there until 1972, whereas  
25 'Callum' was there between 1968 and 1970 so I cannot

1 comment on this.'

2 He makes a similar comment in relation to 'Alec' in  
3 the next few paragraphs.

4 If I move on to paragraph 31:

5 'I have read the allegations made by 'Alec' in  
6 relation to physical and sexual abuse at St Joseph's,  
7 where I taught from 1972 until 1992 and I was SNR  
8 1984 to 1992. By the time I was leaving St Joseph's  
9 [REDACTED] and had been SNR [REDACTED]  
10 [REDACTED].

11 I have read the allegations of abuse described by  
12 'Alec', which can be summarised as follows.'

13 Once again, these are not allegations made against  
14 him.

15 What he says at paragraph 33:

16 'I have read all of this and I can honestly attest  
17 to having absolutely no contemporaneous knowledge of  
18 this and nor was any of this knowledge reported to me.'

19 Then at 35:

20 'Finally, in relation to the witness 'Andrew', he  
21 was at St Ninian's between 1959 and 1964 ...'.

22 And he sets out the allegations, again these are not  
23 allegations made against Brother MBU [REDACTED].

24 At 37 he says:

25 'None of these allegations were witnessed by me or

1 known by me at any time.'

2 At 38:

3 'I can overwhelmingly confirm to the Scottish Abuse  
4 Inquiry, as with all these matters, I was acutely aware  
5 of my duties and responsibilities and I was in  
6 a position of trust, almost in loco parentis, I find  
7 these allegations, as with all allegations, utterly  
8 appalling and all I can do in respect of the Inquiry is  
9 to give an honest account, which I do within the  
10 statement.'

11 Brother MBU has signed the statement on  
12 22 December 2023.

13 LADY SMITH: It's 11.25 am, I think we should have a break.

14 I think we have just one more to go.

15 MR MACAULAY: Then oral evidence.

16 LADY SMITH: Let's take the morning break just now.

17 (11.26 am)

18 (A short break)

19 (11.46 am)

20 LADY SMITH: Ms MacLeod.

21 MS MACLEOD: My Lady, before I go on to read in the final  
22 statement, I have one clarification to make in respect  
23 of the statement that I read earlier this morning.

24 That is 'James', at WIT-1-000000867.

25 Paragraph 16 of that statement relates to the

1 witness's time in St Anthony's, not St Mary's. I just  
2 want to make that very clear.

3 LADY SMITH: Thank you very much.

4 Brother Bernard Hayward (read)

5 MS MACLEOD: I'll now read in the statement of

6 Brother Bernard Hayward, which is at WIT-1-000001369:

7 'My name is Bernard Dominic Hayward. I was born in  
8 1939.'

9 Between paragraphs 3 and 8 Brother Hayward provides  
10 evidence in relation to the De La Salle Order, his own  
11 joining of the Order and his qualifications.

12 Between paragraph 9 and 14 of his statement, he  
13 discusses what is termed as the Lasallian ethos, the  
14 Order's founder and his mission in setting up schools  
15 for the education of the poor and working classes.

16 In paragraph 10 at the end of that paragraph, he  
17 says:

18 'An institution can legitimately call itself  
19 Lasallian only if it is unambiguously Christian.'

20 I'm just going to read out paragraphs 11 and 12 of  
21 that section:

22 'On the important issue of relationships between the  
23 Brothers and their students, the founder stated that,  
24 "Your relationship with those entrusted to your care  
25 must be that of an elder brother". On another occasion

1 he wrote, "You must take care of the education of those  
2 entrusted to you as if they were the children of  
3 a king". These simple statements emphasised not only  
4 the level of care to be afforded but also the  
5 relationship that the Brother must have with his  
6 students.

7 We learned about this ethos from the beginning of  
8 our training and more as we went to work in schools.'

9 Moving on then to paragraphs 15 to 30 of the  
10 statement and therein the witness speaks about his  
11 career.

12 He discusses that he worked as a teacher since the  
13 1960s, that he became a headteacher in the 1970s. He  
14 retired in 1992 and thereafter became the Provincial  
15 Bursar.

16 The witness describes that he became involved in  
17 archive work in 2013 and was asked to liaise with the  
18 De La Salle Trust's solicitors in Great Britain in  
19 respect of claims of abuse.

20 He continued in that role until 2017 and after that  
21 he continued to make a contribution as secretary to the  
22 Order's finance committee and the board of trustees.

23 I'll move on to paragraph 31 on page 7. Indeed,  
24 my Lady, I don't intend to read this section out in full  
25 but between paragraphs 31 and 37 the witness provides

1       some background evidence about the schools in Scotland  
2       in which the De La Salle Order were involved.

3               From paragraph 38 to 54 the Brother provides  
4       a detailed history of record keeping within the Order  
5       and I propose to read that section from paragraph 51,  
6       where he focuses on the Scottish schools:

7               'As referred to above, we ended all our work in the  
8       Scottish schools in 1992 and we are no longer involved  
9       in any of the schools in Great Britain as teachers or as  
10       members of the boards of governors.

11               In relation to the five Scottish schools where we  
12       were neither the owners nor the trustees nor the  
13       employer, we hold very little and what we have centres  
14       mainly on the life of the Community rather than the  
15       school. We have a few photographs of some of the  
16       properties and some which include for example pictures  
17       of youngsters out gardening and newspaper cuttings of  
18       events. There are no organised collections of  
19       photographs for any of the schools. One presumes that  
20       these are in the official school records, which we do  
21       not have.

22               In 2012 the newly appointed archivist at Oxford  
23       began the process of moving files into boxes that were  
24       made specifically for archiving. Each contains a list  
25       of contents. That work continued until the archivist

1 retired in 2016. In the last ten years professional  
2 archivists have visited to advise on the management of  
3 archives. In part, this has been prompted by the need  
4 to provide detailed responses to claims.

5 When we received a letter from the Scottish Child  
6 Abuse Inquiry in 2016 we took the opportunity to look at  
7 what documents we held on the five Scottish schools and  
8 to separate out all those documents that might be  
9 important to the Inquiry. Some of these documents  
10 contain correspondence with our solicitors and are  
11 therefore legally privileged. All these documents were  
12 put in secure cabinets, as advised by the Inquiry.

13 All the archivists pre-2012 are deceased. From 2012  
14 to 2016 the Oxford archive was managed by a new  
15 appointee. I worked alongside him from 2013 to 2017  
16 when enquiries started coming in from solicitors in  
17 relation to claims. This role included looking into the  
18 archives to gain information relevant to issues  
19 surrounding the claims. It also meant liaising with the  
20 police through the De La Salle Trust's safeguarding  
21 officer.

22 My role was exclusively to respond to solicitors to  
23 claims against the Order. I continued in this role  
24 until 2017. My direct line manager in this role was the  
25 Provincial. After I retired in 2017, a successor was

1 appointed to continue the work that I had been doing.

2 In January 2016, the then Historical Child Abuse  
3 Inquiry in Scotland wrote a letter to the Provincial  
4 entitled "Preservation of records relevant to the  
5 Inquiry". This prompted us to consider how we were  
6 managing the records and to consider what we had and  
7 what we didn't have.

8 In my role as first responder to the Inquiry,  
9 I undertook to deal with the A to D responses to the  
10 Inquiry. I took what I could find from our archives and  
11 conferred with those who could assist with our A to D  
12 responses. I consulted the Trust's safeguarding  
13 officer, with former Provincials and with an elderly  
14 Brother who had taught in the schools in question.  
15 I also consulted Brothers who, while not being involved  
16 in Scottish schools, could nevertheless help me answer  
17 more general questions about the Order itself,  
18 especially in A and B. The C and D sections largely  
19 comprised questions which I have been unable to answer  
20 without the school records, which, as already mentioned,  
21 are not held by the Order.

22 I had a considerable amount of help from  
23 a particular document, namely an M.Ed. thesis, written  
24 by one of our Brothers, now deceased. His thesis  
25 concentrated specifically on the Approved Schools in



1           which the Brothers were involved in both Scotland and  
2           England. Significantly, he wrote his thesis in the  
3           1970s, when there was more information available and  
4           when two of the schools in Scotland were still open.

5           He had visited them and from what I gather he had  
6           been granted access to some of the school archives,  
7           which in recent times we have not been able to access.

8           In addition, a number of the Brothers who worked at  
9           these schools were alive so he was able to interview  
10          them. Of those Brothers, only one remains with us and  
11          he is 96 years old. He has been interviewed by the  
12          Inquiry.'

13          I understand that to be Brother MBU .

14   LADY SMITH: It must be, yes.

15   MS MACLEOD: 'When I drafted the responses I was aware that  
16          one of the Brothers had already been convicted in 2003  
17          of physical abuse.'

18   LADY SMITH: That sounds like Brother Benedict.

19   MS MACLEOD: Yes:

20          'Because he was the only member of the Order  
21          convicted of sexual abuse, in April 2016, the only  
22          member of the Order convicted, in 2003, of any offence  
23          and the only member of the Order convicted at all  
24          relative to any Scottish school, I thus had written in  
25          my A to D response submitted in early 2017 that there

1           was no evidence of the abuse being systemic. I am aware  
2           that two others were also convicted in 2003 for conduct  
3           at St Ninian's, but my understanding is that they were  
4           lay staff, not members of the Order, and therefore  
5           solely the responsibility of the managers of the school.  
6           However, in light of what has subsequently emerged  
7           during the Inquiry, that there is evidence of sexual  
8           abuse by other members of the Order, I fully adopt the  
9           Order's acknowledgement made in the opening statement of  
10          their part in systemic failings.

11                 When I was dealing with complaints whatever  
12          information we had was handed to our solicitors. Any  
13          correspondence with lawyers was subject to legal  
14          privilege.

15                 The Inquiry requested documents in 2018 and more  
16          information in 2019 regarding claims, but I had  
17          withdrawn by then and I didn't deal with those. They  
18          would have been managed by my successor and our  
19          solicitors.

20                 The only thing I could say with certainty whilst  
21          I worked as an archivist was that the school records for  
22          the Scottish schools were not lodged with us.

23                 As far as we knew they are lodged either with the  
24          Archdiocese or the Scottish Education Department or  
25          a regional council.

1           Having looked at the contents of what was in our  
2 archives, I was able to see what we did not have and  
3 therefore could identify a list of items that should be  
4 held in the school record.'

5           These are listed there, my Lady:

6           'Records of the children at the school, school  
7 timetables, financial records, records on inspection at  
8 the school, policies about parents visiting, the  
9 composition of the management board, details of who  
10 appointed the board of managers, i.e. some will be  
11 appointed by the Archdiocese as Trustees and others by  
12 the Scottish Education Department, minutes of managers'  
13 meetings, reports from the headteacher to the managers,  
14 national and local policies and guidelines, residential  
15 care and school policies.

16           The records that the schools would have been  
17 required to keep in respect of the children would have  
18 included their names, dates of births, any brief family  
19 background information, the dates they entered and left  
20 the school, their achievements.

21           I presume the schools would have been required to  
22 keep records of significant events happening in the  
23 school, and to log serious issues like child absconding.  
24 My understanding is that only senior teachers were  
25 allowed to administer corporal punishment and had to log

1 this in the punishment book. They would have been  
2 written down in a formal policy. The punishment books  
3 themselves would have been kept in the school at the  
4 time and would eventually have been included in the  
5 school archive.

6 I have gleaned some information about the schools in  
7 which the Brothers were involved from our archives, but  
8 only in the form of pieces of paper which appear to have  
9 strayed into the Community files because a Brother,  
10 perhaps the head of school, had retained them. I saw  
11 a single analysis of the number of children who had  
12 absconded and were brought back, without names being  
13 mentioned. This would have been a copy of what was  
14 provided to the managers. I also saw a draft school  
15 timetable for the school, as well as a menu from  
16 St Joseph's in Trarent. There was a few newspaper  
17 cuttings and photographs, for example a group photo from  
18 St Joseph's, Tranent of the school band which went on to  
19 play at a Celtic football match and photos taken when  
20 the Archbishop came to visit.

21 They were unanchored pieces of papers or photos that  
22 didn't form part of a wider picture. There was a clear  
23 distinction between the schools and the Community, even  
24 though there were boarders. The Community archives did  
25 not include information about the boarding houses. If

1 something did happen in a boarding house I presume it  
2 would have been referred to the headmaster and to the  
3 managers and would be recorded in the managers' meeting  
4 minutes.

5 Any allegation of abuse made by a child about  
6 a Brother would have gone straight to the headteacher  
7 and thence to the managers, who would determine how to  
8 respond. There was no requirement at the time for that  
9 to be recorded in Community records, but a report would  
10 certainly have been made to the Provincial

11 The Community records only contained information  
12 about the Brothers who were working at the school, but  
13 not the lay staff.

14 The first thing I did when the police started any  
15 investigation through our safeguarding officer was to  
16 send them information about the Brothers' movements, so  
17 that they could confirm which Brother was working where  
18 at any time.'

19 The next paragraph relates to cases in England.

20 I'll read from 72:

21 'The minutes of the managers' meetings are important  
22 because they will contain a lot of information about the  
23 running of the schools. From looking at our archives,  
24 I have come across a couple of sets of minutes, but from  
25 what I have read I understand that the boards of

1 managers normally met about once a month, so an isolated  
2 set of minutes is of no particular use. I don't know  
3 why these minutes are in our archives, perhaps  
4 a reference to the Community led to a copy being  
5 included.'

6 LADY SMITH: Another way of looking at that is that you  
7 would expect at least copies of all minutes to have been  
8 intimated to the Order, given the nature and extent of  
9 their interest.

10 MS MACLEOD: Indeed, yes.

11 LADY SMITH: These may simply be the only ones of copies  
12 that were regularly coming to them that they retained --

13 MS MACLEOD: Could be.

14 LADY SMITH: -- although they should have retained them all.

15 MS MACLEOD: 'I know from personal experience as  
16 a headteacher that a detailed report on various matters  
17 would be submitted by the headteacher to each managers'  
18 meeting. I may have come across one of these reports,  
19 but on its own it is rudderless and has no context.  
20 Having access to all of these would provide a wealth of  
21 information about what was going on at the schools.

22 With regards to the policies surrounding the running  
23 of the school, they would have been approved by the  
24 managers and would be kept in the school records if they  
25 had been written down at all. I did have a look for any

1 written policies in our archives but found none.

2 I spoke to the Brother, who was the former headteacher  
3 at St Joseph's, Tranent, and he confirmed that not all  
4 of these policies were written down. That also reflects  
5 my own experience from when I started working in schools  
6 in the 1960s.

7 The ultimate responsibility for keeping and storing  
8 school records rested with the managers. I presume that  
9 the headteacher would have kept a copy of any existing  
10 policies in his files in the school, but I don't know if  
11 he would have been instructed to do that, whereas  
12 I believe the managers would be mandated to keep copies  
13 of any policies.

14 As a headteacher I would keep copies of policies,  
15 both for myself and the staff, but I was not directed to  
16 do this. All official documents relating to the school  
17 were kept either by the school on behalf of the  
18 governors or by the Local Authority. I was never  
19 required by the De La Salle Order to keep school records  
20 or to archive any.

21 As stated above, all that was required for the  
22 Brothers' files was an annual summary of what happened  
23 in the Community, how we were getting on, if there had  
24 been any visits from the Provincial or Bishop, Community  
25 budgets and expenditure et cetera. There was very

1 little in it about the school. Some of the schools in  
2 earlier times had kept a handwritten book containing  
3 a history of the Community for each year, but it wasn't  
4 mandatory.

5 Apart from a brief history of the Community for the  
6 year, including changes in personnel, our Community  
7 archives were lodged in the Community House, not sent to  
8 Rome.'

9 Between paragraph 79 and 86 the witness provides  
10 evidence in relation to safeguarding policies.

11 I'll move to paragraph 87, where he speaks about  
12 experience with abuse cases:

13 'As referred to above, our founder had stated that  
14 your relationship with those entrusted to your care must  
15 be that of an elder brother and to find that some  
16 Brothers were guilty of abuse is indefensible. It is  
17 especially regrettable when perpetrated by people like  
18 ourselves, who are supposed to be setting an example.  
19 It is a matter of regret and profound sorrow that some  
20 Brothers and some of their lay colleagues who were  
21 charged with the care of children did this. Not  
22 infrequently to make the situation for these children  
23 much worse, they came from abusive backgrounds.

24 When I was first sent the A to D documents to  
25 complete by the Inquiry the extent of the abuse was not



1       evident. Since then, a lot more has been revealed and  
2       it has become obvious that it was more than just one  
3       Brother who has been named as an alleged abuser. I find  
4       it difficult to come to terms with the fact that  
5       children suffered in this way.'

6             Paragraphs 89 to 90 relate to matters in connection  
7       with England.

8             I'll read from paragraph 92:

9             'In the 1990's, abuse claims were initially handled  
10       by the Order's solicitors. These claims were coming  
11       from schools in England, not from Scotland. The police  
12       were asked to be involved if advised. Later in the  
13       decade our policies changed to give priority to a police  
14       investigation. If, as occasionally happened, a claimant  
15       asked to see a Brother we would respond positively on  
16       the understanding that we weren't prejudicing the case.  
17       There was one occasion relating to a school in England  
18       where the police said they could not take the case  
19       forward through a lack of evidence, but the Brothers  
20       nevertheless compensated the claimant because we were  
21       convinced his story was true. However, that was not  
22       repeated, when we were subsequently accused of paying  
23       hush money.

24             As mentioned above, liaison with the police would be  
25       through our safeguarding officer. Any correspondence

1 from the claimant's solicitor would be dealt with by the  
2 Order's solicitor. On a couple of occasions I was  
3 contacted directly by claimants wanting us to settle  
4 claims without police involvement. In each case  
5 I explained that this was not an option because  
6 an investigation was necessary and the Order was not  
7 competent to undertake it. They were also advised to  
8 arrange legal representation.

9 Most Scottish claims have been handled from the  
10 start by solicitors for the claimants liaising with our  
11 solicitors, though we are aware of police involvement in  
12 the initial stages of many of the claims. Nearly all of  
13 those Brothers, former Brothers and lay staff who have  
14 been the subject of claims in Scotland are now deceased.

15 When an allegation was made against a Brother he  
16 would be immediately withdrawn from working with  
17 children and sent to a Community not attached to  
18 a school while investigations were undertaken. In cases  
19 of non-recent abuse, which apply to all cases in  
20 Scotland, where a person, Brother or other has been  
21 convicted, Social Services have taken responsibility for  
22 placing him and monitoring him after release from  
23 custody. They will decide where he's allowed to live.

24 In former times it was expected that if a Brother  
25 went to prison the Order would continue to look after

1 him after he was released. Subsequently the  
2 Catholic Church itself ordered that clerics and members  
3 of religious orders must be dismissed if convicted of  
4 sexual abuse. Now it is permitted for the Brother to  
5 remain in the Order and if Social Services deem it  
6 appropriate to be returned to one of our communities.'

7 I'll turn to the witness's closing thoughts:

8 'With hindsight, the Brothers accept that we should  
9 have been aware of the abuse perpetrated by members of  
10 the Order and others in the schools in which we were  
11 involved. Abusers are good at hiding in plain sight and  
12 that cannot be used as an excuse for the failure.

13 We should have been more aware. Children have been  
14 failed and it is important to find out how that could  
15 have happened. I don't have any thoughts on how the  
16 abuse could have become a systemic problem, because we  
17 were not aware of it when it was happening.

18 It is a matter of enduring regret and profound  
19 sorrow that children were betrayed by Brothers charged  
20 with their care. We realise that for the victims the  
21 lasting effects of abuse can often be life long and  
22 cause enormous pain and suffering, which can extend to  
23 family and loved ones.

24 The Brothers have offered an unreserved apology, the  
25 most recent to the Inquiry by our Provincial. I would



1 process of giving evidence comfortable for them, the  
2 same applies to you. The fact that you have heard it  
3 over and over again doesn't mean that it's not as  
4 relevant to you in your evidence.

5 If you want a break, just say. If you have any  
6 questions, please speak up, because it will help us to  
7 know if you have any queries.

8 If there's anything else I can do at the moment,  
9 tell me. Is there?

10 A. No, I'm fine.

11 LADY SMITH: Very well.

12 I'll hand over to Mr MacAulay then.

13 Questions from Mr MacAulay

14 MR MACAULAY: Good afternoon, Ben.

15 A. Good afternoon, Colin.

16 Q. I think you were born in [REDACTED] 1952; is that right?

17 A. I was.

18 Q. You are at present the Provincial of the De La Salle  
19 Congregation?

20 A. Yes, for this Province, yeah.

21 LADY SMITH: Just for the notes, can we spell out what the  
22 Province is --

23 A. Yes, the Province of Ireland, Great Britain and Malta.

24 LADY SMITH: Thank you.

25 MR MACAULAY: I have your brief CV in front of me, and you

1           took your final profession in 1978?

2   A.   I did, yes.

3   Q.   Looking through what you set out, you have been

4           a teacher in a number of different places and you became

5           the Assistant Provincial in 2019, is that right?

6   A.   Yes, yeah.

7   Q.   You took up your present position as Provincial in 2021?

8   A.   Yes.

9   Q.   Did you succeed Brother Laurence Hughes, who gave

10          evidence previously?

11  A.   I did, yes, I'm the next one.

12  Q.   Brother Hughes, when he gave his evidence, he told us

13          about the background of the Order and how it was founded

14          and that the idea behind the founding of the Order and

15          the raison d'etre of the Order was education and in

16          particular education in poor schools?

17  A.   Yes, that is what we try to do and we don't always teach

18          in poor schools, but certainly where children are needy,

19          we are particularly aware of that and our recent general

20          chapter has called us to go back to that original, you

21          know, roots by going to what they call the peripheries

22          and seeing where there are genuine needs, because

23          sometimes we teach in quite well-off and wealthy

24          schools.

25  Q.   You no longer have a presence in Scotland, I think we

1 know that.

2 A. No.

3 Q. Do you have a presence in England?

4 A. We have a number of schools in England, yes.

5 Q. Ireland?

6 A. And a number of schools. In Ireland, our schools are  
7 now almost all of them, bar one, under the patronage of  
8 the Le Cheile Trust, which is a trust for Catholic  
9 schools and there are about I think five or six  
10 different congregations that form that trust and it's  
11 run by lay people, but we are a member of it.

12 Q. The schools that you are involved with, whether in  
13 England or Ireland, is the Order there in a teaching  
14 capacity only?

15 A. Yeah. We have no Brother in -- at all in our Province  
16 now, teaching any more.

17 Q. What are they doing?

18 A. They are all retired. We are -- I'm one of the younger  
19 ones and I'm 71, so I still do a little bit of teaching.  
20 I love it. I've done it all my life, but I'm long  
21 retired and we have no Brother teaching in any school  
22 now.

23 Q. The De La Salle schools in England and Ireland, are the  
24 teachers in all these schools civilian teachers?

25 A. Yeah. They're all lay teachers.

1 LADY SMITH: Ben, you gave me the name of a trust in Ireland  
2 that applies to most of the schools there, can you spell  
3 it for me?

4 A. Yes, it's L-E then C-H-E-I-L-E.  
5 'Le Cheile' it means 'together', it's an Irish  
6 phrase meaning 'together'.

7 LADY SMITH: Thank you very much.

8 MR MACAULAY: I think you were present, Ben, when the  
9 witness who had the pseudonym 'Dominic' gave evidence.  
10 He had been a social worker at St Joseph's and he quoted  
11 from a publication as to what the approach of the  
12 De La Salle Order to care was designed to be.  
13 I'll repeat the quotation for you, this was from  
14 a publication in 1958:  
15 'The Brothers attempt to foster a kindly spirit in  
16 their intercourse with the students and to maintain that  
17 discipline which is, of course, essential in every  
18 school. Not so much by the enforcement of rigid rules  
19 and regulations as by advice and guidance given in  
20 a brotherly spirit. The object being to make the school  
21 not only a place of education and for the moulding of  
22 character, but likewise a happy home.'  
23 Certainly what comes out to me from that quotation  
24 is the reference to seeking to create a happy home?

25 A. Absolutely, yes.



1 Q. You have listened to I think 13 days of evidence in this  
2 chapter. Have you come to any view in relation to the  
3 environments at St Ninian's and St Joseph's in  
4 particular and whether these were happy homes for the  
5 children?

6 A. Yeah. I felt, and I'm just saying what I heard, and  
7 I heard a variety of different, I suppose, opinions, but  
8 I felt, particularly in the earlier years, the word  
9 'fear' was used quite a bit. The phrase that children  
10 were afraid going to bed and I thought that was  
11 terrible.

12 Q. I'll come back to that, but looking to the background,  
13 I think we heard from Brother Hughes that the Order was  
14 invited to come to Scotland by the Archdiocese of  
15 St Andrews and Edinburgh to set up a school and then  
16 other further schools. That is the position, isn't it?

17 A. Yes.

18 Q. There were agreements drawn up between the Order and the  
19 Archdiocese?

20 A. Yes.

21 Q. I don't know if you have had cause to look at these  
22 agreements or not?

23 A. No, I've seen them, yeah.

24 Q. If I could perhaps put one on the screen for you, this  
25 is BSC-000000550.

1           Perhaps we could turn to page 2 of the document.

2           This appears to relate to St Joseph's. It appears  
3           to be a draft, because we can see as we move down the  
4           page that there are still corrections being made to it,  
5           if we scroll down a little bit.

6   LADY SMITH: The backing title was 'Proposed agreement' as  
7           well, Mr MacAulay.

8   MR MACAULAY: Yes, as is the heading.

9           I'll take you to a completed agreement in a moment,  
10          but if we look at paragraph 5, page 3, do we read there:

11          'The Superior General shall have the liberty of  
12          appointing and changing any Brother, including the  
13          Brother Superintendent, whenever he may deem such to be  
14          useful and necessary.'

15          It would appear that the set-up was, certainly at  
16          this time, that it was the Superior General who would,  
17          as it were, hire and fire the Brothers, is that your  
18          understanding?

19   A. Well, that's what's written there, so, yeah.

20   Q. If we look at page 4, paragraph 7, do we see the  
21          Brother Superintendent, and is that another word for  
22          'headmaster', is it?

23   A. Yeah, I think that is what would have been intended.

24   Q. 'The Brother Superintendent shall have the liberty of  
25          employing and discharging employees in connection with

1 the school.'

2 Again, it was the headmaster who had that power at  
3 this time?

4 A. Mm hmm.

5 Q. Unfortunately for some reason or another we have only  
6 recovered what appears to be a draft, but if you look at  
7 this document, BSC.001.001.0456, this document has been  
8 signed, if we turn to page 6. Can we see it's dated  
9 December 1915?

10 A. Yes.

11 Q. Going to page 2, this appears to relate to St Mary's  
12 School in Kenmure. These documents are in similar form,  
13 is that your understanding?

14 A. Yes. My understanding is that a template was created  
15 and they were all similar at this particular point.

16 LADY SMITH: That date would fit with when the Order first  
17 became involved at St Mary's, which was in 1915,  
18 I think, isn't that right?

19 A. Yes, I thought 1914 was the --

20 LADY SMITH: I was taking account of what was in the Order's  
21 response to our Section 21 requirement, it maybe doesn't  
22 matter but 1915 would fit with the period from which you  
23 engaged?

24 A. Yes, yeah, yeah.

25 MR MACAULAY: I want to take you to some of the points that

1 were made by Brother Hughes when he gave his evidence.  
2 Of course he was giving his evidence at a time before  
3 much of the evidence relating to this chapter was  
4 collected and he was very much relying, I think, on  
5 records when he gave his evidence or what he may have  
6 been told.

7 He gave his evidence on 15 June 2017. The  
8 transcript of his evidence is at TRN.001.001.4273.

9 I just want to take you to some passages and ask you  
10 about that. If we can have that on the screen. If we  
11 turn to page 97, you will see on this page, if you look  
12 down the left you will see the text has been numbered.  
13 At number 8 it is a reference to St Joseph's, Tranent.  
14 If we can scroll down a bit.

15 The question that was in the request in the  
16 Section 21 notice was:

17 'Why did the organisation consider that it had the  
18 competence to be responsible for and manage the care of  
19 the children in establishments?'

20 He talks about the competence and then he goes --  
21 there is the quote at number 22:

22 'The congregation was not the organisation  
23 responsible for or managing the care of children in  
24 residential care establishments.'

25 Do you support that?

1 A. I think -- as I understand it, the day-to-day care of  
2 the children was the responsibility of the headmaster of  
3 the school and he worked with the managers. That's as  
4 I understand it, and I thought that maybe in 1937 with  
5 the Scottish Education Act of that time, that that kind  
6 of clarified that, that it was the managers who  
7 ultimately had -- that were in loco parentis and they  
8 ultimately appointed the head, even though the Brother  
9 at that point wouldn't have been the Brother Superior  
10 General, it might have been the Brother Provincial,  
11 would have nominated a Brother for the post, but  
12 I think, as I understand it, he had to be appointed by  
13 the managers or the board of management.

14 LADY SMITH: But the managers would look to the head to run  
15 the school on a day-to-day basis?

16 A. Absolutely.

17 LADY SMITH: And see that all the responsibilities of being  
18 in loco parentis, taking proper care of the boys, were  
19 discharged --

20 A. Yes.

21 LADY SMITH: -- isn't that right?

22 A. Yeah, yeah.

23 LADY SMITH: It's the same model as is still used in any  
24 independent school.

25 A. Yes.

1 LADY SMITH: Thank you.

2 MR MACAULAY: If I can take you to what he says on page 99.

3 The question begins in the previous:

4 'You are seeking to make a distinction in the answer  
5 where you say that the Congregation was not responsible  
6 for managing the care of children, but you had  
7 a presence of five Brothers at the school even from the  
8 very beginning of 1914, is that correct?'

9 'Yes.'

10 'So what were they doing there?'

11 'Well, the distinction of caring is that the  
12 Brothers would be doing the day-to-day involvement with  
13 the students, but the actual overall care for the  
14 students would not have been in the hands of Brothers.'

15 'So when you talk about overall care, can I just  
16 understand what you mean by that?'

17 'Yes, for example, if I take my situation as  
18 a teacher, I'm responsible for my class and the  
19 students, but I am not responsible for the overall care  
20 of the students in the school, so I would be designated  
21 a group of students to look after for a given period, so  
22 it might be one lesson or two lessons and after that  
23 they will move off to somebody else. That's what  
24 I understand by the care.'

25 As we know, Ber, in relation to schools like

1 St Joseph's and St Ninian's, certainly until the latter  
2 part of St Ninian's existence, it was the Brothers who  
3 had direct involvement with the care of the children,  
4 they weren't moved on to anybody else?

5 A. No, the Brothers and the staff, I mean, whoever were  
6 members of staff in those institutions had  
7 responsibility, you know, for looking after the kids  
8 I suppose all of the time, yeah. That's true.

9 Q. We have heard the evidence that, for example from  
10 Brother Ben that one of his difficulties was he was in  
11 charge as he put it in excess of 90 children?

12 A. Mm hmm.

13 Q. We have just had read out from Brother MBU 's  
14 statement that when he went to St Mungo's he was SNR  
15 SNR 80 children after they had left the  
16 classrooms?

17 A. Yes.

18 Q. Looking to that, was it really the Brothers who were  
19 principally in charge of caring for the children in  
20 these establishments?

21 A. The Brothers with the staff members who worked with  
22 them, but I totally accept it was the Brother Principal  
23 or Brother Head and so there is a huge amount of  
24 responsibility there and other people then would take  
25 their lead from that. But, as I understand it, there

1 are quite significant, you know, levels of staffing in  
2 these schools, so I'm presuming that, you know, that  
3 everybody has to take responsibility for caring for the  
4 children. You know, either in class or when they're in  
5 the dining room or getting them up or whatever.

6 Q. We have had a significant amount of evidence to indicate  
7 that in the mornings Brothers would come and wake  
8 children up. In the evenings, Brothers would organise  
9 the bedtime routines and indeed meal times, Brothers  
10 would be present.

11 In relation to these aspects of routine, I think we  
12 have had quite a lot of evidence to indicate the  
13 Brothers were very much to the forefront of the caring  
14 of the children?

15 A. Yeah. And I think very much so in the earlier years and  
16 then I think as we come into the 1970s and probably the  
17 levels of staffing are improving, I think we are finding  
18 the Brothers are -- and the Brothers are getting older,  
19 that dynamic is changing slightly.

20 Q. We know of course at St Ninian's, particularly after the  
21 cottage system had been set up -- St Joseph's rather,  
22 after the cottage system had been set up, particularly  
23 moving into the 1980s, that we have much more by way of  
24 civilian staff directly involved in the care?

25 A. Yeah.



1 Q. But before that, particularly in the 1960s and 1970s, it  
2 would appear to be the case that it was the Brothers who  
3 were at the forefront of the care?

4 A. Yeah, yeah. The Brothers -- and I think the Community  
5 had a significant influence as well -- the Brothers'  
6 Community, that is, on the establishment.

7 Q. You have mentioned the management committee structure  
8 and certainly we have recovered minutes of meetings of  
9 managers' meetings, particularly for St Joseph's,  
10 covering many years and these appear to have been  
11 monthly meetings.

12 As far as St Ninian's is concerned, are there  
13 minutes of meetings for St Ninian's that you're aware  
14 of?

15 A. No. Unfortunately, we are not aware of any other  
16 minutes, apart from the St Joseph's ones which were in  
17 the East Lothian Council offices. We have made  
18 extensive searches through the diocese and also other  
19 groups with our legal team and they haven't come up with  
20 anything. We don't have anything, as Bernard pointed  
21 out earlier in his statement, and nothing -- none of  
22 those minutes have ever been sent to the Provincial  
23 House, so we haven't copies of them unfortunately.

24 But I think, and for me it's a significant point,  
25 because I think there was mention that the Brothers

1 might have destroyed these and burnt them or whatever.  
2 But the reality is that we didn't and I think the  
3 St Joseph's finding of them in the East Lothian Council  
4 offices shows that and it's just a great pity that we  
5 don't have the ones for the other centres, or they can't  
6 be located.

7 Q. What you're saying is, as I understand it and I think it  
8 is the case, that we have managed to recover from East  
9 Lothian Council a vast array of minutes of meetings for  
10 St Joseph's, and presumably that's because they took  
11 over St Joseph's and the minutes pass on to them.

12 What we haven't been able to recover are minutes for  
13 St Ninian's or indeed the other schools and when you  
14 moved out of St Ninian's, for example, in 1982, do  
15 I take it that you would have left that material behind?

16 A. I presume so, on the basis that the other ones were  
17 still in St Joseph's, yeah and they certainly weren't  
18 brought to the Provincial House, so ...

19 Q. Could I ask you to look at this document for me then.  
20 It relates to St Ninian's, it's SGV-000091371, at  
21 page 14.

22 You'll see this is an inspection report of  
23 St Ninian's and it's dated 5 June 1964. Do you see  
24 that?

25 A. Yeah.

1 Q. While we're looking at it, can we see there were 86 boys  
2 on the roll at this time.

3 If I could take you to page 15. If you can scroll  
4 down to paragraph number 4, there is a heading  
5 'Managers':

6 'The general question was discussed by Mr Bennett  
7 and HMI on 30 April at Kenmure. Brother MCA was  
8 preparing his own observations for the June meeting.  
9 The number of meetings at Gartmore is quite inadequate.  
10 Usually one per annum. The managers however do carry  
11 out monthly visits and I could not complain about the  
12 position in 1964.'

13 That tends to suggest that so far as formal meetings  
14 were concerned they were taking place on an annual basis  
15 only, that is the suggestion there?

16 A. Yes.

17 Q. Albeit that there was some attendance in visits. And we  
18 read on that Bailie James Reilly, Bailie O'Sullivan and  
19 Mr Downie have visited in rotation. So we get the  
20 impression there may be a member of the board visiting,  
21 but not the sort of meetings that may have been  
22 envisaged?

23 A. Mm hmm.

24 LADY SMITH: And no records from their visits?

25 A. No.

1 MR MACAULAY: While we have this document on the screen, if  
2 I can take you back to page 14, towards the bottom, we  
3 can see the reference to Brother MBU, probably --  
4 there is a reference -- it's probably been redacted, but  
5 it is Brother MCT. What we read is:

6 '... was seen with his class. There was a gentle  
7 suggestion from the boys that he resorted to minor  
8 irregular punishment with a ruler or stick. I could not  
9 confirm this, but he was obviously embarrassed. The  
10 point was gently registered with the head.'

11 There is some suggestion there that he might have  
12 used a particular method of punishment.

13 If you go down to the bottom, the reference there is  
14 to Brother Benedict, prefect:

15 'Is a fairly immature young man who does long hours  
16 of supervision with a smile in his own quiet way. His  
17 habit of hitting boys with a lace, which I had heard of  
18 in West Lothian, was elicited from Brother MCA  
19 without directly asking. I was assured that this  
20 practice had been discontinued.'

21 I don't think Brother Benedict disputed that he used  
22 a lace or laces as a form of discipline, but we have  
23 a record of it here that it was something SNR  
24 knew about?

25 A. Yes.

1 Q. Perhaps another document I can ask you to look at in  
2 connection with the involvement of managers.

3 If you could look at SGV-000102956.

4 This document looks like a piece of correspondence  
5 and it's in connection with St John's. It makes  
6 reference -- it's dated November 1961 and you can see  
7 it's making reference to reports prepared by HM  
8 Inspector Mr Murphy. We read that the reports reveal  
9 a sorry state of affairs not capable of easy remedy and  
10 go on, but then in the final paragraph it says:

11 'There is no record of the managers playing any  
12 material part in the running of the school. This is  
13 a point which we must take up with them when they meet  
14 on 5 September.'

15 If that's the case, then if they're not taking  
16 a material part in the running of the school it's  
17 unlikely that there would be minutes --

18 LADY SMITH: Mr MacAulay, where on the document that we have  
19 on screen should I be looking?

20 MR MACAULAY: I think probably the wrong document has come  
21 up, has it?

22 It is SGV-000102956, page 26.

23 LADY SMITH: Can we just go over that again?

24 MR MACAULAY: I think I said to you, Ben, that this relates  
25 to St John's, that it is dated November 1961 and I had

1 read the first line of the first paragraph:

2 'The reports reveal a sorry state of affairs not  
3 capable of easy remedy.'

4 It's talking about the appointment of housemasters.

5 The paragraph I'm interested in in relation to the  
6 role of the managers is the next one:

7 'There is no record of the managers playing any  
8 material part in the running of the school. This is  
9 a point which you must take up when we meet them on  
10 5 September.'

11 The point I'm making is if they're not taking  
12 a material part then it's unlikely that the minutes of  
13 meeting would have been generated?

14 A. Absolutely, yes.

15 I think the system, it underlines for me that, you  
16 know, it wasn't working and perhaps it just was a very,  
17 very poor -- it was a poor enough way to operate,  
18 because on the one hand the Brothers seemed to kind of  
19 have a free hand to run the place and at the same time  
20 the people who ultimately had, under the legal law of  
21 the land, the responsibility to ensure that those  
22 children were safe weren't actually doing it.

23 Now who you might blame for that, at this remove,  
24 kind of whatever it is, it is 60-odd years later, but it  
25 seems to me to be a failed system. It just -- or at

1           least it wasn't operated properly.

2   Q.   You heard Brother Benedict giving his evidence recently  
3           and I put to him that he had been convicted of 54  
4           charges, involving 37 separate individuals.

5           I think it is your position that you are not in any  
6           way challenging those convictions?

7   A.   Not at all, no.

8           No, we have made and we repeat an unreserved apology  
9           to people who have been abused, whether physically or  
10          sexually, and, no, we don't take any issue there. The  
11          law of the land in this country is the law of the land  
12          and we respect and uphold it.

13   Q.   Yesterday you would have listened to the evidence of the  
14          former Brother who gave evidence remotely?

15   A.   Yes.

16   Q.   He was critical of the regime at St Joseph's because  
17          he -- in particular -- described the brutality, as he  
18          put it, of one Brother towards children. You heard that  
19          evidence?

20   A.   Yes.

21   Q.   In relation to sexual abuse, he said that he had drawn  
22          attention to the allegation of sexual abuse that had  
23          been made and it was after that he was moved. What do  
24          you make of that evidence, if it's correct?

25   A.   It's appalling, you know, that that would have happened,

1           that abuse would have happened. It's particularly so  
2           for any children who were abused and I think at the end  
3           of the day the most important thing is to consider  
4           people who are abused in these centres. I mean that has  
5           to be the first thought.

6           So, you know, if that were true and I'm not a judge  
7           and I've heard all sorts of different things over the  
8           last three weeks, but if that were the case and that's  
9           true, then it is terrible, yeah.

10        Q. If it is correct then one would imagine that the  
11        headmaster would be involved in that process of removing  
12        that Brother?

13        A. Yeah, yeah.

14        LADY SMITH: That would fit with the terms of the agreement,  
15        the style of which we saw earlier, wouldn't it?

16        A. Yes. I -- it does. I think the only point, my Lady, is  
17        that probably the appointments -- if a Brother  
18        recommended ... let's say the Provincial recommended  
19        that somebody work in a particular home, the  
20        ratification of that appointment would be done by the  
21        board of management, but the suggestion would come from  
22        the Provincial or from the head that so and so might  
23        be -- shouldn't be working in this centre or whatever,  
24        yes.

25        LADY SMITH: Doesn't it seem pretty clear from the evidence



1       we have heard that people, such as the managers,  
2       parents, others, were very quick to assume that the  
3       Brothers could be trusted and if the Brothers said this  
4       was the right thing to do, whether it was moving  
5       somebody somewhere else or taking somebody in to  
6       a particular school, that would be the right thing to  
7       do?

8    A. Yes, I think that's true, but the ratification I think  
9       still had to come from them.

10   LADY SMITH: I get that.

11            Mr MacAulay may be going to go on to this, but you  
12       were being referred to the former Brother who gave  
13       evidence remotely yesterday.

14            He was firm in his evidence, and he repeated this on  
15       more than one occasion, to say that the ethos in which  
16       he was working, the culture in which he was working at  
17       both St Ninian's and St Joseph's was that the Brothers  
18       saw these children as prisoners with no rights. You  
19       remember that?

20   A. Yes.

21   LADY SMITH: How do you react to that?

22   A. I think it's -- it actually is completely against the  
23       ethos of our Institute.

24   LADY SMITH: I thought you might say that. Yes.

25   A. I think we ended up in a situation where we -- to use

1 the phrase of a former Provincial in Ireland, we allowed  
2 ourselves to become jailors and we forget I think what  
3 we were really about, which was the care of children,  
4 who admittedly were very challenging, but who ultimately  
5 craved for love and attention rather than a smack on the  
6 hand or whatever.

7 LADY SMITH: Thank you.

8 MR MACAULAY: SNR [REDACTED], according to the information  
9 you've provided to the Inquiry, at about this time, when  
10 this Brother left St Ninian's would be Brother GSU [REDACTED], he  
11 SNR [REDACTED] from -- he was 1960 to 1970, so that  
12 would cover the period that the Brother was talking  
13 about in evidence yesterday.

14 Something relatively similar happened when this  
15 Brother went to St Joseph's, because it was when he  
16 sought to draw attention to allegations of sexual  
17 impropriety that he decided to leave the Order.

18 At that time, SNR [REDACTED] at St Joseph's was  
19 probably Brother MJG [REDACTED], he SNR [REDACTED] from 1971 to  
20 1985.

21 There appears to be no evidence before the Inquiry  
22 that anything was done in response to these allegations  
23 that this Brother reported in order to protect the  
24 children, is that how you see it?

25 A. The first I think I heard of those particular

1           allegations would have been yesterday when I heard that  
2           particular witness give that statement.

3           I suppose all I could do would be to speculate on  
4           why, you know, he got the reception that he did from  
5           both SNR [REDACTED], but it seems to me to link in with --  
6           and I'm speculating, because obviously I don't know who  
7           in the end is maybe telling the truth here, but if I was  
8           listening carefully for the last three weeks, record  
9           keeping and reporting were major issues and it didn't  
10          appear that, you know, on the basis of what I heard that  
11          reporting was necessarily welcomed, if I'm to be honest.

12          If you had something difficult to bring, you were  
13          possibly -- I mean, the children or the applicants would  
14          have said that a number of times, they found it better  
15          to say nothing. I don't think that applies just to the  
16          Brother. It applied to the police. It applied to  
17          social workers. It applied to their parents, but it  
18          certainly raises, for me, you know, a major issue.

19          It may still be there today if I look at the news  
20          and listen to current things going on in other areas,  
21          but the whole area of reporting is -- I think it's key.

22   Q.   Again, I've put to you, Ben, that you have listened  
23          carefully to the evidence that has been led over the  
24          last 13 days or so and in particular to the oral  
25          evidence provided by those we call applicants, former

1 pupils of the establishments we have been looking at.

2 Do you have an overall reaction to that evidence?

3 A. Yeah.

4 Well, I have listened to all sorts of things and if  
5 I was to be totally honest, sometimes I've been  
6 confused, I've kind -- you know, I'm not in a legal  
7 situation so I just said to somebody I'm not Solomon  
8 yet, but, yeah, I've lots of reactions.

9 First of all, I thought that people were very  
10 courageous to come forward and give their evidence and  
11 I thought that people in the main appear to me to be  
12 very fair and I was hugely impressed by a number of  
13 people. I said to somebody at the back I would have  
14 come up and given them a big hug, some of them, for what  
15 they had said.

16 I think, as somebody involved in education, in my  
17 own life and now with the responsibility that I have,  
18 I'm glad that I've been here to hear this however  
19 difficult it's been and if that in its own turn can help  
20 kids going forward with us, that we're in charge of or  
21 that we have care for, I'll be happy. I would be happy  
22 with that and certainly within my own mind we're not  
23 involved in any care situations now, where we're  
24 involved with children who have special needs in the way  
25 in which these children had. We're involved with

1 children and for me there are so many things but maybe  
2 particularly the voice, how do you make it possible, you  
3 know, for a child to say something that he maybe feels  
4 you don't want necessarily to hear, but that you really  
5 do need to hear it.

6 How can we do that? I suppose that for me will be  
7 the big thing that I'm going away with, that  
8 I'm thinking of, as well, as I say, as the fairness, as  
9 well as the fact that people had the courage to come  
10 here and to talk and to say what they went through and  
11 I feel for them. I feel for people if they were hurt in  
12 our care. Of course you do. They never entered to be  
13 with us for that and if that's happened to them under  
14 our care absolutely we, you know -- it's sad and bad and  
15 ...

16 And I'm certain that our wonderful founder would  
17 have so much to say to us if he could be here today  
18 about how we might look after children and ...

19 Q. If Lady Smith were to accept the thrust of that  
20 evidence, would you consider that there had been  
21 systemic failures on the part of the Order?

22 A. Yes, yeah. In our opening statement in September, we  
23 said that. There were things in the way in which the  
24 systems, and I mentioned about reporting, did ... you  
25 know the system, the original system, of how we worked

1 with the managers and those responsibilities were  
2 carried out. There were so many different things,  
3 aspects, yeah, where the system didn't work.

4 MR MACAULAY: These are all the questions I want to put to  
5 you, Ben. Is there anything else you would like to say  
6 to the Inquiry? You now have opportunity to do that.

7 A. No, I just would like to repeat our unreserved apology  
8 to anybody who has been hurt while in our care. That  
9 should never have been what we gave them and on behalf  
10 of the Brothers and of our Province, I reiterate our  
11 unreserved apology to anybody who has been hurt in our  
12 care.

13 And also I would like to say a word of thanks to the  
14 Inquiry for facilitating this reflection on things, as  
15 Lady Smith has said so often, which are very difficult,  
16 but which we need to hear if we're going to learn and if  
17 children are going to be treated better in the future.

18 I appreciate that. And I also appreciate people  
19 coming forward and giving their evidence and engaging  
20 with the Inquiry and I wish it well, Lady Smith, and  
21 everybody for the future.

22 MR MACAULAY: Thank you very much, indeed, for these  
23 thoughts, Ben and for answering my questions and for  
24 helping the Inquiry in the way that you have.

25 A. Thank you, Colin.

1 LADY SMITH: Ben, can I add my thanks. It's not been lost  
2 on me that you have been present here for so many days  
3 and that cannot have been easy for you to hear how  
4 people feel the Order completely failed them in so many  
5 ways.

6 I'm really grateful to you for bearing with that,  
7 reflecting on it as much as you have done already and  
8 helping us today with the questions that we have for  
9 you.

10 A. Thank you.

11 LADY SMITH: You have heard me say to many witnesses, I can  
12 now let them go and I am sure there are other places you  
13 would rather be than here, but go knowing that you have  
14 made a valuable contribution to our work.

15 Thank you.

16 A. Thank you, Lady Smith.

17 (The witness withdrew)

18 LADY SMITH: That's it until we move to closing submissions  
19 a week today.

20 MR MACAULAY: Yes, my Lady.

21 LADY SMITH: Later today, this afternoon, on the website --  
22 it's on. For those who want to see what is in the  
23 notice about closing submissions, rather than hear me  
24 run through it just now, I encourage you to look at the  
25 website. It's all there. But any queries or questions

1 about what will be happening and how, please just get in  
2 touch and we'll do what we can to help.

3 Thank you all.

4 Have a good weekend.

5 (12.58 pm)

6 (The Inquiry adjourned until 10.00 am on  
7 Friday, 2 February 2024)

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